



ZONING BOARD OF APPEALS

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

RICHARD L. SEEDEL, CHAIRMAN
 J. RANDOLPH BECKER, VICE CHAIRMAN
 DAVID G. SHEFFIELD

LENORE R. MAHONEY
 EXECUTIVE SECRETARY
 TELEPHONE
 (781) 431-1019 EXT. 2208
 web: www.wellesleyma.gov

2015 SEP 29 A 10:46
 RECEIVED
 TOWN ENGINEER'S OFFICE
 WELLESLEY MA 02482
 ROBERT W. LEVY
 WALTER B. ADAMS
 DEREK B. REDGATE

ZBA 2015-72
 Petition of Edward Forte & Sandra Madden
 5 Sylvan Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 10, 2015, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of EDWARD FORTE & SANDRA MADDEN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a two-story addition that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard setbacks, on an 11,397 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, at 5 SYLVAN ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On August 24, 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 were Edward Forte and Sandra Madden, the Petitioners. Mr. Forte said that they have an existing nonconforming lot of 11,400 square feet in a district where 15,000 square feet is required. He said that they also have a nonconforming side yard setback of approximately 10 feet. He said that the proposed addition will conform to Zoning requirements and will not increase an existing nonconformity or create a new nonconformity.

The Board said that TLAG calculations were not submitted. The Board explained that TLAG is the result of a recent bylaw to address concerns about oversized houses. The Board said that the threshold for Large House Review (LHR) in a 15,000 square foot district is 4,300 square feet. The Board said that the Building Inspector has an affidavit form to be filled out. The Board said that, by its practice, it would like to receive it as a way of understanding how much larger the living space volume will be with the addition. The Board said that if the square footage is close to the threshold, it can compare it to LHR standards. The Board said that it is allowed a little bit of judgment as to whether the proposed structure will fit in with the neighborhood. The Board said that the existing and proposed structure seem to be below the threshold for LHR.

The Board asked about the increase in square footage. Mr. Forte said that the existing square footage is 2,207 square feet. He said that with the addition of 1,042 square feet, the total combined square footage will be 3,249 square feet. He said that the basement is not included in that calculation. He said that it is unfinished and underground. He said that the attic is unoccupied because there is not enough head room.

The Board said that it could move ahead with this petition but would not take formal action until a TLAG Affidavit is submitted that shows that the TLAG is compliant.

The Board discussed the Planning Board recommendation.

The Board said that Sylvan Road is an unaccepted way. The Board said that normally the Petitioner would be required to have a Review of Adequacy but the Planning Board is waiving that, based on the submitted plans.

The Board asked about the age of the house. Mr. Forte said that it was built in 1927. The Board discussed side yard setback requirements. Catherine Johnson, Planning Board Member, said that those requirements came into effect in 1940.

The Board said that there was a lack of vertical dimension on the elevation drawings. Mr. Forte said that the height from average grade is shown on Plan A3.1.

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 5 Sylvan Road, on an 11,397 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, with a minimum left side yard setback of 9.9 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a two-story addition that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard setbacks, on an 11,397 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 6/9/15, stamped by Wesley Guillaume, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 7/15/15, prepared by Forte Architecture + Design, photographs and proposed rendering were submitted.

On September 9, 2015, the Planning Board reviewed the petition and recommended that the Zoning Board of Appeals defer action on the application until TLAG of the proposed home is submitted.

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.

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02158
2015 SEP 29 AM 10:16

It is the opinion of this Authority that construction of a two-story addition that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard setbacks, on an 11,397 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, 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 construction of a two-story addition that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard setbacks, on an 11,397 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, subject to the following condition:

- A TLAG Affidavit confirming that the proposed structure will be compliant shall be submitted prior to formal action by the Board.

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.

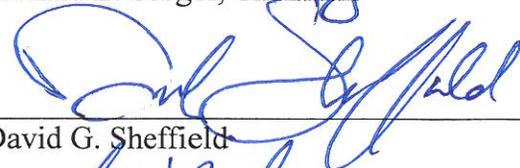
RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2015 SEP 29 A 10:46

ZBA 2015-72
Petition of Edward Forte & Sandra Madden
5 Sylvan Road

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2015 SEP 29 A 10:46

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


David G. Sheffield


Walter B. Adams

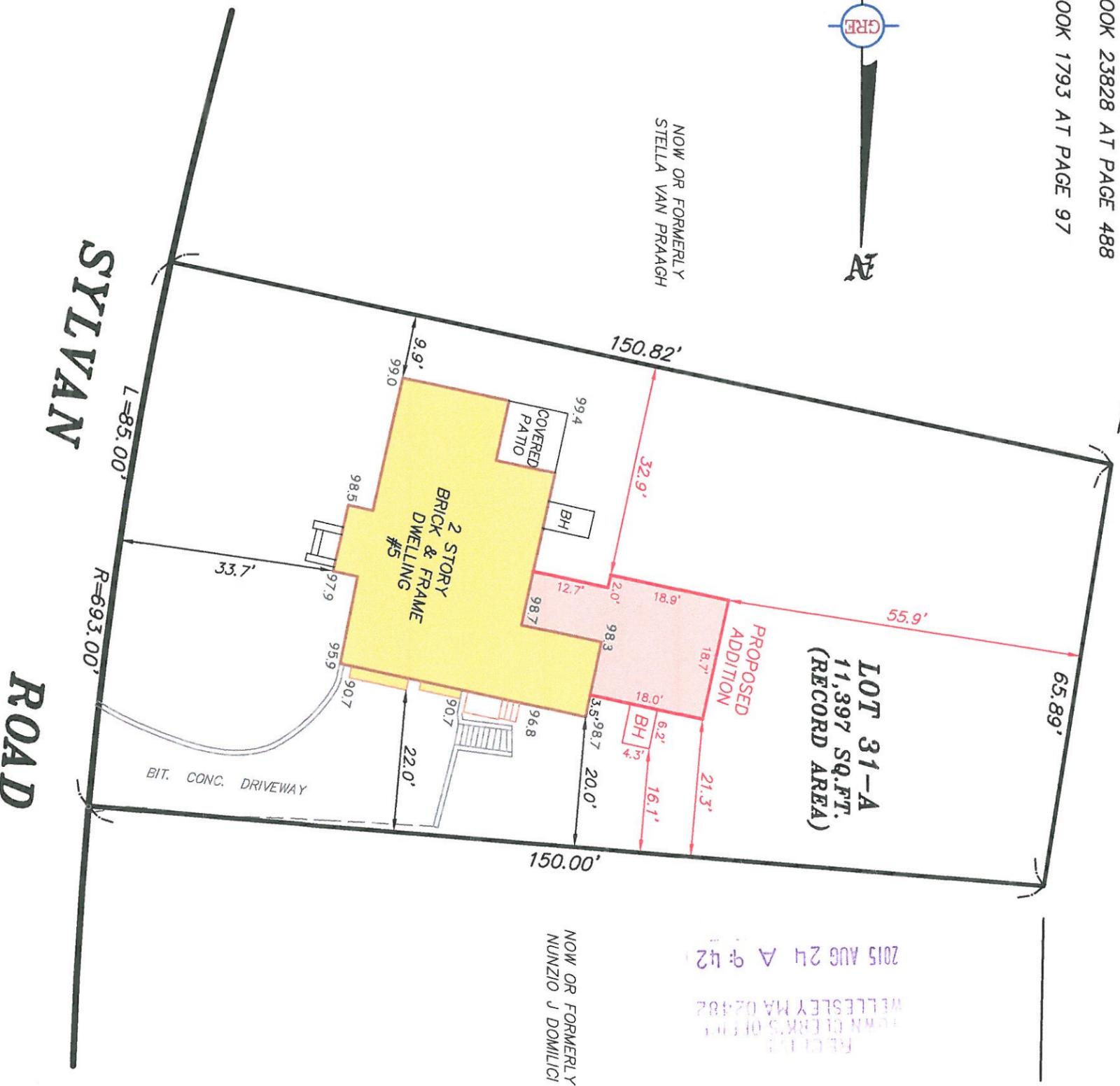
cc: Planning Board
Inspector of Buildings
lrm

REFERENCES:

1. DEED IN BOOK 23828 AT PAGE 488
2. PLAN IN BOOK 1793 AT PAGE 97

NOW OR FORMERLY
THOMAS D CAUGHEY

NOW OR FORMERLY
SCOTT F HILINSKI



NOW OR FORMERLY
STELLA VAN PRAAGH

NOW OR FORMERLY
NUNZIO J DOMILICI

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2015 AUG 24 A 9:42

SYLVAN

ROAD

- NOTES:**
1. PHOTO REPRODUCTION OF THE SEAL AND SIGNATURE HEREON IS INDICATIVE OF UNAUTHORIZED REPRODUCTION AND USE OF THIS PLAN. IF THIS PLAN DOES NOT CONTAIN AN ORIGINAL SIGNATURE IN RED TOGETHER WITH AN EMBOSSED SEAL, IT IS NOT AN AUTHORIZED PLAN FROM GRE SURVEYING AND CANNOT BE USED FOR ANY PURPOSE WHATSOEVER. ANY UNAUTHORIZED USE OR MODIFICATION OF THIS PLAN MAY CONSTITUTE FRAUD AND WILL RENDER THIS PLAN NULL AND VOID.
 2. THIS PLAN IS NOT TO BE USED FOR THE RECONSTRUCTION OF BOUNDARY LINES NOR FOR TITLE INSURANCE PURPOSES.
 3. THIS PLAN DOES NOT REPRESENT A CONFIRMATION OF BOUNDARY LINES NOR A DETERMINATION OF TITLE BUT IS SOLELY INTENDED TO DEPICT THE OFFSET DIMENSIONS OF THEN EXISTING STRUCTURE TO THE LOT LINES AS DEPICTED ON A PLAN RECORDED IN BOOK 1793 AT PAGE 97.
 4. THE SUBJECT PROPERTY IS DEPICTED AS BLOCK 51 ON WELLESLEY ASSESSOR'S MAP 43.
 5. OWNERS OF RECORD ARE EDWARD P. FORTE AND SANDRA I. MADDEN, 5 SYLVAN RD, WELLESLEY, MA
 6. ALL OFFSETS SHOWN HEREON ARE TO THE NEAREST ONE TENTH (1/10) OF A FOOT.
 7. ZONING DISTRICT IS SRD 15

EXIST. BLDG. COVERAGE: 1,432 SQ.FT.±
 PROP. BLDG. COVERAGE: 1,879 SQ.FT.±
 EXIST. LOT COVERAGE: 12.6% ±
 PROP. LOT COVERAGE: 16.5% ±
 AVERAGE GRADE: 96.8
 EXIST. PEAK: 125.7

PLOT PLAN of LAND
 LOCATED IN
WELLESLEY, MASSACHUSETTS
 (NORFOLK COUNTY)

PREPARED FOR
EDWARD FORTE

SCALE: 1" = 20' DATE: JUNE 9, 2015



GRE
 SURVEYING LLC

P.O. Box 684
 Telephone 781-721-1944
 Winchester, MA 01890
 781-730-1515
 DWG No. 140405 PP
 GRE No. 140405