



## ZONING BOARD OF APPEALS

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2013 APR 8 P 3:25  
 TOWN OF WELLESLEY  
 ZONING BOARD OF APPEALS  
 WELLESLEY, MA 02482  
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ZBA 2013-22

Petition of Abigail Putnam & Ryan Nass  
 36 Cleveland Road

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 ABIGAIL PUTNAM & RYAN NASS requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming structure with less than required front yard setbacks, and construction of a two story addition that will meet all setback requirements, on an existing nonconforming structure with less than required front and side yard setbacks, on a corner lot, at 36 CLEVELAND ROAD, in a 10,000 square foot Single Residence Water Supply Protection District, 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 were Kent Duckham, Architect, and Ryan Nass (the "Petitioner").

Mr. Duckham said that the existing house is nonconforming for setbacks. He said that they are proposing to construct a small addition on the side. He said that the project will involve removing an existing nonconforming side porch and construction of a conforming two-story structure.

The Board said that the proposed construction will eliminate the 29.6 front yard and the 18.8 side yard nonconforming setbacks on the corner lot. The Board confirmed that the air conditioning units will meet setback requirements. The Board asked how the units will be screened from sound to the neighbors. Mr. Duckham said that there will be large shrubs around them.

The Board discussed having a higher ceiling and window in the walk in closet.

#### Statement of Facts

The subject property is located at 36 Cleveland Road, on a corner lot, in a 10,000 square foot Single Residence Water Supply Protection District, with a minimum front yard setback of 29.6 feet and a minimum side yard setback of 9.5 feet.

The Petitioner is requesting a Special Permit/Finding that demolition of an existing nonconforming structure with less than required front yard setbacks, and construction of a two story addition 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 Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 3/12/13, revised 3/14/13, stamped by Bradley J. Simonelli, Professional Land Surveyor, Existing & Proposed Floor Plans and Elevation Drawings, dated 3/11/13, prepared by Duckham Architecture , and photographs were submitted.

On April 2, 2013, 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 demolition of an existing nonconforming structure with less than required front yard setbacks, and construction of a two story addition 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 Water Supply Protection District, 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 demolition of an existing nonconforming structure with less than required front yard setbacks, and construction of a two story addition 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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ZBA 2013-22  
Petition of Abigail Putnam & Ryan Nass  
36 Cleveland Road

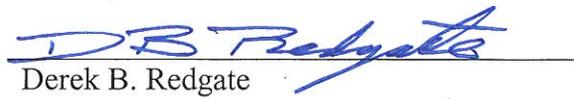
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APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.

  
Richard L. Seegel, Chairman

  
David G. Sheffield

  
Derek B. Redgate

cc: Planning Board  
Inspector of Buildings  
lrm

