



ZONING BOARD OF APPEALS

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

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ZBA 2012-81
 Petition of Kathleen Lunny
 2 Windemere Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 1, 2012, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of KATHLEEN LUNNY requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 1 foot 10 inch by 23 foot one-story addition with less than required side yard setbacks, construction of an 18 foot by 18 foot two-story addition and construction of a 4.5 foot by 8 foot front entry that will meet all setback requirements, on an existing nonconforming structure with less than required front and side yard setbacks, on a corner lot, in a 10,000 square foot Single Residence District, at 2 WINDEMERE ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On October 15, 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 Margo Otey. Also present were Kathleen Lunny (the "Petitioner") and David Johnson, Architect.

Mr. Johnson said that the existing house is a 1940's colonial with three bedrooms and one bathroom. He said that they are looking to keep the existing house and to add several additions onto the house, one of which will be an extension of a pre-existing non-conformity for the dimension of the garage. He said that it is a corner lot. He said that the existing garage is 1 foot 10 inches into the setback area. He said that they are looking to do a single story addition along the back of the house that will align with that.

Mr. Johnson said that the other two additions on the property are an 18 foot by 18 foot family room with a master bedroom above that will meet setback requirements. He said that the proposed portico off of the front of the property will encroach on the front setback but will be less than the 50 square feet that is allowed by right for porticos.

The Board asked if the addition to the kitchen and the double doors that face to the west have a foundation underneath. Mr. Johnson said that it does. He said that they are pricing out options for possibly cantilevering it.

The Board said that the proposed structure will fit the scale of the adjacent properties up and across the street.

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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 2 Windemere Road, on a corner lot in a 10,000 square foot Single Residence District, with a minimum front yard setback of 29.5 feet and a minimum side yard setback of 18.8 feet.

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 1 foot 10 inch by 23 foot one-story addition with less than required side yard setbacks, construction of an 18 foot by 18 foot two-story addition and construction of a 4.5 foot by 8 foot front entry that will meet all setback requirements, on an existing nonconforming structure with less than required front and side yard setbacks, on a corner lot, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 9/18/12, stamped by Michael Pustizzi, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevations Drawings, dated 9/20/12, prepared by Studio Twenty Six, and photographs were submitted.

On October 26, 2012, the Planning Board 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 opinion of this Authority that although construction of a 1 foot 10 inch by 23 foot one-story addition with less than required side yard setbacks, construction of an 18 foot by 18 foot two-story addition and construction of a 4.5 foot by 8 foot front entry that will meet all setback requirements, on an existing nonconforming structure with less than required front and side 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 a 1 foot 10 inch by 23 foot one-story addition with less than required side yard setbacks, construction of an 18 foot by 18 foot two-story addition and construction of a 4.5 foot by 8 foot front entry that will meet all setback requirements, 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 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.

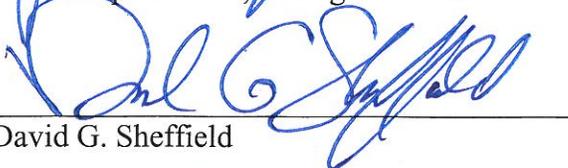
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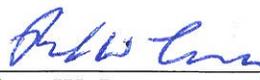
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



J. Randolph Becker, Acting Chairman

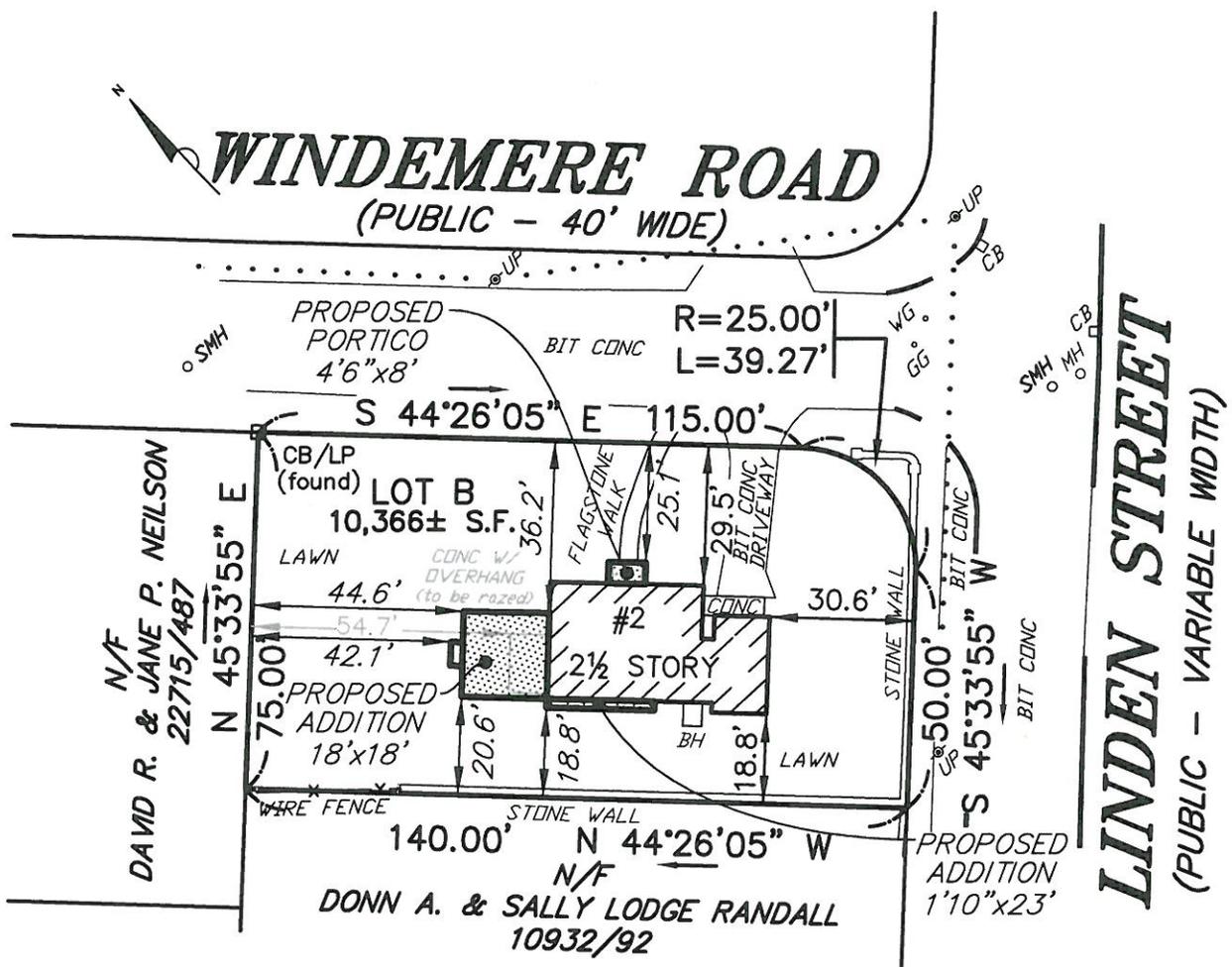


David G. Sheffield



Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm



LOT COVERAGE:

LOT AREA	=	10,366 S.F.
EXISTING BUILDING FOOTPRINT	=	1,229 S.F.
PROPOSED BUILDING FOOTPRINT	=	1,522 S.F.
EXISTING LOT COVERAGE	=	1229/10366=0.119 OR 11.9%
PROPOSED LOT COVERAGE	=	1522/10366=0.147 OR 14.7%

OWNER:
 KATHLEEN MARIE LUNNY
 DEED BOOK 30170 PAGE 112
 ASSESSOR'S PARCEL ID No. 98-59

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I HEREBY CERTIFY THAT THE DWELLING IS LOCATED AS SHOWN.



[Signature]
 MICHAEL A. PUSTIZZI, PLS
 9/18/2012
 DATE

**PROPOSED PLOT PLAN
 #2 WINDEMERE ROAD
 IN
 WELLESLEY, MA
 (NORFOLK COUNTY)**

SCALE: 1" = 40' DATE: 9/18/2012

Precision Land Surveying, Inc.
 32 Turnpike Road
 Southborough, Massachusetts 01772
 TELE NO.: (508) 460-1789 FAX NO.: (508) 970-0096
 4093PP1.DWG