

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ZBA 2014-51

Petition of Daniel Sciortino & Melisa Oczkowski
32 Thomas Road

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2014 JUL 24 P 3:02

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 10, 2014, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of DANIEL SCIORTINO & MELISA OCZKOWSKI 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 screened porch with less than required right side yard setbacks, and construction of a two-story addition with less than required left side yard and right side yard setbacks, on an existing nonconforming structure with less than required left side yard, right side yard and front yard setbacks, on a 4,966 square foot lot in a Water Supply Protection District and a Single Residence District in which the minimum lot size is 10,000 square feet, with less than required frontage, at 32 THOMAS ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 23, 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 Daniel Sciortino, (the "Petitioner") and Peter Daus-Haberle, Architect. Mr. Daus-Haberle said that Mr. Sciortino and Ms. Oczkowski have three boys and are looking to enlarge the house for an additional bedroom on the second floor, enlarge the garage so that they can fit their car in it, and move the garage forward so that they can fit a mudroom at the back. He said that the existing house has less than required side yard and front yard setbacks. He said that the lot is nonconforming.

Mr. Daus-Haberle said that when they looked at the design of the house, they were concerned that the addition not overpower the house or not fit with the house or the neighborhood. He said that they pushed the garage back so that it would not dominate the house or the street. He said that the second story is going over the garage and they felt comfortable with that because it is on the left side and that abuts the neighbor's garage. He said that they felt that they would not be encroaching on light or living space for the neighbor. He said that on the right side they will be taking down a one-story screened porch and using that to enlarge the kitchen. He said that the second story addition will be a single story on that side. He said that there are quite a few larger houses on the street. He said that the proposed additions are modest and will not be substantially more detrimental to the neighborhood.

The Board said that the abutter to the left has a larger lot and building. The Board said that the neighbor immediately to the right has a smaller lot and home. The Board said that the person beyond that has

significantly sized house. The Board said that the proposed changes do not appear to be extending nonconformities other than going up. The Board said that it was a good job to integrate the additions.

The Board asked about the Total Living Area plus Garage (TLAG) calculation. Mr. Daus-Haberle said that he did not do them. The Board said that the Assessor's record shows that Total Living Area at just over 1,300 square feet.

The Board said that the plans show the height above grade but there is nothing that indicates how the calculation was made. Mr. Daus-Haberle said that it is a level lot.

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 32 Thomas Road, on a 4,966 square foot lot in a Water Supply Protection District and a Single Residence District in which the minimum lot size is 10,000 square feet, with a minimum front yard setback of 28.4 feet, a minimum left side yard setback of 7.7 feet, a minimum right side yard setback of 9.6 feet, and a minimum frontage of 50 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 screened porch with less than required right side yard setbacks, and construction of a two-story addition with less than required left side yard and right side yard setbacks, on an existing nonconforming structure with less than required left side yard, right side yard and front yard setbacks, on a 4,966 square foot lot in a Water Supply Protection District and a Single Residence District in which the minimum lot size is 10,000 square feet, with less than required frontage, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 5/9/14, revised 6/2/14, stamped by Joseph R. Sullivan, Professional Land Surveyor, Existing Floor Plans & Elevation Drawings, dated 4/22//14, and Proposed Floor Plans & Elevation Drawings, dated 6/2/14, prepared by Daus-Haberle Design, and photographs were submitted.

On July 8, 2014, the Planning Board reviewed the petition and recommended that the Special Permit 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 although demolition of an existing screened porch with less than required right side yard setbacks, and construction of a two-story addition with less than required left side yard and right side yard setbacks, on an existing nonconforming structure with less than required left side yard, right side yard and front yard setbacks, on a 4,966 square foot lot in a Water Supply Protection District and a Single Residence District in which the minimum lot size is 10,000 square feet, with less

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than required frontage 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 screened porch with less than required right side yard setbacks, and construction of a two-story addition with less than required left side yard and right side yard setbacks, on an existing nonconforming structure with less than required left side yard, right side yard and front yard setbacks, on a 4,966 square foot lot in a Water Supply Protection District and a Single Residence District in which the minimum lot size is 10,000 square feet, with less than required frontage, 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.

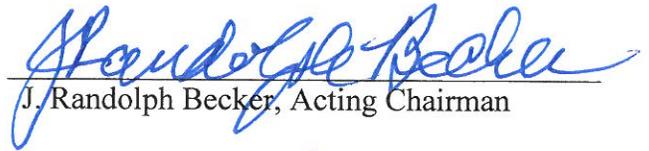
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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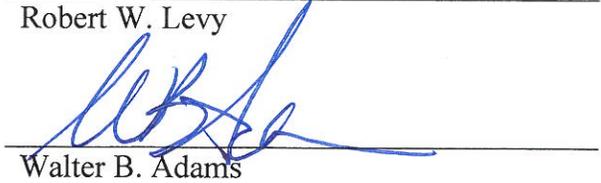
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



J. Randolph Becker, Acting Chairman



Robert W. Levy



Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm

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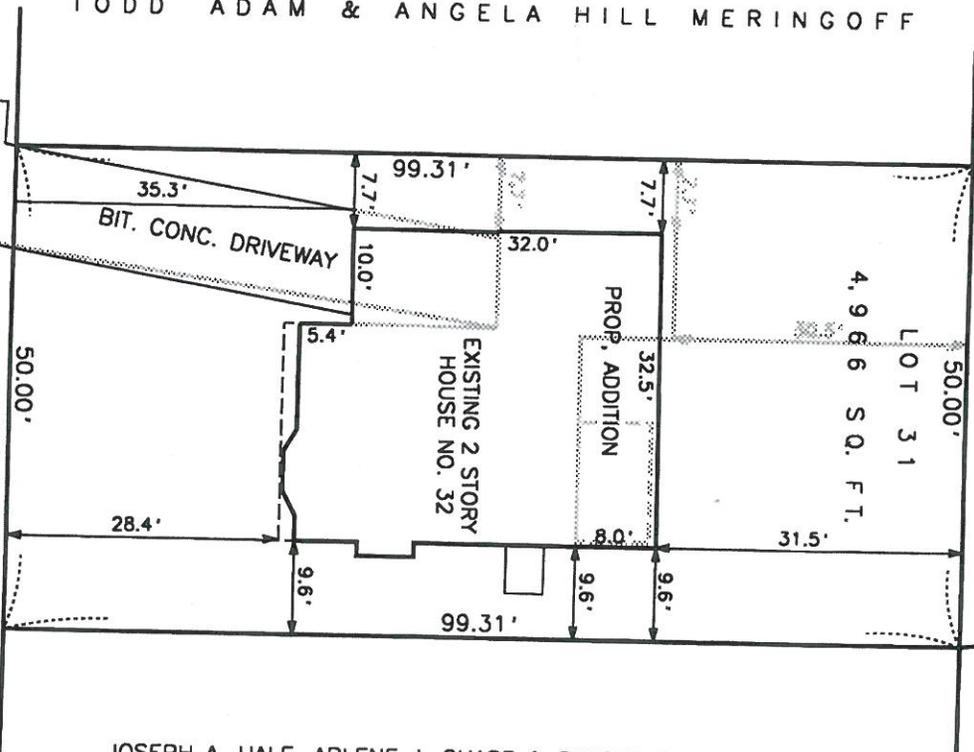
TODD ADAM & ANGELA HILL MERINGOFF

THOMAS & LAUREN CRONIN

JENNIFER N. &

TODD B.

PATRIACCA



JOSEPH A. HALE, ARLENE J. CHASE & SANDRA F. WHEELER,
TRUSTEES OF THE JOSEPH A. HALE IRREVOCABLE TRUST

THOMAS ROAD

EXISTING LOT COVERAGE = 960 S.F. = 19.33%
PROPOSED LOT COVERAGE = 1178 S.F. = 23.72%

BOARD OF APPEALS

PLAN OF LAND IN

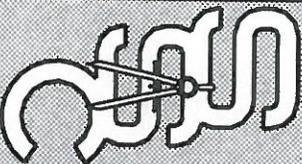
WELLESLEY, MASS.

OWNED BY : DANIEL R. SCIORTINO &
MELISSA OCZKOWSKI
DEED REF. : BOOK 28160, PAGE 219
NORFOLK REGISTRY OF DEEDS.

ASSESSORS MAP 191, LOT 73
ZONING CLASSIFICATION : SRD-10
SCALE : 1" = 20'
MAY 9, 2014
REV. JUNE 2, 2014



JOSEPH R. SULLIVAN
REG. PROFESSIONAL LAND SURVEYOR



SULLIVAN SURVEYING
COMPANY, LLC
209 WEST CENTRAL ST.
NATICK, MA. 01760
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