



ZONING BOARD OF APPEALS

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

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ZBA 2012-52
 Petition of Brian Millerick
 22 Cedar Street

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 2012 JUL 26 P 2:56

Record Owner of Property: Tosin Davis

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 12, 2012, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of BRIAN MILLERICK 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 19.8 foot by 20 foot two-story addition with less than required left side yard setbacks on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks and 50 feet of frontage, on an 8,556 square foot lot in a district in which the minimum lot size is 10,000 square feet, in a Water Protection District, at 22 CEDAR STREET, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 26, 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 David Himmelberger, Esq., who said that he was representing Brian Millerick (the "Petitioner"). Also present at the hearing was Tosin Davis, the homeowner.

Mr. Himmelberger said that the request is for a Special Permit for a small two-story addition with less than required right and left side yard setbacks. He said that it is an 8,556 square foot lot in a 10,000 square foot district, and a Water Supply Protection District. He said that the Petitioner is seeking approval of the Special Permit based on the belief that the addition will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Mr. Himmelberger said that the setbacks of the proposed addition are better than the existing structure with the exception of one point where it will remain at 18.5 feet on the right side of the structure.

Mr. Himmelberger said that the house sits between two much larger structures. He said that it is not clear if the proposed addition will be seen from the street except possibly from an angle.

The Board said that it may not be clear from the plot plan but approximately 40 percent of the back of the lot is a steep hill that precludes anything being put there.

The Board said that the house is located in a Water Supply Protection District. The Board asked what will happen to water runoff from the proposed addition. Mr. Himmelberger said that he believed that the water will be discharged onto the existing grounds. He said that currently the area at the back of the house, which is the area where the addition is to be built, is impervious surface. He said that they will not be adding any more impervious surface.

The Board asked if the addition will have gutters. Mr. Himmelberger said that the Petitioner would be willing to accept that as a condition.

The Board said that it wants to be assured that the rainwater that runs off of the addition will not land on the street. Mr. Himmelberger said that the Petitioner will do that.

Mr. Himmelberger said that the addition will go on top of the patio. He said that it will have a slab, not a foundation.

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 22 Cedar Street, on an 8,556 square foot lot in a Water Supply Protection District in which the minimum lot size is 10,000 square feet, with a minimum front yard setback of 15 feet, a minimum left side yard setback of 4 feet, a minimum right side yard setback of 16.9 feet and 50 feet of frontage.

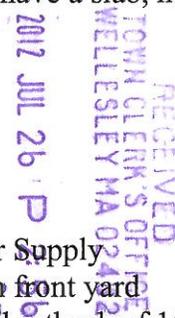
The Petitioner is requesting a Special Permit/Finding that construction of a 19.8 foot by 20 foot two-story addition with less than required left side yard setbacks on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks and 50 feet of frontage, on an 8,556 square foot lot in a district in which the minimum lot size is 10,000 square feet, in a Water Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 6/20/12, stamped by Richard C. Nelson, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 4/11/12, prepared by R.C. Searles Associates, and photographs were submitted.

On July 6, 2012, the Planning Department Staff 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 finding of this Authority that although construction of a 19.8 foot by 20 foot two-story addition with less than required left side yard setbacks on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks and 50 feet of frontage, on an 8,556 square foot lot in a district in which the minimum lot size is 10,000 square feet 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 19.8 foot by 20 foot two-story addition with less than required left side yard setbacks, subject to the conditions that:

1. The addition shall be constructed in a way that rainwater will not travel to the street.
2. Gutters shall be installed on the addition.

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.

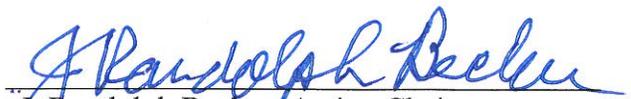
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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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.



J. Randolph Becker, Acting Chairman



Robert W. Levy



Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm

MAP21 LOT 44A

51.60'

MAP 21 LOT 48
8,556 S.F.



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2012 JUN 26 A 10:19

MAP 21 LOT 47

173.06'

MAP 21 LOT 49

165.80'

ZONING DISTRICT 10 (SINGLE RESIDENCE 10)

EX. PROPOSED

LOT COVERAGE: (%) 13.1% 17.3%
BUILDING COVERAGE: (S.F.) 1121 1479

TOTAL LOT AREA: 8556 S.F.

BOUNDARY ZONE: C

4.0'

7.8'

9.8'

20.0'

16.0'

24.9'

9.8'

11.0'

11.0'

8.8'

9.0'

18.5'

17.2'

4.1'

9.6'

4.9'

9.9'

25.1'

17.2'

4.1'

9.6'

4.9'

9.9'

25.1'

17.2'

4.1'

9.6'

4.9'

9.9'

25.1'

17.2'

4.1'

9.6'

4.9'

9.9'

25.1'

17.2'

4.1'

9.6'

4.9'

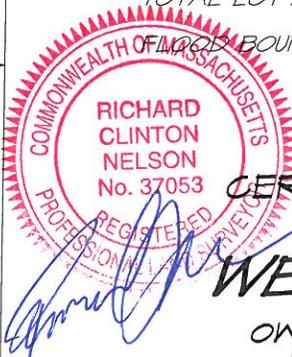
9.9'

25.1'

17.2'

EXISTING DWELLING

EXISTING DRIVEWAY



CERTIFIED PLOT PLAN
OF LAND IN
WELLESLEY, MA

OWNER: TOSIN J. DAVIS
22 CEDAR STREET
WELLESLEY, MA

DATE: Jun 20, 2012 SCALE: 1"=20'

150' TO RIVER
RIDGE ROAD

TO RIVER
RIDGE ROAD

CEDAR STREET

GRAPHIC SCALE 1"=20'



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