

**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. 2208J. RANDOLPH BECKER, VICE CHAIRMAN
ROBERT W. LEVY
DAVID L. GRISSINO

ZBA 2010-62

Petition of Jason & Shoumita Fiorillo
66 Fuller Brook Road

Pursuant to due notice, the Special Permit Granting authority held a Public Hearing on Thursday, August 5, 2010 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of JASON & SHOUMITA FIORILLO requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of 104.48 square feet on the first floor, construction of 548.16 square feet on the second floor, and construction of 393.14 square feet on the third floor, on an existing nonconforming structure with less than required left side yard and right side yard setbacks, on a 16,693 square foot lot in a district in which the minimum lot size is 20,000 square feet, at 66 FULLER BROOK ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 19, 2010, 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 Jason Fiorillo (the "Petitioner") and Adrien Mercure, Architect. Mr. Fiorillo said that he has lived in the house for seven and a half years. He said that he has a wife and two daughters. He said that he was requesting a Special Permit to expand his house with additions that will meet setback requirements.

Mr. Fiorillo said that the existing house is nonconforming. He said that the proposal is to change the roofline of the garage. He said that they would like to make the house more useable.

Mr. Mercure displayed elevations drawings (retained by proponent). He said that they changed the roofline to a gable to be more consistent with other garages in the neighborhood. He said that the proposal is to rebuild the garage wall that is in the setback area.

Mr. Fiorillo said that he met with the neighbors personally. He said that he submitted a letter that was signed by 27 people in support of the application.

The Board asked about the chimney. Mr. Mercure said that they will be removing that partially. He said that they will change to a direct vent that is not shown on the plans.

The Board said that it appeared on the plot plan that the front yard setback would be reduced from 30.1 feet to less than 30 feet. Mr. Mercure said that the area that is in the setback is what is allowed by right. The Board said that the structure that is exempted is the porch. The Board said that it was not convinced that the 1.5 foot projection from the face of the structure would be exempt. Mr. Fiorillo said that the

projection will be 10 to 12 inches over the setback line. The Board said that would be a Variance, as there is currently no nonconformity at the front.

Mr. Mercure said that they had considered that piece as being part of the porch. Mr. Fiorillo said that the entry was designed to alleviate existing problems. The Board said that the standard for granting Variances is very high.

The Board asked about the proposed addition in front of the garage. Mr. Fiorillo said that what is shown on the plot plan is a step.

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 66 Fuller Brook Road, on a 16,693 square foot lot in a district in which the minimum lot size is 20,000 square feet, with a minimum left side yard setback of 11.9 feet and a minimum right side yard setback of 18.7 feet.

The Petitioner is requesting a Special Permit/Finding that construction of 104.48 square feet on the first floor, construction of 548.16 square feet on the second floor, and construction of 393.14 square feet on the third floor, on an existing nonconforming structure with less than required left side yard and right side yard setbacks, on a 16,693 square foot lot in a district in which the minimum lot size is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 6/24/10, stamped by stamped by Joseph R. Porter, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 6/22/10, prepared by Architects 2, and photographs were submitted.

On August 3, 2010, the Planning Board reviewed the petition and recommended that the request be granted.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing.

It is the opinion of this Authority that construction of 104.48 square feet on the first floor, construction of 548.16 square feet on the second floor, and construction of 393.14 square feet on the third floor, on an existing nonconforming structure with less than required left side yard and right side yard setbacks, on a 16,693 square foot lot in a district in which the minimum lot size is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it shall neither increase an existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted for construction of 104.48 square feet on the first floor, construction of 548.16 square feet on the second floor, and construction of 393.14 square feet on the third

floor, on an existing nonconforming structure with less than required left side yard and right side yard setbacks, subject to the following condition:

- The front line of the vestibule shall not encroach in the 30 foot front yard setback.

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.

ZBA 2010-62
Petition of Jason & Shoumita Fiorillo
66 Fuller Brook Road

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