



ZONING BOARD OF APPEALS

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

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 2016 OCT 20 P 1:11

ZBA 2016-76

Petition of Florence Pagano
 11 Washburn Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 6, 2016 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Florence Pagano 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 front porch and construction of a new front porch with less than required right side yard setbacks, on an existing nonconforming structure with less than required right side yard setbacks, in a 15,000 square foot Single Residence District, in a Water Supply Protection District, at 11 Washburn Avenue, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On September 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 Florence Pagano, the Petitioner, and Tom McDonald, Contractor. Ms. Pagano said that also present was Joe Creonte, 9 Washburn Avenue, who sent a letter of support.

Ms. Pagano said that the request is for a special permit to extend the nonconformity on the right side of the house by seven feet in the form of a new front porch. She said that she has lived there for a quarter of a century. She said that the house was constructed in 1884, as was the house at 9 Washburn Avenue. She said that the core structures of the houses are the same but have evolved over the years to have some differences. She said that she loves the history of both houses. She said that she has done a couple of projects since moving in and has always endeavored to preserve the historic nature of the house and have it fit in with the surrounding houses in the neighborhood.

Ms. Pagano said that the front porch is dilapidated and needs to be replaced. She said that they looked at a number of options in terms of function, appearance and conformity with the surrounding houses at 9 and 15 Washburn Avenue.

Ms. Pagano said that the house is nonconforming because it is 13 feet from the side property line. She said that the request is for a special permit to construct a porch that would more accurately reflect the surrounding porches. She said that will necessitate moving the nonconformity forward by approximately seven feet. She said that they considered alternatives to move the porch more toward the middle of the house but because of the roof lines, it was not aesthetically consistent with the other houses.

Ms. Pagano respectfully requested a special permit and said that the proposed structure shall not be more detrimental to the neighborhood.

Ms. Pagano said that a letter of support was also submitted from Jen and Jerry Nigro, 15 Washburn Avenue.

A Board member asked if the pad at the bottom of the stairs will be at the same location as the existing pad. Mr. McDonald said that it will be a little farther out, closer to the street. Ms. Pagano said that it will be approximately 42 feet from the street. A Board member said that the rendering shows the stairs at a certain height but after a site visit, he saw that the land drops off sharply. He said that they will probably need more risers. Ms. Pagano said that the rendering was more for a visual. She said that it is a steeper hill.

A Board member said that the rendering shows screening under the porch, which is not shown on the construction drawings. Mr. McDonald said that there will be screening.

A Board member said that it is not a zoning issue but an architectural issue that the increased length of the stair with a pad, because of the steep grade, will cause the stairs to be more in your face than the current situation. He said that parking of cars and arrival of guests will not be at the foot of the stairs. He questioned why they did not have a landing and then turn the stairs to go down to where the circulation of the site is. He said that the proposed design puts it out further into a nicely landscaped area and there will be a lot more work in that area than if the stairs were turned. Mr. McDonald said that they will have a pad at the bottom and then change direction at grade. The Board member said that they could have reduced the impact of the stairs by turning some number of risers down.

The Chairman discussed the 500 Foot Rule. He said that under the definition in the bylaw the old porch was exempt but the proposed porch is more than 50 square feet and will basically shorten the front yard by approximately seven feet. Mr. McDonald submitted a letter that was stamped by a surveyor that addressed the 500 Foot Rule.

Joe Creonte, 9 Washburn Avenue, said that he submitted a letter to the Board. He said that he and his wife have lived there for 16 years. He said that they fully support the proposal. He said that it is in keeping with the porches in the immediate vicinity. He said that the Paganos have done a good job over the years in keeping with the architectural design of the existing structure. He said that his property is located on the side where the house at 11 Washburn Avenue is nonconforming. He said that there is significant foliage between the houses and will have very little impact on his property.

A Board member said that the plans show eleven (11) seven (7) inch risers. He asked if the surveyor has confirmed that. He said that there are no elevations on the site plan. Mr. McDonald said that he has confirmed it. He said that the stairs will come down to a pad and then change direction. The Board member asked about the vertical elevation of the pad at the bottom of the stairs. He said that the rendering did not show the change in grade. He said that the stairs will be coming further out and there is a steep grade dropping down. He said that they may very well need more than 11 risers. He said that the surveyor has not indicated what the differential is between the pad and the porch. He said that the Building Inspector will look for eleven (11) seven (7) inch risers. He said that he hoped that would not force the pad higher up out of grade. Mr. McDonald said that the pad will be at grade. He asked if the Petitioner should they ask for more risers. The Chairman said that if the plan already accommodates the

actual topography that is there, there is no issue. He said that the Board cannot come to that conclusion because there is no topography shown on the plans. He said that a drawing that shows 11 risers was submitted. Mr. McDonald said that they will stick with the 11 risers and bring it to grade.

The Board said that the nonconformities are the right yard setback at 8.9, 12.7 and 13.2 feet where 20 feet is required. The Board found that the proposed construction shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Statement of Facts

The subject property is located at Washburn Avenue, in a 15,000 square foot Single Residence District, in a Water Supply Protection District, with a minimum right side yard setback of 8.9 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 front porch and construction of a new front porch with less than required right side yard setbacks, on an existing nonconforming structure with less than required right side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 6/27/16, stamped by Bruce Bradford, Professional Land Surveyor, Explanation of Request, dated 7/1/16, Proposed Elevation Drawings, dated 5/19/16, stamped by Stanislav Berdichevsky, Registered Professional Structural Engineer, Architectural Rendering, and photographs were submitted.

On October 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 although demolition of an existing front porch and construction of a new front porch with less than required right side yard setbacks, on an existing nonconforming structure with less than required right side yard setbacks 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 front porch and construction of a new front porch with less than required right side yard setbacks, on an existing nonconforming structure with less than required right 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 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.



J. Randolph Becker, Acting Chairman



David G. Sheffield



Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm



12.45'
N17°54'15"W

N70°15'46"E 206.60'

N05°07'22"W 70.00'

LOT 4
17,145 S.F.±

#11

PROPOSED
PORCH

EXISTING
PORCH
(TBR)

DRIVE

S70°13'02"W 224.66'

S19°44'14"E 80.00'

WASHBURN AVENUE

ESTABLISHED 1916

EMB

EVERETT M. BROOKS CO.

SURVEYORS & ENGINEERS

49 LEXINGTON STREET
WEST NEWTON, MA 02465

(617) 527-8750
info@everettbrooks.com

EXISTING
STRUCTURES 1,829 S.F.
LOT COVERAGE 10.7%

PROPOSED
STRUCTURES 1,947 S.F.
LOT COVERAGE 11.4%

DEED REFERENCE:
BOOK 24787 PAGE 583

PLAN OF LAND IN WELLESLEY, MA

11 WASHBURN AVENUE
PROPOSED ADDITIONS

SCALE: 1 IN. = 20 FT.

DATE: JUNE 27, 2016

DRAWN: MF

CHECK: BB

REVISIONS:

PROJECT NO. 24967

