



## ZONING BOARD OF APPEALS

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

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ZBA 2016-27  
 Petition of Janice & Adrian Kwan  
 50 Fiske Road

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 7, 2016, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Janice & Adrian Kwan 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 deck and construction of a two-story addition and a screened porch that will meet all setback requirements, and construction of a second story bay window, on an existing nonconforming structure with less than required left side yard setbacks, in a 15,000 square foot Single Residence District, in a Water Supply Protection District, at 50 Fiske Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On March 21, 2016, 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 Kent Duckham, Architect and Janice Kwan, the Petitioner.

Mr. Duckham said that the lot is nonconforming for left side yard setbacks where the garage is. He said that they are proposing additions and renovations to the back of the house that will comply with side and rear yard setbacks. He said that the request is for relief for the existing nonconformity.

A Board member said that the existing house has a nonconforming setback of 14 feet on the garage side and is located in a Water Supply Protection District.

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 50 Fiske Road, in a 15,000 square foot Single Residence District, in a Water Supply Protection District, with a minimum left side yard setback of 14 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 deck and construction of a two-story addition and a screened porch that will meet all setback requirements, and construction of a second story bay window, on an existing nonconforming structure with less than required left side yard

setbacks, in a 15,000 square foot Single Residence District, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

An Existing Conditions Plot Plan, dated 1/4/16, a Proposed Additions Plot Plan, dated 3/8/16, and a 500 Foot Rule Letter, dated 1/4/16, stamped by Bruce Bradford, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 3/10/16, prepared by Duckham Architecture & Interiors, and photographs were submitted.

On April 6, 2016, 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 an existing deck and construction of a two-story addition and a screened porch that will meet all setback requirements, and construction of a second story bay window, on an existing nonconforming structure with less than required left side yard setbacks, in a 15,000 square foot Single Residence District, in a Water Supply Protection District, 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 an existing deck and construction of a two-story addition and a screened porch that will meet all setback requirements, and construction of a second story bay window, on an existing nonconforming structure with less than required left side yard setbacks, in a 15,000 square foot Single Residence District, in a Water Supply Protection District, 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.

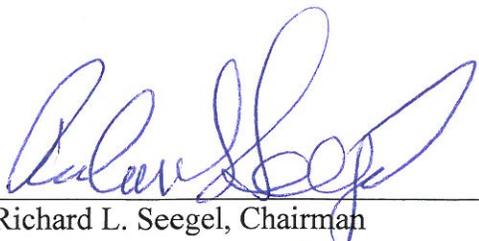
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ZBA 2016-27  
Petition of Janice & Adrian Kwan  
50 Fiske Road

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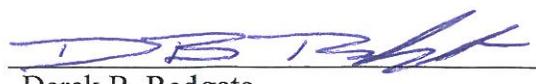
APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.



Richard L. Seegel, Chairman



David G. Sheffield



Derek B. Redgate

cc: Planning Board  
Inspector of Buildings  
lrm

ESTABLISHED 1916



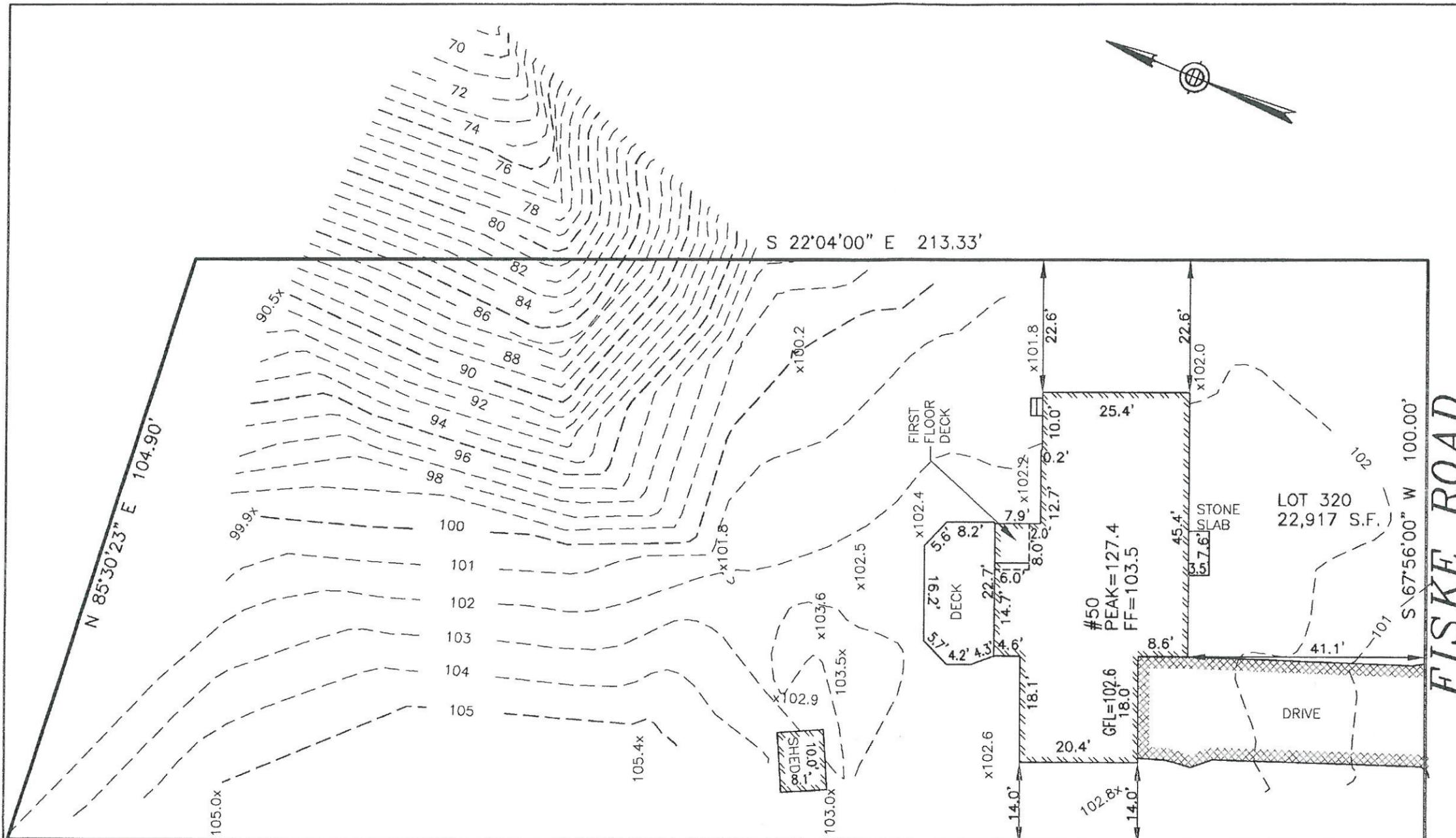
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2016 MAR 21 P 2:25  
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FISKE ROAD

THIS SURVEY SHOWS EXISTING  
CONDITIONS ONLY AND DOES NOT  
SHOW ANY PROPOSED  
CONSTRUCTION

### PLAN OF LAND IN WELLESLEY, MA

50 FISKE ROAD  
EXISTING CONDITIONS

SCALE: 1 IN. = 20 FT.  
DATE: JANUARY 4, 2016  
DRAWN: MF  
CHECK: BB

REVISIONS:	

ZONE: SR15  
LOCATED WITHIN WATER  
SUPPLY PROTECTION DISTRICT  
DEED REFERENCE:  
BOOK PAGE  
STRUCTURES 2,068 S.F.  
LOT COVERAGE 9.0%

PROJECT NO. 24839

