



ZONING BOARD OF APPEALS

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ZBA 2016-79
 Petition of Ryan & Rebecca Flanagan
 56 Fuller Brook Road

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 Ryan & Rebecca Flanagan requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming shed with less than required left side yard setbacks, demolition of an existing screened porch, and construction of a two-story addition with basement that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard setbacks, on a 14,404 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, a 56 Fuller Brook Road, 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 Rebecca Flanagan, the Petitioner, and Nancy Twomey, Architect.

Ms. Twomey said that the request is for relief under Section 17 of the Zoning Bylaw for a pre-existing nonconformity of the lot size in the form of a special permit. She said that the lot is just over 14,400 square feet in a Single Residence District in which the minimum lot size is 20,000 square feet.

Ms. Flanagan said that the proposal is to remove an existing 8 foot by 12 foot screened porch at the rear right, construct a two-story addition with a full foundation basement, and remove a shed that is attached to the existing single car garage on the left side of the house. She said that the footprint of the proposed construction will be 480 square feet, or 20 feet by 24 feet. She said that new construction will comply with setback and lot coverage requirements and will not create or increase an existing nonconformity.

Ms. Flanagan said that they have two small children. She said that the proposed first floor of the addition will be a family room for more space and let them grow with the house. She said that the second floor will be a master bedroom and bath. She said that they will not change the number of bedrooms.

Ms. Flanagan said that the proposed construction will be in keeping with the character of the neighborhood. She said that most of the houses in the neighborhood are two-story. She said that this will remain as a single family, four-bedroom home.

Ms. Flanagan said that they spoke with a number of neighbors, including the neighbors on the left and right sides, and there were no objections. She said that the aqueduct is at the rear of the property. She said that she spoke with the neighbors behind the aqueduct and they had no objections.

The Chairman said that, in addition to the lot size nonconformity that Ms. Flanagan identified, the left side yard setback is nonconforming at 19.2 feet.

A Board member asked how long the existing air conditioner has been there. Ms. Flanagan said that the previous owners installed it in 2004. The Board said that the bylaw says that you cannot put noise emitting equipment such as air conditioners in the setback.

The Board asked about the TLAG calculations. Ms. Twomey said that the first floor will be 1,193 square feet, second floor will be 1375 square feet, and the garage will be 218 square feet. She said that there will be finished basement but it will be quite depressed. She said that it probably will not count. She said that the living portion that will be finished will be 423 square feet. She said that the total, including the garage, will be 3,209 square feet, which is well below the threshold for Large House Review. She said that it will be 2,568 square feet without the basement and garage. The Chairman said that because this is before the Board for a special permit, it is exempt from TLAG. He said that the key finding is that it shall not be more detrimental to the neighborhood. He said that TLAG calculations help the Board to measure that.

A Board member discussed the gas fireplace bump out and bay window shown on the side elevation drawing, Sheet 7 of 10. He said that there is a lot of geometry there that looks a little strange. Ms. Twomey said that the roofline will come out. She said that the design was to simplify some of the shapes. She said that, in order to be able to fit everything in for the second floor bathroom, there is a bay window. She said that the roofline is straight across. She said that inset below it will be the fireplace. She said that it was designed to maximize space in the bathroom and to keep only one roof over that structure. She said that it is not as complicated as it looks. The Board member said that there are a lot of shapes. He asked about making the chimney bump out the same shape as above. Ms. Twomey said that where the bay upstairs comes back will impact windows on either side of the fireplace. She said that it affects the interior space with the fireplace and where the built-ins are. She said that they were trying to keep symmetry in that room. The Board said that it is not a zoning issue.

There was no one present at the public hearing who wished speak to the petition.

Statement of Facts

The subject property is located at 56 Fuller Brook Road, on a 14,404 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, with a minimum left side yard setback of 19.2 feet.

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 an existing nonconforming shed with less than required left side yard setbacks, demolition of an existing screened porch, and construction of a two-story addition with basement that will meet all setback requirements, on an existing nonconforming structure

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with less than required left side yard setbacks, on a 14,404 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 8/23/16, stamped by Stephen M. Melesciuc, Professional Land Surveyor, Existing & Proposed Floor Plans & Elevation Drawings, dated 8/22/16, prepared by Twomey Design, 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 demolition of an existing nonconforming shed with less than required left side yard setbacks, demolition of an existing screened porch, and construction of a two-story addition with basement that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard setbacks, on a 14,404 square foot lot in a Single Residence District in which the minimum lot size is 20,000 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 demolition of an existing nonconforming shed with less than required left side yard setbacks, demolition of an existing screened porch, and construction of a two-story addition with basement that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard setbacks, on a 14,404 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, 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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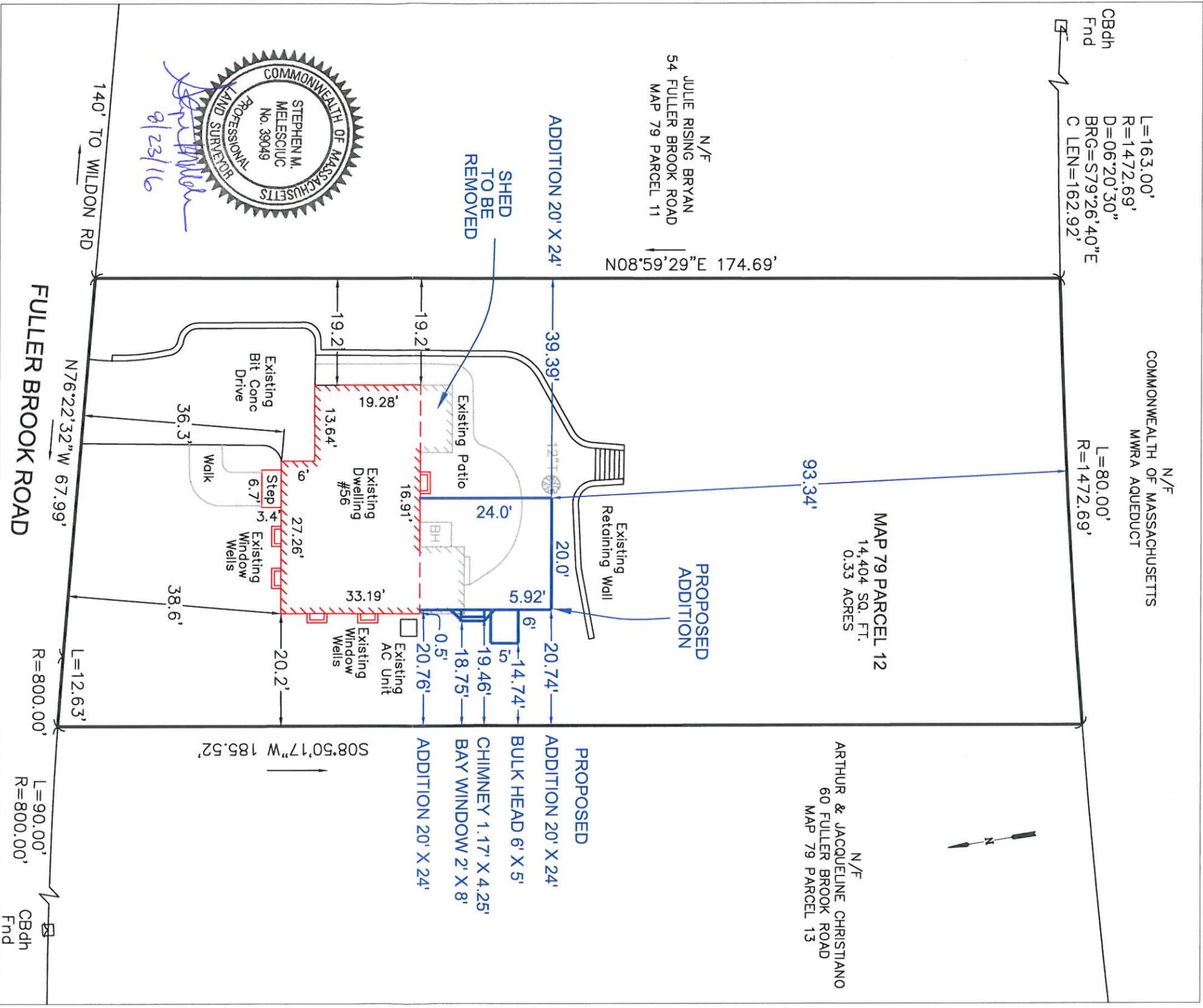
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.


J. Randolph Becker, Acting Chairman


David G. Sheffield


Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm



CBdh
Fnd
L=163.00'
R=1472.69'
D=06°20'30"
BRG=S79°26'40"E
C LEN=162.92'

N/F
COMMONWEALTH OF MASSACHUSETTS
MWRA AQUEDUCT
L=80.00'
R=1472.69'

N/F
ARTHUR & JACQUELINE CHRISTIANO
60 FULLER BROOK ROAD
MAP 79 PARCEL 13

N/F
JULIE RISING BRYAN
54 FULLER BROOK ROAD
MAP 79 PARCEL 11

N08°59'29"E 174.69'

MAP 79 PARCEL 12
14,404 SQ. FT.
0.33 ACRES

ADDITION 20' X 24'

SHED
TO BE
REMOVED

PROPOSED
ADDITION

PROPOSED

ADDITION 20' X 24'

BULK HEAD 6' X 5'

CHIMNEY 1.17' X 4.25'

BAY WINDOW 2' X 8'

ADDITION 20' X 24'

140' TO WILDON RD

FULLER BROOK ROAD

L=12.63'
R=800.00'

L=90.00'
R=800.00'

CBdh
Fnd

REQUIRED

LOT AREA: 20,000
FRONTAGE: 60'
FRONT YARD SETBACK: 30'
SIDE YARD SETBACK: 20'
REAR YARD SETBACK: 20'
BUILDING COVERAGE: 20%
BUILDING HEIGHT: 45'

EXISTING

LOT AREA: 14,404 S.F.
FRONTAGE: 80.62'
FRONT YARD SETBACK: 36.3'
SIDE YARD SETBACK: 19.2'
REAR YARD SETBACK: 110.6'
BUILDING COVERAGE: 1,200 S.F.=8%
BUILDING HEIGHT: 23.9'

PROPOSED

FRONT YARD SETBACK: N.A.
SIDE YARD SETBACK: 20.74' ADDITION
SIDE YARD SETBACK: 14.74' BULK HEAD
SIDE YARD SETBACK: 19.46' CHIMNEY
SIDE YARD SETBACK: 18.75' BAY WINDOW
REAR YARD SETBACK: 93.34' ADDITION
BUILDING COVERAGE: 1,593 S.F.= 11%
BUILDING HEIGHT: 23.9'

CERTIFIED PLOT PLAN

56 FULLER BROOK ROAD
ASSESSORS MAP 79 PARCEL 12
WELLESLEY, MA
PREPARED FOR
RYAN & REBECCA FLANAGAN
56 FULLER BROOK ROAD
WELLESLEY, MA

STEPHEN M. MELESCIUC
PROFESSIONAL LAND SURVEYOR #39049
117 HILL ST APT 504
STONEHAM, MA 02180
(781)245-3485

SCALE: 1"=20'

DATE: AUGUST 23, 2016