

**ZONING BOARD OF APPEALS**

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ZBA 2012-12

Petition of Richard Lee & Lisa Laich
16 Paine Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 2, 2012, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of RICHARD LEE & LISA LAICH requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 10.5 foot by 14 foot one-story addition and landing with less than required left side yard setbacks, at 16 PAINE STREET, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On January 17, 2012, 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 was Jay Gallant, Architect, who said that he was representing Richard Lee and Lisa Laich (the "Petitioner"). He said that his clients will be purchasing the property from the current owners on March 15, 2012.

Mr. Gallant said that he was involved in the mudroom addition that was proposed in 2008. He said that a Special Permit was granted. He said that they are proposing a very similar project. He said that the approved project was not built. He said that the current homeowners put in some landscaping and a new gate.

Mr. Gallant said that the proposed addition will be 10.5 feet by 14 feet.

Mr. Gallant said that the existing dining room is 13.1 feet from the left side property line. He said that the proposed addition will be 14 feet from the left side property line. He said that the structure to the left of the addition will be a small landing that will be just under 21 square feet with three treads leading down to the driveway. He said that it will be an uncovered landing.

Mr. Gallant said that his clients want to retain all of the trees that are there.

The Board said that there is an existing fence along the driveway that turns toward the house. The Board asked if the fence will be modified. Mr. Gallant said that they will not build the gate if the trees are in the way.

The Board said that it is a difficult lot to work with. The Board said that the lots in this zone are very narrow and very deep.

Chris Spagnuolo, 14 Paine Street, said that any improvement to 16 Paine Street is an improvement to his house. He said that there is good separation with the trees there.

Statement of Facts

The subject property is located at 16 Paine Street, in a 10,000 square foot Single Residence District, with a minimum left side yard setback of 13.1 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 10.5 foot by 14 foot one-story addition and landing with less than required left side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 1/23/12, stamped by Douglas W. Andrysick, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 1/10/12, prepared by Gallant Architecture & Construction were submitted

On January 30, 2012, the Planning Board reviewed the petition and recommended that the Special Permit be granted with a condition.

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 finding of this Authority that although construction of a 10.5 foot by 14 foot one-story addition and landing with less than required left 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 construction of a 10.5 foot by 14 foot one-story addition and landing with less than required left side yard setbacks, subject to the condition:

- The existing evergreen trees located along the northern property line shall be retained, to be protected prior to, during, and following construction with measures prescribed by a licensed/certified arborist. Measures intended to protect trees during construction shall be installed prior to the issuance of any permits.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction 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.

Richard L. Seegel, Chairman

J. Randolph Becker

Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm