



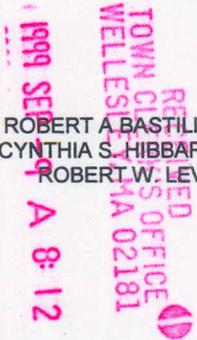
ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

KENDALL P. BATES, CHAIRMAN
 WILLIAM E. POLLETTA, VICE CHAIRMAN
 RICHARD L. SEEDEL

ELLEN D. GORDON
 EXECUTIVE SECRETARY
 TELEPHONE
 (781) 431-1019 EXT. 208

ROBERT A. BASTILLE
 CYNTHIA S. HIBBARD
 ROBERT W. LEVY



ZBA 99-58

Petition of Joseph Passalacqua
113 Prospect Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 26, 1999 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of JOSEPH PASSALACQUA requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the following additions to his nonconforming dwelling with less than the required front yard setbacks from both PROSPECT STREET and FAIRBANKS AVENUE at 113 PROSPECT STREET, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. A 6 foot by 24.4 foot second story addition with less than the required front setback from Prospect Street.
2. A two-story 39 foot by 34.5 foot addition with less than the required front setback from Prospect Street.

On August 9, 1999, the petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing were David Kinsella, project architect, Kim Passalacqua and her husband, Mark Newton. Using colored enlargements of the plot plan and elevation drawings, Mr. Kinsella walked the Board through the project. The 2,000 square foot addition will add a family room, sunroom, and a playroom, with a three-car garage below. The porch will be rebuilt and expanded to the right. The second floor addition over the porch will contain a bedroom expansion. The second floor of the 2,000 square foot addition will contain a master bedroom and bath and a guest bedroom and bath. They are requesting a Special Permit for the front setback because if the addition was moved back, it would encroach further into the minimal rear yard. The minimum front yard setback of 22.5 feet has been maintained.

Ms. Passalacqua said that her father, Joseph, owns the property, but lives in Florida for most of the year, but visits occasionally. They have had another child and need more space. They are removing part of the garage, which is used and will be used solely for storage, as it is too small to contain the two cars.

Mr. Kinsella explained that there will be a new 20 foot driveway on Prospect Street in order to access the new three car garage. The existing driveway onto Fairbanks Avenue will be maintained.

No other person present had any comment on the petition.

ZBA 99-58
Petition of Joseph Passalacqua
113 Prospect Street

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 01981
1999 SEP -9 A 10:22

Statement of Facts

The subject property is located at 113 Prospect Street, in a Single Residence District, on a 10,533 square foot lot, and has a minimum front yard clearance of 22.5 feet and a minimum front yard clearance of 16.7 feet from Fairbanks Avenue. The property also contains a nonconforming detached 18.2 foot by 10.8 foot garage with a minimum rear yard setback of 5.7 feet.

The petitioner is requesting a Special Permit/Finding that the construction of a 6 foot by 24.4 foot second story addition with a minimum front yard setback of 22.5 feet and construction of a two-story 39 foot by 34.5 foot addition with a minimum front yard setback of 22.5 feet shall not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling. The detached nonconforming garage, with a minimum rear yard clearance of 5.7 feet, will be reduced from 18.2 feet by 10.8 feet to 11 feet by 10.8 feet.

A Plot Plan dated June 24, 1999, drawn by Robert F. Drake, Registered Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations of the dwelling and of the garage, dated July 5, 1999, drawn by L.A. Wenners; and photographs were submitted.

In a Memorandum dated August 25, 1999, the Planning Board staff had no objection provided the additions do not encroach on the front yard setback further than the existing nonconforming 23.4 feet.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject dwelling and detached garage do not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that the construction of the 6 foot by 24.4 foot second story addition; the construction of the two-story 39 foot by 34.5 foot addition; and the removal of the 7 foot by 10.8 foot portion of the nonconforming garage will not be substantially more detrimental to the neighborhood than the existing nonconforming structures as the additions will not intensify the existing nonconformance and neither the garage reduction or the additions will create new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the two additions and garage reduction, subject to construction and demolition in accordance with the submitted plot plan and constructions drawings; and further subject to the condition that the reduced garage be used solely for storage.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

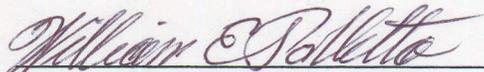
ZBA 99-58
Petition of Joseph Passalacqua
113 Prospect Street

APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.

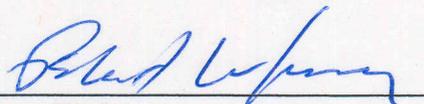
Cc: Planning Board
Inspector of Buildings



Kendall P. Bates, Chairman



William E. Polletta



Robert W. Levy

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02181
1999 SEP -9 A 8:12

