TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ZBA 2014-14
Petition of Ethan Jacoby
43 Colburn Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 6, 2014, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of ETHAN JACOBY requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a second story addition with finished third floor attic living space and construction of a one-story addition that will meet all setback requirements, on a 16,250 square foot lot in a district in which the minimum lot size is 20,000 square feet, at 43 COLBURN ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On February 18, 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 was Ethan Jacoby, (the "Petitioner").

Mr. Jacoby said that the request is for a two-story addition that will meet all setback requirements. He said that the addition will be over an existing one-story structure.

The Board asked about changes to the existing basement. Mr. Jacoby said that there is a mudroom addition proposed on the right of the house with a full basement underneath. He said that it is shown on Plan FL-0. He said that the rest of the work will be over the existing one-story structure.

The Board said that Plan FL-1 shows a new wall to the right of the fireplace and television. Mr. Jacoby said that they will be infilling a window there.

Mr. Jacoby said that the proposed construction on the second floor above the existing structure will be for a master bedroom suite. The Board confirmed that they will not be extending any closer to the intermittent stream. Mr. Jacoby said that there will be some changes to interior walls.

Mr. Jacoby said that there is existing living space on the third floor. He said that additional living space will be over the new structure. He said that there is currently one bedroom with one full bath. He said that plan is to have two bedrooms with a full bath.

The Board said that the property is located across the street from the Brown playground. The Board said that during the non-winter months the playground is heavily used. The Board said that it would not be

appropriate to have construction workers park on Colburn Road due to safety issues with children running back and forth.

Mr. Jacoby said that when events are going on, people park on the field side of the street, which is opposite from his property. The Board said that construction workers parking on the other side of the street will narrow the road down too much. Mr. Jacoby asked about having the construction workers park on the field side as well as in his driveway. The Board said that there are organized practices by Little League and Soccer teams there in the afternoons and games on the weekends, sometimes in the evening. The Board said that it was more concerned about what is going on during the day. Mr. Jacoby said that the earliest Little League events are not until 5:30 pm on the weekdays.

The Board said that there will be a lot of people working there and it does not want to see a line of vehicles during the week.

The Board asked if Mr. Jacoby intends to reside at 43 Colburn Road during construction. Mr. Jacoby said that five family members will be living there.

The Board said that there is a lot of area to the right of the house. The Board said that the workers will need to have access to the back. The Board asked if Mr. Jacoby uses the existing garage to park cars. Mr. Jacoby said that they do use the garage but assumes that it will be blocked by a dumpster. The Board suggested that Mr. Jacoby park his cars at the park and let the construction workers use the area on the right side of the lot.

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Mr. Jacoby asked if that is a typical condition. The Board said that it is typical on streets with playgrounds or on narrow streets. The Board said that when the Bates School was built the Board imposed a similar of restriction.

Mr. Jacoby said that he thought that it would be reasonable to require the construction workers to park on the Colburn Park side because there is no activity going on there during business hours. The Board discussed having a condition that the construction workers cannot be parked at the field after 3:30 pm, that all parking be on the ballpark side, and that there be no parking on Saturdays. The Board said that the workers will have to park on the property if Saturday work is necessary.

Mr. Jacoby said that he spoke with the neighbors on both sides. The Board said that there is a smaller house next door at 47 Colburn Road but the house at 43 Colburn Road is far enough back so that it does not impact the house next door. Mr. Jacoby said that there are large trees between the two lots. He said that the addition will be conforming.

Statement of Facts

The subject property is located at 43 Colburn Road, on a 16,250 square foot lot in a district in which the minimum lot size is 20,000 square feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a second story addition with finished third floor attic living space and construction of a one-story addition with basement that will meet all setback

requirements, on a 16,250 square foot lot in a district in which the minimum lot size is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 1/6/14, stamped by Bruce Bradford, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 2/5/14, prepared by Chris Chu, Architect, and photographs were submitted.

On February 25, 2014, the Planning Board reviewed the petition and recommended that the petition be denied.

On January 30, 2014, the Wetlands Protection Committee issued an Order of Conditions, MassDEP File #:324-0727.

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 second story addition with finished third floor attic living space and construction of a one-story addition with basement that will meet all setback requirements, on a 16,250 square foot lot in a district in which the minimum lot size is 20,000 square feet 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 finished third floor attic living space and construction of a one-story addition with basement that will meet all setback requirements, on a 16,250 square foot lot in a district in which the minimum lot size is 20,000 square feet, subject to the following conditions:

1. There shall be no parking by construction workers on Colburn Road on Saturdays.
2. There shall be no parking of contractor vehicles on either side of Colburn Road after 3:30 pm.

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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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43 Colburn Road

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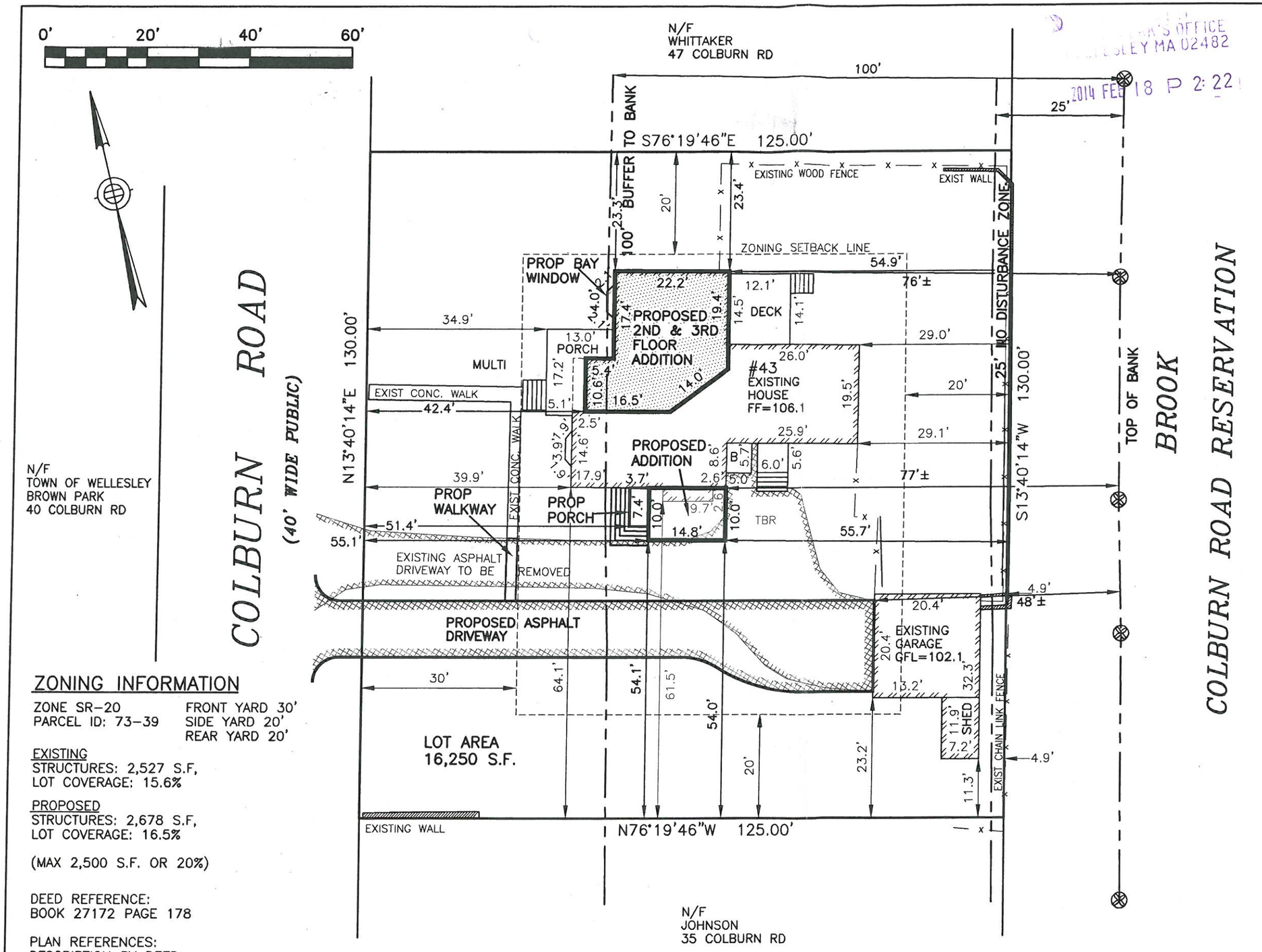
APPEALS FROM THIS DECISION, IF ANY, SHALL BE MADE PURSUANT TO GENERAL LAWS, CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK.

Richard L. Seegel, Chairman

Robert W Levy

Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm



ZONING INFORMATION

ZONE SR–20
PARCEL ID: 73–39

FRONT YARD 30'
SIDE YARD 20'
REAR YARD 20'

EXISTING
STRUCTURES: 2,527 S.F,
LOT COVERAGE: 15.6%

PROPOSED
STRUCTURES: 2,678 S.F,
LOT COVERAGE: 16.5%

(MAX 2,500 S.F. OR 20%)

DEED REFERENCE:
BOOK 27172 PAGE 178

PLAN REFERENCES:
DESCRIPTION BY DEED

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ESTABLISHED 1916
EMB
EVERETT M. BROOKS CO.
SURVEYORS & ENGINEERS
49 LEXINGTON STREET
WEST NEWTON, MA 02465
(617) 527-8750
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COMMONWEALTH OF MASSACHUSETTS
BRUCE BRADFORD
No. 38376
PROFESSIONAL LAND SURVEYOR
1/6/14

PLAN OF LAND IN WELLESLEY, MA

43 COLBURN ROAD
PROPOSED ADDITIONS

PREPARED FOR:
ETHAN JACOBY
43 COLBURN ROAD
WELLESLEY, MA 02481

SCALE:	1 IN.= 20 FT.
DATE:	JANUARY 6, 2014
DRAWN:	ES
CHECK:	BB
REVISIONS:	

PROJECT NO. 24116

24116-ZBA.dwg