



ZONING BOARD OF APPEALS

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

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TELEPHONE
(781) 431-1019 EXT. 2208
web: www.wellesleyma.gov

ROBERT W. LEVY
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ZBA 2012-66
Petition of Deborah Edwards & Peter Litman
2 Arlington Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 6, 2012, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of DEBORAH EDWARDS & PETER LITMAN 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 302 square foot single-car garage with attached shed and construction of a 484 square foot two-car garage with less than required front yard and side yard setbacks, on an 18,314 square foot corner lot in a 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.

On July 23, 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.

August 9, 2012

As there was no quorum of Board Members, the hearing was rescheduled to September 6, 2012.

September 6, 2012

Presenting the case at the hearing was David Himmelberger, Esq., who said that he was representing Deborah Edwards and Peter Litman, (the "Petitioner").

Mr. Himmelberger said that the request is for a Special Permit/Finding for reconstruction of a garage. He said that the Petitioners had come before the Board in May and the Board had allowed the petition to be withdrawn without prejudice. He said that the Petitioners have revised their proposal. He said that the request is for a two-car garage that will require a Special Permit.

Mr. Himmelberger said that the lot is nonconforming due to square footage. He said that it is a corner lot.

Mr. Himmelberger said that the existing one-story garage with attached shed is nonconforming with less than required front and side yard setbacks. He said that the current proposal was scaled down by 92 square feet. He said that the garage will be detached from the house. He said that the proposed garage will add 88 square feet of nonconforming structure but will not encroach further into the setbacks.

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Mr. Himmelberger said that, based upon the Town's Zoning Bylaw, Section 17, this is a nonconforming structure other than a one or two-family, governed by M.G. L., Chapter 40A, Section 6. He said that the proposed structure shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. He said that the Petitioners are requesting favorable approval from the Board. He said that the proposed structure will be a significant improvement over the prior submittal and the existing structure on the property.

Mr. Himmelberger said that the garage fronts onto Fletcher Road. He said that Fletcher Road has a number of properties with garage access. He said that the proposed garage will fit in well with the aesthetics of the neighborhood.

The Board asked about the number of doors. Mr. Litman said that the doors were added for architectural interest. Ms. Edwards said that the two doors at the back of the garage are for access to her garden tools.

The Board said that the drawing indicated that the structure is to be removed. The Board asked if that will include the foundation. Mr. Himmelberger said that for simplicity's sake, the pad will be removed. He said that the pad for the new building will be bigger.

The Board asked why the proposed structure was not pushed back further. Mr. Himmelberger said that the issue is that the garage would then begin to become opposite the house. He said that the proposed garage is offset from the existing house. He said that pushing it back further would bring it into the rear yard. He said that, in terms of aesthetics, it made sense to leave it in the same location.

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 2 Arlington Road, on an 18,314 square foot corner lot in a district in which the minimum lot size is 20,000 square feet, with a minimum front yard setback of 24.1 feet and a minimum side yard setback of 10.2 feet.

The Petitioner is requesting a Special Permit/Finding that demolition of an existing nonconforming 302 square foot single-car garage with attached shed and construction of a 484 square foot two-car garage with less than required front yard and side yard setbacks, on an 18,314 square foot corner lot in a 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 5/30/12, stamped by Dennis B. O'Brien, Professional Land Surveyor, Existing Floor Plans and Elevation Drawings, dated 3/10/12, Proposed Floor Plans and Elevation Drawings, dated 6/26/12, prepared by John Chapman, Architect, and photographs were submitted.

On August 9, 2012, 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 finding of this Authority that although demolition of an existing nonconforming 302 square foot single-car garage with attached shed and construction of a 484 square foot two-car garage with less than required front yard and side yard setbacks, on an 18,314 square foot corner lot in a district in which the minimum lot size is 20,000 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 demolition of an existing nonconforming 302 square foot single-car garage with attached shed and construction of a 484 square foot two-car garage with less than required front yard and side yard setbacks, on an 18,314 square foot corner lot in a 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 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



David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm

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Fnd

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18,314 Sq.Ft.

168.60

EXISTING LOT COVERAGE 12.4%
EXISTING OPEN SPACE 81.1%
PROPOSED LOT COVERAGE 13.4%
PROPOSED OPEN SPACE 79.3%
NEW NON-CONFORMING BUILDING AREA 88SF

SB
Fnd

ARLINGTON ROAD

BUILDING ENVELOPE

125.00

117.60

26'M TO BE REMOVED

12.8

12.2

PROPOSED GARAGE 22'x22'

EXIST'G GARAGE

24'M TO BE REMOVED

24.1

Asph. Driveway 24.4'

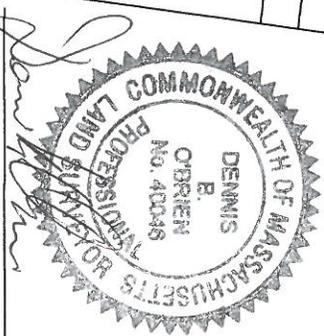
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PLAN SHOWING PROPOSED GARAGE

Dennis O'Brien

P.L.S.



FLETCHER ROAD



Scale: 1" = 20'

May 30, 2012
Dennis O'Brien P.L.S.
31 Hayward Street Ste. 3-G Franklin, Mass. 02038
(508) 541-0048