



ZONING BOARD OF APPEALS

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

RICHARD L. SEEGER, CHAIRMAN
 J. RANDOLPH BECKER, VICE CHAIRMAN
 DAVID G. SHEFFIELD

LENORE R. MAHONEY
 EXECUTIVE SECRETARY
 TELEPHONE
 (781) 431-1019 EXT. 2208
 web: www.wellesleyma.gov

2014 JUN 19 P 3:27
 RECEIVED
 CLERK'S OFFICE
 WELLESLEY MA 02482
 ROBERT W. LEVY
 WALTER B. ADAMS
 DEREK B. REDGATE

ZBA 2014-40
 Petition of Matt Fantasia
 9 Lawrence Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 5, 2014, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of MATT FANTASIA requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing deck and construction of a one-story addition with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard and right side yard setbacks, on a 6,590 square foot lot in a Water Supply Protection District in which the minimum lot size is 10,000 square feet, at 9 LAWRENCE ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On May 19, 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 Julia and Matt Fantasia, (the "Petitioner") and Jacob Gadbois, Contractor.

Mr. Gadbois said that the request is for a variance for a small addition at the back of the house. He said that it is an existing nonconforming structure that has less than required setbacks. He said that the proposed addition is relatively small and will conform to the lines of the existing house encroachment. He said that there is a pool and a retaining wall on the left side of the property that prohibits moving the addition over to conform.

Mr. Gadbois said that a similar petition was filed in 1982 and was approved but not built.

Mr. Gadbois said that they submitted a signed letter of support from the neighbor.

The Board said that the request is for a special permit not a variance.

The Board said that the plot plan references #7 as the next door neighbor and the letter of support was from the neighbor at 5 Lawrence Road. Ms. Fantasia said that there is no one in between them and the neighbors at 5 Lawrence Road.

The Board asked about the distance from the deck to the side of the house. Mr. Gadbois said that he believes it to be 4 to 5 feet. He said that if they were to move the addition over, the purpose of this

addition would not work with space inside the house. Ms. Fantasia said that the topography of the lot goes straight down. She said that it would make a huge difference to shift it to the left. She said that the retaining wall is there.

The Board said that it appears on the plot plan that a 10.5 foot right yard setback is currently the worst case with the new addition at 10.6 feet. The Board said that the architectural drawing shows the common wall on the east side as being a straight line but the plot plan shows it offset by 1/10 of a foot. The Board said that it could see with the kitchen design why they would not want to offset the wall but the survey shows otherwise. The Board said that the addition should be lined up with the house for straight lines. Mr. Gadbois said that the purpose was to not encroach any more.

The Board said that it has seen situations like this before where the applicant is trying to not make it worse and they inadvertently put a slight kink that is not worth the inch. The Board said that this could be considered to be di minimis.

The Board said that the plot plan should be corrected to show the correct dimension.

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 9 Lawrence Road, on a 6,590 square foot lot in a district in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, with a minimum front yard setback of 23.2 feet and a minimum right side yard setback of 10.5 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing deck and construction of a one-story addition with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard and right side yard setbacks, on a 6,590 square foot lot in a Water Supply Protection District in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 2/19/14, stamped by Michael P. Clancy, Professional Land Surveyor, Existing and Proposed Floor Plans & Elevation Drawings, dated 5/1/14, prepared by Masters Touch, and photographs were submitted.

On May 30, 2014, the Planning Department Staff reviewed the petition and recommended that the petition 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.

RECEIVED
TOWN CLERK'S OFFICE
LLESLIE MA 02182
JUN 19 P 3:27

It is the opinion of this Authority that although demolition of an existing deck and construction of a one-story addition with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard and right side yard setbacks, on a 6,590 square foot lot in a Water Supply Protection District in which the minimum lot size is 10,000 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 demolition of an existing deck and construction of a one-story addition with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard and right side yard setbacks, on a 6,590 square foot lot in a Water Supply Protection District in which the minimum lot size is 10,000 square feet, subject to the following condition:

- The plot plan shall be revised to show the correct dimension on the right side.

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.

RECEIVED
TOWN CLERK'S OFFICE
MELLESLEY MA 02482
2014 JUN 19 P 3:27

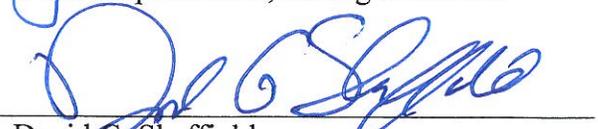
ZBA 2014-40
Petition of Matt Fantasia
9 Lawrence Road

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2014 JUN 19 P 3:27

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

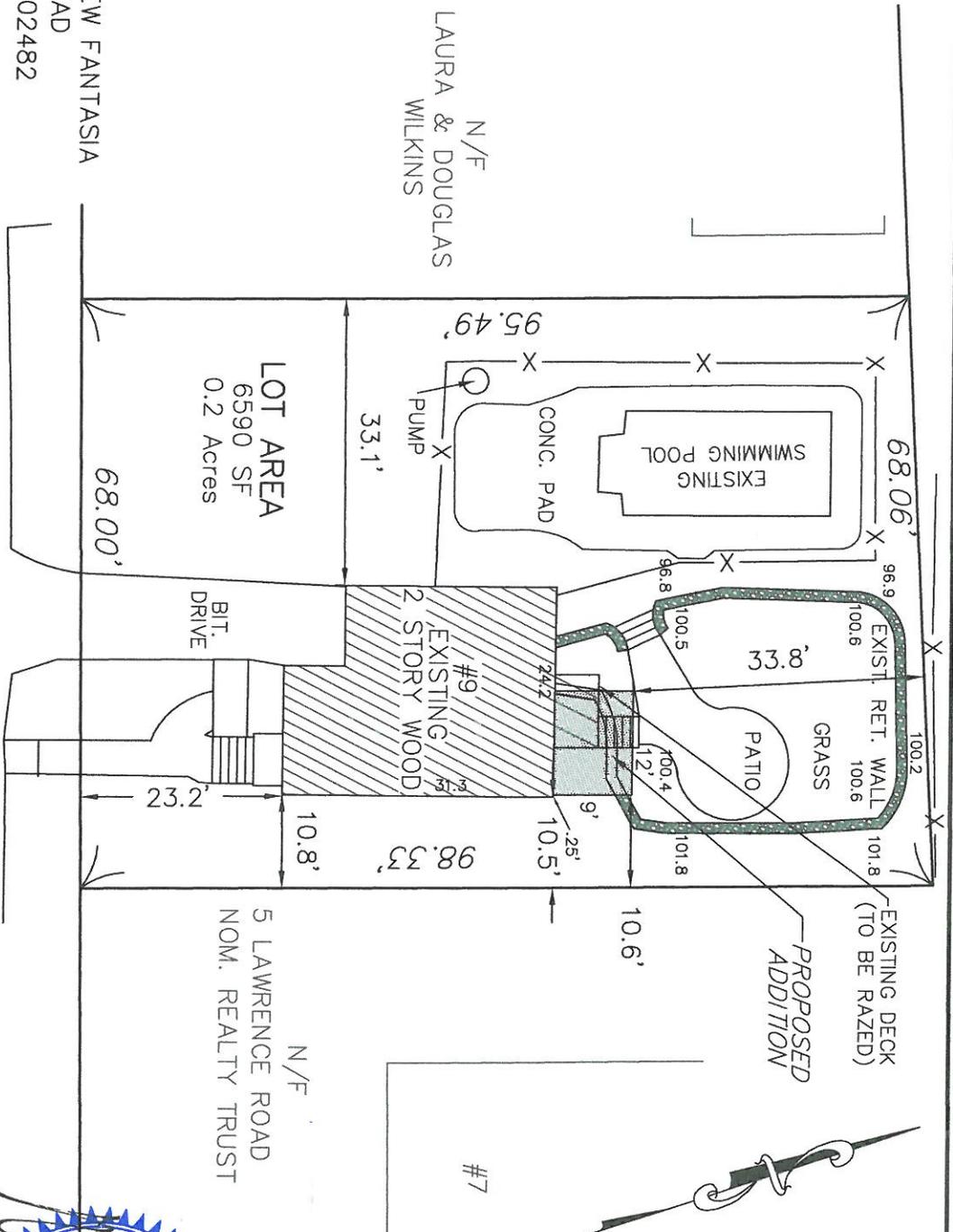


David G. Sheffield



Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm



RECEIVED
 AN CLERK'S OFFICE
 WELLESLEY MA 02482
 2014 MAY 19 P 2:22



PREPARED FOR

JULIA & MATTHEW FANTASIA
 9 LAWRENCE ROAD
 WELLESLEY, MA 02482

NOTES:

1. ZONING CLASSIFICATION – SRD-10
2. PLAN REFERENCES:
 NORFOLK REGISTRY OF DEEDS BOOK 1747 PAGE 350
3. LOCUS DEED:
 NORFOLK REGISTRY OF DEEDS BK. 21015 PG. 331
 ASSESSORS PARCEL ID 159-88

LAWRENCE ROAD

PLOT PLAN
 9 LAWRENCE ROAD
 WELLESLEY, MASS.

SCALE: 1"=20' FEBRUARY 19, 2014

4. EXISTING LOT COVERAGE = 753/6590 = 11.4%
5. PROPOSED LOT COVERAGE = 820/6590 = 12.4%

C & G SURVEY COMPANY
 37 JACKSON ROAD
 SCITUATE, MA. 02066
 1-877-302-8440