



ZONING BOARD OF APPEALS

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ZBA 2012-33
 Petition of Michael Hally
 3 Claflin Road

Record Owner of Property: Phillip & Samantha Juliano

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 3, 2012, at 7:30 p.m. in the Juliano Meeting Room, 525 Washington Street, Wellesley, on the petition of MICHAEL HALLY requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that construction of a 15.1 foot by 23.5 foot two-story addition with less than required right side yard setbacks, on a nonconforming structure with less than required front yard, left side yard and right side yard setbacks, on a 6,000 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 3 CLAFLIN ROAD, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On April 18, 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 Michael Hally (the "Petitioner"). Also present was Phillip Juliano, homeowner.

Mr. Hally said that the request is for relief for a side setback to allow for a new addition.

Mr. Hally said that it is a small lot at 6,000 square feet. He said that the existing house is 14.2 feet away from the side lot line.

Mr. Hally said that the proposed addition will be at the back of house and will be pushed in 12 inches. He said that the side setback from the new addition will be 15.1 feet.

Mr. Hally said that there is a driveway and a detached garage on the other side of the house.

Mr. Hally said that they are trying to do a lot with a small footprint. He said that they came up with a saltbox profile. He said that they were concerned that they not make the ridge too high. He said that the proposed ridge will be approximately 11 inches higher than the existing ridge. He said that they wanted to keep the soffits as low to the ground as possible to preserve the village colonial look. He said that there will be a full dormer at back to give the illusion of a smaller structure than it is. He said that there will be a new landing and stairs that will go to the driveway. He said that they will be able to preserve a lot of

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back yard space. He said that lot coverage will be 21 percent. He said that the Total Living Area plus Garage (TLAG) will be 2300 square feet.

The Board said that it is a small lot. The Board said that it is a tasteful addition. The Board said that there could have been a way to build it so that it would meet the 20 foot side yard setback but that would compromise both the continuity of house and layout of the interior.

Mr. Juliano said that the neighbors are not opposed to the plans. He said that did not show the plans to the neighbors but he did review the concept with them.

Mr. Hally said that he has worked on several homes in the neighborhood. He said that it has always been a priority there to maintain an attractive house and pay attention to the greenspace. He said that this property backs up to homes on Weston Road. He said that the neighbor to the right is a backyard and the neighbor to left is fairly far away from the lot line. He said that they are maintaining a good buffer of greenspace from all of the surrounding neighbors.

Mr. Hally said that to make the addition conform it would be a long narrow strip to the 10 foot rear setback. He said that would appear more detrimental to the look of the neighborhood than what they have proposed to do.

The Board said that if it was to approve the Special Permit, it would be subject to the requirement that the addition be built in accordance with all of the details on the submitted plans.

Mr. Hally said that the Juliano's already did some renovations a few years ago and everything was done tastefully. He said that they could have gone with asphalt shingles but they chose to go with a more expensive metal roof.

Mr. Hally said that they had tried several different designs but they were too big. He said that they tried to minimize the height of ridge and also keep a consistent pitch of the roof. He said that the saltbox does the best job it can when you look at it from the front. He said that it makes the roof look like it is very low in the back. He said the cheek walls in the dormer are tucked in to give the illusion of a one and one-half story house.

The Board asked about the bump out that is labeled, "pantry closet." Mr. Hally said that it is currently a half bathroom that needs a lot of help. He said that it is being removed and put in the new addition area to make it more modern and easier to keep up. He said that the Juliano's have re-sided the house already and the windows are all new.

The Board asked about doing away with the pantry closet. Mr. Hally said that the square footage is quite small for the living space of the house. He said that Ms. Juliano, who is not present at the hearing, would probably put up a fight for the closet. He said that it is existing space and it is useful space in the interior.

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 3 Claflin, on a 6,000 square foot lot in a 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 15.4 feet, a minimum left side yard setback of 19.5 feet, and a minimum right side yard setback of 14.2 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 15.1 foot by 23.5 foot two-story addition with less than required right side yard setbacks, on a nonconforming structure with less than required front yard, left side yard and right side yard setbacks, on a 6,000 square foot lot in a district in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 4/5/12, stamped by Frank Iebba, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 3/10/12, prepared by Michael Hally Design, Inc., and photographs were submitted.

On April 19, 2012, the Planning Board reviewed the petition and recommended that the Special Permit be denied.

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 15.1 foot by 23.5 foot two-story addition with less than required right side yard setbacks, on a nonconforming structure with less than required front yard, left side yard and right side yard setbacks, on a 6,000 square foot lot in a district in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District 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 15.1 foot by 23.5 foot two-story addition, subject to the condition that:

- Construction of the building addition shall be in accordance with the plans dated 3/10/12, prepared by Michael Hally and submitted to the Board, with all of the details shown.

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.

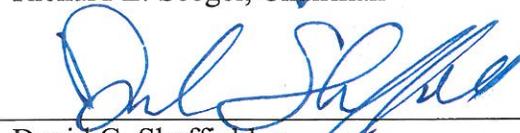
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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.


Richard L. Seegel, Chairman


David G. Sheffield

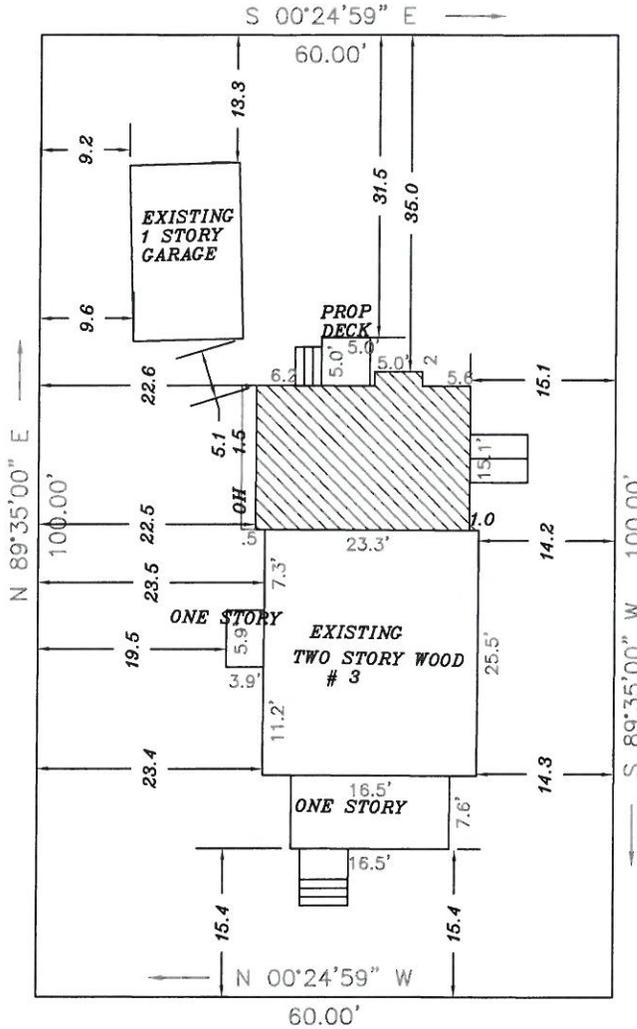

Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm

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PROPOSED ADDITION
3 CLAFLIN ROAD
MAP 180 PARCEL 53
WELLESLEY, MA
SCALE: 1 IN = 20 FT
APR 5, 2012



 PROPOSED ADDITION

LOT AREA: 6000 SF

EXISTING LOT COVER: $((924)/6000))100$
15.4 %

PROPOSED LOT COVER: $((1266)/6000))100$
21.1 %



CLAFLIN ROAD

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