



ZONING BOARD OF APPEALS

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

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ZBA 2014-08
 Petition of Marc Weinstein
 40 Pleasant Street

Record Owner of Property: Sally Jacobson

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 MARC WEINSTEIN requesting modification of a Variance and a Special Permit/Finding pursuant to the provisions of Section XVII, Section XIX, Section XXIV and Section XXV of the Zoning Bylaw that demolition down to the foundation of an existing nonconforming structure, and construction of two-story structure on the existing foundation with less than required left side yard and right side yard setbacks, and construction of a two-story addition with less than required left side yard setbacks, at 40 PLEASANT STREET, in a 10,000 square foot Single Residence 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 Dennis Colwell, Architect, Sally Jacobson, homeowner, and Marc Weinstein, (the "Petitioner").

Mr. Colwell said that Marc and Sally purchased the lot at 40 Pleasant Street with the intent to renovate. He said that Sally is a long time Wellesley resident along with her two children. He said that Marc will be moving from Medfield with his two children and they will be merging families.

Mr. Colwell said that the existing side yard setbacks are nonconforming. He said that the existing foundation is "L" shaped. He said that the plan is to fill in the back rear portion. He said that they have offset the new foundation two inches from the existing foundation. He said that the side lot line is not parallel with the house. He said that they will not be encroaching further into the setback. He said that the existing left side yard setback is 18.3 feet and the required setback is 20 feet.

The Board confirmed that the chimney will be coming down. Mr. Colwell said that the chimney is in disrepair and will be taken down and the foundation will be straightened in that area.

Mr. Colwell said that they submitted TLAG (total living area plus garage) calculations. He said that the living area will be below the threshold for Large House Review (LHR). He said that the proposed structure will meet the requirements for height above average grade at 29.3 feet.

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 WELLESLEY MA 02482

Mr. Colwell said that the area within the additional footprint encompasses an open concept kitchen which connects to the dining room/living room, as shown on Plan A1.1.

The Board asked if any thought had been given to moving the house further back on the lot. The Board said that the side yard setbacks would be improved. Mr. Colwell said that they wanted to work with the existing foundation and adding onto it because of budget restraints.

The Board said that the topography of the lot could qualify it for a Variance.

Mr. Colwell said that the design intent was to respect the budget, keep the character and size of houses in the neighborhood while meeting the needs and reflect the individuality of his clients.

Harry Gakidis, 46 Pleasant Street, said that he thought that it was good that the homeowners will be doing something nice on the street. He said that his house is at a lower grade than his neighbors. He asked about lead and asbestos removal when the old house is taken and how to ensure that there is no runoff from that. The Board said that before demolishing the house, a contractor who has a special license from the Commonwealth and is certified to remove asbestos and lead paint will remove the hazardous materials. The Board said that while the house is being taken down, it will be wet down the whole time to prevent anything from floating up or down the hill. The Board said that the hazardous materials will be removed from the site and disposed of properly.

The Board said that the Building Inspector may require that the Petitioner come back before the Board if there are any changes on the outside of the house from what was on the approved plans.

Statement of Facts

The subject property is located at 40 Pleasant Street, in a 10,000 square foot Single Residence District, with a minimum left side yard setback of 18.3 feet and a minimum right side yard setback of 16.5 feet.

The Petitioner is requesting modification of a Variance and a Special Permit/Finding pursuant to the provisions of Section XVII, Section XIX, Section XXIV and Section XXV of the Zoning Bylaw that demolition down to the foundation of an existing nonconforming structure, and construction of two-story structure on the existing foundation with less than required left side yard and right side yard setbacks, and construction of a two-story addition with less than required left side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 1/14/14, stamped by Bradley J. Simonelli, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 1/7/14, prepared by Dennis Colwell Architects, Inc., and photographs were submitted.

On February 4, 2014, the Planning Board 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.

It is the opinion of this Authority that, to the extent this Special Permit is modifying a Variance that it will be deemed a modification of the existing Variance, granted on May 5, 1953 and that desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of this Zoning Bylaw.

The Board is of the opinion that modification of a previously granted Variance, ZBA 53-24, may be granted to allow demolition down to the foundation of an existing nonconforming structure, and construction of two-story structure on the existing foundation with less than required left side yard and right side yard setbacks, and construction of a two-story addition with less than required left side yard setbacks, as it was determined by a previous Board in 1953 that a hardship existed.

It is the opinion of this Authority that although demolition down to the foundation of an existing nonconforming structure, and construction of two-story structure on the existing foundation with less than required left side yard and right side yard setbacks, and construction of a two-story addition with less than required left side yard setbacks is increasing a nonconformity, such increase shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, modification of the Variance, ZBA 53-24, and a Special Permit are granted, as voted unanimously by this Authority at the Public Hearing, for demolition down to the foundation of an existing nonconforming structure, and construction of two-story structure on the existing foundation with less than required left side yard and right side yard setbacks, and construction of a two-story addition with less than required left side yard setbacks, 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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PLANNING OFFICE
MIDDLEBURY MA 02448

ZBA 2014-08
Petition of Marc Weinstein
40 Pleasant Street

TOWN'S OFFICE
LESLIE MA 02482
2014 FEB 20 P 2:38

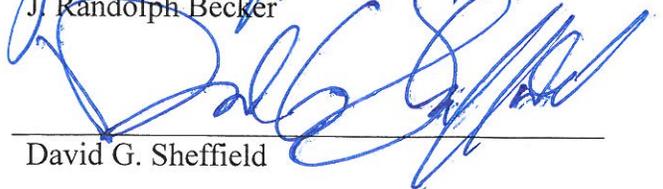
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



Richard L. Seegel, Chairman

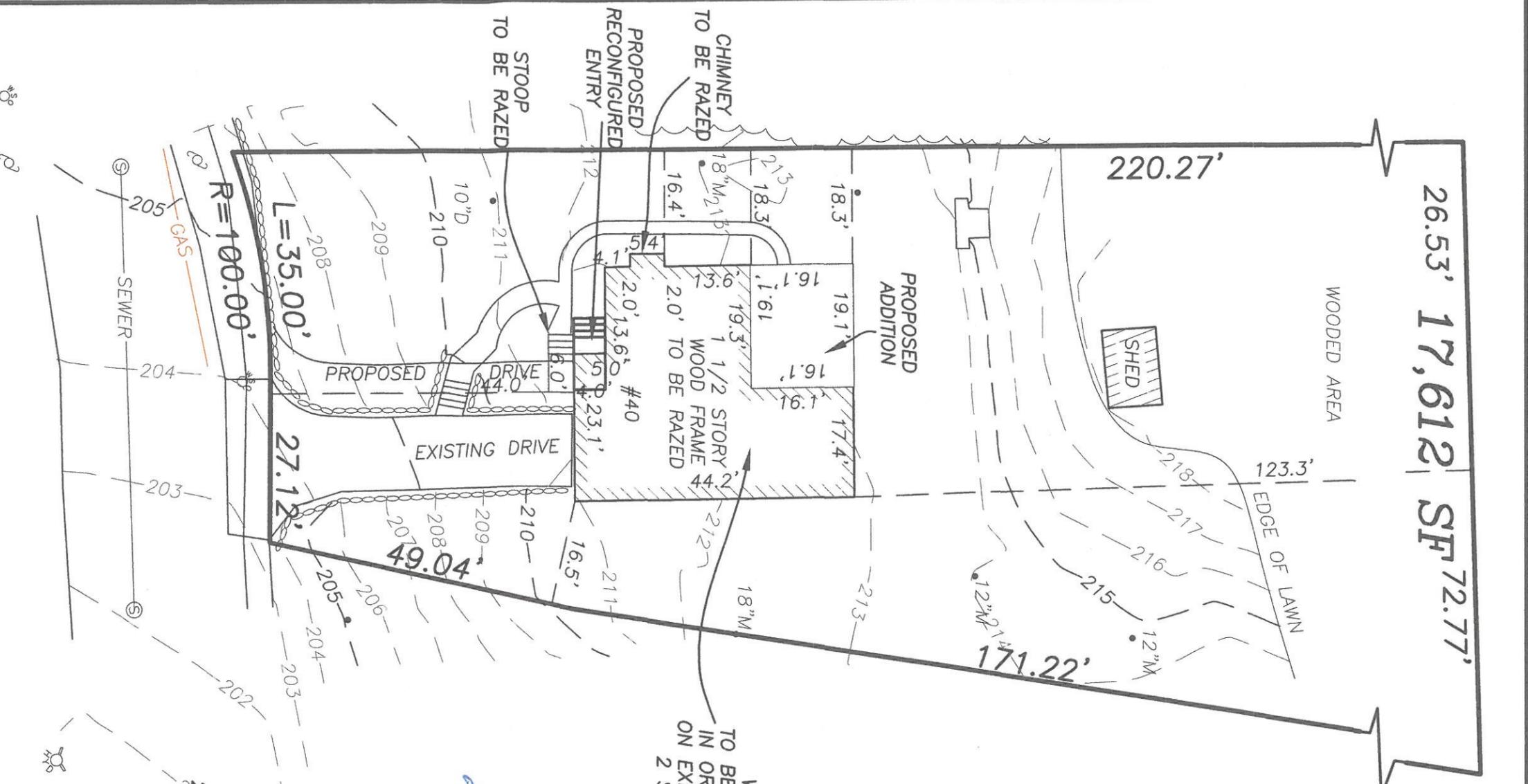


J. Randolph Becker



David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm



26.53' 17,612 SF 72.77'

WOODED AREA

EDGE OF LAWN

SHED

PROPOSED ADDITION

2ND STORY WOOD FRAME TO BE RECONSTRUCTED IN ORIGINAL FOOTPRINT ON EXISTING FOUNDATION 2 STORY ADDITION IN REAR

CHIMNEY TO BE RAZED

PROPOSED RECONFIGURED ENTRY

STOOP TO BE RAZED



PLEASANT STREET

ZONING BOARD OF APPEALS
40 PLEASANT STREET
WELLESLEY, MASS.

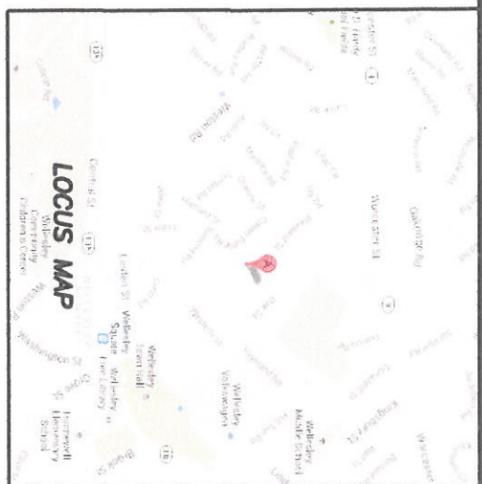
LOCUS:
40 PLEASANT STREET
PARCEL ID: 135-20

EXISTING LOT COVERAGE = 1412 SF
PROPOSED LOT COVERAGE = 1722 SF
EXISTING BUILDING COVERAGE = 8%
PROPOSED BUILDING COVERAGE = 9.7%

ZONING INFORMATION: SINGLE RESIDENCE 10 (SR10)

	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA	10,000 SF	17,612 SF	17,612 SF
MINIMUM LOT FRONTAGE	60 FEET	62.12'	62.12'
MINIMUM FRONT SETBACK	30 FEET*	44.0'	44.0'
MINIMUM SIDE YARD	20 FEET	16.4'	18.2'
MINIMUM REAR YARD	10 FEET	123.3'	123.3'
MINIMUM BUILDING COVERAGE	25%	8%	9.7%
MAXIMUM BUILDING HEIGHT	36 FEET		
MAXIMUM BUILDING HEIGHT	2 1/2 STORIES	1 1/2 STORIES	2 1/2 STORIES
*FRONT SETBACK DETERMINED BY 500 FOOT RULE			

159-13



2014 JAN 21 A 11:15
PLANNING BOARD'S OFFICE
WELLESLEY MA 02482

Field Resources, Inc.
LAND SURVEYORS

JANUARY 14, 2014 SCALE 1"=20'
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AUBURN, MA NEEDHAM, MA.
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fieldresources@hotmail.com