

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ZBA 2014-91
Petition of Philip & Olga Marcasciano
6 Wilde Road

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2014 OCT 23 P 3:11

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 9, 2014, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of PHILIP & OLGA MARCASCIANO 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 nonconforming garage with less than required left side yard setbacks and construction on the same footprint of a two-story garage with a new foundation, on a 7,800 square foot lot in a Water Supply Protection and Single Residence District in which the minimum lot size is 10,000 square feet, at 6 WILDE ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On September 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 Laurence Shind, Esq., Steven Meyers, Architect and Olga Marcasciano, (the Petitioner).

Mr. Shind said that the request is for modification of prior special permit/finding that was granted in July of 2013. He said that allowed for construction of a couple of additions on an existing nonconforming structure. He said that one piece of the approved special permit was for construction of a second story addition over an existing nonconforming garage on the left side of the lot. He said that a building permit was obtained in July of 2014. He said that construction and demolition commenced in late July of 2014. He said that once the excavation was begun, the builder determined that there were no footings under the garage and the structural integrity of the proposed second story addition could not be guaranteed. He said that plans were redrawn to show demolition of the existing garage and reconstruction with the proper footings on the exact same footprint and size. He said that the Petitioner is before the Board for the technical reason of modifying the 2013 decision to allow construction of a new garage in place of the current structure.

Mr. Meyers said that the proposed construction will be the same volume, size and footprint of the previously approved structure. He said that they reused the previously approved documentation and highlighted the garage. He said that what has changed is a proper foundation and footings below grade for structural reasons.

The Board asked when the house was built. Ms. Marcasciano said that there is a question whether it was built in 1929 or 1940.

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 6 Wilde Road, on a 7,800 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 left side yard setback of 12.1 feet and a minimum right side yard setback of 16.4 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 nonconforming garage with less than required left side yard setbacks and construction on the same footprint of a two-story garage with a new foundation, on a 7,800 square foot lot in a Water Supply Protection and Single Residence 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 5/31/13, stamped by Peter G. Hoyt, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevations Drawings, dated 5/31/13, prepared by Studio-Meyers Architecture and Design, and photographs were submitted.

On October 7, 2014, the Planning Board reviewed the petition and recommended that the Special Permit be granted.

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 nonconforming garage with less than required left side yard setbacks and construction on the same footprint of a two-story garage with a new foundation, on a 7,800 square foot lot in a Water Supply Protection and Single Residence 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 nonconforming garage with less than required left side yard setbacks and construction on the same footprint of a two-story garage with a new foundation, on a 7,800 square foot lot in a Water Supply Protection and Single Residence District in which the minimum lot size is 10,000 square feet, in accordance with the submitted plot plan and elevation drawings, 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.

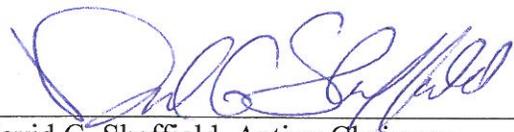
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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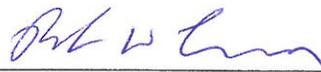
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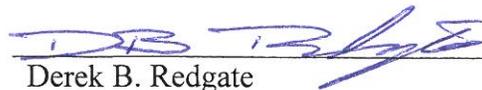
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



David G. Sheffield, Acting Chairman



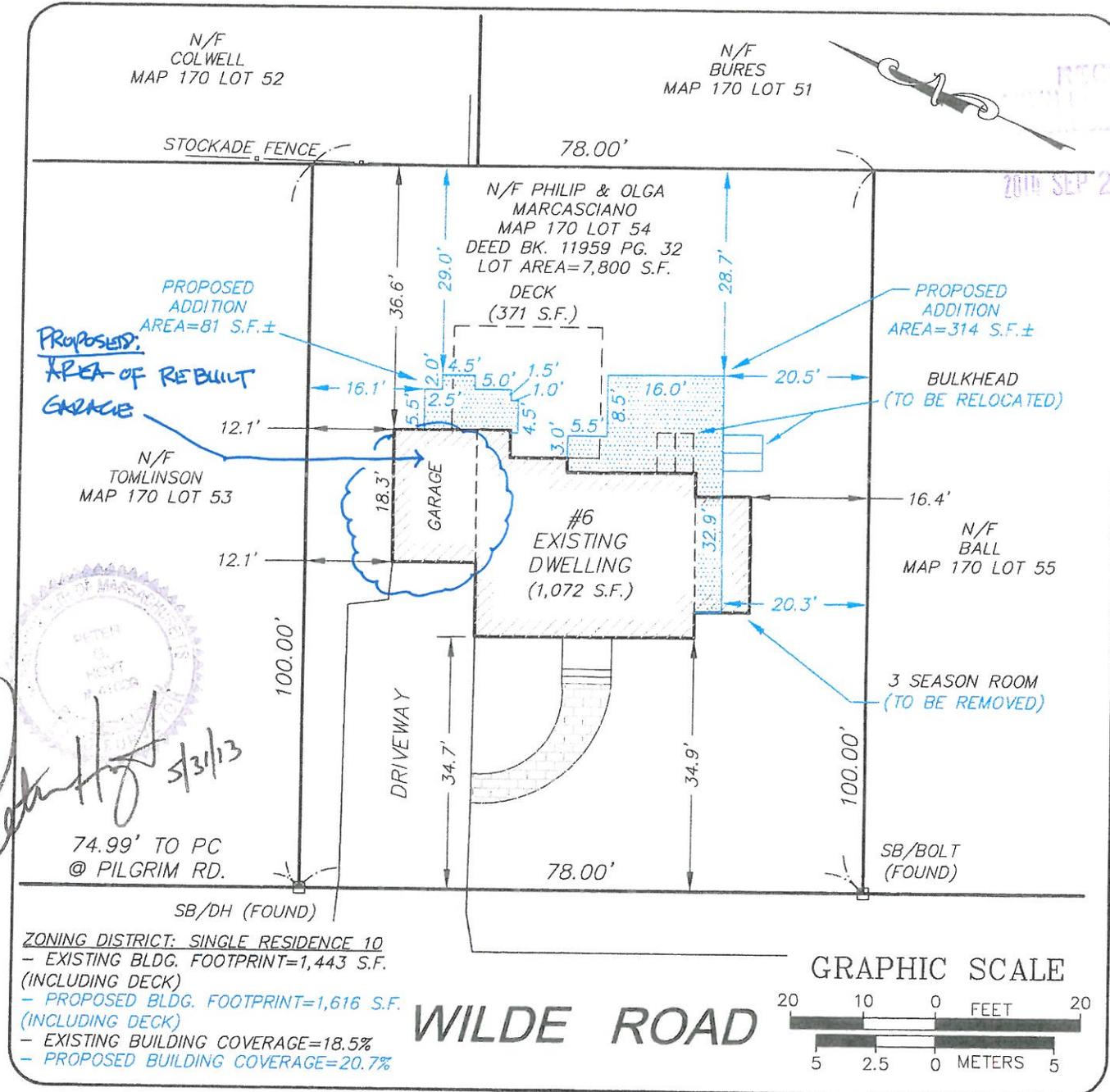
Robert W. Levy



Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm

Final minor final from previous CBA
 HEARING 7/11/2013



PLOT PLAN OF LAND

Project Name	6 WILDE ROAD WELLESLEY, MASSACHUSETTS NORFOLK COUNTY	Fig. No.	1
	HOYT LAND SURVEYING 1287 WASHINGTON STREET WEYMOUTH, MASSACHUSETTS 02043 TEL: 781-682-9192	Scale	1"=20'
Prepared for	PHILIP & OLGA MARCASCIANO	Date	MAY 31, 2013
		Project No.	
		File No.	

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John H. [Signature]
 5/31/13