



ZONING BOARD OF APPEALS

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

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ZBA 2013-46
 Petition of Gina Leone
 35 Overbrook Drive

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 11, 2013, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of GINA LEONE requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that construction of a two-story addition with less than required side yard setbacks, construction of a second story addition and a deck that will meet all setback requirements on an existing nonconforming structure with less than required side yard setbacks, at 35 OVERBROOK DRIVE, on a corner lot in a 10,000 square foot Single Residence District, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 24, 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.

A Board member stated that he has worked with the Architect previously. He stated that he believed that he could act impartially and in a fair and measured manner. There were no objections to the Board member hearing and voting on the petition.

Presenting the case at the hearing was Pam Woodworth, Architect. Also present was Gina Leone (the "Petitioner").

Ms. Woodworth said that the existing house is ell shaped. She said that there is one quadrant of the rectangle that is currently available for an addition. She said that they would like to add a 12 foot by 16 foot addition. She said that the request is to align it with the existing wall at the driveway. She said that the existing wall does not meet the setback. She said that the worst place is where the addition will meet the existing house. She said that the house and the property line are not parallel. She said that the addition will move further away as it goes back the 12 feet.

Ms. Leone said that she spoke with direct abutter on the left. The Board said that there is a significant amount of vegetation, a retaining wall and a four to five foot fence on top of the retaining wall that separates the two properties. The Board said that the addition will be somewhat less impactful on the neighbor.

There was no one present at the Public Hearing who wished to speak to the petition.

2013 JUL 25 P 2:46
 TOWN'S OFFICE
 WELLESLEY MA 02482

Statement of Facts

The subject property is located at 35 Overbrook Drive, on a corner lot in a 10,000 square foot Single Residence District, in a Water Supply Protection District, with a minimum side yard setback of 11.36 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that construction of a two-story addition with less than required side yard setbacks, construction of a second story addition and a deck that will meet all setback requirements on an existing nonconforming structure with less than required side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 5/13/13, stamped by Paul J. DeSimone, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevations Drawings, dated 6/6/13, prepared by Woodworth Architects, and photographs were submitted.

On April 3, 2013, an Order of Conditions, DEP File Number 324-532, issued by the Wellesley Wetlands Protection Committee, was recorded at the Norfolk Country Registry of Deeds.

On July 9, 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 although construction of a two-story addition with less than required side yard setbacks, construction of a second story addition and a deck that will meet all setback requirements on an existing nonconforming structure 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 construction of a two-story addition with less than required side yard setbacks, construction of a second story addition and a deck that will meet all setback requirements on an existing nonconforming structure with less than required 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.

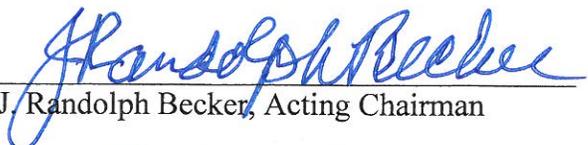
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

2013 JUL 25 10:48 AM
WELLESLEY MASS
REGISTRY OF DEEDS

ZBA 2013-46
Petition of Gina Leone
35 Overbrook Drive

2013 JUL 25 P 2:46
TOWN CLERK'S OFFICE
WILMINGTON MA 02482

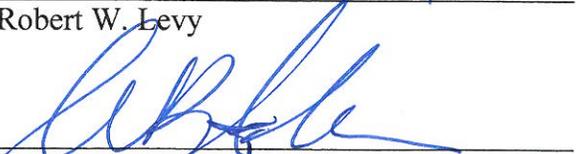
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



J. Randolph Becker, Acting Chairman



Robert W. Levy



Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm

LAND COURT PLAN NO. 4252B

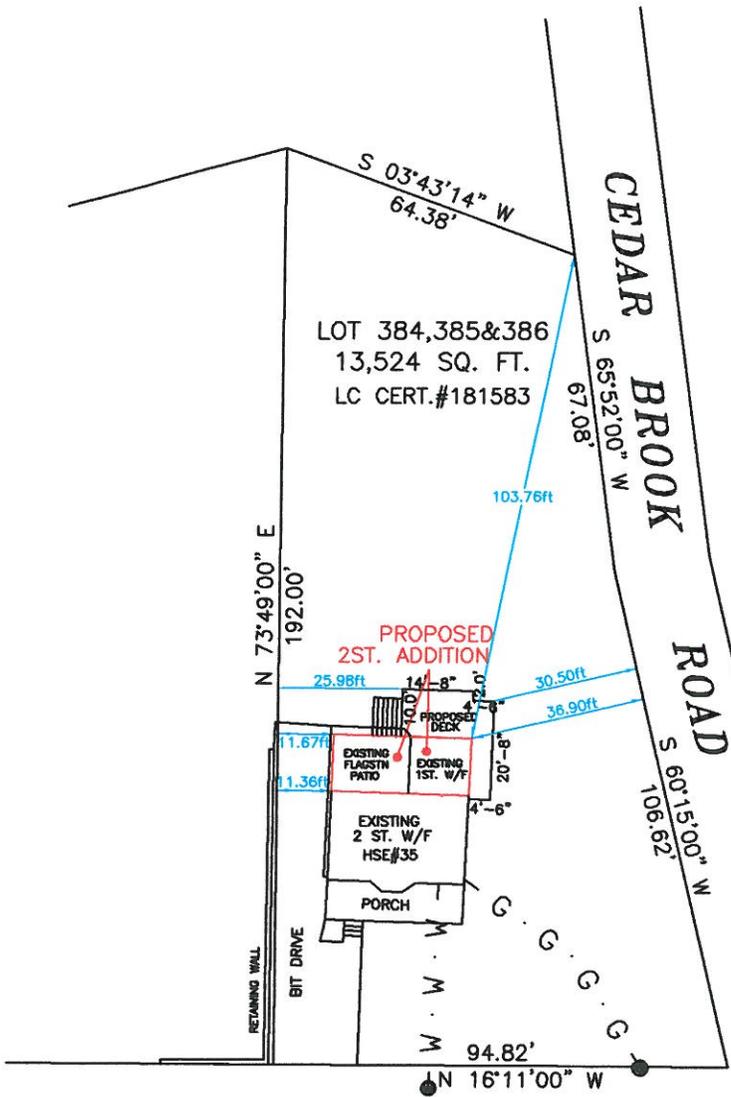
SR10 TABLE 1

LOTS CREATED FEB. 1914
SETBACK 30'
REARYARD 10'
SIDEYARD 20'
LOT COVERAGE 25%

LOT COVERAGE EXISTING 13.72%
LOT COVERAGE PROPOSED 15.13%
BUILDING COVERAGE EXISTING 6.78%
BUILDING COVERAGE PROPOSED 8.19%

ADDITION
REQUEST RELIEF FROM
SIDEYARD 20' TO 11.36

2013 JUN 24 P 12:001
REGISTERED PROFESSIONAL ENGINEER'S OFFICE
WELLESLEY MA 02482



OVERBROOK (40' WIDE) DRIVE

I CERTIFY THAT THE PROPOSED ADDITION SHOWN ON THIS PLAN DOES NOT LIE WITHIN THE FLOOD PLAIN.

PROPOSED ADDITION
PLAN OF LAND

IN

WELLESLEY, MA.

SCALE:1"=40' MAY 13, 2013

OWNER: Gina E. Leone
35 Overbrook Drive
Wellesley, Ma.

COLONIAL ENGINEERING INC.
11 AWL STREET MEDWAY, MA.
508-533-1644

