



## ZONING BOARD OF APPEALS

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

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ROBERT W. LEVY  
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ZBA 2012-67  
Petition of Stephen Mielke  
421 Weston Road

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Record Owner of Property: Karen B. Raftery

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 STEPHEN MIELKE requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that increasing existing nonconforming lot coverage from 28 percent to 30 percent with construction of a 6.5 foot by 12 foot one-story addition with landing and stairs with less than required left side yard and right side yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, with 52.29 feet of frontage, on a 4,000 square foot lot in a Water Supply Protection District in which the minimum lot size is 10,000 square feet, at 421 WESTON ROAD, 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 Stephen Mielke, Architect, (the "Petitioner").

Mr. Mielke said that the request is for a Special Permit to construct a small addition at the rear of house. He said that they would like to increase the area of the house and have a small landing and steps down to the rear yard.

Mr. Mielke said that the existing house is nonconforming with respect to side yard setbacks and lot size.

Mr. Mielke said that the proposed addition will be one-story. He said that the existing garage projects beyond the back of the house by 5 feet. He said that the rear yard setback from the proposed addition will be 16 feet.

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The Board said that the existing stairs from the front porch go down to Weston Road. The Board asked if those stairs will be removed. Mr. Mielke said that the owner has a dog and wants the additional stairs to the south for the dog to use to get to the backyard.

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 421 Weston Road, on a 4,000 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 22.3 feet, a minimum left side yard setback of 3.7 feet, and a minimum right side yard setback of 3 feet, with 52.29 feet of frontage, and existing lot coverage at 28 percent.

The Petitioner is requesting a Special Permit/Finding that increasing existing nonconforming lot coverage from 28 percent to 30 percent with construction of a 6.5 foot by 12 foot one-story addition with landing and stairs with less than required left side yard and right side yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, with 52.29 feet of frontage, on a 4,000 square foot lot in a Water Supply Protection District in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 7/12/12, stamped by Daniel A. O'Driscoll, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 5/24/12, prepared by Constructure, 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 increasing existing nonconforming lot coverage from 28 percent to 30 percent with construction of a 6.5 foot by 12 foot one-story addition with landing and stairs with less than required left side yard and right side yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, with 52.29 feet of frontage, on a 4,000 square foot lot in a Water Supply Protection 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.

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Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of a 6.5 foot by 12 foot one-story addition with landing and stairs with less than required left side yard and right side yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, 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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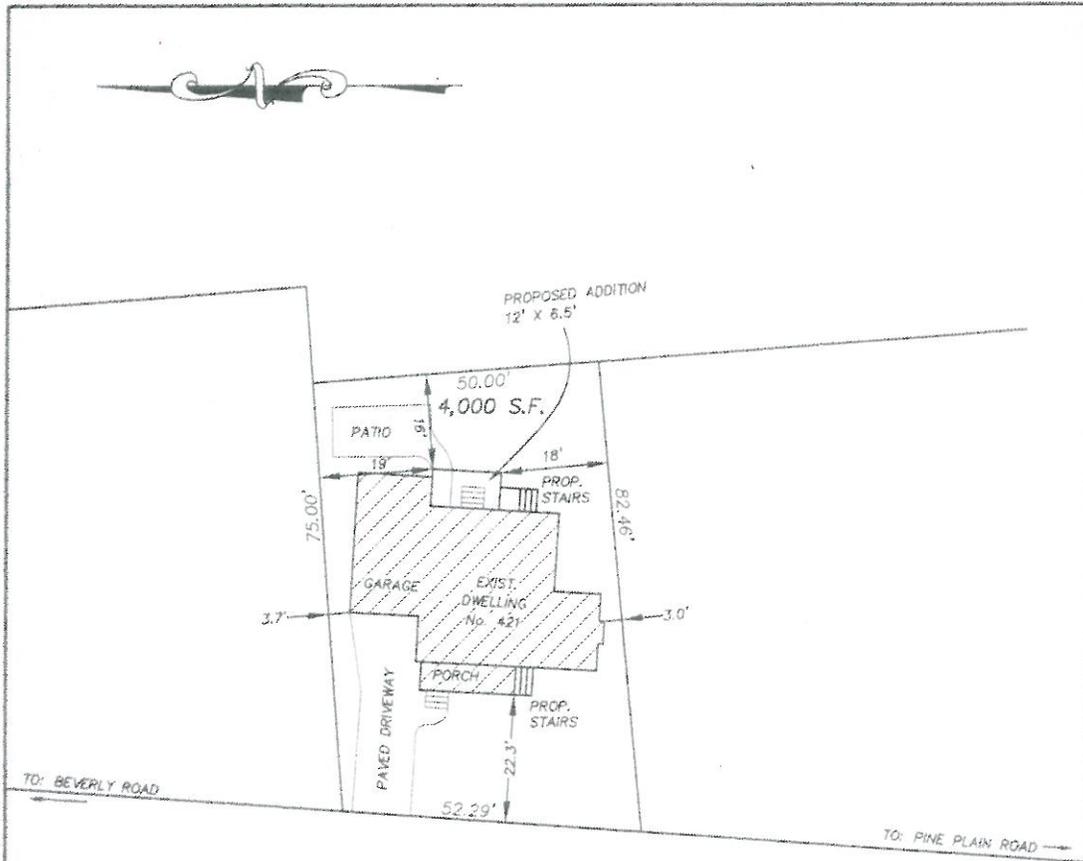
APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.

  
Richard L. Seegel, Chairman

  
J. Randolph Becker

  
David G. Sheffield

cc: Planning Board  
Inspector of Buildings  
lrm



WESTON ROAD

PERCENTAGE OF LOT COVERED BY BUILDING=(1127 S.F. EXISTING)=28%  
 PERCENTAGE OF LOT COVERED BY BUILDING=(1205 S.F. PROPOSED)=30%



*David A. O'Driscoll*  
 7/12/12

PREPARED FOR: CONSTRUCTURE, INC.  
 RECORD OWNER: KAREN B. RAFTERY  
 DEED REFERENCE: NORFOLK COUNTY REGISTRY OF DEEDS  
 DEED BOOK 30033 PAGE 235  
 PLAN REFERENCE: PLAN No.275 OF 1938 BK. 2184 PG. 376  
 ZONING DISTRICT: SRD-10

CERTIFIED PLOT PLAN  
 421 WESTON ROAD  
 WELLESLEY, MASSACHUSETTS

SCALE: 1"=20' JUNE 14, 2012  
 REV. JULY 12, 2012

**O' DRISCOLL**  
 LAND SURVEYING Co.

LAND SURVEYING GPS MAPPING LAND CONSULTING  
 48 COTTAGE STREET MEDWAY, MASSACHUSETTS 02053 (508) 533-3314

I CERTIFY THAT THE DWELLING IS LOCATED ON THE LOT AS SHOWN ON THIS PLAN.

I FURTHER CERTIFY THAT THE DWELLING DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD ZONE.

*David A. O'Driscoll* July 12, 2012  
 PROFESSIONAL LAND SURVEYOR DATE

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