



ZONING BOARD OF APPEALS

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

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ZBA 2013-66
 Petition of Carol Boudreau
 31 Brook Street

2013 SEP 24 A 10:07
 TOWN'S OFFICE
 WELLESLEY MA 02482

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 CAROL BOUDREAU requesting modification of a Variance (ZBA 73-51) and a Special Permit/Finding pursuant to the provisions of Section XVII, Section XIX, Section XXIV-D and Section XXV of the Zoning Bylaw that construction of a second story addition that will meet all setback requirements on an existing nonconforming structure with less than required front yard and side yard setbacks, on a corner lot in a 10,000 square foot Single Residence District, at 31 BROOK STREET, 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 David Himmelberger, Esq. and Christopher Hall, Architect, representing Carol Boudreau, (the "Petitioner").

Mr. Himmelberger said that it was his understanding that the Board typically visits properties prior to the Public Hearing. He said that there may have been a concern about work that was ongoing while the Special Permit was being applied for. He said that the owners bought the house and sold their house sooner than anticipated. He said that they have been living in a hotel with their children. He said that, in trying to expedite the project, Mr. Hall asked the Building Inspector if the project could be phased to do work that would be permissible under Bjorklund versus Norwell, with the understanding that they would be coming back for the Special Permit. He said that the ongoing work is under the first Building Permit.

Mr. Himmelberger said that the request before the Board is for a Special Permit for a second floor addition that will be wholly within the existing footprint. He said that there is a Variance in existence for the garage. He said that the side yard setback on the current plot plan is different from the plot plan that was submitted for the Variance. He said that the front yard setback is nonconforming.

The Board said that the proposal is to build over the garage. The Board said that this would be an amendment to the Variance and it would accept the Variance analysis that was made when it was granted in 1973. The Board said that it is bound by the previous Board's findings.

Mr. Himmelberger said that one of the concerns was the massing of the proposed project. He said that Mr. Hall prepared a scaled back version of the plans. The Board said that a concern is that there is a small house across the street and the proposal is to build up the side of this house substantially.

Mr. Hall submitted Alternate Proposed Second Floor Plan A1.2, Alternate Proposed South Elevation A2.2, Alternate Proposed West Elevation A2.1 and Alternate Proposed North Elevation A2.0.

Mr. Hall said that his client asked him to add onto the second floor with a master bedroom suite. He said that he was concerned about the way the existing garage looks. He said that adding the master bedroom suite over the garage creates a tall gable that runs the width of the garage. He said that he discussed with his clients moving the master bedroom to the main part of the house. He said that they moved another bedroom upstairs and will now use the space over the garage for a study. He said that the study is pushed back 3 feet from the originally proposed plan on the front and the side. He said that putting the study there also helped to mitigate the peninsula feeling of the garage by having a more proportional gable with curved shingle brackets. He said that the proposal now is to take the roof off of the existing garage and replace it with a hip and a balcony form that is consistent on the first floor while, on the west elevation, allowing to complete the shape of a new hip. He said that the new roof will be 4.5 feet lower in height.

The Board said that the Alternate Plans are an improvement over the originally submitted plans.

Mr. Hall said that the original addition that was proposed was 396 square feet and the alternate addition that is proposed is 293 square feet.

Mr. Himmelberger said that the photographs that were submitted in conjunction with the first submittal do not do justice to the screening that exists on the driveway. He said that it is very extensive and tall hemlocks that buffer between. He said that 7 Hampden Street actually sits to the rear of this building. Mr. Hall said that the neighbors at 7 Hampden Street were present at the hearing but had to leave due to the late hour of the hearing. He said that he had a letter of support.

Mr. Hall said that a landscape architect was hired. He said that the homeowners want to do vegetative screening instead of a fence for privacy for a patio on the side that is currently wide open to Brook Street. He said that the homeowners are interested in having a nice indigenous plant design for screening.

Mr. Himmelberger said that the footprint is the same for the original and the Alternate Plans. He said that the plot plan remains the same.

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 31 Brook Street, on a corner lot in a 10,000 square foot Single Residence District, with a minimum front yard setback of 23.8 feet and a minimum side yard setback of 16.7 feet.

The Petitioner is requesting modification of a Variance (ZBA 73-51) and a Special Permit/Finding pursuant to the provisions of Section XVII, Section XIX, Section XXIV-D and Section XXV of the

2013 SEP 24 A 10:07
CLERK'S OFFICE
ALEYMA 02482

Zoning Bylaw that construction of a second story addition that will meet all setback requirements on an existing nonconforming structure with less than required front yard and side yard setbacks, on a corner lot in a 10,000 square foot Single Residence District, at 31 BROOK STREET, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 8/19/13, stamped by Kevin Danahy, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevations Drawings, dated 8/15/13, Alternate Proposed Second Floor Plan A1.2, Alternate Proposed South Elevation A2.2, Alternate Proposed West Elevation A2.1, & Alternate Proposed North Elevation A2.0, dated 9/12/13, prepared by Christopher Hall, Architect, and photographs were submitted.

On September 10, 2013, the Planning Board reviewed the petition and recommended the modification of the Variance and a 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, to the extent this Special Permit is modifying an existing Variance that it will be deemed a modification of an existing Variance as well as a Special Permit.

It is the opinion of this Authority that construction of a second story addition that will meet all setback requirements on an existing nonconforming structure with less than required front yard and 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 construction of a second story addition that will meet all setback requirements on an existing nonconforming structure with less than required front yard and side yard setbacks, in accordance with the plot plan and the 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 SEP 24 A 10:07
INSPECTOR'S OFFICE
CITY OF MA 02482

ZBA 2013-66
Petition of Carol Boudreau
31 Brook Street

2013 SEP 24 A 10:08
TOWN'S OFFICE
SHELLEY 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

