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## ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992  
1999 APR 21 A 9:07KENDALL P. BATES, CHAIRMAN  
WILLIAM E. POLLETTA, VICE CHAIRMANELLEN D. GORDON  
EXECUTIVE SECRETARY  
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(781) 431-1019 EXT. 208ROBERT A. BASTILLE  
CYNTHIA S. HIBBARD

ZBA 99-12  
Petition of Marcello and Joanne Pucci  
21 Rice Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 8, 1999 at 8 p.m., in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of MARCELLO AND JOANNE PUCCI requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the demolition of the existing detached nonconforming two-car garage and construction of a one-story 22 foot by 34 foot addition with garage under, and a 16.39 foot connector to the first floor of the existing nonconforming dwelling, with less than the required right and left side yard setbacks, at 21 RICE STREET, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On March 22, 1999, the petitioners 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 was Joe Grignaffini, of Wellesley Design Service, representing the Pucci family, which was present. Mr. Grignaffini explained that Mrs. Pucci is a recent widow. Her son would like to occupy the main house with his family, while Mrs. Pucci would occupy the addition. After exploring several designs, the submitted plan presented the best solution, as the existing grape arbor would be saved and access to the basement would be retained. Connecting the addition directly to the house would involve problems with the roof lines.

The Board noted that the Planning Board had objected to the petition on the grounds that living space would be brought closer to the lot line than allowed, but the Board is more concerned with the potential use of the addition as a second dwelling unit. The problem is not with the current petitioner, but with a future owner. There is no way for the Board to police the premises to ensure compliance.

The Board agreed that it would require a deed rider stating that the use of the premises would always be as a single dwelling unit and that no food storage/preparation and eating facilities would ever be installed in the addition. The Pucci family agreed to accept the condition.

No other person present had any comment on the petition.

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Statement of Facts

The subject premises are located at 21 Rice Street, in a Single Residence District, on an 8,642 square foot lot, which contains a two-story nonconforming dwelling, with a minimum left side yard clearance of 4.99 feet and a minimum front setback of 19.07 feet; and a nonconforming detached two-car garage, with a minimum left side yard clearance of 3.92 feet and a minimum right side yard clearance of 5.23 feet.

The petitioners are requesting a Special Permit/Finding that the demolition of said garage and construction of a one-story 22 foot by 34 foot addition, with garage under, with a 16.39 foot connector to the first floor of the nonconforming dwelling, will not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling. The addition will have a minimum left side yard clearance of 7.5 feet and a minimum right side yard clearance of 5.23 feet.

A Plot Plan dated January 26, 1999, drawn by George N. Giunta, Registered Land Surveyor; Floor Plans and Elevations dated 1/21/99, drawn by Wellesley Design Service; and photographs were submitted.

A petition supporting the request, signed by 12 property owners on Rice Street, was also submitted.

On April 5, 1999, the Planning Board reviewed the petition and opposed granting of the petition as the addition would bring habitable space closer to the property line than would otherwise be allowed.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. Neither the existing dwelling nor the existing garage conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that the demolition of the existing nonconforming garage and construction of the one-story addition with garage under and the connector from the addition to the main dwelling will neither intensify the existing nonconformance nor create additional nonconformance, and therefore, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, a Special Permit is granted for the demolition and construction, as voted unanimously by this Authority at the Public Hearing, subject to the following condition:

1. Prior to the issuance of any building permit, a deed rider, acceptable to Town Counsel in both form and content, restricting the use of the premises, including the main house and the

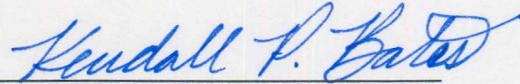
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addition, to one single dwelling unit, as defined in Section IA. Definitions. Dwelling Unit of the Zoning Bylaw, shall be recorded at the Norfolk Registry of Deeds. A copy of said deed rider and recording shall be submitted to the office of the Board of Appeals.

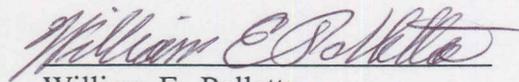
Subsequent to compliance with the above condition, the Inspector of Buildings is hereby authorized to issue permits for demolition and construction upon his receipt and approval of the proper applications and detailed construction plans.

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.

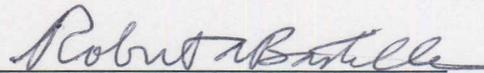
cc: Planning Board  
Inspector of Buildings  
Albert S. Robinson, Town Counsel  
edg



Kendall P. Bates, Chairman



William E. Polletta



Robert A. Bastille

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