

**ZONING BOARD OF APPEALS**

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

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web: [www.wellesleyma.gov](http://www.wellesleyma.gov)J. RANDOLPH BECKER, VICE CHAIRMAN  
ROBERT W. LEVY  
DAVID L. GRISSINO

ZBA 2009-44  
Petition of Alexi Bebczas & Ray Wiese  
28 Forest Street

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 11, 2009 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of ALEXI BEBCZAS & RAY WIESE requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 24 foot by 33 foot two-story garage, in a 10,000 square foot Single Residence District, at 28 FOREST STREET, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 22, 2009 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 Ray Wiese (the "Petitioner"), who said that he was the proposed builder. He said that also present was the owner, James Gray.

Mr. Wiese said that the house was built recently. He said that it is one of three newer homes in a row. He said that the original setback line was drawn by the surveyor perpendicular to the home, not the shortest distance. Mr. Wiese said that his surveyor measured the left side yard setback and found that the house was built too close to the side property line.

The Board said that it is a large lot and the proposed addition will be conforming. The Board said that if this proposal did not have to come before the Zoning Board due to the nonconformity, it would have to go to the Planning Board for Large House Review.

Mr. Wiese said that the TLAG for the existing two-car garage did not exceed the 600 square foot threshold. He said that they are proposing to take half of the garage and convert it into a mudroom and then add two bays. He said that there will be no changes to the basement or the second floor.

The Board said that there appears to be a good visual barrier on the side of the house.

The Board asked about drainage from the property. Mr. Wiese said that they did not have a Drainage Plan. He said that the lot has a natural curvature, so the flow that is not absorbed should flow towards the street.

Mr. Wiese said that lights at the garage doors have not been selected yet. The Board said that the lights should be shielded to prevent light spillover to the neighbors.

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

Statement of Facts

The subject property is located at 28 Forest Street, in a 10,000 square foot Single Residence District, with a minimum left side yard setback of 19.3 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 24 foot by 33 foot two-story garage, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 5/26/09, stamped by Bruce Bradford, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 5/27/09, prepared by Howland Architecture Studio, and photographs were submitted.

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 construction of a 24 foot by 33 foot two-story garage is increasing a 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 construction of a 24 foot by 33 foot two-story garage, subject to the following conditions:

1. There shall be no increase in stormwater runoff to the neighboring properties.
2. Lighting on the new structure shall not cause any glare onto adjacent properties.

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.

If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on 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.

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Cynthia S. Hibbard, Acting Chairman

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Robert W. Levy

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David L. Grissino

cc: Planning Board  
Inspector of Buildings  
lrm



ESTABLISHED 1916

### EVERETT M. BROOKS CO.

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### PLAN OF LAND IN WELLESLEY, MA

28 FOREST STREET  
PROPOSED ADDITIONS

SCALE: 1 IN. = 20 FT.

DATE: MAY 26, 2009

DRAWN: ES

CHECK: BB

REVISIONS:


PROJECT NO. 23381

SINGLE RESIDENCE 10 DISTRICT  
EXISTING 2537 S.F. 12.7%  
PROPOSED 3056 S.F. 15.3%

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02482  
MAY 22 A 10:09

