TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS

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2013 JUL 25 P 2:45
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ZBA 2013-47
Petition of Stephen & Elizabeth Dietz
12 Pine Plain Road

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 STEPHEN & ELIZABETH DIETZ 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 second story addition and attic on an existing nonconforming structure with less than required left side yard and right side yard setbacks, on a 9,355 square foot lot in a Water Supply Protection District in which the minimum lot size is 10,000 square feet, at 12 PINE PLAIN ROAD, 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.

Presenting the case at the hearing was Stephen Dietz, (the "Petitioner").

Mr. Dietz said that the request is for a second story addition on the house. He said that the existing house is a story and a half cape with a dormer at the back. He said that they would like to turn that into a colonial. He said that most of the mass of the house is contained within the setbacks except for the garage on the west side of the house which is approximately 10.5 feet from the side lot line. He said that the request is to build a shed dormer on top of that at the back for a bedroom.

The Board said that there are five nonconformances involved with this petition, two on the left hand side, two on the right hand side, and the lot size.

Mr. Dietz said that he spoke with all of the abutters as well as the neighbors across the street. He said that the person most affected will be the woman to the West, Cecile Aylett, who sent an email to him stating her support of the project (entered into the record). He said that similar work was done on her house five years ago.

The Board asked if there will be attic space on the third floor that will be accessed by a stair. The Board said that would effectively be adding two stories.

Mr. Dietz said that the top of the sills on the second floor have been lowered. He said that there will be a space where the eave comes in. He said that when they worked on the design, they really tried to make sure that their house would not be the tallest in the neighborhood. He said that there is a colonial house

across the street at 21 Pine Plain Road that is substantially taller. He said that his house with the proposed addition would only be a foot or two taller than the house at the left.

The Board said that it appears that there will be close to 14 feet of headroom at the center of the attic. The Board asked if Mr. Dietz had considered dropping that down. Mr. Dietz said that the roof angle was determined because they worried about the impact of the garage. He said that they wanted to match the angle of the garage roof to make it less of an issue. He said that the advice that they were given was that the proposed addition would appear the smallest and least intrusive if the roof lines matched. He said that if they did not match, one or the other would look out of scale. He said that the intent of the roof was not to create a third floor. He said that the Architect said that it made sense to have access to the attic space because there will be a lot of room up there.

Mr. Dietz said that the Front Elevation Plan does not show the depth of the roof. He said that the roof will go the wrong way for a colonial. He said that the roof will be deeper rather than it is wide. He said that the lay back angle is pretty steep.

Mr. Dietz said that the goal is to add a fourth bedroom and a bathroom on the second floor. He said that the Architect drew plans for the attic space but they may not finish it. He said that their family is expanding and they would like to have space in the attic if relatives come to stay.

Mr. Dietz said that they tried really hard to keep the proposed structure in proportion with what is in the neighborhood. He said that they did not expand the footprint other than the small portion at the back of the kitchen.

Mr. Dietz said that Total Living Area plus Garage (TLAG) will be approximately 2,900 square feet.

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

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Statement of Facts

The subject property is located at 12 Pine Plain Road, on a 9,355 square foot lot in a Water Supply Protection District in which the minimum lot size is 10,000 square feet, with a minimum left side yard setback of 10.8 feet and a minimum right side yard setback of 13.5 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 second story addition and attic on an existing nonconforming structure with less than required left side yard and right side yard setbacks, on a 9,355 square foot lot in a Water Supply Protection District in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 6/5/13, stamped by Bradley J. Simonelli, Professional Land Surveyor, Existing Floor Plans and Elevations Drawings, dated 1/24/13, prepared by Carpenter & MacNeille, Proposed Floor Plans and Elevation Drawings, dated 6/6/13, prepared by Lean Greenwald, Architect, and photographs were submitted.

On July 9, 2013, the Planning Board reviewed the petition and recommended that the Special Permit be denied.

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 second story addition and attic on an existing nonconforming structure with less than required left side yard and right side yard setbacks, on a 9,355 square foot lot in a Water Supply Protection District in which the minimum lot size is 10,000 square feet 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 second story addition and attic on an existing nonconforming structure with less than required left side yard and right side yard setbacks, on a 9,355 square foot lot in a Water Supply Protection District in which the minimum lot size is 10,000 square feet, 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.

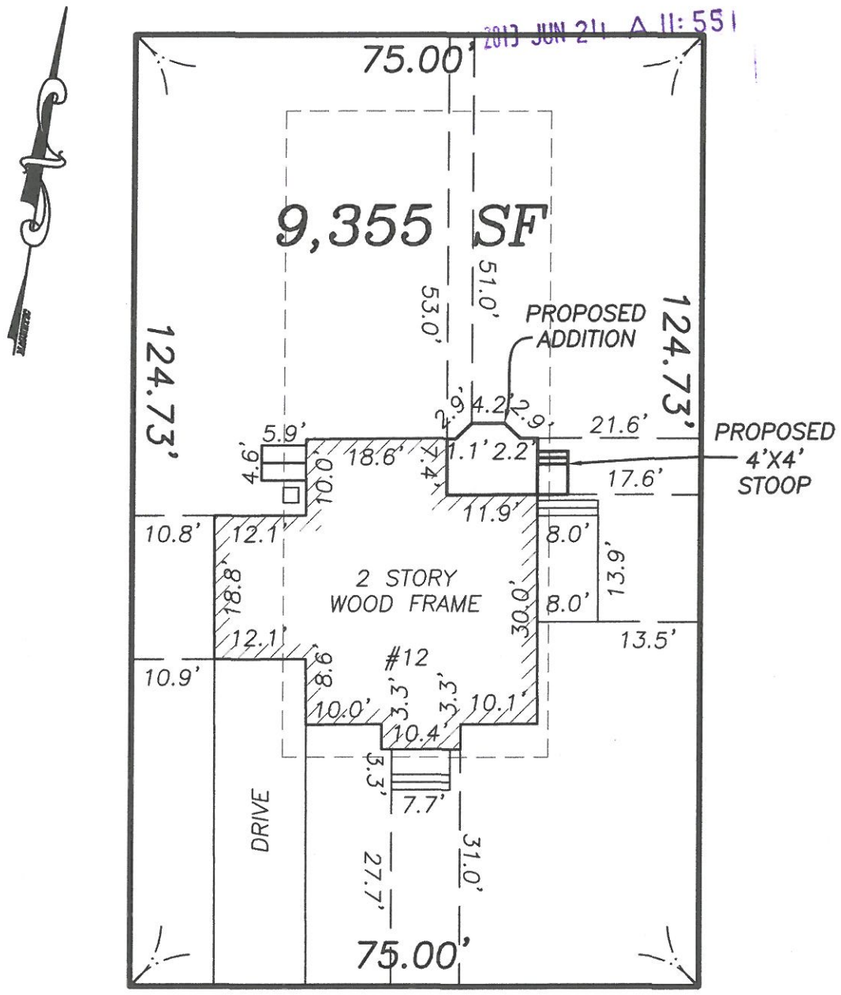
J. Randolph Becker, Acting Chairman

Robert W. Levy

Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm

CLERK'S OFFICE
WELLESLEY MA 02482
2013 JUN 24 A 11:55



PINE PLAIN ROAD

ZONING INFORMATION: SINGLE RESIDENCE 10 (SR10)

	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA	10,000 SF	9,355 SF	9,355 SF
MINIMUM LOT FRONTAGE	60 FEET	75 FEET	75 FEET
MINIMUM FRONT SETBACK	30 FEET	31.0 FEET	31.0 FEET
MINIMUM SIDE YARD	20 FEET	10.8 FEET	10.8 FEET
MINIMUM REAR YARD	10 FEET	53.0 FEET	51.0 FEET
MAXIMUM BUILDING COVERAGE	25%		
MAXIMUM BUILDING HEIGHT	36 FEET		
MAXIMUM BUILDING HEIGHT	2 1/2 STORIES		

EXISTING BUILDING COVERAGE = 1482 SF
EXISTING BUILDING COVERAGE = 15.8%
PROPOSED BUILDING COVERAGE = 1599 SF
PROPOSED BUILDING COVERAGE = 17.1%

COMMONWEALTH OF MASSACHUSETTS
BRADLEY K. SIMONELLI
#47581
PROFESSIONAL LAND SURVEYOR

PROGRESS PRINT
SHOWING BUILDING ENVELOPE
12 PINE PLAIN ROAD
WELLESLEY, MASS.

Field Resources, Inc.
LAND SURVEYORS

JUNE 5, 2013 SCALE 1"=20'

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