



ZONING BOARD OF APPEALS

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

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ZBA 2014-92
 Petition of Ian & Lauren Cohen
 77 Glen Road

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 WELLESLEY MA 02482
 2014 OCT 23 P 3:31

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 IAN & LAUREN COHEN requesting a Special Permit/Finding pursuant to the provisions of 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 of a two-story addition that will meet all setback requirements, on an existing nonconforming structure with less than required front yard and left side yard setbacks, on a 9,745 square foot corner lot in a Single Residence District in which the minimum lot size is 10,000 square feet, at 77 GLEN 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 David Himmelberger, Esq., Dartagnan Brown, Architect and Ian Cohen, (the Petitioner).

Mr. Himmelberger said that the request is for a special permit for renovation and addition to the home. He said that a special permit is required because it is a pre-existing nonconforming structure due to lot size and front and side yard setbacks. He said that the lot is 9,745 square feet in a district in which the minimum lot size is 10,000 square feet. He said that the house is on a corner lot and is considered to have two front yard setbacks and two side yard setbacks. He said that the two front yard setbacks are 24.3 feet and 24.6 feet. He said that the side yard setbacks are 15.1 feet and 26.1 feet. He said that the attached two-car garage has a setback of 15.1 feet. He said that the property sits in wetlands and the Wetlands Protection Committee issued an Order of Conditions. He said that the plan is to raze and eliminate the nonconforming garage and construct a modest addition with an attached garage that will comply with all Zoning requirements. He said that the addition will have a stepped down roof line of 24 feet 9 ¼ inches, compared with the existing roofline of 28 feet 8 inches.

Mr. Himmelberger said that it is a tasteful addition that has support from the neighbors who signed a letter of support. He said that a nonconforming structure will be removed and the proposed addition will meet all setback requirements. He said that the proposed structure will not be substantially more detrimental.

Mr. Himmelberger submitted a revised plot plan. He said that all dimensions are the same but data in the upper left corner of the plan regarding lot coverage is inaccurate where the lot coverage changes from 16.8 to 19.4 percent. The Board confirmed that the number shown at 15.5 percent is incorrect.

Mr. Himmelberger said that although this property is located within the wetlands, it is separated from the wetlands by Glen Road. He said that the property is located within the 100 foot buffer and a portion of it is located with the 200 Riverfront buffer. He said that the proposed work is within the 100 foot buffer zone.

The Board asked if the linking structure between the garage and the master suite and the existing house will be the same materials and color as the upper structure.

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 77 Glen Road, on a 9,745 square foot corner lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with a minimum front yard setback to Glen Road of 24.8 feet, a minimum front yard setback to Riverdale Road of 24.3 feet, and a minimum side yard setback of 15.1 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of 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 of a two-story addition that will meet all setback requirements, on an existing nonconforming structure with less than required front yard and left side yard setbacks, on a 9,745 square foot corner lot in a 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 9/2/14, stamped by Elliott J. Paturzo, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevations Drawings, dated 9/20/14, prepared by EMBARC Architecture + Design, and photographs were submitted.

On September 4, 2014, the Wetlands Protection Committee issued an Order of Conditions, MassDEP File #:324-0761.

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.

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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 of a two-story addition that will meet all setback requirements, on an existing nonconforming structure with less than required front yard and left side yard setbacks, on a 9,745 square foot corner lot in a 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 of a two-story addition that will meet all setback requirements, on an existing nonconforming structure with less than required front yard and left side yard setbacks, on a 9,745 square foot corner lot in a Single Residence District in which the minimum lot size is 10,000 square feet, subject to the condition:

- A new plot plan, dated 10/8/14, shall be submitted.

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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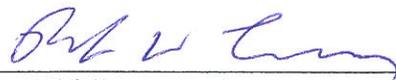
ZBA 2014-92
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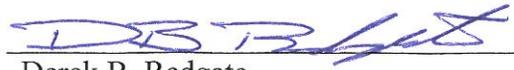
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



David G. Sheffield, Acting Chairman



Robert W. Levy



Derek B. Redgate

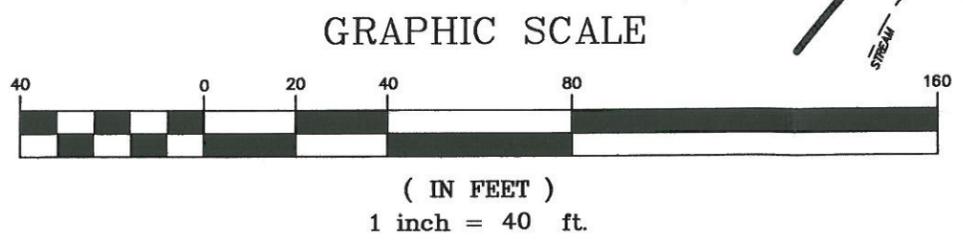
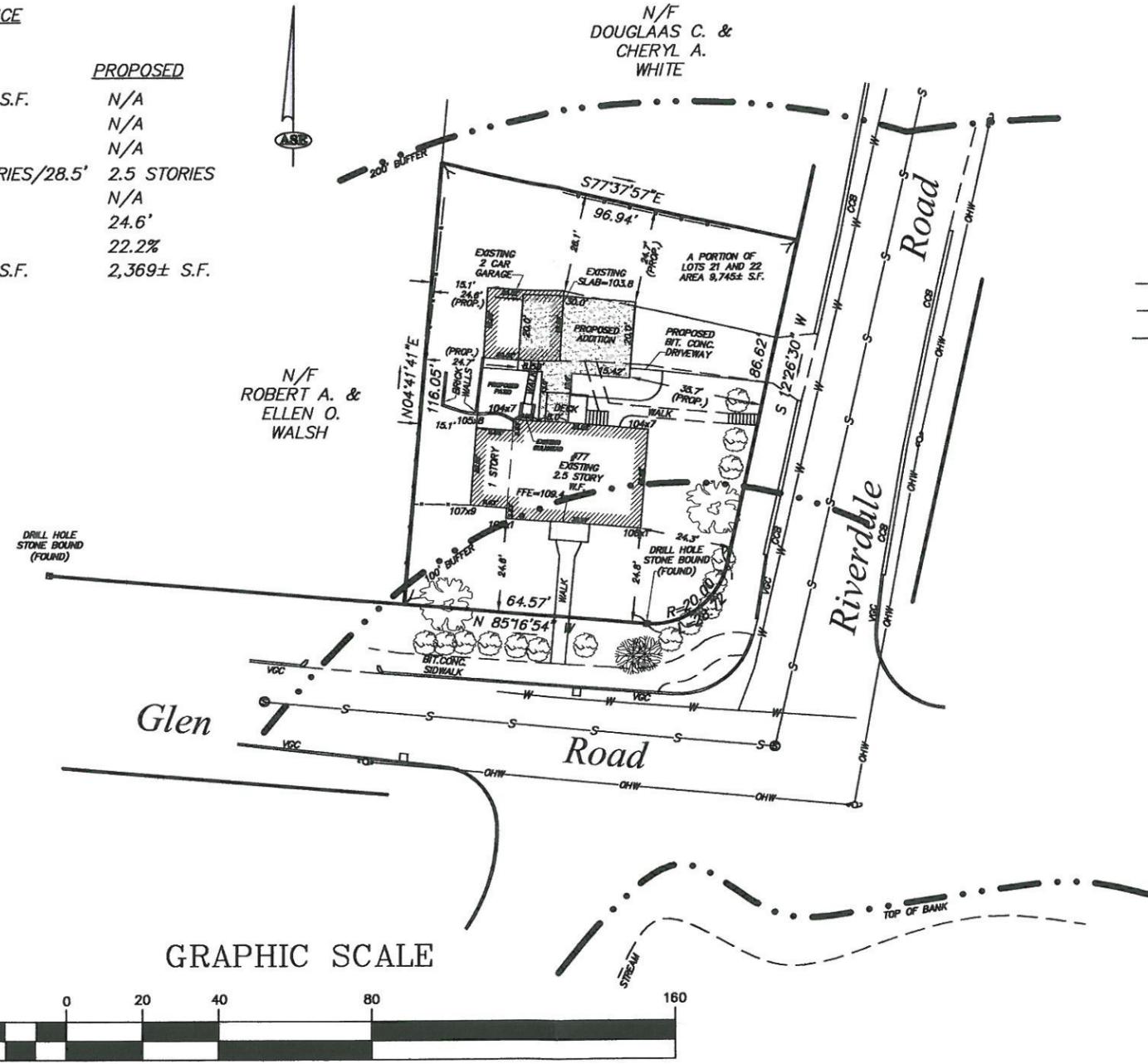
cc: Planning Board
Inspector of Buildings
lrm

RESIDENTIAL SUBDISTRICT - SRD 10 - SINGLE FAMILY RESIDENCE
DIMENSIONAL REGULATIONS - TABLE 1

	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA	10,000 S.F.	9,745± S.F.	N/A
MINIMUM LOT WIDTH	60'	83'	N/A
MINIMUM LOT FRONTAGE	60'	64.57'	N/A
MAXIMUM BUILDING HEIGHT	3 STORIES/36'	2.5 STORIES/28.5'	2.5 STORIES
MINIMUM FRONT YARD	30'	24.3'	N/A
MINIMUM SIDE YARD	20'	15.1'	24.6'
RATIO OF BLDG. TO LOT AREA	25%	15.5%	22.2%
BUILDING FOOTPRINT AND DRIVEWAY AREAS		2,326± S.F.	2,369± S.F.

NOTES

- SUBJECT TO ANY STATEMENT OF FACT AN UP-TO-DATE ABSTRACT OF TITLE WOULD DISCLOSE.
- SUBJECT TO ALL RIGHTS, EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD.
- UNDERGROUND UTILITIES, STRUCTURES AND FACILITIES, IF ANY, HAVE BEEN SHOWN FROM SURFACE LOCATIONS AND MEASUREMENTS OBTAINED FROM A FIELD SURVEY AND RECORD LOCATIONS, THEREFORE THEIR LOCATIONS MUST BE CONSIDERED APPROXIMATE ONLY. THERE MAY BE OTHER UTILITIES WHICH THE EXISTENCE OF ARE NOT KNOWN. SIZE, TYPE AND LOCATION OF ALL UTILITIES AND STRUCTURES MUST BE VERIFIED BY PROPER AUTHORITIES PRIOR TO ANY AND ALL CONSTRUCTION. CALL, TOLL FREE, DIG SAFE CALL CENTER AT 1-888-344-7233 SEVENTY-TWO HOURS PRIOR TO ANY EXCAVATION.
- THE 500' RULE DOES NOT APPLY SINCE THE FRONT YARD DIMENSIONS ARE PRE-EXISTING AND NONCONFORMING AND THERE IS NO PROPOSED CHANGE TO THE FRONT YARD DIMENSION.



LEGEND

-CATCH BASIN
- ⊙SEWER MANHOLE
- ⊙DRAIN MANHOLE
- ⊙ELECTRIC MANHOLE
- ⊙GAS VALVE
- ⊙WATER VALVE
- VGCVERTICAL GRANITE CURB
-FENCE
- WWATER
- SSEWER
- OHWOVERHEAD WIRES
-UTILITY POLE
-BUSH
-FIR TREE
-OAK TREE
- 107x9SPOT GRADE
- CCBCAPE COD BERM

REFERENCES:

PLANS AND DEEDS RECORDED AT THE NORFOLK COUNTY REGISTRY OF DEEDS

DEED BOOK	PAGE
28381	547
32357	272
PLAN BOOK	PLAN
914	321
1718	164

PLAN FILED AS 1389 OF 1951

2014 SEP 23 AM 11:27
 PROJECTED
 IAN COHEN

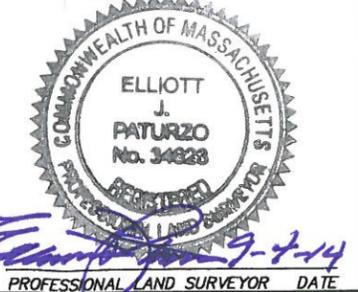
ZONING DESIGNATION:
 TOWN OF WELLESLEY
 ZONING DISTRICT-SRD 10
 SINGLE RESIDENCE
ASSESSORS REFERENCE:
 PARCEL ID: 51-4

I CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY AND THE LATEST PLANS AND DEEDS OF RECORD.
 I CERTIFY THAT THE SUBJECT DWELLING SHOWN LIES IN A FLOOD ZONE "X" AS SHOWN ON THE NATIONAL FLOOD INSURANCE RATE MAP, PANEL 9 OF 430, MAP NUMBER 25021C0009E, HAVING AN EFFECTIVE DATE OF JULY 17, 2012.

REVISIONS

DATE	DESCRIPTION
9/2/14	NOTE
9/3/14	REVISIONS

FIELD: EJP/MFB
 CALCS: EJP
 DRAWN BY: EJP
 FIELD EDIT: N/A
 CHECKED: EJP
 APPROVED:
 JOB #: 141286



A.S. Elliott & Associates
 Professional Land Surveyors
 P.O. BOX 85 ~ HOPEDALE, MASSACHUSETTS
 (508) 634-0256

Existing Conditions
 Plan of Land
 Showing Proposed Addition
 77 GLEN ROAD
 WELLESLEY, MASSACHUSETTS
 PREPARED FOR: IAN COHEN
 SCALE: 1"= 40' DATE: SEPTEMBER 2, 2014