

**ZONING BOARD OF APPEALS**

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ZBA 2010-08

Petition of Leendert Van De Rydt
8 Solon Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 7, 2010, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of LEENDERT VAN DE RYDT requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming deck and construction of a 23 foot by 23.1 foot two and one-half (2.5) story addition with less than required left side yard and right side yard setbacks, on a 5,418 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 8 SOLON STREET, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On December 21, 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 were Laurence Shind, Esq., Leendert Van De Rydt (the "Petitioner") and Gary Vinciguerra, GEV Design.

Mr. Shind said that they are seeking a finding from the Board that the proposed addition to the existing residence, with less than required side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. He said that the lot is nonconforming. He said that the existing home has less than required left side yard, right side yard, and front yard setbacks.

Mr. Shind said that the house was constructed in 1921. He said that the house contains approximately 1,875 square feet of living area and has no garage. He said that the proposed addition, that will be located at the rear of the existing structure, will maintain the current right rear corner setback of 18 feet. He said that the left side yard setback will increase from 12.8 feet at the corner of the existing housing to 14.2 feet at the corner of the proposed addition. He said that the rear yard setback will remain conforming. He said that lot coverage will increase from 17% to 24.98%, which will be conforming. He said that the front porch will be removed and rebuilt on a smaller footprint. He said that the total finished area will be approximately 3,200 square feet, which is below the 3,600 TLAG threshold for the district.

Mr. Shind said that careful consideration was given to the design and location of the proposed addition. He said that they believe that it will be in concert with the existing homes in the neighborhood. He said that included in the proposal will be a 300 gallon underground leaching tank to capture water runoff from the addition. He said that the Landscape Plan includes low and medium height plantings to create privacy and screening.

Mr. Shind said that the Petitioner spoke with many of the neighbors. He submitted a letter of support signed by four neighbors.

Gary Vinciguerra said that the existing house has five bedrooms, which will be maintained with the proposed addition. He said that the existing house has one full and one half bathroom. He said that they will be adding two full bathrooms. He said that the house does not have an adequate mudroom or laundry area. He said that the master bedroom is small. The proposal is to increase the size of that. He said that the primary increase will be in the public spaces, the family room, living room and kitchen.

Mr. Vinciguerra said that decreasing the front porch by one foot will increase the amount of greenspace.

The Board asked about the front porch that is shown on the plot plan. Mr. Vinciguerra said that the existing front porch is shown on the plot plan. The Board confirmed that the front yard setback of 16.3 feet will increase to 17.3 feet.

The Board said that the design was sensitively done to address the issues of mass and bulk. The Board said that it is a very tight lot.

The Board confirmed that the size of the relocated shed will reduced to be under 100 square feet.

The Board said that the proposed bulkhead is shown as being in the left side setback area. Mr. Vinciguerra said that the bulkhead will be 5 feet by 6 feet.

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 8 Solon Street, on a 5,418 square foot lot in a district in which the minimum lot size is 10,000 square feet, with a minimum left side yard setback of 11.2 feet, a minimum right side yard setback of 18 feet and a minimum front yard setback of 16.3 feet.

The Petitioner is requesting a Special Permit/Finding that demolition of an existing nonconforming deck and construction of a 23 foot by 23.1 foot two and one-half (2.5) story addition with less than required left side yard and right side yard setbacks, on a 5,418 square foot lot in a district in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 12/15/09, stamped by George C. Collins, Professional Land Surveyor, Existing Floor Plans, dated 7/10/09, prepared by GEV Design, Inc, Proposed Floor Plans and Elevation Drawings, dated 9/8/09, drawn by GEV Design, Inc., and photographs were submitted.

On January 5, 2010, the Planning Board reviewed the petition and recommended that the Special Permit be denied.

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 demolition of an existing nonconforming deck and construction of a 23 foot by 23.1 foot two and one-half (2.5) story addition with less than required left side yard and right side yard setbacks, on a 5,418 square foot lot in a district in which the minimum lot size is 10,000 square feet, 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 for demolition of an existing nonconforming deck and construction of a 23 foot by 23.1 foot two and one-half (2.5) story addition with less than required left side yard and right side yard setbacks, 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.

Richard L. Seegel, Chairman

J. Randolph Becker

David L. Grissino

cc: Planning Board
Inspector of Buildings
lrm