



ZONING BOARD OF APPEALS

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

RICHARD L. SEEDEL, CHAIRMAN
 J. RANDOLPH BECKER, VICE CHAIRMAN
 DAVID G. SHEFFIELD

LENORE R. MAHONEY
 EXECUTIVE SECRETARY
 TELEPHONE
 (781) 431-1019 EXT. 2208
 web: www.wellesleyma.gov

ROBERT W. LEVY
 WALTER B. ADAMS
 DEREK B. REDGATE

ZBA 2013-17

Petition of Stig & Amanda Zarle
 35 Clovelly Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 7, 2013, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of STIG & AMANDA ZARLE requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV that enclosure of an existing nonconforming porch with less than required front yard setbacks, construction of a 6.6 foot by 15.5 foot covered porch with less than required side yard setbacks, and construction of a two-story addition that will meet setback requirements, on an existing nonconforming structure with less than required front and side yard setbacks, at 35 CLOVELLY ROAD, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On February 19, 2013, 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 John Chapman, Architect and Amanda Zarle, (the "Petitioner").

Mr. Chapman said that the request is for a Special Permit for two conditions on this property. He said that the back left corner of an existing porch has approximately two or three square feet that are in the setback area. He said that Fletcher Road is only a paper road. He said that the setback there is 30 feet. He said that the porch is an existing nonconforming structure. He said that the proposal is to enclose the porch for a finished office. He said that the footprint will not change.

Mr. Chapman said that on the right hand side, the request is to extend an existing mudroom. He said that the Engineer's Plan is a little misleading. He said that the Engineer labeled it as, "Proposed Extend Enclosed Porch". He said that it is a mudroom. He said that the new addition is not enclosed. He said that it will be an extension of the enclosure but the extension itself is not enclosed. He said that they will be continuing the line of the stair landing and putting a roof over it where there is now an existing open pergola.

Mr. Chapman said that the balance of the project is conforming. He said that there will be a second story addition on an existing one story at the back and an additional two story addition adjacent to that.

The Board said that the request is to modify a portion of the building that had been granted a Variance, ZBA 82-43. The Board said that the other elements in the proposal would require a Special Permit. The Board discussed public notice.

RECEIVED
 TOWN CLERK'S OFFICE
 WELLESLEY MASSACHUSETTS
 2013 MAR 21 PM 3:39

Ms. Zarle said that they had spoken with all of the neighbors and showed them the plans.

Mr. Chapman discussed the plans on Drawing 3. He said that the grey area is the proposed covered landing and is approximately half of the total covered landing that is shown. He said that the mudroom is existing. Ms. Zarle said that the mudroom has been there since 1916.

The Board said that the Variance that was granted for the porch with pergola roof could have been granted as a Special Permit.

The Board discussed Section 6 of MGL Chapter 40A.

The Board discussed granting a Special Permit for the previous construction. The Board said that it could make a finding that the addition that was done in 1982 qualified as not being substantially more detrimental to the neighborhood than the existing nonconforming structure.

The Board said that it has granted Special Permit/Findings after determining that the proposed construction is de minimis. Mr. Chapman said that the landing will be under 50 square feet if the stairs are exempted.

The Board said that the Petitioners in 1982 were entitled to request a Special Permit/Finding. The Board said that the proposed construction was not exacerbating a nonconformity and was not substantially more detrimental to the neighborhood.

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 35 Clovelly Road, on a corner lot, in a 10,000 square foot Single Residence District, with a minimum front yard setback of 29.3 feet and a minimum side yard setback of 15.8 feet.

The Petitioner is requesting a Special Permit/Finding that enclosure of an existing nonconforming porch with less than required front yard setbacks, construction of a 6.6 foot by 15.5 foot covered porch with less than required side yard setbacks, and construction of a two-story addition that will meet setback requirements, on an existing nonconforming structure with less than required front and side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 2/6/13, stamped by Bradley J. Simonelli, Professional Land Surveyor, Plan of Land, dated 12/6/12, prepared by Field Resources, Inc., Existing and Proposed Floor Plans and Elevations Drawings, dated 2/10/13, prepared by John Chapman, Architect, and photographs were submitted.

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2013 MAR 21 PM 3:39

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 enclosure of an existing nonconforming porch with less than required front yard setbacks and construction of a two-story addition that will meet setback requirements, on an existing nonconforming structure with less than required front and side yard setbacks, 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.

It is the opinion of this Authority that although construction of a 6.6 foot by 15.5 foot covered porch with less than required 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 enclosure of an existing nonconforming porch with less than required front yard setbacks, construction of a 6.6 foot by 15.5 foot covered porch with less than required side yard setbacks, and construction of a two-story addition that will meet setback requirements, on an existing nonconforming structure with less than required front and side yard setbacks, 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.

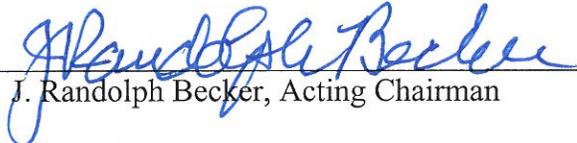
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2013 MAR 21 P 3:39

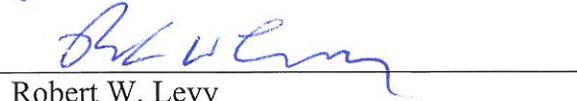
ZBA 2013-17
Petition of Stig & Amanda Zarle
35 Clovelly Road

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2013 MAR 21 P 3:39

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

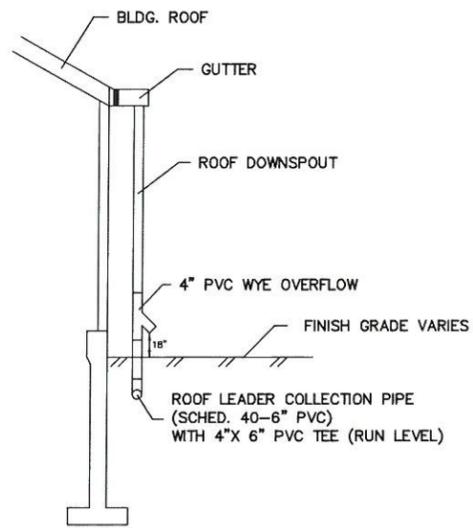


Robert W. Levy



Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm



DOWNSPOUT DETAIL
NTS

EXISTING IMPERVIOUS WITHIN THE 100 FOOT BUFFER = 1050 SF
 PROPOSED IMPERVIOUS WITHIN THE 100 FOOT BUFFER = 1033 SF

EXISTING BUILDING WITHIN 100' BUFFER = 661 SF
 PROPOSED BUILDING WITHIN 100' BUFFER = 697 SF
 INCREASED BUILDING FOOTPRINT = 36 S.F.

EXISTING BUILDING WITHIN 200' OUTER RIPARIAN = 2486 SF
 PROPOSED BUILDING WITHIN 200' OUTER RIPARIAN = 2686 SF
 INCREASED BUILDING FOOTPRINT = 200 S.F.

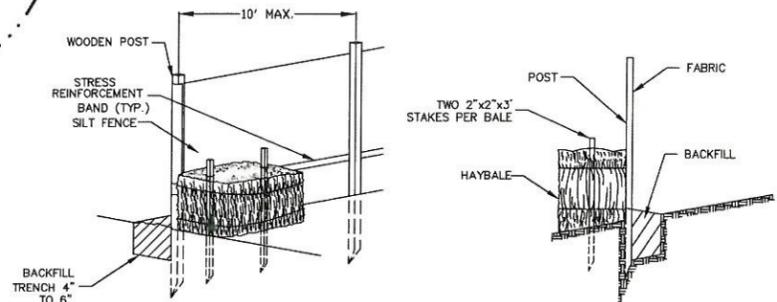
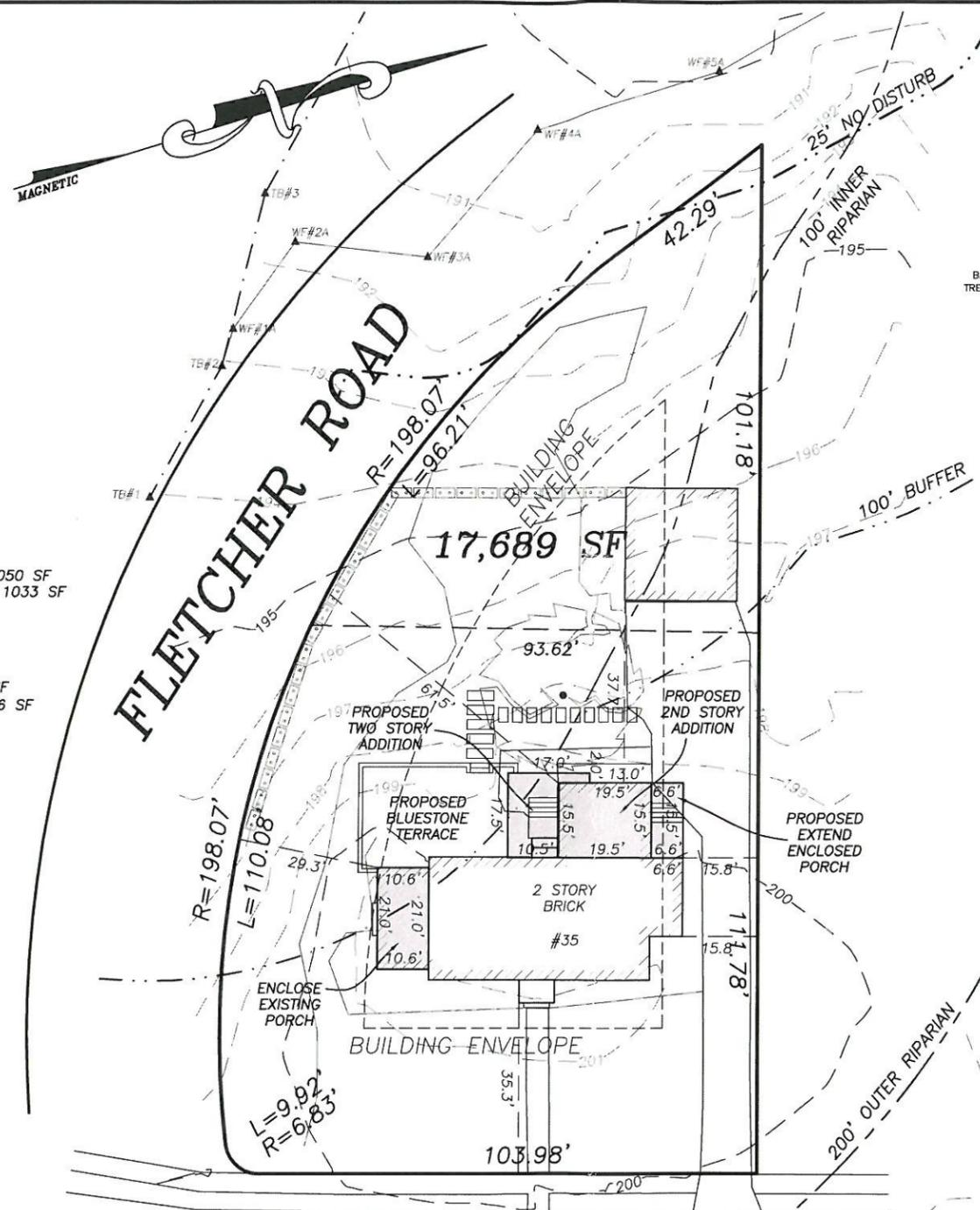
(200 S.F. X 1") / 12 = 16.7 Cu. Ft.

MITIGATED WITH 1 CULTEC CONTRACTOR 150 HD RECHARGER DRYWELL CHAMBERS CAPACITY OF 39.12 CU FT EACH
 SEE DRYWELL DETAIL FOR SPECIFICATIONS AND PLAN FOR LOCATIONS. LOCATIONS AS SHOWN MAY BE ADJUSTED AFTER SOIL TEST PITS ARE PERFORMED PRIOR TO CONSTRUCTION.

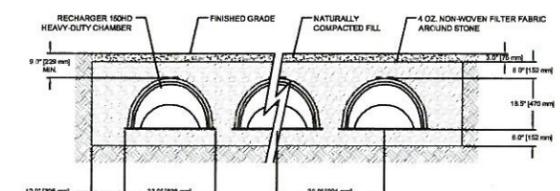
ZONING INFORMATION: SINGLE RESIDENCE 10 (SR10)

	REQUIRED	ACTUAL	PROPOSED
MINIMUM LOT AREA	10,000 SF	17,689 SF	17,689 SF
MINIMUM LOT FRONTAGE	60 FEET	103.98 FEET	103.98 FEET
MINIMUM FRONT SETBACK	30 FEET*	35.3 FEET	35.3 FEET
MINIMUM SIDE YARD	20 FEET	15.8 FEET	15.8 FEET
MINIMUM REAR YARD	10 FEET	N/A	N/A
MAXIMUM BUILDING COVERAGE	20%	14%	15%
MAXIMUM BUILDING COVERAGE	3537 SF	2486 SF	2686 SF

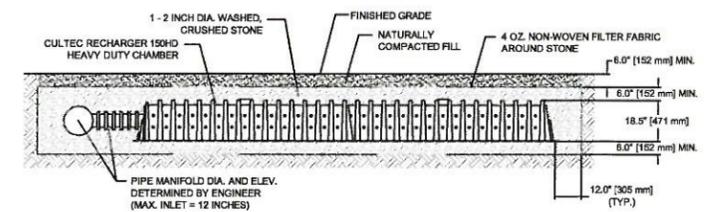
*FRONT SETBACK DETERMINED BY 500 FOOT RULE



HAYBALE/SILT FENCE BARRIER
NOT TO SCALE



GENERAL NOTES:
 RECHARGER 150HD BY CULTEC, INC. OF BROOKFIELD, CT. STORAGE PROVIDED = 4.89 CUBIC FEET PER DESIGN UNIT. REFER TO CULTEC, INC.'S CURRENT RECOMMENDED INSTALLATION GUIDELINES.
 ALL RECHARGER 150HD HEAVY-DUTY UNITS ARE MARKED WITH A COLOR STRIPE FORMED INTO THE PART ALONG THE LENGTH OF THE CHAMBER.
 ALL RECHARGER 150 CHAMBERS MUST BE INSTALLED IN ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL REGULATIONS.



**CONSERVATION COMMISSION
 PLAN OF LAND
 35 CLOVELLY ROAD
 WELLESLEY, MASS.**

**Field Resources, Inc.
 LAND SURVEYORS**

DECEMBER 6, 2012 SCALE 1"=20'
 P.O. BOX 324 281 CHESTNUT ST.
 AUBURN, MA NEEDHAM, MA.
 508 832 4332 781 444 5936
 fieldresources@hotmail.com

RECEIVED
 TOWN CLERK'S OFFICE
 WELLESLEY MA 02482
 2013 FEB 19 A 9:48