



## ZONING BOARD OF APPEALS

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

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ZBA 2016-03  
 Petition of Dennis Cerrotti & Janet Seckel-Cerrotti  
 58 Russell Road

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 7, 2016, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Dennis Cerrotti & Janet Seckel-Cerrotti requesting a Variance pursuant to the provisions of Section XIX and Section XXIV-D of the Zoning Bylaw for demolition of an existing nonconforming landing and steps and construction of an expanded landing and steps with less than required front yard setbacks, demolition of an existing nonconforming enclosed entry and steps and construction of a deck, an enclosed porch, landing and steps with less than required right side yard and front yard setbacks, on an existing nonconforming structure with less than required front yard setbacks, on a 9,339 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, at 58 Russell Road.

On December 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 were Dennis Cerrotti and Janet Seckel-Cerrotti, the Petitioner.

Mr. Cerrotti said that the request is for a variance based on two reasons. He said that an existing structure is currently out of code. He said that it is original to the house and has a very steep and dangerous stairway. He said that the door opens up to the stairway, so the egress is not up to code. He said that the second issue concerns serious problems with water runoff. He said that they worked with the Wetlands Protection Committee (WPC) to develop a plan. He said that they would like to have the current 4 foot by 8 foot porch structure removed and have the size increased to 8 foot by 8 foot and to add a deck onto that. He said that the reason for the deck is that there was a large concrete patio that caused a lot of erosion problems behind the house. He said that it was a conduit for pollution coming from the street to the vernal pond behind the house. He said that this is the best plan to mitigate the problems from the runoff and soil erosion, and provide safe egress to people coming in and out of the house.

The Board said that it is a tough lot and it is undersized. The Board said that it appears that the current right and left setbacks are conforming. The Board said that the existing nonconformities are the front yard setback and the lot size. The Board said that the request is to create a new nonconformity with a 17.5 foot right side yard setback. The Board said that the setback for the porch will be 27 feet from the front property line.

The Board asked about the condition of the land between the back of the house and the edge of the vernal pool. Mr. Cerrotti said that they are trying to bring it back to all indigenous growth. He said that they have started to remove some of the invasives on the property. He said that they have put in a lot of organic loam in to enhance growth. He said that they had a lot of erosion. He said that once they removed the patio, they stopped the erosion. He said that the way that the landing and the deck are constructed will eliminate foot traffic on the property.

The Board asked if the vernal pool enlarges at some point. The Board said that it appears to be 35 feet behind the house. Mr. Cerrotti said that the vernal pool seems to remain constant. He said that he understands that vernal ponds typically dry up in the winter but this is a little more vital than a vernal pond because it is always there. He said that it is a great resource for wildlife.

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 58 Russell Road, on a 9,339 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, with a minimum front yard setback of 1.3 feet.

The Petitioner is requesting a Variance pursuant to the provisions of Section XIX and Section XXIV-D of the Zoning Bylaw for demolition of an existing nonconforming landing and steps and construction of an expanded landing and steps with less than required front yard setbacks, demolition of an existing enclosed entry and steps and construction of a deck, an enclosed porch, landing and steps with less than required right side yard and front yard setbacks, on an existing nonconforming structure with less than required front yard setbacks, on a 9,339 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District.

Narrative for Variance Request, dated 12/9/15, a Plot Plan, dated 11/4/15, stamped by Robert F. Drake, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 10/28/15, prepared by Erin Reilly, Architect, and photographs were submitted.

On September 2, 2014, the Wetlands Protection Committee issued Order of Conditions – MA DEP #324-0758.

On January 5, 2016, the Planning Board reviewed the petition and recommended that the Variance 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 literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner owing to circumstances relating to the topography of such land, which does not generally affect the zoning district in which it is located, the hardship has not been self-created, and desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested Variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw is granted for construction of a garage with attic space above with less than required left side yard setbacks, 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 Variance shall expire one year after the date time stamped on this decision.

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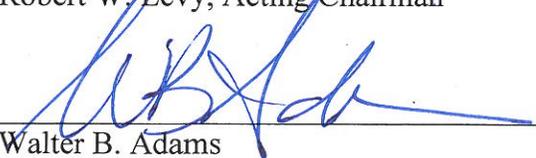
ZBA 2016-03  
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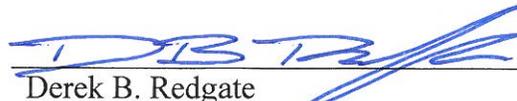
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APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.

  
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Robert W. Levy, Acting Chairman

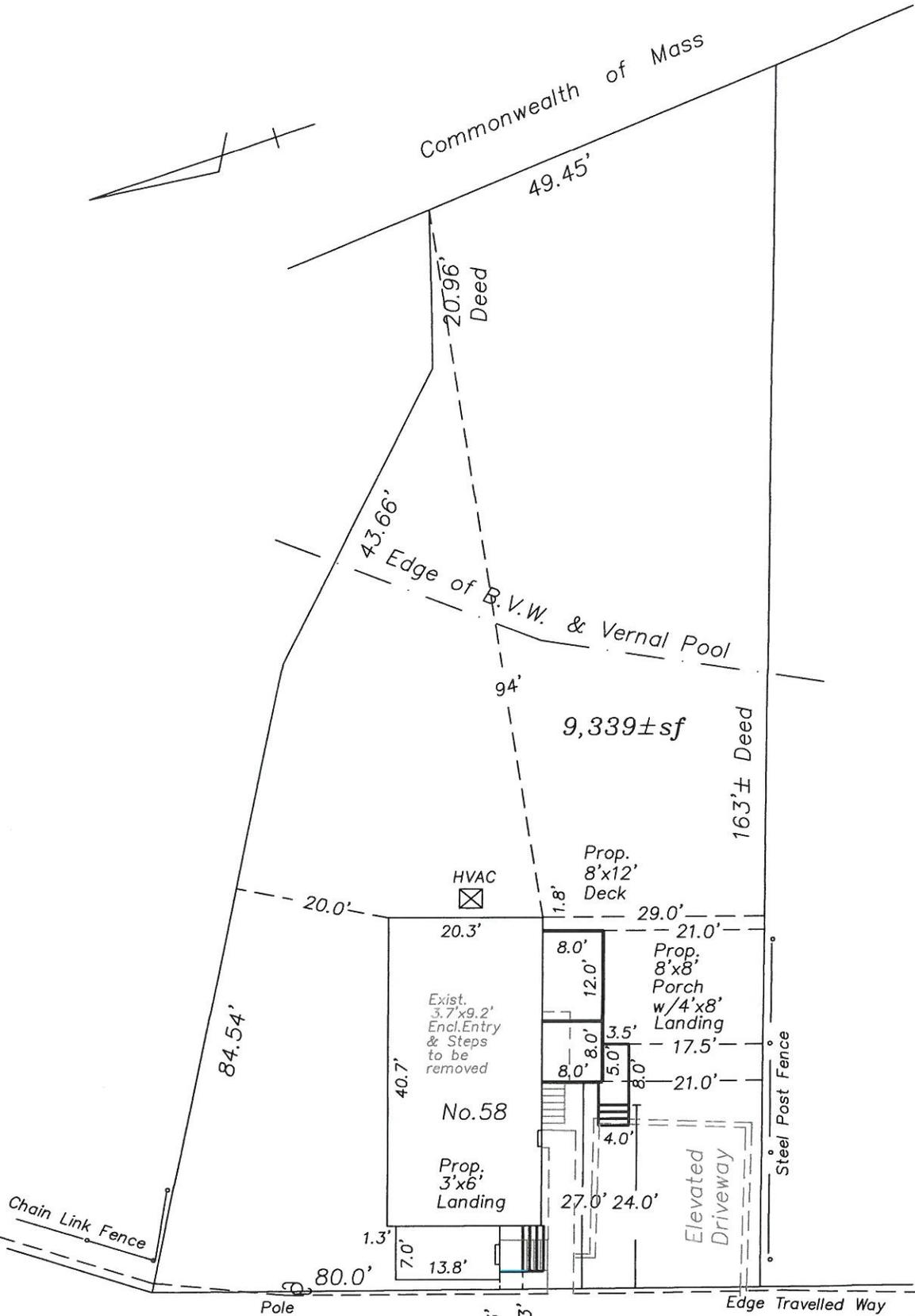
  
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Walter B. Adams

  
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Derek B. Redgate

cc: Planning Board  
Inspector of Buildings  
lrm

Commonwealth of Mass  
49.45'

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9,339±sf

163'± Deed

HVAC

Prop. 8'x12' Deck

Exist. 3.7'x9.2' Encl. Entry & Steps to be removed

No. 58

Prop. 3'x6' Landing

Prop. 8'x8' Porch w/4'x8' Landing

Elevated Driveway

Exist. Lot Cov. 972sf 10.4%  
Prop. Lot Cov. 1,182sf 12.7%

Ass Map 183 Lot 2  
Zoning SRD 10  
DEP File 324-0758  
Refer to ZBA Decision 2000-14 for front enclosure

Chain Link Fence

Steel Post Fence

RUSSELL ROAD  
WGV  
LAKE ROAD



Robert F. Drake PLS 30321

CERTIFIED PLOT PLAN  
No. 58 Russell Road  
WELLESLEY MASS.  
Applicant: Dennis Cerrotti  
11 Sunshine Ave Natick Ma  
SCALE 1"=20' NOV 4, 2015  
Drake Associates Inc.  
Civil Engineers Land Surveyors  
25 Wellesley Ave. Wellesley Mass.  
508 877-0848  
FAX 781 416-1865