



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
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ROBERT W. LEVY
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ZBA 2013-72
 Petition of Jean Walsh
 64 Oak Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 10, 2013, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of JEAN WALSH requesting modification of a Variance 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 with less than required left side yard and right side yard setbacks, construction of a one-story addition, construction of a two-story addition, construction of a 50 square foot deck and construction of a new front entry that will meet setback requirements, on an existing nonconforming structure, at 64 OAK STREET, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On September 25, 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 John Churchill, Professional Land Surveyor and Professional Engineer and Jean Walsh (the "Petitioner").

Mr. Churchill said that the lot is just over 13,000 square feet. He said that it is located in a 10,000 square foot Single Residence District. He said that there is an existing one-story dwelling with an attached garage. He said that the footprint of the existing structure is 1,355 square feet with lot coverage of 9.8%. He said that the existing left side yard setback is 14.6 feet. He said that the existing right side yard setback is 19.4 feet.

Mr. Churchill said that the proposal is for a 472 square foot addition on the front corner of the property where they will maintain the 20 foot side yard setback. He said that they are proposing a 482 square foot addition at the rear. He said that the 20 foot side yard setback will be maintained. He said that the addition at the front includes expansion to a two-car garage with a greater than 30 foot front yard setback. He said that lot coverage will be 17.4 %. He said that also proposed is a 1,708 square foot second story addition.

Mr. Churchill said that the proposed expansion will not increase any nonconformities. He said that the properties and the lots in the neighborhood are similar in size. He said that the lot behind is fairly level with this lot. He said that the lot across the street is slightly higher. He said that the lot at the north is approximately eight feet higher than this property. He said that this property with the proposed second floor addition will be in harmony with the adjacent properties and the house across the street.

2013 OCT 24 A 11:41
 TOWN'S OFFICE
 WELLESLEY MA 02482

Mr. Churchill said that 66 Oak Street was reconstructed in 2006. He said that 56 and 58 Oak Street were reconstructed in 2004. He said that 67 Oak Street is currently under construction. He said that this is an up and coming neighborhood.

Mr. Churchill said that Ms. Walsh came before the Board in 2010. He said that she since realized that the cost benefits of the approved additions were not really what she wanted. He said that they believe that the newly proposed additions will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

The Board said that it was concerned about the long façades without any breaks, particularly on the left elevation. The Board said that the right elevation does have some break to it.

Mr. Churchill submitted TLAG calculations.

The Board said that although the proposed additions are large, the proposed house will be smaller than the adjacent houses and the house across the street.

Mr. Churchill said that the family room at the rear is a single story, not a two-story. He said that one of the design challenges was that the existing single car garage cannot be used.

Mr. Churchill said that the plan is to spruce up the plans with transoms and a half moon window. He said that they will break up the side façade with windows. The Board said that it was concerned about the scale of the sides of the house. The Board said that computer aided drawings do not always show all of the lines. The Board encouraged Mr. Churchill to put more texture and interest on the exterior façade.

Mr. Churchill said that Ms. Walsh was trying to beat the season by getting a foundation in the ground. He said that they rushed to do the plans. He said that the intent was to make it not more detrimental to the neighborhood. He said that the dressing up will take its shape. The Board said that it has a running discussion with the Building Inspector regarding changes to elevations and plans. The Board said that the Building Inspector does not like to see changes to approved plans unless the Board has a discussion with him.

The Board questioned whether it would need to see the revised plans. The Board said that it would need to see the changes if they involved a fundamental of the decision. Mr. Churchill said that probably the only thing that will change will be the double mullion and the half moon window. He said that the trim lines will be a little thicker and project out a foot or so whereas the submitted plans show trim boards.

The Board said that the Building Inspector will ask the Board if those changes would be considered di minimis or not. The Board said that the Petitioner may have to come back before the Board for modifications unless the Board determines that the changes are minor and do not require a public hearing.

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 64 Oak Street, in a 10,000 square foot Single Residence District, with a minimum left side yard setback of 14.6 feet and a minimum right side yard setback of 19.4 feet.

The Petitioner is requesting modification of a Variance 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 with less than required left side yard and right side yard setbacks, construction of a one-story addition, construction of a two-story addition, construction of a 50 square foot deck and construction of a new front entry that will meet setback requirements, on an existing nonconforming structure, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 3/10/10, revised 8/15/13, stamped by John L. Churchill, Jr., Professional Land Surveyor, Existing Floor Plans and Elevation Drawings, dated 3/10/10, prepared by Lineal Inc. Architects, Proposed Floor Plans and Elevation Drawings, dated 8/15/13, prepared by JC Engineering, and photographs were submitted.

On October 8, 2013, the Planning Board reviewed the petition and recommended that modification of the Variance and a Special Permit/Finding 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, 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 although construction of a second story addition with less than required left side yard and right side yard setbacks, construction of a one-story addition, construction of a two-story addition, construction of a 50 square foot deck and construction of a new front entry that will meet setback requirements, on an existing nonconforming structure 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 with less than required left side yard and right side yard setbacks, construction of a one-story addition, construction of a two-story addition, construction of a 50 square foot deck and construction of a new front entry that will meet setback requirements, in accordance with the submitted plot plan and construction drawings.

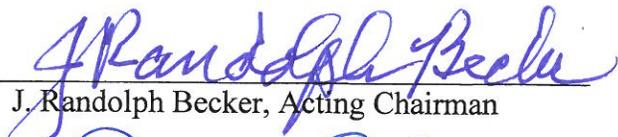
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed constructions plans.

If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

ZBA 2013-72
Petition of Jean Walsh
64 Oak Street

2013 OCT 24 A 11:47
TOWN'S OFFICE
MIDDLEBURY MA 02482

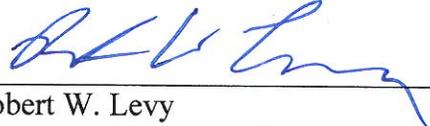
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



J. Randolph Becker, Acting Chairman



David G. Sheffield



Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm

ZONING DISTRICT: SINGLE RESIDENCE 10
 MIN. FRONTAGE: 60 FT.
 MIN. FRONT YARD WIDTH: 60 FT.
 MIN. FRONT YARD DEPTH: 30 FT.
 MIN. SIDE YARD WIDTH: 20 FT.
 MIN. REAR YARD DEPTH: 10 FT.

OWNER OF RECORD: KEVIN P. WALSH
 JEAN MARIE WALSH
 64 OAK STREET
 WELLESLEY, MA 02482

A REVIEW OF FLOOD INSURANCE RATE MAP COMMUNITY
 PANEL NUMBER 25021C 0016 E DATED 7/17/2012 HAS
 BEEN CONDUCTED AND TO THE BEST OF MY INTERPRETATION,
 THIS DWELLING IS IN FLOOD ZONE X AND IS NOT
 LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE.

PRIOR ZONING BOARD DECISIONS:
 APPLICANT FILE #
 RAYMOND VILLA 55-64
 JEAN WALSH 2010-26

LOCUS: ASSESSOR'S MAP 135, LOT 50

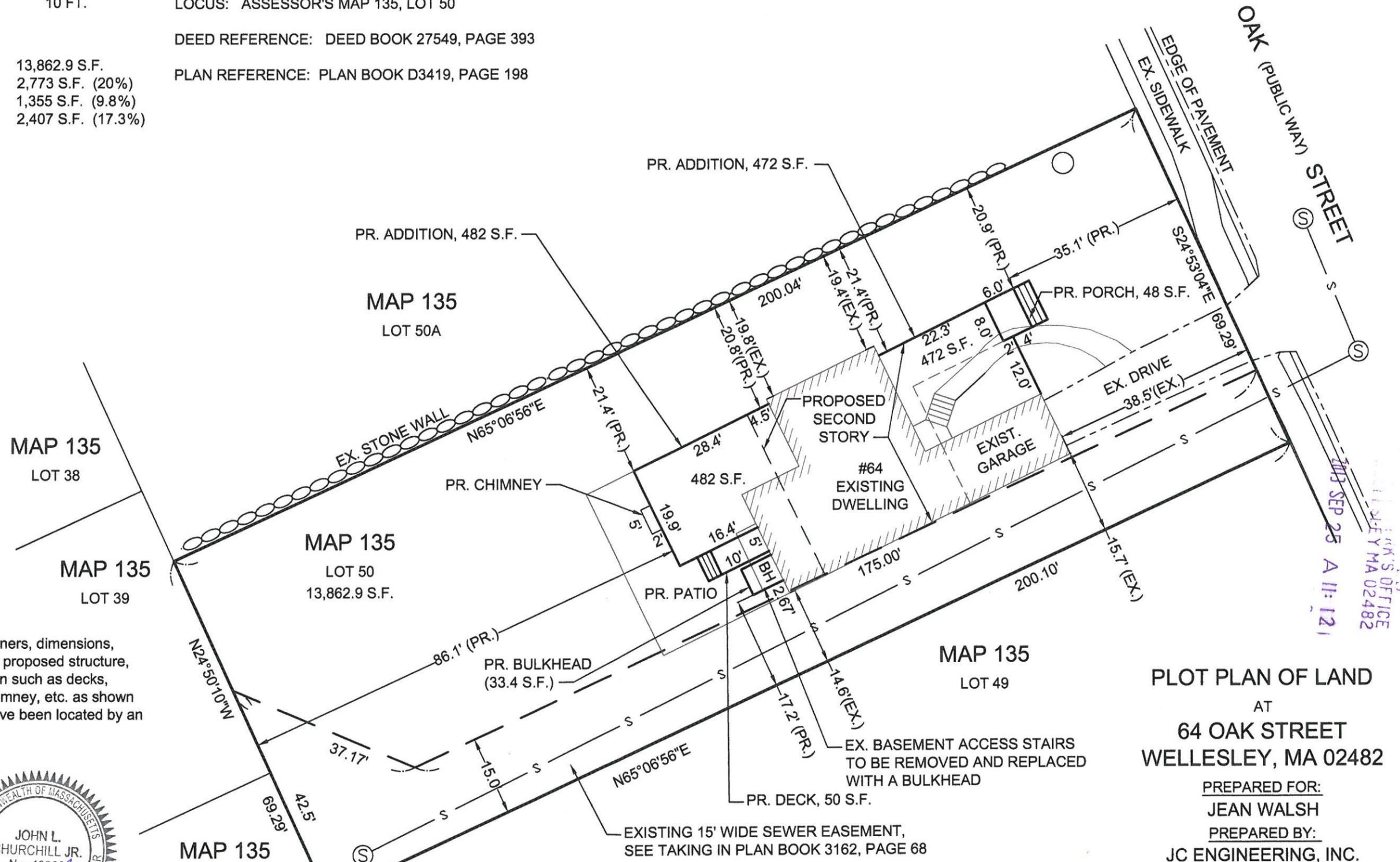
DEED REFERENCE: DEED BOOK 27549, PAGE 393

PLAN REFERENCE: PLAN BOOK D3419, PAGE 198

AREA CALCULATIONS

LOT AREA: 13,862.9 S.F.
 MAX. LOT COVERAGE: 2,773 S.F. (20%)
 EX. LOT COVERAGE: 1,355 S.F. (9.8%)
 PR. LOT COVERAGE: 2,407 S.F. (17.3%)

PL. BK. D3419, PG. 198



RECEIVED
 SEP 25 AM 11:12
 ENGINEER'S OFFICE
 WELLESLEY MA 02482

I hereby certify that the lot corners, dimensions, elevations and setbacks to the proposed structure, including any outside protrusion such as decks, steps, bulkhead, overhang, chimney, etc. as shown on this plan are correct and have been located by an instrument survey.



8/15/13
 Date Professional Land Surveyor

PLOT PLAN OF LAND
 AT
64 OAK STREET
WELLESLEY, MA 02482

PREPARED FOR:
JEAN WALSH
 PREPARED BY:
JC ENGINEERING, INC.
 2854 CRANBERRY HIGHWAY
 EAST WAREHAM, MA 02538
 SCALE: 1" = 20' MARCH 10, 2010
 REV. 1 AUGUST 15, 2013

THE PURPOSE OF THIS PLAN IS TO
 PROPOSE A REVISION TO THE SPECIAL
 PERMIT GRANTED TO THE APPLICANT IN
 2010 (FILE # 2010-26).



ZONING BOARD OF APPEALS

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

RICHARD L. SEEGL, CHAIRMAN
J. RANDOLPH BECKER, VICE CHAIRMAN
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LENORE R. MAHONEY
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web: www.wellesleyma.gov

ROBERT W. LEVY
WALTER B. ADAMS
DEREK B. REDGATE

ZBA 2013-72 - Modified
Petition of Kevin & Jean Walsh
64 Oak Street

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
APR 16 P 12:06

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 3, 2014, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of KEVIN & JEAN WALSH requesting modification of Special Permit, ZBA 2013-72, that was granted on October 24, 2013, that modified Variance, ZBA 55-63, pursuant to the provisions of Section XVII, Section XIX, Section XXIV-D and Section XXV of the Zoning Bylaw, to relocate the stoop and stairs and increase their size from 50 to 60 square feet and relocate the fireplace overhang, that shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On March 17, 2014, 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 John Churchill, JC Engineering, Jean Walsh, (the "Petitioner") and Tim Bronk, Contractor.

Mr. Churchill said that the request is to modify an existing special permit that was granted in October of 2013. He said that it is a pre-existing nonconforming structure. He said that the Board had concluded that the additions would not intensify existing nonconformities.

Mr. Churchill said that the proposal is to modify the special permit to relocate a fireplace and a sliding glass door on the rear of the building. He said that the step and deck are now shown on the elevation drawing where the fireplace was to be located. He said that the fireplace was moved to the left elevation where the slider and deck had been shown. He said that the deck at the rear will increased from 50 square feet to 60 square feet.

The Board said that the Planning Board withheld a recommendation because they had recommended that the petition be denied in 2013.

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 64 Oak Street, in a 10,000 square foot Single Residence District, with a minimum left side yard setback of 14.6 feet and a minimum right side yard setback of 19.4 feet.

The Petitioner is requesting modification of Special Permit, ZBA 2013-72, that was granted on October 24, 2013, that modified Variance, ZBA 55-63, pursuant to the provisions of Section XVII, Section XIX, Section XXIV-D and Section XXV of the Zoning Bylaw, to relocate the stoop and stairs and increase their size from 50 to 60 square feet and relocate the fireplace overhang, that shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 3/10/10, revised 8/15/13 & 2/25/14, stamped by John L. Churchill, Jr., Professional Land Surveyor, Proposed Floor Plans and Elevation Drawings, dated 2/25/14, prepared by JC Engineering, Inc., and photographs were submitted.

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 modification of Special Permit, ZBA 2013-72, that was granted on October 24, 2013, that modified Variance, ZBA 55-63, pursuant to the provisions of Section XVII, Section XIX, Section XXIV-D and Section XXV of the Zoning Bylaw, to relocate the stoop and stairs and increase their size from 50 to 60 square feet and relocate the fireplace overhang 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 modification of Special Permit, ZBA 2013-72, that was granted on October 24, 2013, that modified Variance, ZBA 55-63, pursuant to the provisions of Section XVII, Section XIX, Section XXIV-D and Section XXV of the Zoning Bylaw, to relocate the stoop and stairs and increase their size from 50 to 60 square feet and relocate the fireplace overhang, 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.

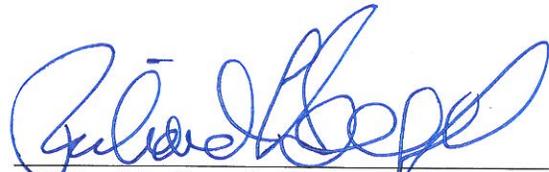
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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OWN CLERK'S OFFICE
WELLESLEY MA 02482
2014 APR 16 P 12:06

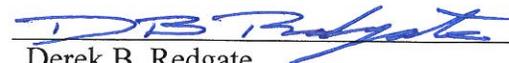
ZBA 2013-72 - Modified
Petition of Jean Walsh
64 Oak Street

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2014 APR 16 P 12:06

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


Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm

ZONING DISTRICT: SINGLE RESIDENCE 10
 MIN. FRONTAGE: 60 FT.
 MIN. FRONT YARD WIDTH: 60 FT.
 MIN. FRONT YARD DEPTH: 30 FT.
 MIN. SIDE YARD WIDTH: 20 FT.
 MIN. REAR YARD DEPTH: 10 FT.

OWNER OF RECORD: KEVIN P. WALSH
 JEAN MARIE WALSH
 64 OAK STREET
 WELLESLEY, MA 02482

A REVIEW OF FLOOD INSURANCE RATE MAP COMMUNITY
 PANEL NUMBER 25021C 0016 E DATED 7/17/2012 HAS
 BEEN CONDUCTED AND TO THE BEST OF MY INTERPRETATION,
 THIS DWELLING IS IN FLOOD ZONE X AND IS NOT
 LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE.

PRIOR ZONING BOARD DECISIONS:
 APPLICANT FILE #
 RAYMOND VILLA 55-64
 JEAN WALSH 2010-26
 JEAN WALSH 2013-72

AREA CALCULATIONS

LOT AREA: 13,863 S.F.
 MAX. LOT COVERAGE: 2,773 S.F. (20%)
 EX. LOT COVERAGE: 1,355 S.F. (9.8%)
 PR. LOT COVERAGE: 2,417 S.F. (17.4%)

LOCUS: ASSESSOR'S MAP 135, LOT 50

DEED REFERENCE: DEED BOOK 27549, PAGE 393

PLAN REFERENCE: PLAN BOOK D3419, PAGE 198

THE PURPOSE OF THIS PLAN IS TO
 PROPOSE A REVISION TO THE SPECIAL
 PERMIT GRANTED TO THE APPLICANT IN
 2013 (FILE # 2013-72). **THE PROPOSED
 CHANGES ARE SHOWN IN RED AND
 INCLUDE RELOCATING THE REAR DECK
 AND FIREPLACE OVERHANG.**

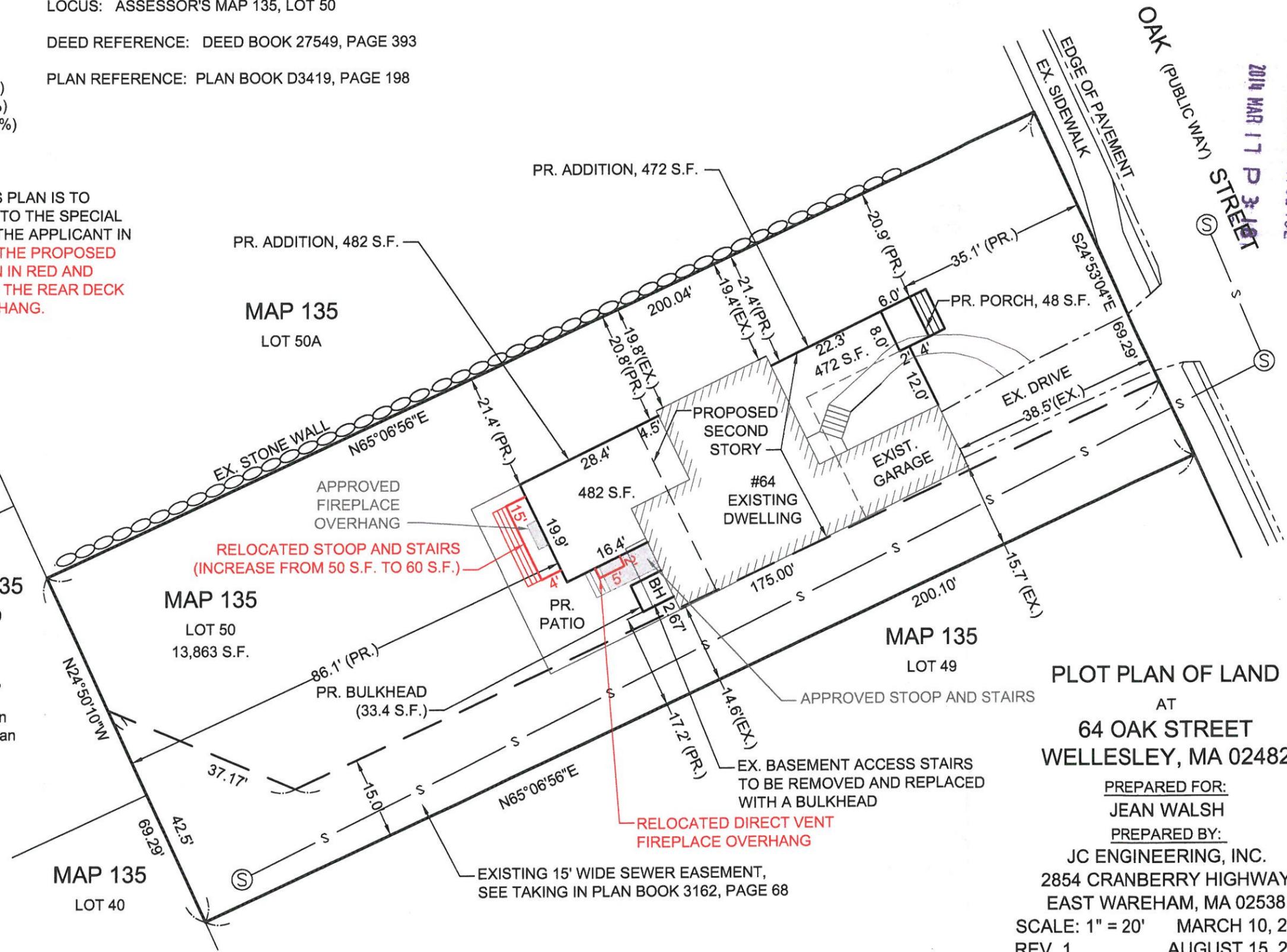
PL. BK. D3419, PG. 198

I hereby certify that the lot corners, dimensions,
 elevations and setbacks to the proposed structure,
 including any outside protrusion such as decks,
 steps, bulkhead, overhang, chimney, etc. as shown
 on this plan are correct and have been located by an
 instrument survey.



2/25/14
 Date

Professional Land Surveyor



PLOT PLAN OF LAND
 AT
 64 OAK STREET
 WELLESLEY, MA 02482

PREPARED FOR:
 JEAN WALSH
 PREPARED BY:
 JC ENGINEERING, INC.
 2854 CRANBERRY HIGHWAY
 EAST WAREHAM, MA 02538
 SCALE: 1" = 20' MARCH 10, 2010
 REV. 1 AUGUST 15, 2013
 REV. 2 FEBRUARY 25, 2014

RECEIVED
 TOWN CLERK'S OFFICE
 WELLESLEY MA 02482
 2014 MAR 17 P 3:10