



ZONING BOARD OF APPEALS

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

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ZBA 2013-09
 Petition of Richard & Rose Lee Askin
 14 Donizetti Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 7, 2013, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of RICHARD & ROSE LEE ASKIN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 7 foot 6 inch by 23 foot 3 inch two-story addition, construction of a 16 foot by 24 foot 9 inch one-story addition, and construction of a 3 foot 1 inch by 3 foot 9 inch side entrance extension, that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard setbacks, and construction of a 25.5 foot by 34 foot one-story addition that will meet all setback requirements on an existing nonconforming garage with less than required left side yard setbacks, in a 10,000 square foot Single Residence District, at 14 DONIZETTI STREET, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On January 23, 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 Richard Askin and Rose Lee Askin (the "Petitioner").

Mr. Askin said that the house is quite small. He said that it is a 1936 Colonial Revival that, except for the kitchen, has been left in its period condition. He said that the renovation will address insulation and meet the Stretch Code.

Mr. Askin said that there are two structures, a house and a garage.

Mr. Askin submitted a detail of dimensions.

Mr. Askin said that the house was built in 1936. He said that the Building Department does not have a Building Permit for it. He said that a two-car detached garage was added in 1977. He said that the house is 19.5 feet from the lot line on the south side. He said that the garage is 9 feet from the lot line on the south side.

Mr. Askin said that there are two Building Permits on file, one for the garage in 1977 and one for the sunroom in 1983.

Mr. Askin said that the renovations that they would like to make would involve both structures. He said that the house would be added onto at the rear side in a one and two story condition. He said that the garage will also be expanded to become a four car garage with two of the four cars being parked in tandem.

Mr. Askin displayed on a plan (retained by proponent) a porch on the south side that is in the setback area. He said that the bylaw allows a 25 square foot landing in the setback, by right. He said that the existing landing is half that size. He said that he would like to expand it to 25 square feet. He said that the connection from the garage to the house is awkward. He said that it is a very steep driveway. He said that expansion of the landing will allow for an almost level connection from the entrance to the house to the garage.

Mr. Askin said that he made a modification to the plans that were submitted to the Board. He submitted an addendum to the plans. He said that the modification does not alter the setbacks or lot coverage. He said that it will increase the size of the second floor by 52.31 square feet. He said that he moved the second floor west wall by 2 feet 3 inches. He said that the length of the wall will be 23.25 feet. He said that he would like to put a laundry room on the second floor.

Mr. Askin said that the Addendum Package also included the new Total Living Area plus Garage (TLAG) calculations, amended to show the additional 52 square feet.

Mr. Askin submitted a list of abutters that they had notified of their plans. He said that there are 58 abutters. He said that they are directly across from the Middle School. He said that the list included five immediate abutters, three of them on Hill Top Road and one on each side of them on Donizetti Street. He said that they spoke with an abutter directly across from them on Donizetti Street who has a close by view of the house. He said that the lot is high. He said that there are retaining walls at the front of the property. He said that those neighbors would be hard pressed to see the renovations. He said that they did not detect any concern from the neighbors.

Mr. Askin said that it is a very large lot at 25,251 square feet. He said that almost all of the lot is level and high and has trees around it. He said that the benefit of building the additions close to the south lot line is that most of the lot will be open. He said that the additions will not go into the interior spaces of the lot in a significant way.

Mr. Askin said that he considered demolishing the existing garage. He said that, in order to build a garage the way that he wanted it, the doors would have to face the side lot line at 30 feet. He said that he pushed the garage into the open space. He said that the tandem idea was developed as an alternative because he did not want to go into the open space.

Mr. Askin said that he the plan is to make the pitch on the garage roof steeper. He said that the existing roof is out of character with the house. The Board said that the garage design works better and gives it better scale.

The Board asked about the space above the eaves and below the peak of the garage. Mr. Askin said that he would like to have a storage loft in the new portion of the garage. He said that he asked the Building

Inspector about TLAG. He said that it will not have a proper stair, probably more of a ship ladder. He said that he would like to have a place to put wheels, tires and storage items that are not accessed often.

Mr. Askin said that he would like to bring a hose bib to the garage from the house. He said that the garage will not be climatized. He said that he would want to have power for lighting. He said that he is a car enthusiast and would want to have water there to wash the cars. The Board said that the decision would include a condition that there shall be no indoor plumbing in the garage.

Mr. Askin discussed total TLAG for the project. He said that the existing garage, which is just shy of 600 square feet, and the unheated sunroom, do not count toward TLAG. He said that the house is small. He said that the proposed garage will count in the new TLAG with the additions. He said that the percentage increase in TLAG will be quite significant.

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 14 Donizetti Street, in a 10,000 square foot Single Residence District, with a minimum left side yard setback of 19.5 feet for the main structure and a minimum left side yard setback of 9 feet for the garage.

The Petitioner is requesting a Special Permit/Finding that construction of a 7 foot 6 inch by 23 foot 3 inch two-story addition, construction of a 16 foot by 24 foot 9 inch one-story addition, and construction of a 3 foot 1 inch by 3 foot 9 inch side entrance extension, that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard setbacks, and construction of a 25.5 foot by 34 foot one-story addition that will meet all setback requirements on an existing nonconforming garage with less than required left side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Table of Contents, Lot Coverage Calculations, Height Calculations, Dimensions of Stories, Floor and Setbacks, Section XVID Review Affidavit, Building Permit for Garage (1977), Building Permit for Sunroom (1983), Aerial View from S.E. Direction, Aerial View from S.W. Direction, Photographs, Topographic Plan of Land, dated 8/19/11, stamped by Richard Askin, Architect, Plan Showing Proposed Additions, dated 1/16/13, stamped by Paul R. Foley, Professional Land Surveyor, Detail of Property Setbacks, dated 1/1/13, Detail of Retaining Wall, dated 1/1/13, Existing Floor Plans and Elevation Drawings, dated 10/9/12, Proposed Floor Plans and Elevation Drawings, dated 1/1/13, Garage Floor Plan and Elevations Proposed, dated 1/1/13, and Garage – Existing Elevations, Roof Plan – Proposed, dated 1/1/13, stamped by Richard Askin, Architect, Zoning Check, Addendum including Revised Floor Area from Sheet A-10, Revised TLAG, 2F Plan indicating increase, 2F Plan – revised, Roof Plan, indicating increase, Roof Plan – revised, North Elevation indicating increase, North Elevation – revised, South Elevation indicating increase, South Elevation – revised, List of Abutters who were notified by the Petitioner, were submitted.

On February 6, 2013, the Planning Board reviewed the petition and recommended that the Special Permit be granted.

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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 construction of a 7 foot 6 inch by 23 foot 3 inch two-story addition, construction of a 16 foot by 24 foot 9 inch one-story addition, and construction of a 3 foot 1 inch by 3 foot 9 inch side entrance extension, that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard setbacks, and construction of a 25.5 foot by 34 foot one-story addition that will meet all setback requirements, on an existing nonconforming garage with less than required left 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 7 foot 6 inch by 23 foot 3 inch two-story addition, construction of a 16 foot by 24 foot 9 inch one-story addition, and construction of a 3 foot 1 inch by 3 foot 9 inch side entrance extension, that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard setbacks, and construction of a 25.5 foot by 34 foot one-story addition that will meet all setback requirements, on an existing nonconforming garage with less than required left side yard setbacks, subject to the condition that:

- There shall be no internal plumbing in the garage.

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.

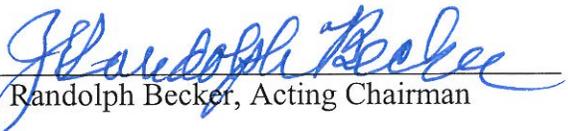
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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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


David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm



LEGEND

- SEWER MANHOLE
- GAS SHUT OFF
- UTILITY POLE
- SIGN
- UTILITY POLE W/ LIGHT
- DECIDUOUS TREE
- BOUND FOUND
- IRON PIPE
- TBM TEMPORARY BENCH MARK
- FND FOUND
- TYP TYPICAL
- DH DRILL HOLE
- SB STONE BOUND
- CB CONCRETE BOUND
- IP IRON PIPE
- ENT ENTRANCE
- BCB BIT. CONC. BERM
- CLF CHAIN LINK FENCE
- BIT. BITUMINOUS
- CONC. CONCRETE
- TS TOP OF STEPS
- BS BOTTOM OF STEPS
- TW TOP OF WALL
- BW BOTTOM OF WALL
- TC TOP OF CURB
- BC BOTTOM OF CURB
- R= RIM ELEVATION
- SQ. FT. SQUARE FEET
- LCC LAND COURT CASE
- X CHAIN LINK FENCE
- OHW OVERHEAD WIRE

130.00'(DEED)
129.78'
SB (FND)
(HELD LINE)

NOW OR FORMERLY
DAVID A. JACOBY &
JESSICA A. FIXLER
CERTIFICATE NO. 149545

LCC 988A
LOT C
ASSESSORS PARCEL ID
110-56

NOW OR FORMERLY
RICHARD K. ASKIN &
ROSE LEE ASKIN
CERTIFICATE NO. 181882

AREA = 25,257 SQ. FT.

LCC 8314B
LOT 1B
ASSESSORS PARCEL ID
110-55

NOW OR FORMERLY
NANCY G. FOSTER, TRUSTEE OF
NANCY G. FOSTER FAMILY TRUST
BOOK 22919 PAGE 281

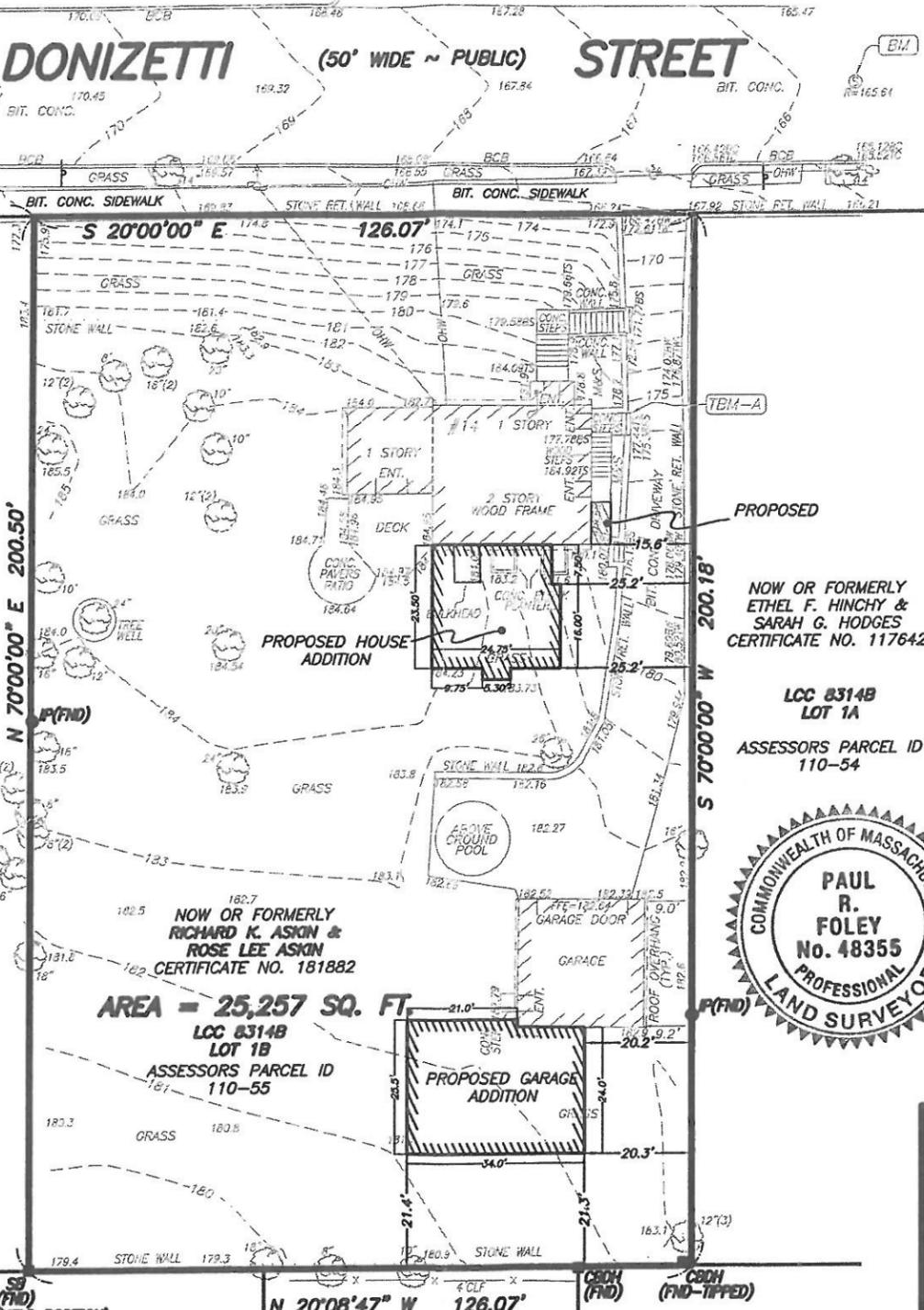
ASSESSORS PARCEL ID
110-41

NOW OR FORMERLY
MICHAEL G. SCAMPINI
BOOK 13575 PAGE 279

ASSESSORS PARCEL ID
110-42

NOW OR FORMERLY
CAROL M. HUTCHINSON
BOOK 18492 PAGE 2

ASSESSORS PARCEL ID
110-43



I CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY AND PLANS AND DEEDS OF RECORD.

Paul R. Foley
PAUL R. FOLEY, PLS (MA#48355) 1/16/2013
DATE

LOT COVERAGE

LOT AREA = 25,257

EXISTING LOT COVERAGE:
HOUSE = 1,111 S.F.
GARAGE = 584 S.F.
TOTAL = 1,695 S.F.

EXISTING LOT COVERAGE = 6.71%

PROPOSED LOT COVERAGE:
PROPOSED HOUSE ADDITION, INCL. FIREPLACE = 584 S.F.
PROPOSED GARAGE ADDITION = 854 S.F.
TOTAL = 1,438 S.F.

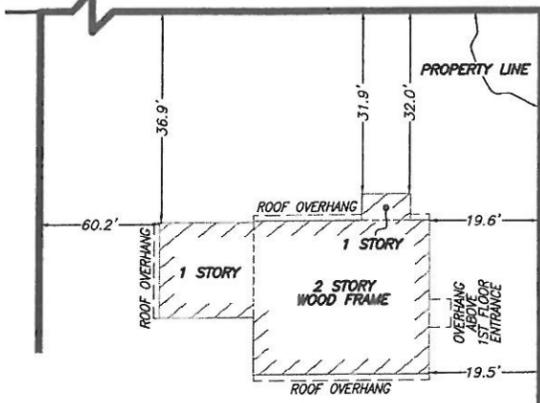
PROPOSED TOTAL LOT COVERAGE = 3,133 S.F./12.40%

MAX. ALLOWABLE LOT COVERAGE (LOT SIZE OF 20,000S.F.-40,000S.F.) = 18% OR 4,546 S.F.

NOTES:

- 1) BENCH MARK INFORMATION:
BENCH MARK USED:
BM: LOWER INVERT OF SEWER MANHOLE ON DONIZETTI STREET, APPROXIMATELY 380 FEET FROM THE SOUTHWESTERLY SIDELINE OF LINDEN STREET. ELEVATION = 157.03 (AS SHOWN HEREON)
TEMPORARY BENCH MARKS SET:
TBM-A: RIGHT OUTER CORNER OF LOWER CONCRETE STEP IN DRIVEWAY OF NO. 14 DONIZETTI STREET, AND APPROXIMATELY 38 FEET FROM THE BACK OF SIDEWALK. ELEVATION = 176.39 (AS SHOWN HEREON)
- 2) ELEVATIONS REFER TO ABOVE REFERENCED PLAN.
- 3) OFFSETS TO PROPERTY LINE ARE MEASURED FROM BUILDING FOUNDATION.
- 4) EXISTING CONDITIONS INFORMATION SHOWN HEREON (GRAY SCALE) TAKEN FROM A PLAN ENTITLED "TOPOGRAPHIC PLAN OF LAND 14 DONIZETTI STREET WELLESLEY, MASS." DATED AUGUST 19, 2011, AND PREPARED BY HARRY R. FELDMAN, INC.
- 5) PROPOSED STRUCTURE LOCATIONS PROVIDED BY THE HOMEOWNER/APPLICANT.

DONIZETTI STREET
(50' WIDE ~ PUBLIC)



BUILDING OFFSETS
SCALE 1"=20'

PLAN SHOWING PROPOSED ADDITIONS
14 DONIZETTI STREET
WELLESLEY, MASS.

SCALE: REDUCED COPY
HARRY R. FELDMAN, INC.
112 SHAWMUT AVENUE
BOSTON, MASS. 02118

JANUARY 16, 2013
LAND SURVEYORS
PHONE: (617)357-9740
www.harryfeldman.com

FELDMAN
Professional Land Surveyors

REDUCED COPY - NOT TO SCALE

RESEARCH MAF	FIELD CHIEF JA	PROJ MGR	PRF	APPROVED	SHEET NO. 1 OF 1
CALC RJP	CADD RJP	FIELD CHECKED	CRD FILE 13225	JOB NO. 13225	