



## ZONING BOARD OF APPEALS

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

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ZBA 2013-64

Petition of Bruce & Maureen Franco  
 6 Wellesley 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 BRUCE & MAUREEN FRANCO requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing deck and second story balcony and construction of a one-story addition and a smaller second story balcony that will meet all setback requirements, on an existing nonconforming structure with less than required front yard, and right side yard setbacks, in a General Residence District, at 6 WELLESLEY 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 were Ray Wiese, Builder, and Bruce and Maureen Franco, (the "Petitioner").

Mr. Wiese said that it is a nonconforming lot with nonconforming front and side yard setbacks. He said that the pre-existing lot coverage is nonconforming at 27 percent. He said that the proposal is to reduce the nonconformity and replace the deck with a small dinette area.

The Board asked if the deck was built with a permit. Mr. Wiese said that it was. He said that there was a flood in the Building Department that destroyed a lot of the plans. He said that he has been building in town for a long time. He said that when they used to get "as-built" plans, they did not include the decks until the end of the 1990's. He said that upon review of the deck construction and the addition that was put on, the sliding door that goes out to it has etching on it that dates back to the same time as the addition. He said that it is a cedar deck. He said that you can put your finger through the deck in a number of places. He said that all of the indications are that the deck and the addition were all done at the same time in 1984.

The Board said that, aside from lot coverage, the proposed construction appears to be conforming in all other ways. The Board said that it was troubled by the fact that a house this large needs to be built out further to provide additional space rather than reconfiguring the existing space.

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 TOWN'S OFFICE  
 WELLESLEY MA 02482

Mr. Franco said that it is a large house. He said that most of the room is on the third floor. He said that there is no place to put a kitchen table. He said that right now they have a table butted up against the wall. He said that they have two children and they can only fit three people at the table.

The Board said that the new dinette will also be tight with the door the way that it is. Mr. Wiese said that it will all be built in. He said that it will be a banquette. He said that the desire around the design was to keep it petite because the homeowners recognize that there is a lot of house and it is just a matter of having a casual dining area not a formal dining room. He said that today, families use the kitchen/family room portion of their homes more. He said that they did their best to keep the coverage as minimal as possible and to show the Board the desire to reduce the lot coverage where they could.

Mr. Franco said that they purchased the house about three years ago. He said that they went to two open houses and they were the only ones there. He said that it was obvious that there is a problem in that there is no place to put a kitchen table. He said that it was their understanding that, because the deck was there, they would be able to reasonably expect to be able to put a kitchen table there.

The Board said that there is a 16 foot by 32 foot space when the kitchen and the family room are combined.

A Board member said that he liked the proposed addition. He said that the existing façade is uninteresting.

The Board said that the property has a history of enforcement actions. Mr. Franco said that they got rid of the parking spaces. He said that if the Board approves the proposed changes, it will be worth the investment to re-side the whole house and add architectural features to make it look like the addition is more consistent with general design of the house.

The Board said that the addition does enhance the house. The Board said that the addition will result in reduction of excess lot coverage.

A Board member said that he was concerned about the history of the deck and whether it had ever been approved. Ms. Franco said that there is an existing patio space where they spend their time outside. She said that the deck is so old that they do not use it other than to walk down to the patio space. She said that it is a wasted space.

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 6 Wellesley Avenue, in a General Residence District, with a minimum front yard setback of 21 feet and a minimum right side yard setback of 14.4 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing deck and second story balcony and construction of a one-story addition and a smaller second story balcony that will meet all setback requirements, on an existing nonconforming structure with less than required front yard, and right side

yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 8/13/13, stamped by Bruce Bradford, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevations Drawings, dated 7/22/13, prepared by The Wiese Company, 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 demolition of an existing deck and second story balcony and construction of a one-story addition and a smaller second story balcony that will meet all setback requirements, 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 second story balcony and construction of a one-story addition and a smaller second story balcony 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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INSPECTOR'S OFFICE  
WELLESLEY MA 02482

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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



Walter B. Adams

cc: Planning Board  
Inspector of Buildings  
lrm

EVERETT M. BROOKS CO. SURVEYORS & ENGINEERS  
WELLESLEY MA 02482

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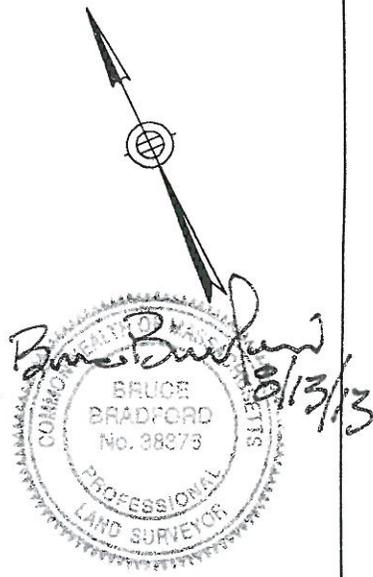
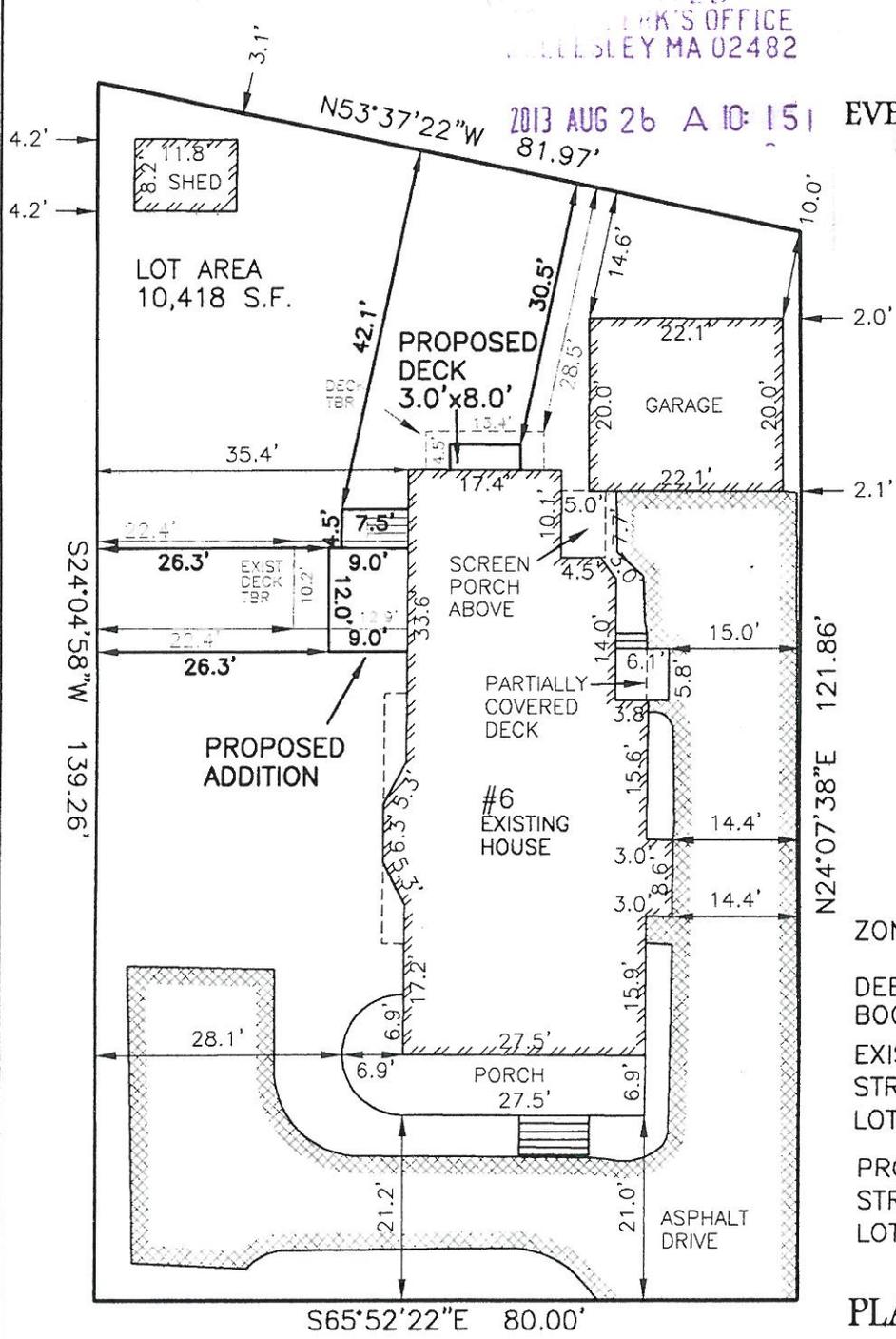


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ZONING DISTRICT: SRD-10

DEED REFERENCE:  
BOOK 28217 PAGE 63

EXISTING  
STRUCTURES: 2,830 S.F.  
LOT COVERAGE: 27%

PROPOSED  
STRUCTURES: 2,770 S.F.  
LOT COVERAGE: 26.6%

# WELLESLEY AVENUE

## PLAN OF LAND IN WELLESLEY, MA

6 WELLESLEY AVENUE  
PROPOSED ADDITIONS

PREPARED FOR:  
BRUCE FRANCO

SCALE: 1 IN. = 20 FT.  
DATE: AUGUST 13, 2013

PROJECT NO. 24196