



ZONING BOARD OF APPEALS

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ZBA 2012-60
 Petition of Shawn Woodburn
 5 Seaward Road

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 2012 SEP 19 A 11: 22

Record Owner of Property: Ejaz Ali, Trustee, 5 Seaward Realty Trust

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 SHAWN WOODBURN requesting a Special Permit/Finding pursuant to the provisions of Section III, Section XI, Section XVII and Section XXV of the Zoning Bylaw that reconstruction of a 4.8 foot by 8.1 foot front entry enclosure and stairs and construction of an 8.2 foot by 11.1 foot roof over reconstructed stairs on an existing nonconforming structure with less than required front yard setbacks, at 5 SEAWARD ROAD, in a Business District and a Single Residence A District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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 Shawn Woodburn, (the "Petitioner"). Also present at the hearing were Ejaz and Femina Ali, owners.

Mr. Woodburn said that the request is for a Special Permit for an existing nonconforming vestibule. He said that the front entry vestibule has a flat roof. He said that the proposal is to replace that with a gable style roof and to bring the shed style roof on the side of the building out to the corner of the building for some coverage over the existing stairs.

Mr. Woodburn submitted revised plans. He said that they would like to bring the gable front entry roof out to the front of the stairs. The Board said that the bylaw allows for a 50 square foot covered or uncovered, enclosed or unenclosed entrance porch in the front yard setback. The Board said that extending the roof over the stairs may require a Variance.

The Board said that it was concerned that the revised plans reflect a significant change over what was advertised. The Board said that revised construction plans and plot plan should be submitted.

There was no one present at the Public Hearing who wished to speak to the petition.

The Board voted unanimously to continue the petition to August 9, 2012.

August 9, 2012

As there was no quorum of Board Members, the hearing was rescheduled to September 6, 2012.

September 6, 2012

Presenting the case at the hearing were Shawn Woodburn, (the "Petitioner") and Ejaz & Femina Ali, property owners.

Dr. Ali said that they were before the Board in July and had submitted plans at the hearing. He said that the Board had said that it would need more time to review the plans.

The Board said that the petition would be heard de novo.

Dr. Ali said that the stairs to the dental office need to be repaired. He said that they want to weather-proof and change the design of the roof over the glass enclosed entryway. He said that there are stairs at the side of the building that they are proposing to cover. The Board confirmed that the roof at the side of the building will cover a set of stairs and the adjacent door.

Mr. Woodburn said that they had originally proposed an overhang to cover the stairs at the front. He said that, after speaking with the Building Inspector, it was called to their attention that the existing vestibule has an in-swing door. He said that if they were to touch that nonconforming structure, they would have to bring it up to code, which would involve making it an out-swing door. He said that they would have to extend the landing to do that.

Mr. Woodburn said that the revised proposal is to leave the vestibule alone and to replace the flat roof with a gable roof.

The Board confirmed that there will be a hip roof over the side door.

The Board asked if the proposal is to change the façade. The Board said that the second floor windows shown on the Elevation Drawing are different from the photograph of the front of the building. Mr. Woodburn said that they will be raising the sill height slightly for the window over the new gable roof.

The Board asked about the light fixtures at the upper gable and at the new entry gable. Dr. Ali said that more lights are shown on the plan than are needed. He said that they will be LED lights. He said that they will not illuminate the whole building. The Board said that they appear to be decorative lights to accentuate the shape of the gable. The Board asked if the down light in the ceiling of gable is to illuminate the steps.

The Board asked if there is a residence on the top floor. Dr. Ali said that there is. He said that the lights will be on during office hours. The Board said that a condition will be that the lights will be turned off after the close of business.

The Board asked about the illumination of the lights. Mr. Woodburn said that they have not determined the vendor yet. He said that they do not have cut sheets for the lights. He said that more lights are shown

on the plans than will be there. He said that there will be greater distance between the lights. He said that it will be low voltage lighting. The Board said that the number of lights on the upper gable will be limited to five.

The Board asked if the lights will be surface mounted on the fascia. Mr. Woodburn said that they will be recessed into the soffit of the rake.

The Board asked about the light on the bottom rail of the new gable roof that shines up. Dr. Ali said that there is no need for that because there is a down light there already.

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 5 Seaward Road, in a Business District and a Single Residence A District, with a minimum front yard setback of 16.3 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section III, Section XI, Section XVII and Section XXV of the Zoning Bylaw that reconstruction of a roof over a 4.8 foot by 8.1 foot front entry enclosure and stairs and construction of an 8.2 foot by 11.1 foot roof over reconstructed stairs on an existing nonconforming structure with less than required front yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 4/12/12, stamped by Michael P. Clancy, Existing and Proposed Floor Plans and Proposed Elevation Drawings, dated 6/18/12, revised Sheet 2 of 3, & revised 7/16/12, prepared by Sami Kassis, P.E., and photographs were submitted.

On August 9, 2012, the Planning Board 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 although reconstruction of a roof over a 4.8 foot by 8.1 foot front entry enclosure and stairs and construction of an 8.2 foot by 11.1 foot roof over reconstructed stairs on an existing nonconforming structure with less than required front yard setbacks 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 reconstruction of a roof over a 4.8 foot by 8.1 foot front entry enclosure and stairs and construction of an 8.2 foot by 11.1 foot roof over reconstructed stairs, with the understanding that the lighting will be recessed in the soffits and subject to the following conditions:

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1. Lighting shall be limited to office hours.
2. The up-light on the new gable roof shall be eliminated.
3. There shall be no more than five lights on the upper gable.

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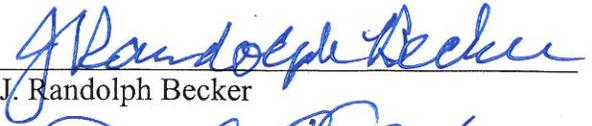
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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



Richard L. Seegel, Chairman



J. Randolph Becker



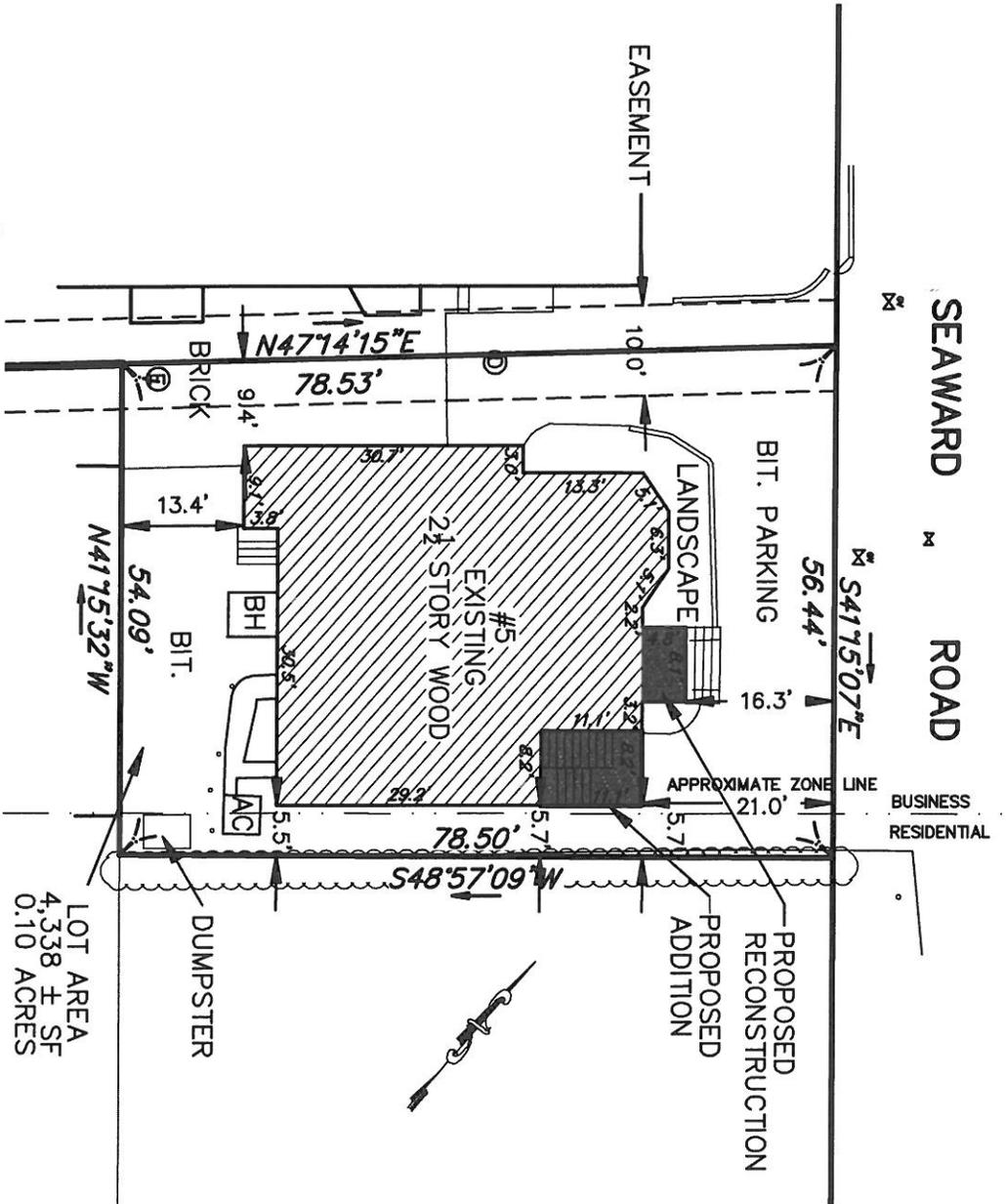
David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm

PREPARED FOR
 EJAZ ALI
 5 SEAWARD ROAD
 WELLESLEY MA

NOTES:

1. ZONING CLASSIFICATION – BUSINESS/SINGLE RESIDENCE A
2. PLAN REFERENCES:
 NORFOLK REGISTRY OF DEEDS BOOK 1680 END
3. LOCUS DEED:
 NORFOLK REGISTRY OF DEEDS BK. 13600 PG. 497
 ASSESSORS PARCEL ID 74-6
4. EXISTING LOT COVERAGE = 1609/4338 = 37.1%
 PROPOSED LOT COVERAGE = 1701/4338 = 39.2%
5. EXISTING BUILDING COVERAGE = 1566 S.F.
 PROPOSED BUILDING COVERAGE = 1658 S.F.



PLOT PLAN
 5 SEAWARD ROAD
 WELLESLEY, MASS.
 APRIL 12, 2012
 SCALE: 1"=20'
 C & G SURVEY COMPANY
 37 JACKSON ROAD
 SCITUATE, MA. 02066
 1-877-302-8440