

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ROBERT W. LEVY

ZBA 2002-70

Petition of Constantino and Heidi DeLollis  
6 Fells Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 25, 2002 at 7:30 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of CONSTANTINO AND HEIDI DELOLLIS requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a two-story 17.2 foot by 27.9 foot addition with less than the required right side yard setback, at their nonconforming dwelling with less than the required left, front and right side yard setbacks, at 6 FELLS ROAD, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 8, 2002, the petitioners 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 was Constantino DeLollis, who was accompanied by Holly Darzen, project architect. Mr. DeLollis said they have lived in their home for seven years. The house has two bedrooms, a living room, dining room and 1.5 baths. They would like to build an addition, which would not be visible from the street, to connect the house to the garage. The house is about 14 feet from the right side line. The ridgeline of the addition would match that of the existing house.

The Board stated that the Planning Board opposed the petition on the grounds that the addition would bring the house within 7 feet of the lot line, which would be an unreasonable imposition on the neighbor. The Planning Board was saying that the attachment of the garage would mean that the house would have a setback of 7.2 feet.

Mr. DeLollis said that the Hartes, the right side abutters have written a letter of support for the project.

The Board noted that the entrance from the garage to the addition would be through a bathroom. Mr. DeLollis said that was correct. The garage is used for storage, and not as a garage.

The Board stated that the addition would be a few inches closer to the side line than the existing house, and asked if there would be any problem setting the addition in an additional 8 to 10 inches.

Holly Darzen explained that the configuration of the addition was in response to the existing corner of the house. There are two gabled dormers at the rear of the house. The addition continues the line of the left dormer. There is a bulkhead in the middle of the rear wall providing access to the basement, which they

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tried not to disturb. The addition will provide a third bedroom on the second floor, but because the roof line is low, there is not a lot of headroom. By staying with the width of the house, they obtain the minimum amount of headroom required. The intention was that the addition be in line with the existing house, but if that is a problem, the existing setback can be maintained.

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The Board agreed that the garage is not to be incorporated into the living space of the house, and that a second story could not be built above the garage. The decision would also include a condition that all right side setbacks from the addition to the right side line shall not be any closer than 14 feet. Prior to the issuance of any building permit, a revised plot plan showing the new setbacks shall be submitted to the Board of Appeals.

No other person present had any comment on the petition.

#### Statement of Facts

The subject dwelling is located at 6 Fells Road, in a 10,000 square foot Single Residence District, on a 10,582 square foot lot, and has a minimum left side yard setback of 12.4 feet, a minimum front setback of 28.2 feet and a minimum right side yard setback of 13.9 feet. The existing nonconforming detached garage has a minimum right side yard setback of 7.2 feet.

The petitioners are requesting a Special Permit/Finding that the construction of a two-story 17.2 foot by 27.9 foot addition connecting the nonconforming dwelling to the nonconforming garage, and having a minimum right side yard setback of 13.7 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A plot plan dated July 2, 2002, stamped by Joseph R. Sullivan, Registered Professional Surveyor; Existing and Proposed Floor Plans and Elevations dated 6/18/02, stamped by Holly Darzen, Registered Architect; and photographs were submitted.

Letters in support of the petition were received from Mr. and Mrs. Michael Harte, 8 Fells Road, and Lincoln Richards, 7 Fells Road.

On July 16, 2002, the Planning Board reviewed the petition and opposed the granting of the request. If approved, this project will bring the house to within seven feet of the lot line. The Board believes that this would be an unreasonable imposition on the neighbor.

#### Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structures do not comply with the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that construction of the proposed two-story 17.2 foot by 27.9 foot addition shall not be substantially more detrimental to the neighborhood than the existing nonconforming structures, for although the addition shall intensify the existing nonconformance within the right side yard setback, it shall not create new nonconformance in accordance with the condition stated below.

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6 Fells Road

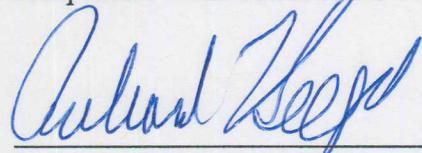
Therefore, a Special Permit is granted for the construction of the two-story addition in accordance with a revised plot plan showing the minimum right side setback for all points on the addition to be no less than 14 feet, and in accordance with the submitted construction drawings, subject to the following conditions:

1. Prior to the issuance of any building permit, a revised plot plan showing all right side yard setbacks of the proposed addition to be no less than 14 feet from the right side lot line.
2. The existing nonconforming garage shall not be incorporated into the living space of the dwelling.
3. No second story shall be built above the existing nonconforming garage.

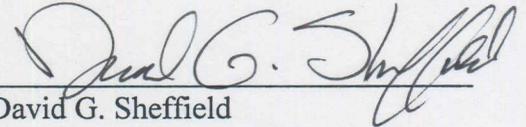
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application, detailed construction plans, and compliance with Condition 1 of this decision.

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.

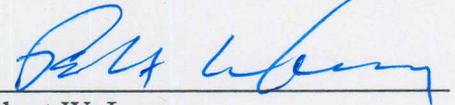
Cc: Planning Board  
Inspector of Buildings  
edg



Richard L. Seegel, Chairman

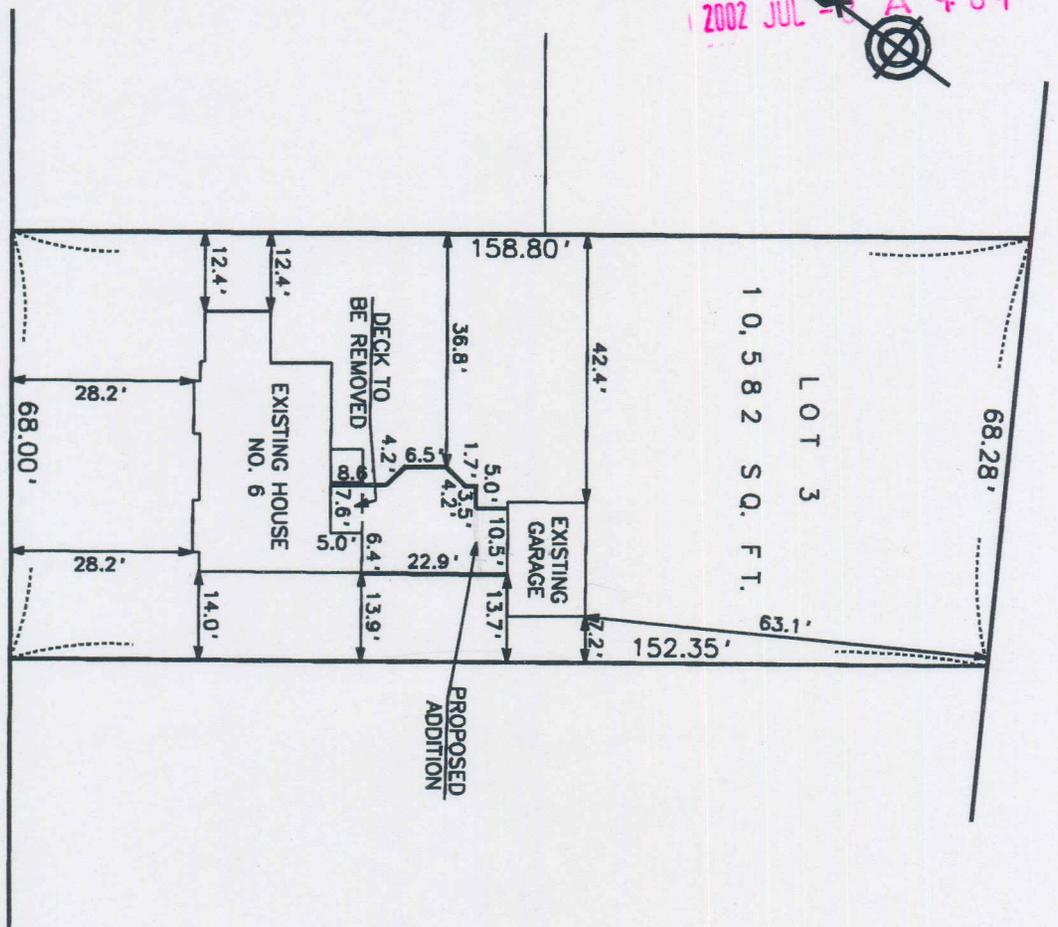
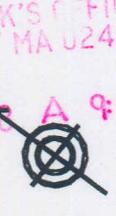


David G. Sheffield



Robert W. Levy

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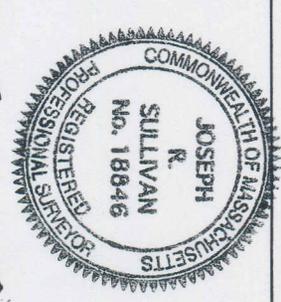


**BOARD OF APPEALS  
PLAN OF LAND IN  
WELLESLEY, MASS.**

APPLICANT : CONSTANTINO M. &  
HEIDI M. DELOLLIS

SCALE : 1" = 30' JULY 2, 2002

EXISTING COVERAGE = 10.38%  
PROPOSED COVERAGE = 13.49%



*[Signature]*  
JOSEPH R. SULLIVAN  
REG. PROF. SURVEYOR



McCARTHY & SULLIVAN  
ENGINEERING, INC.  
41 BEACON STREET FRAMINGHAM, MASS.  
508-826-8101 01701