



ZONING BOARD OF APPEALS

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ZBA 2015-38
 Petition of Daniel Pozen
 37 Croton Street

2015 MAY 21 P 12:13
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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 7, 2015, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of DANIEL POZEN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of two existing decks and a one-story structure, and construction of a one-story structure, a two-story structure and a new deck that will meet all setback and height requirements, at 37 CROTON STREET, in a 15,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. Existing lot coverage is 22.2 percent and proposed lot coverage is 21.9 percent, which exceeds the lot coverage allowed by right. The height of the existing structure is 36 feet 5 inches, which exceeds the height allowed by right.

On April 21, 2015, 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 was Rick Eifler, Architect, representing Dan Pozen, (the Petitioner).

Mr. Eifler said that the request is for a special permit to modify an existing nonconforming house which is .2 percent over the allowed coverage for the lot size. He said that the existing house is a little over the height limit as well. He said that the height limit is not an issue for this project.

Mr. Eifler said that the project will involve a two-story addition at the back of the house, a one-story addition on the side of the house, removal of a couple sections of decks, and adding a new side entry with steps and landing to a new side door. He said that the net result will be a reduction of nonconforming lot coverage from 22.2 percent to 21.9 percent.

Mr. Eifler said that the owners are out of the country but did show the plans via email to the three direct abutting neighbors. He submitted three email responses from the neighbors expressing their support for the project.

Lucienne Davidson, 36 Croton Street, said that there is a free standing garage. She asked if that will be modified as part of the plan. The Board said that is not part of the plan.

The Board said that this is an improvement to the property. The Board said that the reduction of the size of the deck is helpful to what is a very attractive home. The Board said that the addition at the back will

be largely be hidden from view and a good distance from the neighbor at the rear and should not impact them.

Statement of Facts

The subject property is located at 37 Croton Street, in a 15,000 square foot Single Residence District. Existing lot coverage is 22.2 percent. The height of the existing structure is 36 feet 5 inches.

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 two existing decks and a one-story structure, and construction of a one-story structure, a two-story structure and a new deck that will meet all setback and height requirements, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. Existing lot coverage is 22.2 percent and proposed lot coverage is 21.9 percent, which exceeds the lot coverage allowed by right. The height of the existing structure is 36 feet 5 inches, which exceeds the height allowed by right.

A Plot Plan, dated 3/24/15, stamped by Joseph March, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 3/30/15, prepared by Rick Eifler, Architect, and photographs were submitted.

On May 4, 2015, 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 demolition of two existing decks and a one-story structure, and construction of a one-story structure, a two-story structure and a new deck that will meet all setback and height requirements, 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 two existing decks and a one-story structure, and construction of a one-story structure, a two-story structure and a new deck that will meet all setback and height requirements, in accordance with the submitted plot plan and construction drawings.

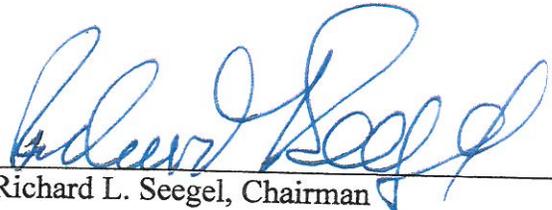
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed constructions plans.

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.



Richard L. Seegel, Chairman



Robert W. Levy



Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm

