



ZONING BOARD OF APPEALS

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

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ZBA 2013-61
 Petition of Grace & Michael Dooley
 27 Manor Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 12, 2013, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of GRACE & MICHAEL DOOLEY 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 three-season screened porch over an existing nonconforming deck with less than required setbacks, in a 10,000 square foot Single Residence District, in a Water Supply Protection District, at 27 MANOR AVENUE, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On August 26, 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 Kara Kressy, Architect, representing Grace and Michael Dooley, (the "Petitioner").

Ms. Kressy said that the existing deck is nonconforming. She said that the rear yard abuts the neighbor's side yard. She said that the setback there is 20 feet instead of 10 feet. She said that the homeowners would like to build a three-season screened porch over most of the deck.

The Board said that this property was before the Board in 1978 to finish off the left side of the house. The Board said that the plot plan that was submitted in 1978 showed a distance from the addition to the side lot line of 16.25 feet. The Board said that the new plot plan shows a distance of 21.3 ft from the side of the house to the side lot line.

Ms. Kressy said that the 1978 addition was at the front of the house. She said that it does not exist. She said that it was shifted back. She said that there is a chimney shown on the current plot plan. She said that the side piece is now enclosed as a dining room. She said that the house is angled to the side lot line. She said that it appears that the addition was not built as shown on the 1978 plot plan.

The Board said that, according to the plot plan, they were proposing to put a 12 foot wide addition on the house. The Board said that the house was 34.1 feet long, which would have given 46 feet. The Board said that the current plot plan shows the front of the house at 34.2 feet. The Board said that the addition was not put on the front of the house. The Board said that something else was built other than what was authorized.

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 WELLESLEY MA 02482

Ms. Kressy said that the left front chimney bump out and second floor bedroom are existing. She said that what was built appears to be smaller than what was approved.

Ms. Kressy said that the homeowners are semi-retired. She said that they would like to be able to enjoy their backyard more. She said that they would like to put a three season screened porch over the pre-existing nonconforming deck. She said that the issue is that their rear yard setback is actually a side yard setback. She said that the deck is 12.1 feet from one corner and 14.2 feet from the other corner to the lot line. She said that they need 20 feet.

Ms. Kressy said that the plans were shown to the neighbors.

The Board said that the deck is quite a ways off of the ground, which will make the addition a little more impactful than it might be otherwise.

The Board said that Plan A-4, Proposed Roof Plan shows the doorway of the new screened porch. The Board said that the roof edge is shown as dog legging back towards the door to avoid an existing window. The Board said that on Plan A-5 the fascia board is shown as going straight across. The Board said that, in fact, the fascia board would climb up the roof a little ways and then go horizontally. The Board said that Plan A-5 is not correct.

The Board said that there appears to be a separation between the screened portion and the new cedar shingles shown on Plan A-6. The Board said that the sill line probably needs to be a lot heavier than what is shown. Ms. Kressy said that she showed a railing in there. She said that the openings may change because the homeowners would like to go with a kit of parts where you can raise and lower the panels. She said that it will be a manufactured product. She said that aspect has not been entirely worked out. She said that they do want low walls. She said that the size of the openings may change depending on the system that they use. She said that the homeowners do not want to remove glass panels.

The Board said that there may be a problem when the Building Inspector looks at the approved plans. Ms. Kressy said that this is the openings. She said that the spacing will not change. She said that the railing height maybe higher by a couple of inches.

Harold Olsen, 26 Woodfield Road, said that he lives about two houses away. He asked about the height of the existing deck from the ground and how high the screened porch will be. He said that a deck is a two-dimensional object and a screened porch is a three-dimensional object that has bulk to it. He said that his neighbors put in a screened in porch when they built an addition to their house. He said that it is conforming. He said that the low picket fence used to screen them effectively when they sat in their backyards. He said that once they put in the screened in porch, it was not quite as effective in blocking that out. He said that now there is a bigger thing sitting there further off of the ground.

Mr. Olsen said that the proposed porch will be three- season. He asked if it will be insulated for sound. He said that a screened in porch allows you to use the backyard more. He said that you generate more noise and activity for the abutters. He said that he raised his fence from four feet to seven feet to get some separation. He said that a seven fence does not block the noise to the second floor bedroom.

Mr. Olsen said that his house is located across the street and a lot away.

Ms. Kressy said that the height of the porch will be 18 feet to average grade. She said that the existing deck is 7 feet above grade. She said that the height will be increased 11 feet. She said that the porch will not be insulated.

The Board said that the screened porch will not be visible to Mr. Olsen's house.

The Board said that there was a negative determination from the Wetlands Protection Committee because the property is adjacent to Bogle Brook. The Board said that the back yard is lower than all of the other topography around it. The Board asked if it currently ponds. Ms. Kressy said that it does get wet. The Board said that the existing deck will run water through it in a rainstorm. The Board said that with a roof over it, the porch will have 100 percent runoff, with water coming more quickly. Ms. Kressy said that they can put gutters on to direct the runoff. She said that a drywell would not work there.

The Board said that there is an air conditioning unit shown on Plan A6. Ms. Kressy said that the unit is existing.

Statement of Facts

The subject property is located at 27 Manor Avenue, in a 10,000 square foot Single Residence District, in a Water Supply Protection District, with a minimum side yard setback of 12.1 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 three-season screened porch over an existing nonconforming deck with less than required setbacks shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 7/24/13, stamped by Joseph March, Professional Land Surveyor, Existing Floor Plans and Elevations Drawings, dated 6/5/13 Proposed Floor Plans and Elevations Drawings, dated 6/5/13 & 7/30/13, prepared by Designturn, and photographs were submitted.

On September 10, 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 three-season screened porch over an existing nonconforming deck with less than required setbacks is increasing a nonconformity, such increase shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of a three-season screened porch over an existing nonconforming deck with less than required 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.

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INSPECTOR'S OFFICE
GRACE & MICHAEL DOOLEY MA 02482

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TOWN'S OFFICE
MIDDLEBURY MA 02482

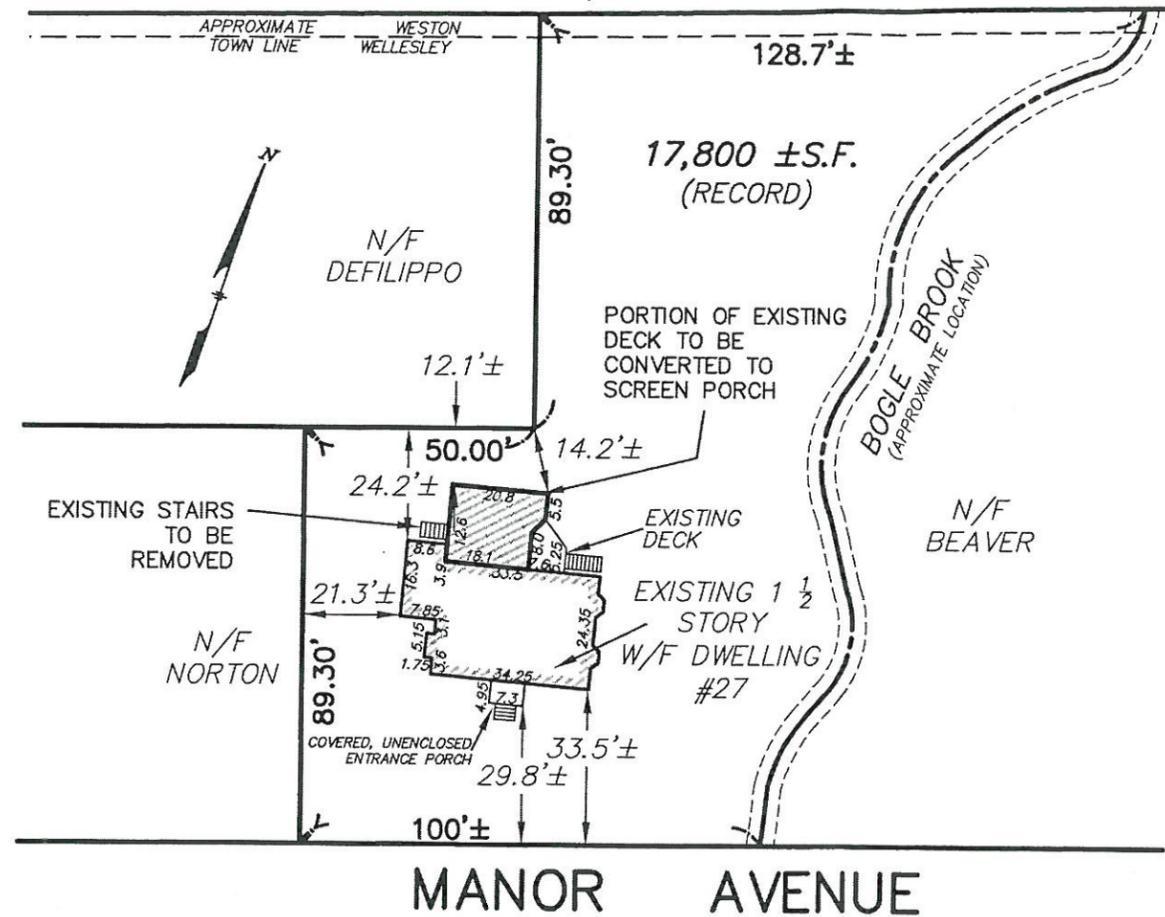
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.


Richard L. Seegel, Chairman


David G. Sheffield


Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm



ZONING DISTRICT

SINGLE RESIDENCE 10
 MIN. AREA=10,000 S.F.
 FRONT YARD SETBACK=30'
 SIDE YARD SETBACK=20'
 REAR YARD SETBACK=10'

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BUILDING FOOTPRINT TOTAL SQUARE
 FOOTAGE = 1,386 S.F.± (2,500 S.F. MAX.)
 1,386 S.F./17,800 S.F. = 7.8% (20% MAX.)

PLOT PLAN
 IN
WELLESLEY, MASSACHUSETTS
 (MIDDLESEX COUNTY)

FOR: DOOLEY
 SCALE: 1"=40' JULY 24, 2013

STAMSKI AND McNARY, INC.
 1000 MAIN STREET ACTON, MASSACHUSETTS
 ENGINEERING - PLANNING - SURVEYING

0 20 40 80 120 160 FT

(5046.PPLPORCH ZBA.dwg) 27 Manor Avenue SM-5046

THE EXISTING DWELLING AND THE PROPOSED PORCH ON THIS
 PROPERTY ARE LOCATED AS SHOWN.

7/25/13 *Joseph March*
 DATE REGISTERED PROFESSIONAL LAND SURVEYOR

