

**ZONING BOARD OF APPEALS**

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ZBA 2009-76
Petition of Richard Siber
25 Paine Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 5, 2009, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of RICHARD SIBER requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing conforming one-story structure, construction of a 4 foot by 12 foot two-story structure and construction of a 12 foot by 24 foot deck that will meet all Zoning requirements, on an existing nonconforming structure, in a 10,000 square foot Single Residence District, at 25 PAINE STREET, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On October 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 Richard Siber (the "Petitioner"), who said that there is an existing nonconforming right side yard setback of 15.9 feet. He said that the plan is to add approximately 100 square feet in total. He said that they want to convert a fourth bedroom into a master bath and closet.

The Board said that the photograph identifying where the work was to be done was very helpful.

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 25 Paine Street on a 20,577 square foot lot in a 10,000 square foot Single Residence District, with a minimum front yard setback of 28.5 feet and a minimum right side yard setback of 15.9 feet.

The Petitioner is requesting a Special Permit/Finding that demolition of an existing conforming one-story structure, construction of a 4 foot by 12 foot two-story structure and construction of a 12 foot by 24 foot deck that will meet all 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 9/9/09, stamped by John R. Hamel, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 9/9/09, prepared by Richard Siber, and photographs were submitted.

On October 29, 2009, the Planning Department Staff 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 demolition of an existing conforming one-story structure, construction of a 4 foot by 12 foot two-story structure and construction of a 12 foot by 24 foot deck that will meet all Zoning requirements, on an existing nonconforming structure shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it shall neither increase an existing nonconformity nor shall it create a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing for demolition of an existing conforming one-story structure, construction of a 4 foot by 12 foot two-story structure and construction of a 12 foot by 24 foot deck that will meet all Zoning requirements, 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.

Cynthia S. Hibbard, Acting Chairman

Robert W. Levy

David L. Grissino

cc: Planning Board
Inspector of Buildings
lrm