

**ZONING BOARD OF APPEALS**

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ZBA 2005-49

Petition of Michael and Karen Demeo
40 Chesterton Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 9, 2005 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of MICHAEL AND KAREN DEMEO requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that a 6 foot by 22.7 foot expansion of an existing nonconforming 22.5 foot by 23.5 foot two-car garage, and construction of a 28.3 foot by 28.5 foot second story addition, with less than required left side yard setback, at 40 CHESTERTON 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 May 23, 2005, 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 was Mike Demeo, who said that he and his wife reside at 40 Chesterton Road. They are planning to build a master bedroom and bath over an existing 2-car garage. The existing structure is close to the property line. The neighboring house is quite a distance from that line. There are two large trees that they will keep.

The Board said that the Planning Board had no objection to granting the petition.

The Board said that it was concerned with the bulk of the project but did not object to granting the request.

Statement of Facts

The subject property is located at 40 Chesterton Road, in a 10,000 square foot Single Residence District, and has a minimum left side yard setback of 13 feet.

The petitioner is requesting a Special Permit/Finding that a 6 foot by 22.7 foot expansion of an existing nonconforming 22.5 foot by 23.5 foot two-car garage, and construction of a 28.3 foot by 28.5 foot second story addition, with less than required left side yard setback, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 5/18/05, stamped by Steven M. Horsfall, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 5/17/05, drawn by Designs by Nancy, and photographs were submitted.

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On June 7, 2005 the Planning Board reviewed the petition and had no objection to granting the request.

Decision

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

It is the finding of this Authority that, although a 6 foot by 22.7 foot expansion of an existing nonconforming 22.5 foot by 23.5 foot two-car garage, and construction of a 28.3 foot by 28.5 foot second story addition, with less than required left side yard setback is increasing the nonconformity, such increase shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for expansion of a garage and construction of a second story addition.

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.

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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.

Richard L. Seegel, Chairman

Robert A. Bastille

Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm