

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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

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ZBA 2006-52

Petition of James DeCaprio and Leslie Hanrahan  
5 Putney Road

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Petition of JAMES DECAPRIO AND LESLIE HANRAHAN requesting a Special Permit/Finding pursuant to the provisions of Section XVII, XIVE and Section XXV of the Zoning Bylaw that enclosure of an existing 5.6 foot by 9.17 foot porch with less than required front yard setback, at 5 PUTNEY ROAD, in a 15,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On May 22, 2006, 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 Leslie Hanrahan, who said that they are requesting a Special Permit to rebuild their front porch on its current footprint in a manner that they believe will not adversely affect the neighborhood. She said that the existing footprint is 12 feet by 6 feet. They would like to upgrade the current slab foundation that holds a wooden frame porch that needs to be repaired. They have been told that they need to construct a proper full foundation in order to rebuild the porch.

Ms. Hanrahan said that they plan to move the current front porch door to the side of the porch, where it will be recessed. They will remove the 3-foot steps that are currently at the front of the porch and rebuild them on the side.

Ms. Hanrahan said that they intend to maintain the use and nature of the porch.

The Board said that the Planning Board objected to the granting of the request because it believes that the front setbacks should be observed.

The Board said that on the east elevation, it appears that the second floor will encroach two feet into the 30-foot front setback. That is all new construction.

Ms. Hanrahan said that the request is for a Special Permit to rebuild the existing front porch. She said that their architect reviewed the plans with the Building Department. A Building Permit was issued in December, 2005 for the addition that the Planning Board was referring to.

The Board asked about the note on the Plot Plan stating that, "Determination of compliance of dimensional setback to be made by Town of Wellesley Building Department." Ms. Hanrahan said that is a note from their surveyor. The setback was approved by the Building Department.

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The Board asked where the driveway is located. Ms. Hanrahan said that the driveway is located to the left of the existing house.

The Board asked about the sheds. Ms. Hanrahan said that one of the sheds is gone.

There was no one present who wished to speak to the petition.

#### Statement of Facts

The subject property is located at 5 Putney Road, with a minimum front yard setback of 16.4 feet, and a minimum right side yard setback of 8.7 feet, on a 10,743 square foot lot in a district in which the minimum lot size is 15,000 square feet.

The petitioner is requesting a Special Permit/Finding that enclosure of an existing 5.6 foot by 9.17 foot porch, and reconstruction of the foundation beneath said porch, with a minimum front yard setback of 17 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 4/23/04, revised 5/17/06, stamped by Verne T. Porter Jr., Professional Land Surveyor, Existing and Proposed Elevation Drawings and Construction Drawings, dated 5/3/04, prepared by CYMA 2, and photographs were submitted.

On June 6, 2006, the Planning Board reviewed the petition and objected 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 enclosure of an existing nonconforming first floor porch and reconstruction of the foundation beneath said porch, with less than required front yard setback, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure as it will neither intensify the existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for enclosure of an existing 5.6 foot by 9.17 foot porch and reconstruction of the foundation beneath said porch, with a minimum front yard setback of 17 feet, in accordance with the submitted plot plan and construction drawings, subject to the following conditions:

1. The Special Permit shall be limited to the requested relief for rebuilding the porch and foundation on the existing footprint.
2. There shall be no further encroachment into the setbacks.

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.

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Richard L. Seegel, Chairman

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J. Randolph Becker

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Robert W. Levy

cc: Planning Board  
Inspector of Buildings  
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