



ZONING BOARD OF APPEALS

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ZBA 2014-07

Petition of Michael & Carolyn Watson

201 Weston Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 6, 2014, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of MICHAEL & CAROLYN WATSON 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 porch with less than required left side yard setbacks, construction of a one-story addition with basement and a porch with less than required left side yard setbacks, and construction of a two-story addition with basement and a porch that will meet all setback requirements, at 201 WESTON ROAD, in a 10,000 square foot Single Residence Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On January 21, 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 Kent Duckham, Architect and Michael Watson, the "Petitioner".

Mr. Duckham said that the proposal is for an addition at the back of the house for a family room with a master bedroom suite above. He said that the existing house is nonconforming on the left side with a 19.5 foot setback. He said that the intention is to extend the addition at 19.5 feet. He said that the addition will not encroach further into the setback area.

The Board asked why the addition was not moved over a half foot to conform to the setback requirements. The Board said that it is seeking to have every addition conform to the bylaw. The Board said that it appears that Mr. Duckham made no effort to give up the six inches to make the addition conform. Mr. Duckham said that moving the addition over six inches would be dimensionally difficult to do.

The Board confirmed that the nonconformity is the back entry corridor. Mr. Duckham said that there is a small porch there. He said that a small porch was enclosed and a one-story porch was added. He said that the request is to extend that back and not encroach anymore on the side yard setback than they currently are.

The Board asked why the corridor is so long. The Board said that on the side elevation there does not appear to be a lot of geometric recognition of the bay window form above. Mr. Duckham said that the bay window above will rest on the lower level roof. The Board said that the porch was pushed beyond the

bay window. The Board said that made the corridor quite long and that is the area that is within the side yard setback. Mr. Duckham said that it creates a long skinny mudroom.

The Board said that the Planning Board recommended that this petition be denied because of the six inches.

The Board said that there appears to be a couple of ways to get the six inches and still have circulation in the mudroom.

The Board said that the Planning Board was also concerned that, despite the fact that the Total Living Area plus Garage (TLAG) was under the threshold, they felt that it was a significant alteration to a nonconforming structure.

Mr. Duckham said that the Zoning allows 3,600 square feet of TLAG in a 10,000 square foot Single Residence District. The Board said that the Zoning Bylaw says that if the TLAG is under 3,600 square feet, it is not subject to Large House Review (LHR). The Board said that when you get to a Special Permit, the rules change. The Board said that it has to make a determination as to whether the proposed changes are more or less detrimental to the neighborhood.

Mr. Duckham asked if there was a way for the Board to condition an approval if the addition is moved to 20 feet. The Board said that once it approves the plans, the plans cannot be changed and used to apply for a Building Permit. The Board said that it makes more sense to continue the petition to next month so that revised plans can be submitted for approval.

There was no one present at the Public Hearing who wished to speak to the petition.

The Board voted unanimously to continue the petition to March 6, 2014.

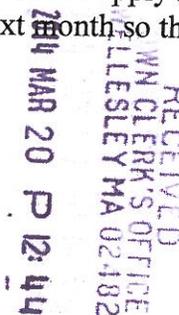
March 6, 2014

Presenting the case at the hearing were Kent Duckham, Architect, and Michael and Carolyn Watson, (the "Petitioner").

Mr. Duckham said that they had previously come before the Board for relief for a nonconforming structure. He said that initially they showed a small piece of the addition in the setback. He said that the revised plans show that the wall has been moved in to meet the 20 foot side yard setback requirement. He said that the proposed addition will be conforming.

Statement of Facts

The subject property is located at 201 Weston Road, in a 10,000 square foot Single Residence Water Supply Protection District, with a minimum front yard setback of 29.6 feet and a minimum left side yard setback of 19.5 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 porch with less than required left side yard setbacks, and construction of a one-story addition with basement, and construction of a two-story addition with basement and a porch that will meet all setback requirements, in a Water Supply Protection District shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 1/10/14, revised 2/24/14, stamped by Verne T. Porter, Jr., Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 1/15/14, revised 2/24/14, prepared by Duckham Architecture & Interiors, and photographs were submitted.

On February 4, 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 demolition of an existing porch with less than required left side yard setbacks, and construction of a one-story addition with basement, and construction of a two-story addition with basement and a porch that will meet all setback requirements, in a Water Supply Protection District 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 demolition of an existing porch with less than required left side yard setbacks, and construction of a one-story addition with basement, and construction of a two-story addition with basement and a porch that will meet all setback requirements, in a Water Supply Protection District, in accordance with the revised plans dated February 24 2014.

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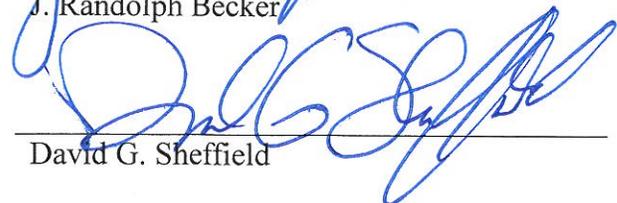
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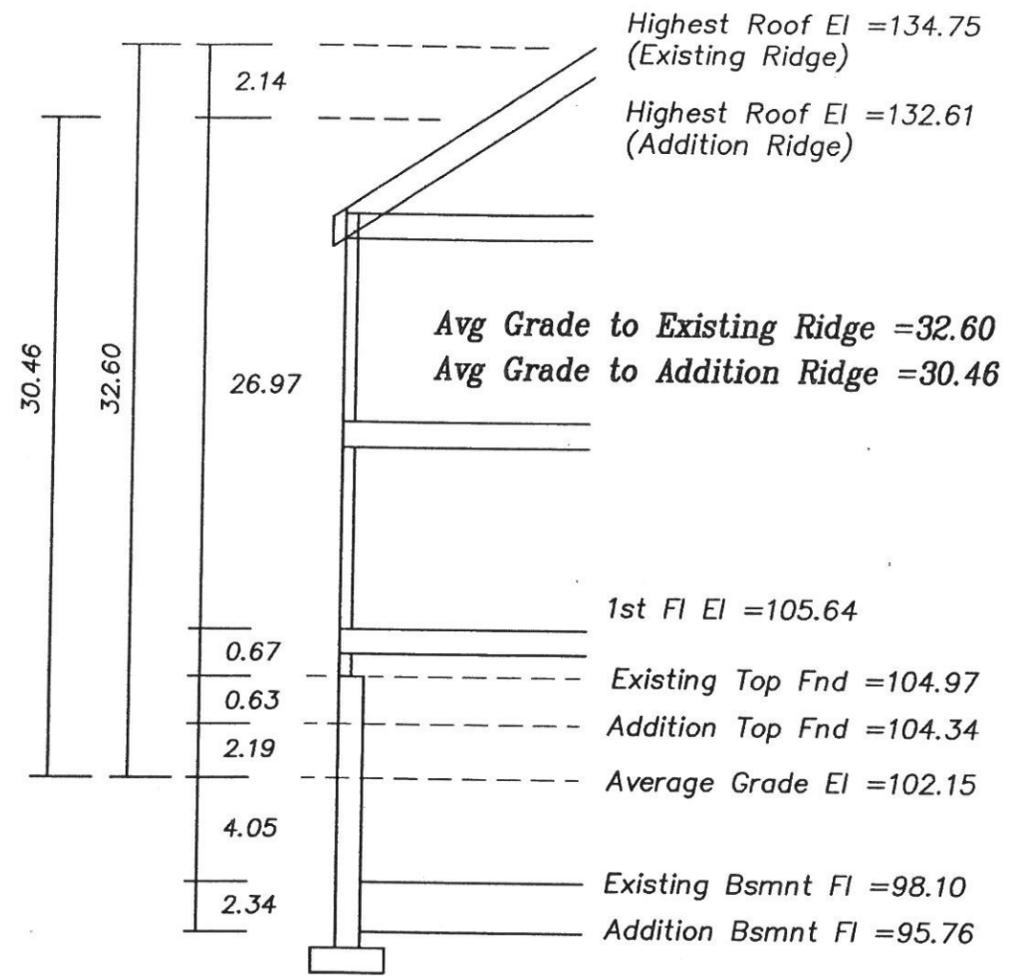
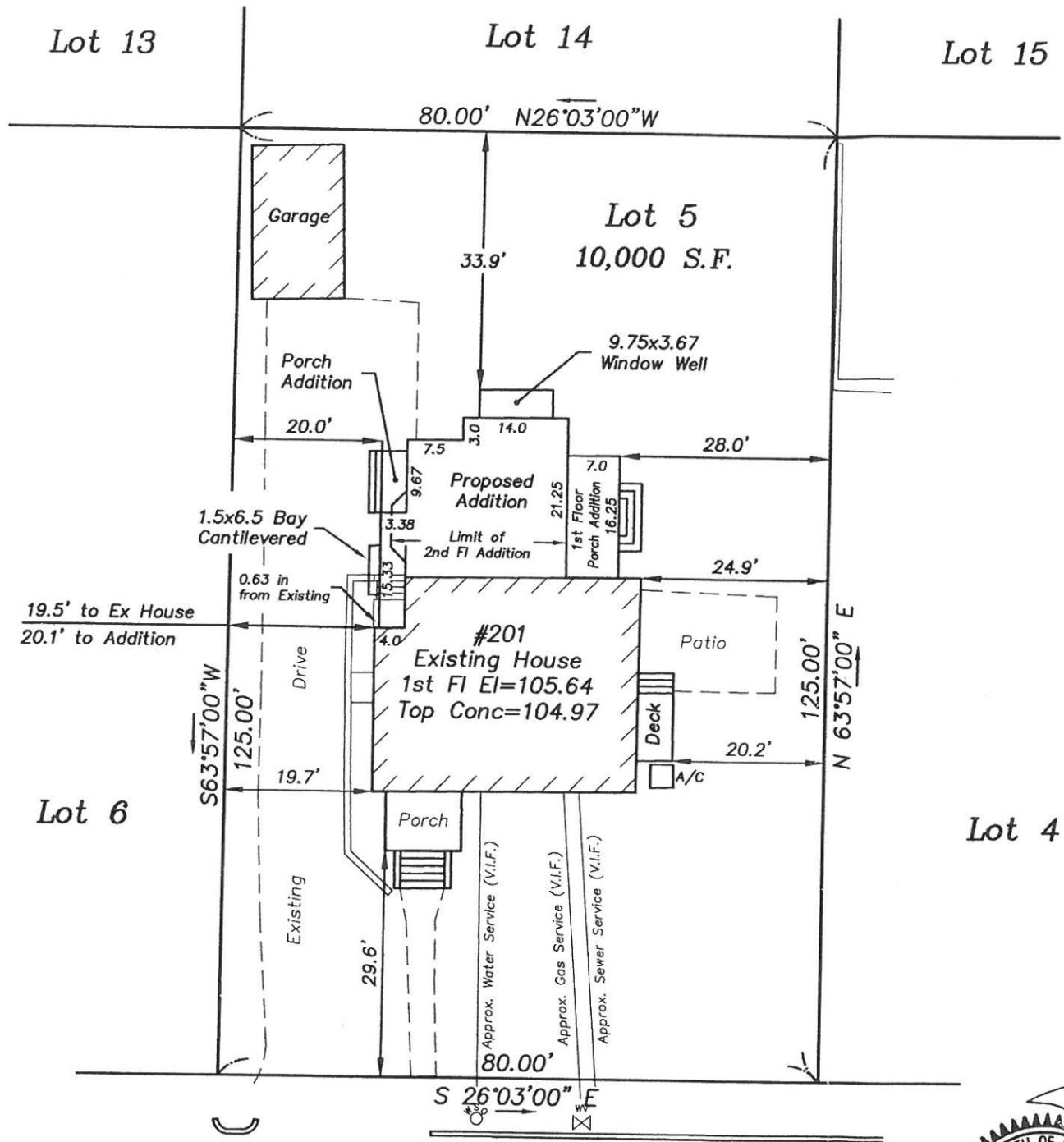
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.


Richard L. Seegel, Chairman


J. Randolph Becker


David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm



Lot Coverage
 Existing = 13.68% (1368 sf)
 Proposed = 21.2% (2120 sf)

Weston Road



Plot Plan of Proposed Addition
 201 Weston Road
 Wellesley, Massachusetts
 Scale: 1"=20' February 24, 2014
 Verne T. Porter Jr., PLS
 Land Surveyors Civil Engineers
 354 Elliot Street Newton, MA 02464