

**ZONING BOARD OF APPEALS**

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

RICHARD L. SEEGEL, CHAIRMAN
CYNTHIA S. HIBBARD
DAVID G. SHEFFIELDLENORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 2208
web: www.wellesleyma.govJ. RANDOLPH BECKER, VICE CHAIRMAN
ROBERT W. LEVY
DAVID L. GRISSINO

ZBA 2009-48
Petition of Brooke & David Atallah
61 Arnold Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 6, 2009 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of BROOKE & DAVID ATALLAH requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 21 foot by 37.7 foot one-story addition and construction of a 28.5 square foot bulkhead that will meet Zoning requirements on an existing nonconforming structure, in a 20,000 square foot Single Residence District, at 61 ARNOLD ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 20, 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 David Atallah (the "Petitioner"). Also present were Scott Depot and Brooke Atallah.

Mr. Atallah said that the petition is for a bumpout family room/kitchen addition at the back of the home.

Mr. Atallah said that they had spoken with the neighbors, who have submitted letters of support.

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 61 Arnold Road, in a 20,000 square foot Single Residence District, with a minimum left side yard setback of 14.2 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 21 foot by 37.7 foot one-story addition with a basement and construction of a 28.5 square foot bulkhead that will meet Zoning requirements on an existing nonconforming structure, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 6/1/09, stamped by John R. Hamel, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 6/1/09, prepared by Abeles & Associates, 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 21 foot by 37.7 foot one-story addition with a basement and construction of a 28.5 square foot bulkhead 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 21 foot by 37.7 foot one-story addition with a basement and construction of a 28.5 square foot bulkhead, in accordance with the submitted plot plan and construction drawings.

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.

J. Randolph Becker, Acting Chairman

Robert W. Levy

David L. Grissino

cc: Planning Board
Inspector of Buildings
lrm