



ZONING BOARD OF APPEALS

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

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ZBA 2013-20
 Petition of The Wiese Company
 184 Wellesley Avenue

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 WELLESLEY MA 02482
 2013 APR 18 P 3:22

Record Owner of Property: Joseph A Germain

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 4, 2013, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of THE WIESE COMPANY requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 2.5 foot by 8 foot one story addition and construction of a 9 foot by 11.9 foot two story addition that will meet all setback requirements on an existing nonconforming structure with less than required left side yard setbacks, on a 12,676 square foot lot in a district in which the minimum lot size is 20,000 square feet, at 184 WELLESLEY AVENUE, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On March 18, 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 was Ray Wiese, Designer and Builder.

Mr. Wiese said that the request is for relief for a nonconforming undersized lot and a nonconforming structure with less than required left side yard setbacks. He said that the proposed addition will be conforming.

The Board said that it received a letter from a neighbor. The Board said that Wellesley Avenue, particularly in this area, is a narrow, winding road. The Board said that there is no room to park vehicles. The Board said that this will be a relatively small project but one of the conditions will be that all contractor or employee parking be on Whiting or Alden Road. The Board said that there shall be no parking on Wellesley Avenue.

Mr. Wiese said that they are not asking to park on Wellesley Avenue. He said that they are making arrangements with the owner to park on the property. He said that parking on the other roads and walking to the site could be dangerous. He said that, because the project is small, there will not be a lot of people coming to the property. He said that the plan is to park at the front and on the lawn.

Mr. Wiese said that there is no formal delivery schedule. He said that they will have a project manager. He said that his employees know in advance when the deliveries will arrive. He said that they are currently working on a larger project on Brook Street, which is tight. He said that his employees are aware of public safety issues and know not to block traffic.

The Board said that Wellesley Avenue is more of a high speed road than Brook Street. The Board said that the view lines are not good with the curves. The Board said that it was concerned about major truck deliveries that may disrupt traffic. The Board said that a detail may be needed.

The Board asked if Mr. Wiese could request that the lumber company use a smaller truck that can pull onto the property. Mr. Wiese said that the amount of lumber for the project will probably fit in two pickup trucks.

The Board said that, with past projects on Wellesley Avenue, there have been complaints of groundwater sheeting across Wellesley Avenue. The Board said that certain times of the year can be mud season. Mr. Wiese said that he was at the property before the snow fell in the fall and has been there several times since then. He said that the way that everything is graded on this property, makes him feel confident that they will be able to park at the front and walk around the sides.

The Board discussed the lone window at the gable end and how it will look to the neighbor. Mr. Wiese said that they considered what would be going inside and how the tub is going to sit. He said that they need a certain amount of privacy and sunlight. He said that they got three windows on there. He said that what is yet to be further clarified is the addition of a trellis.

Sara Preston, 188 Wellesley Avenue, said that she was supportive of the project. She said that her concern is safety on Wellesley Avenue. She displayed a picture from the afternoon before of the homeowner parking on the sidewalk. She said that the sidewalk is heavily trafficked by local children and Babson students. The Board said that it will add a condition to prohibit that.

Statement of Facts

The subject property is located at 184 Wellesley Avenue, on a 12,676 square foot lot in a district in which the minimum lot size is 20,000 square feet, with a minimum left side yard setback of 11.6 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 2.5 foot by 8 foot one story addition and construction of a 9 foot by 11.9 foot two story addition that will meet all setback requirements on an existing nonconforming structure with less than required left side yard setbacks, on a 12,676 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 3/7/13, stamped by Bruce Bradford, Professional Land Surveyor, Existing & Proposed Floor Plans and Elevation Drawings, dated 3/6/13, prepared by The Wiese Company, and photographs were submitted.

On April 2, 2013, the Planning Board reviewed the petition and recommended that the Special Permit be granted with a condition.

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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 2.5 foot by 8 foot one story addition and construction of a 9 foot by 11.9 foot two story addition that will meet all setback requirements on an existing nonconforming structure with less than required left side yard setbacks, on a 12,676 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 construction of a 2.5 foot by 8 foot one story addition and construction of a 9 foot by 11.9 foot two story addition that will meet all setback requirements, subject to the following condition:

- There shall be no parking anywhere on Wellesley Avenue and no parking on the sidewalk in front of the premises.

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.



Richard L. Seegel, Chairman

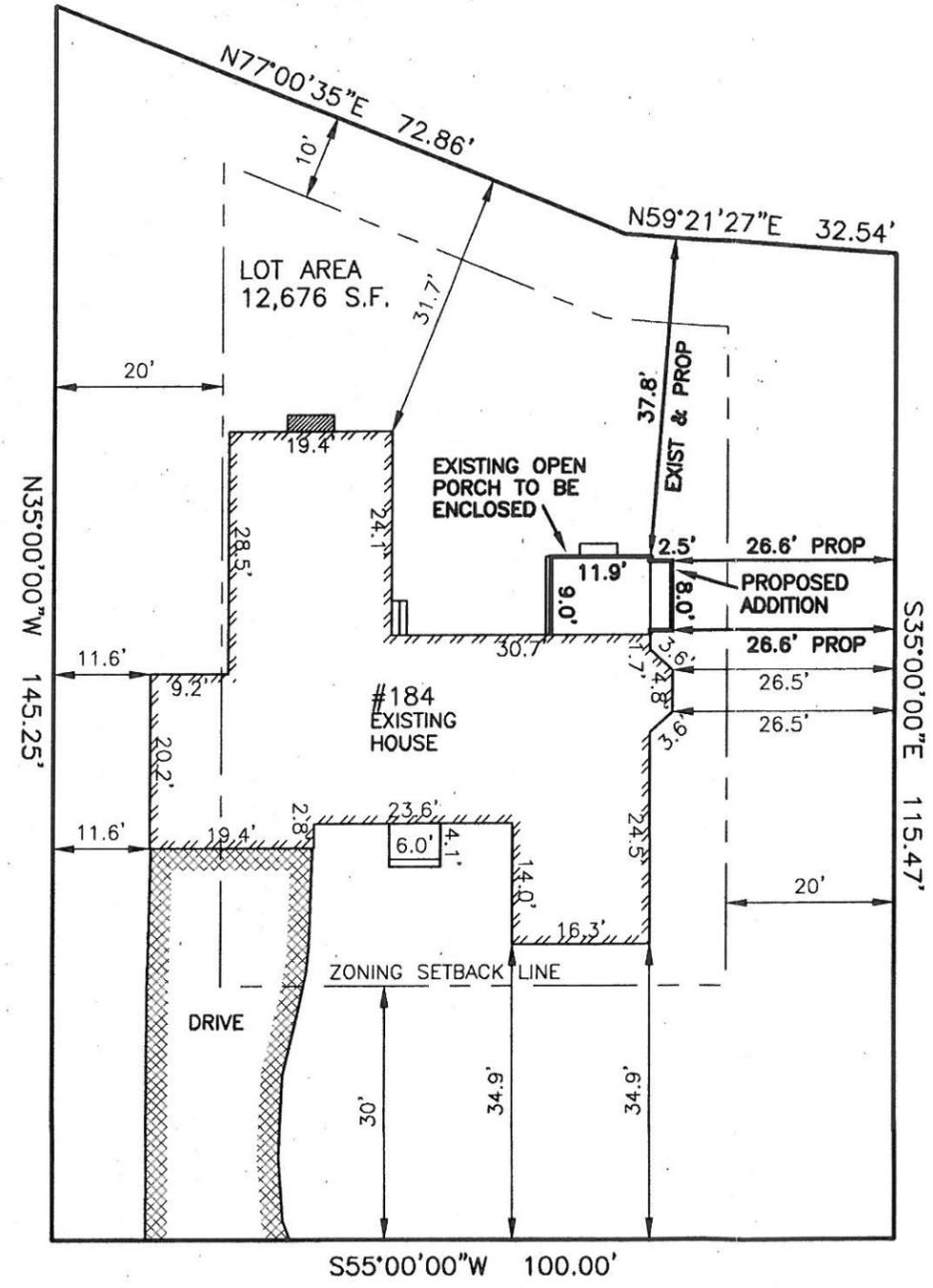
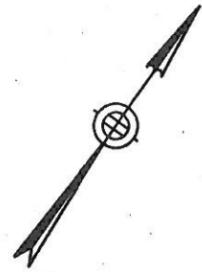


David G. Sheffield



Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm



WELLESLEY AVENUE

ZONE: SRD-20
 FRONT YARD 30'
 SIDE YARD 20'
 REAR YARD 10'

DEED REFERENCE:
 BOOK 30470 PAGE 237

PLAN REFERENCES:
 PLAN #558 OF 1936
 BOOK 2127 PAGE 491
 L.C.C. 3274-19

STRUCTURES
 EXISTING: 2,171 S.F.
 PROPOSED: 2,191 S.F.

LOT COVERAGE
 EXISTING: 17.1%
 PROPOSED: 17.3%

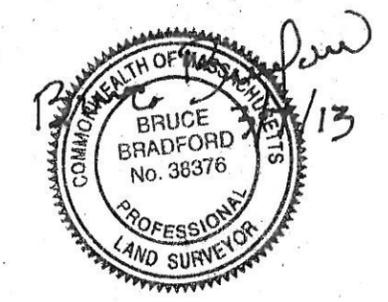
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**PLAN OF LAND IN
 WELLESLEY, MA**

184 WELLESLEY AVENUE
 PROPOSED ADDITIONS

TO ACCOMPANY THE PETITION OF
 JOE GERMAIN

SCALE: 1 IN. = 20 FT.

DATE: MARCH 7, 2013

DRAWN: JF

CHECK: BB

REVISIONS:

NO.	DESCRIPTION	DATE

PROJECT NO. 24125