



## 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. STAMMS  
 BREK B. REDGATE

ZBA 2013-49  
 Petition of Kristin Madison & Akila Weerapana  
 46 Summit Road

---

TOWN'S OFFICE  
 WELLESLEY MA 02482  
 JUL 25 P 2:43

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 KRISTIN MADISON & AKILA WEERAPANA 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 deck and stairs and construction of a two-story addition that will meet all setback requirements on an existing nonconforming structure with less than required left side yard and right side yard setbacks, at 46 SUMMIT ROAD, in a 10,000 square foot Single Residence District and 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.

Presenting the case at the hearing were Michael Kim, Architect, and Kristin Madison and Akila Weerapana, (the "Petitioner").

Mr. Kim said that the request is for a fully conforming two-story addition located at the rear of the house. He said that it was carefully designed to meet the side yard setback requirements. He said that the existing structure exceeds the side yard setbacks on both sides.

The Board confirmed that the red markings on the plot plan were done by Mr. Antonino, the Registered Land Surveyor.

The Board said that on Plan A0.0, the finished area is shown as 2,318 square feet. The Board asked if that is the Total Living Area plus Garage (TLAG) calculation. Mr. Kim said that he is not familiar with that term. The Board said that it relates to Large House Review (LHR).

Mr. Kim said that the addition falls well below the height of the existing roof.

Mr. Kim said that a letter of support was submitted from the neighbor. He said that the other neighbors support the project.

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 46 Summit Road, in a 10,000 square foot Single Residence District, in a Water Supply Protection District, with a minimum left side yard setback of 13.8 feet, and a minimum right side yard setback of 15 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 demolition of an existing deck and stairs and construction of a two-story addition that will meet all setback requirements on an existing nonconforming structure with less than required left side yard and right side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 6/10/13, stamped by Michael Paul Antonino, Registered Land Surveyor, Existing and Proposed Floor Plans and Elevations Drawings, dated 4/25/13, prepared by Michael Kim Associates, and photographs were submitted.

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 demolition of an existing deck and stairs and construction of a two-story addition that will meet all setback requirements on an existing nonconforming structure with less than required left side yard and right 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.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of an existing deck and stairs and construction of a two-story addition that will meet all setback requirements on an existing nonconforming structure with less than required left side yard and right 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 2:43 PM  
PLANNING BOARD OFFICE  
100 E. BLYTHE AVE  
MADISON, WI 53703-4882

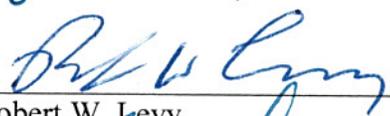
ZBA 2013-49  
Petition of Kristin Madison & Akila Weerapana  
46 Summit Road

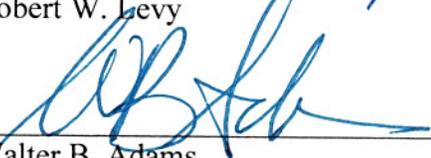
---

2013 JUL 25 P 2:43  
TOWN'S OFFICE  
MIDDLEBURY 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

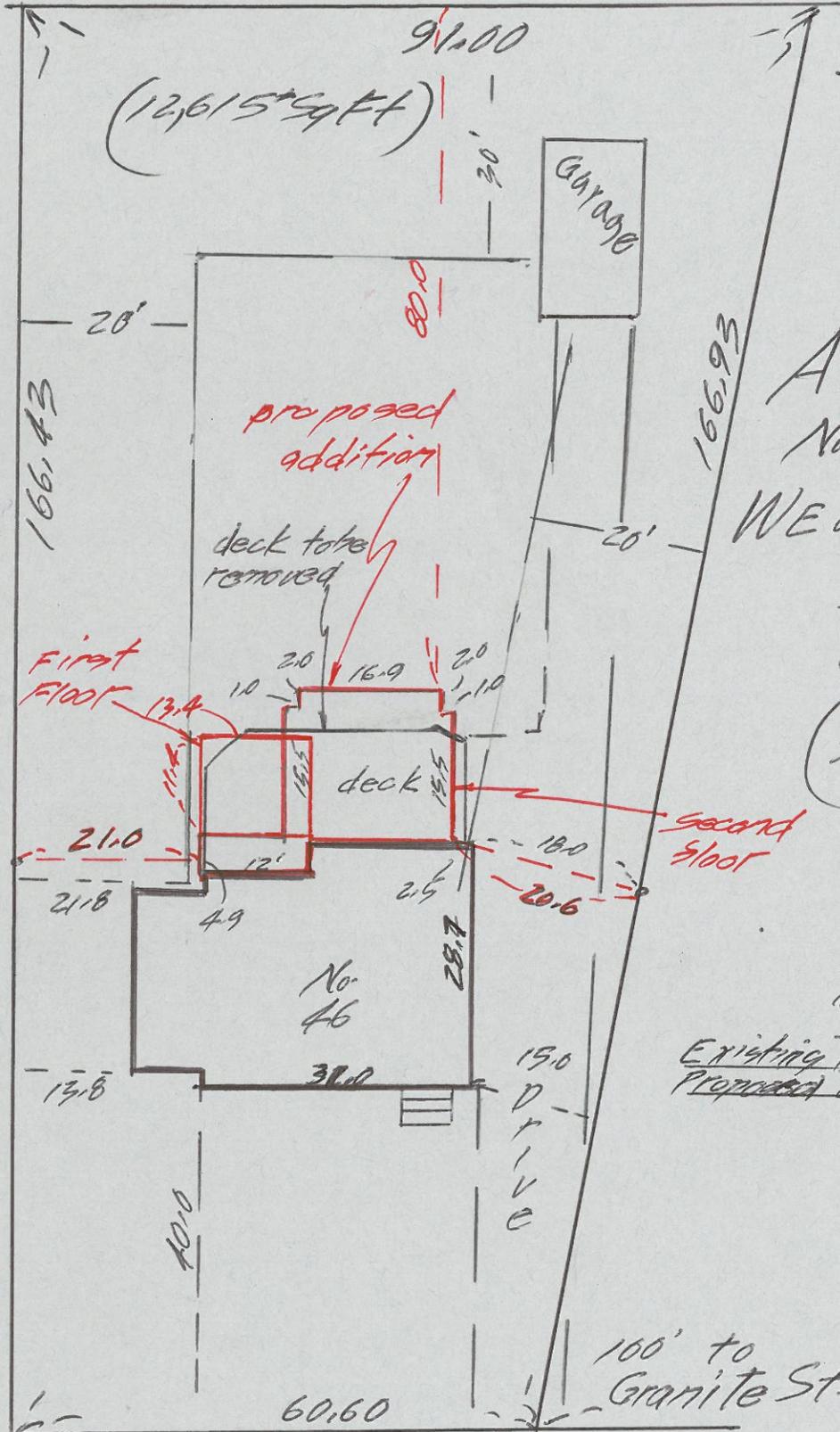
cc: Planning Board  
Inspector of Buildings  
lrm

**ANTONINO LAND SURVEYORS, INC.**

31 LEDGEBROOK AVE.  
 STOUGHTON, MASSACHUSETTS 02072  
 PHONE/FAX: (781) 344-4550

Existing Setbacks shown in BLACK  
 Proposed Setbacks shown in RED

(res.  
 CCP #7058E)



ADDITION PLAN  
 No. 46 SUMMIT RD.  
 WELLESLEY, MASS.  
 Scale: 1 in = 20 ft  
 June 10, 2013  
 (zoning district  
 SR 100)

Existing lot Coverage = 10%  
 Proposed lot Coverage = 11%

Existing Maximum Floor Coverage = 1262 sq ft  
 Proposed Maximum Floor Coverage = 1392 sq ft



*[Handwritten signature]*

SUMMIT ROAD