



## ZONING BOARD OF APPEALS

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

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ZBA 2012-53  
 Petition of Brian Millerick  
 4 Great Plain Avenue

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Record Owner of Property: Lorne McDougall

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 12, 2012, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of BRIAN MILLERICK requesting modification of Special Permit, ZBA 2009-11, that was granted on June 25, 2009 pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw for changes including additional footprint of 283 square feet, new windows, a new garage door, raising the ridgeline 4 feet, expanding a shed dormer to the end wall of the garage, and moving the fireplace to the rear of the house, at 4 GREAT PLAIN AVENUE, on a 19,545 square foot lot in a district in which the minimum lot size is 30,000 square feet.

On June 26, 2012, 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 Himmelberger, Esq. Also present was Brian Millerick, (the "Petitioner").

Mr. Himmelberger said that the request is for modification of a Special Permit. He said that he set out the history of the Special Permits for the property in a letter to the Board.

Mr. Himmelberger said that there is currently a Special Permit which is in existence through March, 2013 for construction of a single family home, as modified by plans shown and approved in the July 2009 Special Permit. He said that it is a nonconforming lot at 19,545 square feet in a 30,000 square foot district.

Mr. Himmelberger said that the primary changes for the existing Special Permit are fairly minor. He said that the main body of the house was expanded by two feet in each direction, an 8 foot wide mudroom was placed between the main house and the garage, the garage has a dormer on the front, the rear shed dormer has been expanded to be the length of the roof, the overall pitch of the main roof was increased by 4 feet for a height of 33.5 feet, and the porch to the rear was enclosed and increased in size to 14 feet. He said that all other requested modifications are cosmetic.

Mr. Himmelberger said that compared to the previously approved structure, the proposed structure is more attractive.

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The Board asked if a Building Permit was ever obtained. Mr. Himmelberger said that that there was not. He said that there were two or three extensions to the Special Permit. He said that there were extenuating circumstances. He said that the current record owner plans to sell the property to Mr. Millerick.

The Board asked when the last extension was granted. Mr. Himmelberger said that it was granted in March of 2010. He said that it was extended to March 19, 2011 and was extended by the Permit Extension Act to March, 2013.

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 4 Great Plain Avenue, on a 19,545 square foot lot in a district in which the minimum lot size is 30,000 square feet.

The Petitioner is requesting modification of Special Permit, ZBA 2009-11, that was granted on June 25, 2009 pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw for changes including additional footprint of 283 square feet, new windows, a new garage door, raising the ridgeline 4 feet, expanding a shed dormer to the end wall of the garage, and moving the fireplace to the rear of the house, on a 19,545 square foot lot in a district in which the minimum lot size is 30,000 square feet.

A Plot Plan dated 5/15/12, stamped by Richard C. Nelson, Professional Land Surveyor, Proposed Floor Plans and Elevation Drawings, dated 6/18/12, prepared by R.C. Searles Associates, and photographs were submitted.

On July 6, 2012, the Planning Department Staff reviewed the petition and recommended that the Special Permit be granted.

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 modification of Special Permit, ZBA 2009-11, that was granted on June 25, 2009 pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw for changes including additional footprint of 283 square feet, new windows, a new garage door, raising the ridgeline 4 feet, expanding a shed dormer to the end wall of the garage, and moving the fireplace to the rear of the house, on a 19,545 square foot lot in a district in which the minimum lot size is 30,000 square feet shall not be substantially more detrimental to the neighborhood, as it shall neither increase an existing nonconformity nor create a new nonconformity.

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Therefore, modification of Special Permit, ZBA 2009-11, is granted, as voted unanimously by this Authority at the Public Hearing, for additional footprint of 283 square feet, new windows, a new garage door, raising the ridgeline 4 feet, expanding a shed dormer to the end wall of the garage, and moving the fireplace to the rear of the house, 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.

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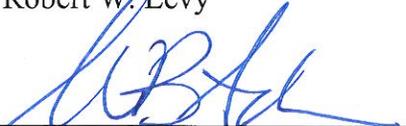
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APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.

  
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J. Randolph Becker, Acting Chairman

  
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Robert W. Levy

  
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Walter B. Adams

cc: Planning Board  
Inspector of Buildings  
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