



ZONING BOARD OF APPEALS

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

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ROBERT W. LEVY
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ZBA 2012-72

Petition of Brian & Mary Beth Mohan
 135 Brook Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 4, 2012, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of BRIAN & MARY BETH MOHAN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a two-story addition at the rear of the house that will meet all setback requirements, on a 13,400 square foot lot in a district in which the minimum lot size is 20,000 square feet, at 135 BROOK STREET, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On September 18, 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 were Ray Wiese, Designer, and Mary Beth Mohan (the "Petitioner").

Mr. Wiese said that the lot has less than 20,000 square feet. He said that with the proposed addition will meet setback requirements.

The Board asked about the maximum height. Mr. Wiese said that the height is well below the maximum allowed. The Board said that it is a relatively flat site.

The Board said that the side façade of the garage is much larger. The Board said that there is a door but it presents a blank façade to neighboring property. The Board asked if a window could be added to the garage. Mr. Wiese said that there was an error on his part. He said that he missed showing a window on the elevation plan. He said that there will be a window that is similar to the ones in front. He said that it will be at the same head height as the door.

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 135 Brook Street, on a 13,400 square foot lot in a 20,000 square foot Single Residence District.

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The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a two-story addition at the rear of the house that will meet all setback requirements, on a 13,400 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 8/28/12, stamped by Bruce Bradford, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 8/8/12, prepared by The Wiese Company, and photographs were submitted.

On October 2, 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 opinion of this Authority that construction of a two-story addition at the rear of the house that will meet all setback requirements, on a 13,400 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, as voted unanimously by this Authority at the Public Hearing, for of a two-story addition at the rear of the house that will meet all setback requirements, on a 13,400 square foot lot in a district in which the minimum lot size is 20,000 square feet, in accordance with the submitted plot plan and with the understanding that a window will be added on the left elevation of the garage.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed constructions 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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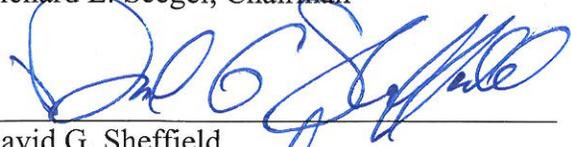
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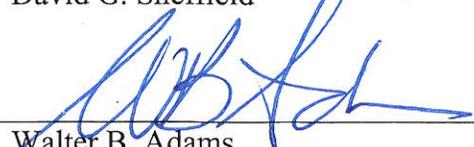
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



Richard L. Seegel, Chairman



David G. Sheffield



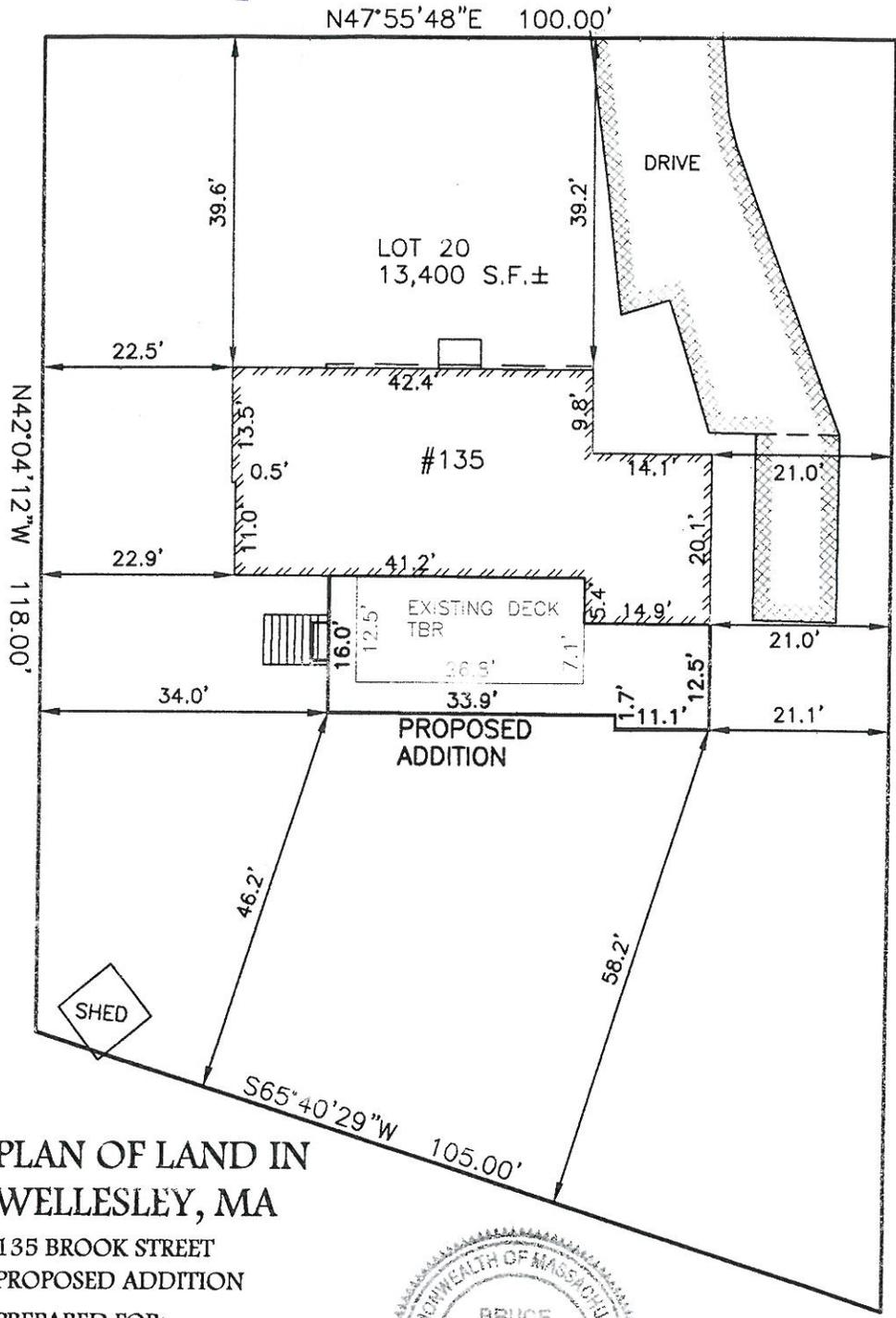
Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm

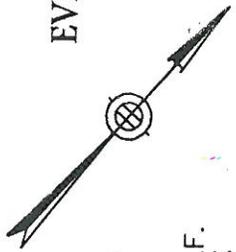
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BROOK STREET



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 49 LEXINGTON STREET
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 info@everettbrooks.com



EXISTING STRUCTURES 1734 S.F.
 EXISTING LOT COVERAGE 13.0%
 PROPOSED STRUCTURES 2065 S.F.
 PROPOSED LOT COVERAGE 15.4%

PLAN OF LAND IN WELLESLEY, MA

135 BROOK STREET
 PROPOSED ADDITION

PREPARED FOR:
 BRIAN & MARY BETH MOHAN

SCALE: 1 IN. = 20 FT.
 DATE: AUGUST 28, 2012
 PROJECT NO. 24030



ZONING INFORMATION

ZONE: SRD-20
 PLAN DATED JULY 15, 1939
 DEED REFERENCE: 13610 PG 305