



## ZONING BOARD OF APPEALS

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

RICHARD L. SEEDEL, CHAIRMAN  
J. RANDOLPH BECKER, VICE CHAIRMAN  
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EXECUTIVE SECRETARY  
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ROBERT W. LEVY  
WALTER B. ADAMS  
DEREK B. REDGATE

ZBA 2018-18

Petition of David & Myeong Coletta  
39 Atwood Street

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 5, 2018, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of David & Myeong Coletta requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a two-story addition 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, and 50 feet of frontage, at 39 Atwood Street, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. Existing lot coverage is 23.3 percent and proposed lot coverage will be 25 percent.

On March 12 2018, 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 were Douglas Stefanov, Architect, and David Coletta, the Petitioner. Mr. Stefanov said that Mr. Coletta and his family recently purchased the property. He said that the building is a little small for them and they would like to put on an addition.

Mr. Stefanov said that there was a ruling in 2003 where a deck was built without a permit and the Board ruled that the deck was not detrimental to the neighborhood. He said that the lot lines are not parallel to the building lines. He said that the lot is 50 feet wide and current setbacks would allow for a 10 foot width of building. He said that he worked with the existing setbacks to the deck at the back to stagger an addition at the back of the house that will provide more living space. He said that it is a sloped site that goes back to a river. He said that construction will be outside of the 200 foot buffer. He said that the front of the house will remain unchanged other than some possible trim remodeling. He said that the porch will be left alone. He said that the addition will be at the back of the house toward the garages and well back behind the neighbors at 37 and 41 Atwood Street. He said that the existing building has a concrete block exterior, as does 37 Atwood Street. He said that lot coverage will increase from 23.3 to 25 percent.

Mr. Stefanov said that there is an existing garage that Code dictates should be 10 feet away from the addition. He said that they wanted to integrate a connection or breezeway from the garage to the main house to make it one structure.

A Board member said that he is an Architect. He said that he has not worked directly with Mr. Stefanov but he does know him and they do converse from time to time. He said that he believes that he can fairly

and impartially communicate his opinions about this matter. He said that he would recuse himself if anyone has any objections.

A Board member said that the Zoning Analysis on the construction plans shows that the property is located on a 11,705 square foot lot in a 10,000 square foot district, which is a mistake. He said that the property is located in a 20,000 square foot Single Residence District. A Board member said that the Zoning Analysis lists 45 feet for required height but it should be 36 feet.

A Board member said that he walked around the building. He questioned whether the proposed structure will be close to 40 feet in height from average grade. Mr. Stefanov asked about lowering the roofline. The Board member said that there does not appear to be any purpose for the attic other than for storage. He said that lowering the height of the addition to the height of the existing structure would address a concern of his.

The Chairman said that his concerns arose out of the Planning Board Analysis. He said that the numbers do not look bad because there is a lot of land behind the house that changes the numbers. He said that this house fitting in the neighborhood is different from what the numbers show because the numbers are distorted by the land at the back. He said that there will be a lot of massing at the rear.

The Chairman asked about Total Living Area plus Garage (TLAG) calculations. Mr. Stefanov said that it will be 3,551 square feet, including the garage and attic space. The Chairman said that the addition would make this house the largest in the neighborhood. He read the Planning Board recommendation. Mr. Stefanov asked what would be considered not more detrimental. He said that it is a fairly good sized lot in length. The Chairman said that the houses in this neighborhood are small and close together. He said that expanding this house as much as it is being expanded, in comparison to the other houses, is what makes it substantially more detrimental to the neighborhood.

The Board asked if the homeowners have talked to any of the neighbors. Mr. Coletta said that he spoke with the neighbor on the left side last week and explained that the plan is to expand over the existing deck.

A Board member said that there are two good sized garages. He asked if they will only be used for residential purposes. Mr. Stefanov said that there is only one single garage for this property. He said that the other garage belongs to the neighbor. He said that they share a driveway.

The Board asked if they will be replacing the existing shed with new construction. Mr. Stefanov said that new construction will partially replace the shed. He said that the existing plastic shed will come out.

A Board member asked if the connection from the garage to the house will be above grade. He said that you would not be able to walk from the driveway through. He said that part of the problem with the connection is that it dramatically increases the perceived size of the building from the street. He said that it reads as a single building. He said that with the shared driveway and the other garage it will all be perceived as one large structure. Mr. Stefanov asked if it would be permissible to have the garage closer than 10 feet to the addition. He said that he thought that there was a Zoning separation requirement. Catherine Johnson, Planning Board, said that is not a requirement in the Zoning Bylaw but is a Fire and Building Code issue. Mr. Stefanov said that the breezeway can disappear if the space is not required.

The Chairman said that the Planning Board said that the proposed structure will be too big. A Board member said that it is a difficult lot. Mr. Stefanov said that bringing the roof down will reduce the TLAG by 315 square feet, for a total of 3,236 square feet. The Chairman said that it would still be the largest or close to the largest house in the neighborhood. A Board member said that the way that the land slopes from the back and from the street along the sides, it presents as a very large structure. Mr. Stefanov asked if the addition of a small deck off the back would help. A Board member said that they are bumping up close to the 200 foot buffer. The Board said that lowering the roof and getting rid of the enclosed breezeway would require revised plans that the Board would have to see in order to approve it.

A Board member said that the proposed structure looks like two architectural styles. He said that the addition looks like an appendage. He said that the Board does not focus on design but this addition looks like an orphan. He asked if the roof line could be lowered to the same peak elevation as the existing house. Mr. Stefanov said that they can do something with a similar pitch, but staggered.

The Board encouraged the Petitioner to speak to the neighbors on both sides, at a minimum.

There was no one present at the public hearing who wished to speak to the petition.

The Board voted unanimously to continue the hearing to May 3, 2018.

### **May 3, 2018**

Presenting the case at the hearing were Douglas Stefanov and David Coletta. Mr. Stefanov said that he submitted an updated plan that shows a greatly reduced roof at the back of the building. He said that the roof on the proposed addition will be lower than the existing roof. He said that the revised survey shows a small addition at an inside corner at the back of the building. He said that they are requesting approval of an enlarged garage to make it more usable. He said that the plan is to add a second story to the garage. A Board member said that he was a little surprised by the larger garage. He said that it did not come up at the previous hearing. He said that the rest of the building is much more compatible with the lot and the neighbors. He said that he appreciated that the direct connection between the building and the garage was removed. He said that side of the house will not be a wall of the house, the garage and the connection. He said that it opens up the view into the backyard from the street.

The Chairman said that the size has been reduced by 1,000 square feet so that it is within the trigger for Large House Review.

A Board member said that the allowed building height is still shown as 45 feet on the drawing cover sheet.

A Board member confirmed that there will be a full set of stairs to the second floor in the garage. He said that a pull down might work better because the width of the garage door encroaches into the pathway. Mr. Stefanov said that the second floor will be used for storage. He said that he added windows for light. He said that he could make it a pull down stair. The Board said that there will be no plumbing allowed in the garage.

A Board member said that he was satisfied with the alterations that were made. He said that it is much more in harmony with the neighborhood.

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 39 Atwood Street, in a 10,000 square foot Single Residence District, with a minimum front yard setback of 19.1 feet, a minimum left side yard setback of 7.1 feet, a minimum right side yard setback of 11.2 feet, and 50 feet of frontage. The existing nonconforming garage has a minimum right side yard setback of 1.2 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a two-story addition 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 and 50 feet of frontage, and expansion of an existing nonconforming garage with less than required right side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 1/19/18, revised 5/2/18, stamped by John D. Bremser, Professional Land Surveyor, Existing & Proposed Floor Plans and Elevation Drawings, dated 1/23/18, revised 4/26/18, prepared by Stefanov Architects, and photographs were submitted.

On April 5, 2018, the Planning Board reviewed the petition and recommended that 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 opinion of this Authority that although construction of a two-story addition 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 and 50 feet of frontage, and expansion of an existing nonconforming garage with less than required right 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 two-story addition 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 and 50 feet of frontage, and expansion of an existing nonconforming garage with less than required right side yard setbacks, subject to the following condition:

- There shall be no plumbing in the garage.

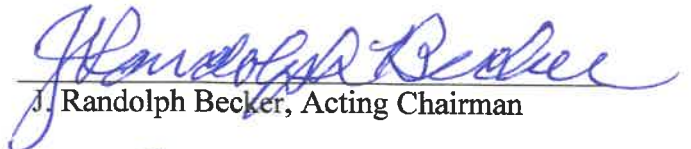
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed constructions plans.

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

ZBA 2018-18  
Petition of David & Myeong Coletta  
39 Atwood Street

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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

ZBA 2018-18

Petition of David & Myeong Coletta  
39 Atwood Street

R E C E I P T

Printed: September 29, 2020 @ 15:01:  
Norfolk Registry of Deeds  
William P O'Donnell  
Register

Trans#: 146322

Oper:PBONDA

=====  
Book: 38409 Page: 211 Inst#: 103800  
Ctl#: 1278 Rec:9-29-2020 @ 3:01:21p  
WELL 39 ATWOOD STREET

DOC	DESCRIPTION	TRANS AMT
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DECISION		
	10.00 rec fee	11.00
	50.00 Surcharge	50.00
	5.00 Tech.Surcharge	5.00
	STATE PG ADJ	1.00-
	Postage/Handling Fee	1.00
	State Fee \$40.00	40.00

Total fees: 106.00

\*\*\* Total charges: 106.00

CHECK PM 163 106.00

ZBA 2018-18  
39 Atwood St.

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## ZONING BOARD OF APPEALS

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WALTER B. ADAMS  
DEREK B. REDGATE  
RICHARD L. SEEGL

ZBA 2018-18- Extended  
Petition of David & Myeong Coletta  
39 Atwood Street

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Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, October 1, 2020 at 7:30 pm, on the petition of David & Myeong Coletta requesting extension of a Special Permit/Finding that was granted on May 17, 2018 for construction of a two-story addition 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 and 50 feet of frontage, and expansion of an existing nonconforming garage with less than required right side yard setbacks, subject to a condition that there shall be no plumbing in the garage. The property is located at 39 Atwood Street, in a 10,000 square foot Single Residence District.

On June 19, 2020, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication. In accordance with Chapter 53 of the Acts of 2020, the hearing was scheduled for October 1, 2020.

Present at the public hearing was David Coletta, the Petitioner, who said that a special permit was approved a couple of years ago to widen the garage by 4 feet and to add a second floor. He said that he just recently started to work on the project and hopes to get it built in the spring. He said that he does not plan to move forward with the expansion at the corner of the house at this time.

Mr. Coletta said that he would like to put electrical in the garage so that he can add electric heat at some time. The Chairman confirmed that there will be no plumbing.

The Chairman confirmed that the plans have not changed. He said that extension would be granted for one year.

There was no member of the public wished to speak to the petition.

Statement of Facts

The subject property is located at 39 Atwood Street, in a 10,000 square foot Single Residence District, with a minimum front yard setback of 19.1 feet, a minimum left side yard setback of 7.1 feet, a minimum right side yard setback of 11.2 feet, and 50 feet of frontage. The existing nonconforming garage has a minimum right side yard setback of 1.2 feet.

The Petitioner is requesting extension of a Special Permit/Finding that was granted on May 17, 2018 for construction of a two-story addition 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 and 50 feet of frontage, and expansion of an existing nonconforming garage with less than required right side yard setbacks, subject to a condition that there shall be no plumbing in the garage.

On September 23, 2020, the Planning Board reviewed the petition and recommended that the Special Permit be extended.

#### Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing.

Extension of a Special Permit that was granted on May 17, 2018 for construction of a two-story addition 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 and 50 feet of frontage, and expansion of an existing nonconforming garage with less than required right side yard setbacks is granted, subject to the following conditions:

1. There shall be no plumbing in the garage.
2. This extension shall expire one year after the date stamped on the decision.



ZBA 2018-18- Extended  
Petition of David & Myeong Coletta  
39 Atwood Street

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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.

Robert W. Levy (L.M.)  
Robert W. Levy, Acting Chairman

David G. Sheffield (L.M.)  
David G. Sheffield

Derek B. Redgate (L.M.)  
Derek B. Redgate

ZBA            2018-18 - Extended  
Applicant    David & Myeong Coletta  
Address      39 Atwood street

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Date:

Attest:

\_\_\_\_\_  
Cathryn Jane Kato  
Town Clerk

cc: Planning Board  
Inspector of Buildings  
lrm

# LEGEND:

- +—+—+— EDGE OF PAVEMENT
- OO— LIMIT OF 200-FOOT RIVERFRONT BUFFER ZONE
- ▲ BM BENCHMARK
- SBDH DRILL HOLE IN STONE BOUND
- IPF IRON PIPE FOUND

# NOTES:

- 1) ELEVATIONS SHOWN HEREON REFER TO AN ASSUMED DATUM.
- 2) UNDERGROUND UTILITIES WERE NOT INCLUDED IN THE SCOPE OF THIS SURVEY.
- 3) THE LOCATION OF UNDERGROUND STORAGE TANKS, IF ANY, ARE UNKNOWN.
- 4) LOCATION OF HOUSE IS SHOWN ± 0.5' DUE TO DISCREPANCIES BETWEEN RECORD PLANS AND THE MONUMENTS FOUND. A FULL PERIMETER SURVEY WOULD BE REQUIRED TO RESOLVE TO A HIGHER LEVEL OF ACCURACY.
- 5) THIS PROPERTY CONSISTS OF TWO PARCELS. THE FRONT PARCEL (1) IS DEPICTED ON THE ABOVE REFERENCE PLAN. THE BACK PARCEL (2) IS A PORTION OF A PARCEL BEHIND LOCUS AND OTHERS. PLAN OF RECORD FROM 1909 DOES NOT CLOSE IN ITS PERIMETER BY ALMOST 2.5'. THE TWO DISTANCES WITH ASTERISKS ARE SHOWN APPROXIMATELY PER THE APPARENT INTENT OF DIVISION OF THE BACK PARCEL.
- 6) EXISTING SHED TO BE REMOVED.

# PROPOSED AVERAGE GRADE PLANE:

Section:	e1	e2	Ave. Elev. (e1+e2)/2	Length(L)	(Ave. elev.) x (L)
1	99.1	99.8	99.45	22.78	2265.471
2	99.8	99.5	99.65	7.54	751.361
3	99.5	99.1	99.3	4.73	469.689
4	99.1	98.6	98.85	5.04	498.204
5	98.6	94.6	96.6	24.91	2406.306
6	94.6	95	94.8	10.21	967.908
7	95	95	95	1.88	178.6
8	96	95	95.5	8.91	850.905
9	95	94.9	94.95	12.49	1185.9255
10	94.9	95.8	95.35	8.91	849.5685
11	95.8	99.1	97.45	27.75	2704.2375
$\Sigma s((e1+e2)/2 \times L) =$					13128.1755
P =					135.15
Average Grade: $\Sigma s((e1+e2)/2 \times L) =$					97.14
P					

# ZONING TABLE:

RESIDENTIAL DISTRICT	AREA (SQUARE FEET)	MINIMUM LOT DIMENSIONS FRONTAGE (FEET)	MINIMUM FRONT YARD WIDTH (FEET)	MINIMUM YARD DEPTHS FRONT (FEET)	SIDE (FEET)	REAR (FEET)	BUILDING COVERAGE: THE GREATER OF 20% OF LOT AREA (2,341 SF) OR 2,500 SF	% OF LOT COVERAGE (NO REQ. FOUND IN BY-LAW; ZBA PLOT PLAN REQ'S TO LIST)
R-20								
REQ.	20,000	60	60	30	20	20	<2,500 SF	(NO REQUIRED MAX)
EXISTING	11,705	50	50	19	7	140.5	1,511 SF	23.3%
PROPOSED	11,705	50	50	19	7	139.8	1,694 SF	23.4%

\*(AS PER ZONING BY-LAWS DATED 09-10-2015, FROM TOWN WEBSITE)

# NOTE:

THIS PLAN IS NOT TO BE CONSIDERED AN ALTA/ACSM LAND TITLE SURVEY, NOR IS IT TO BE USED FOR RETRACEMENT OF PROPERTY LINES.

# ASSESSORS:

MAP 99, LOT 39

# ZONING:

SINGLE RESIDENCE SR10

# REFERENCES:

DEED BOOK 35557 PAGE 359  
PLAN 285 OF 1930  
PLAN IN DEED BOOK 1115  
PAGE 167  
PLAN IN DEED BOOK 1315  
PAGE 13  
PLAN 148 OF 1931  
PLAN 86 OF 1985

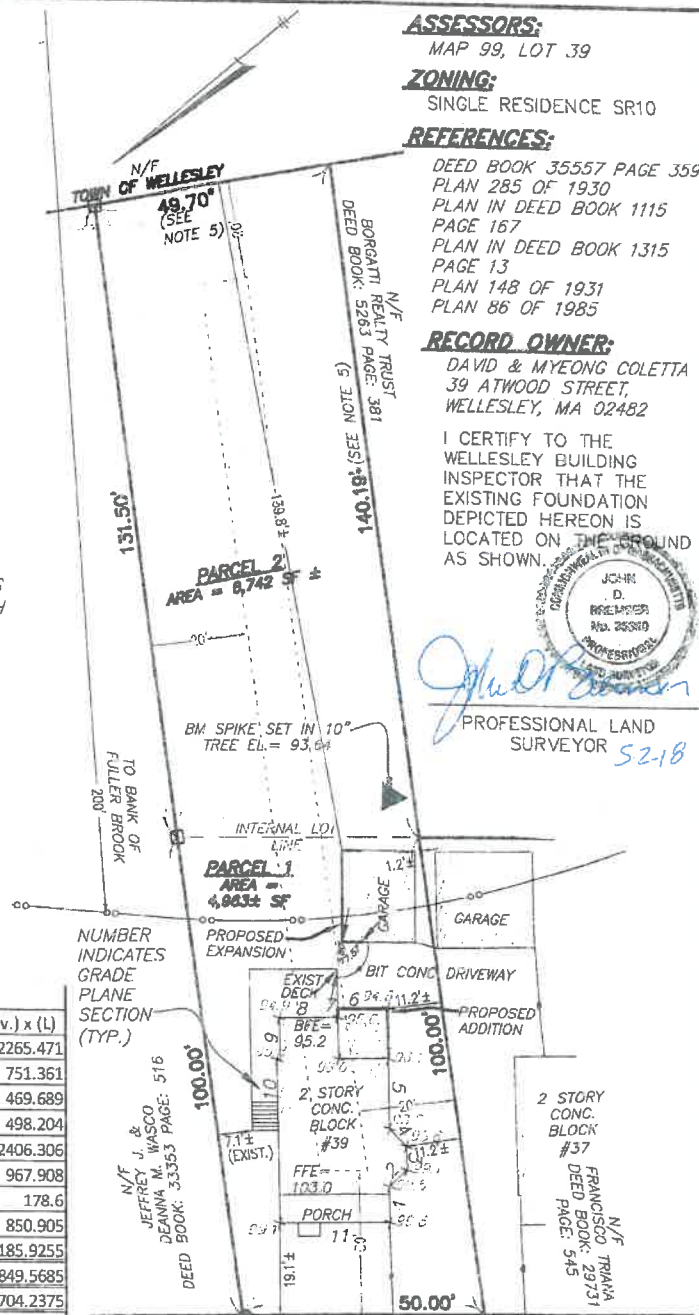
# RECORD OWNER:

DAVID & MYEONG COLETTA  
39 ATWOOD STREET,  
WELLESLEY, MA 02482

I CERTIFY TO THE WELLESLEY BUILDING INSPECTOR THAT THE EXISTING FOUNDATION DEPICTED HEREON IS LOCATED ON THE GROUND AS SHOWN.



PROFESSIONAL LAND SURVEYOR 52-18



# PLOT PLAN OF PROPOSED ADDITION OF LAND

39 ATWOOD STREET, WELLESLEY, MA. 02482

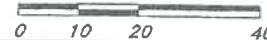
PREPARED FOR: DAVID & MYEONG COLETTA

**HANCOCK**

Survey Associates, Inc.

315 ELM STREET, MARLBOROUGH, MA. 01752  
VOICE (508) 460-1111, FAX (508) 460-1121

SCALE: 1" = 20'



CHK. BY:

JDB

DATE:

5/2/18

JOB NO.

20970

Bk 38780 P396 #145808  
12-23-2020 @ 09:40a

TOWN OF WELLESLEY



MASSACHUSETTS

**ZONING BOARD OF APPEALS**

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-3992

J. RANDOLPH BECKER, CHAIRMAN  
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RICHARD L. SEEGEL

**ZBA 2018-18- Extended**  
**Petition of David & Myeong Coletta**  
**39 Atwood Street**

Pursuant to due notice, the Special Permit Granting Authority held a Remedy on Thursday, October 1, 2020 at 7:30 pm, on the petition of David & Myeong Coletta for a Special Permit/Finding that was granted on May 17, 2018 for a two-story addition with less than required left side yard and right side yard setbacks, a minimum front yard setback of 19.1 feet, a minimum left side yard setback of 7.1 feet, a minimum right side yard setback of 11.2 feet, and 50 feet of frontage. The existing nonconforming garage has a minimum right side yard setback of 1.2 feet.

On June 19, 2020, the Petitioner filed a request for a Special Permit/Finding. Notice of the hearing was given by mailing and on October 1, 2020, the hearing was scheduled for October 1, 2020.

Present at the public hearing was David Coletta, the Petitioner, who approved a couple of years ago to widen the garage. He just recently started to work on the project and hopes to move forward with the expansion at the corner of Atwood Street and Washington Street.

Mr. Coletta said that he would like to put electrical in the garage. The Chairman confirmed that there will be no electrical in the garage.

The Chairman confirmed that the plans have not changed since they were filed one year ago.

There was no member of the public wished to speak at the hearing.

Statement

The subject property is located at 39 Atwood Street, in a 10,000 square foot Single Residence District, with a minimum front yard setback of 19.1 feet, a minimum left side yard setback of 7.1 feet, a minimum right side yard setback of 11.2 feet, and 50 feet of frontage. The existing nonconforming garage has a minimum right side yard setback of 1.2 feet.

The Petitioner is requesting extension of a Special Permit/Finding that was granted on May 17, 2018 for construction of a two-story addition 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.

*Recording Receipt*  
RECEIPT  
Printed: December 23, 2020 @ 9:41:5  
Norfolk Registry of Deeds  
William P. O'Donnell  
Register

Trans#: 197720 Oper: VOGEL

Book: 38780 Page: 396 Inst#: 145808  
Ct#: 193 Rec: 12-23-2020 @ 9:40:24a  
WELL 39 ATWOOD STREET

DOC	DESCRIPTION	TRANS AMT
1	WELLESLEY TOWN OF	
	DECISION	10.00
	10.00 rec fee	50.00
	50.00 Surcharge	5.00
	5.00 Tech. Surcharge	1.00
	Postage/Handling Fee	40.00
	State Fee \$40.00	
	Total fees:	106.00
	*** Total charges:	106.00

CHECK PM 426

**ZBA 2018-18 39 Atwood St**

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TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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2021  
9 P 1:02  
WALTER B. ADAMS  
DEREK B. REDGATE  
RICHARD L. SEEDEL

ZBA 2018-18 - Amended  
Petition of David Coletta  
39 Atwood Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 5, 2021 at 7:30 pm, in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of David Coletta requesting amendment of a Special Permit pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that construction of two bump out additions, a garden window, external stairs and access ramp to the second floor of the garage, on an existing nonconforming garage with less than required right side yard setbacks, on a 4,963 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with 50 feet of frontage, at 39 Atwood Street, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 30, 2021, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

### WITHDRAWN WITHOUT PREJUDICE

Present on behalf of the petition was David Coletta, who said that he has a nonconforming house, a nonconforming garage and a nonconforming deck surrounding the house. He said that the garage is falling down and needs repair, which they have permission to do. He said that they have had time to think about the plans and have spoken with architects. He said that the intention is to make the garage look as good and be as functional as possible. He said that the house is approximately 1,500 square feet. He said that the family is currently using their living and dining rooms exclusively for four desks for computers. He said that the original plan was to expand the house in the corner but that will not be done due to budget issues. He said that they would like to use the upstairs of the garage as office space.

Mr. Coletta said that the request is for a bump out that will look nicer. He said that his neighbor has one and it looks good. He said that they currently have a deck and stairs on the left which are nonconforming. He said that he would like to add stairs on the right side to access the kitchen via the deck off the back. He said that since the garage is so close to the house, connecting the two would be functional to use the garage space as an office.

The Board said that plumbing in the second floor of the garage is not allowed but electricity is allowed.

The Chairman said that in March of 2018, the Petitioner told the Board that the upstairs in the garage would be used for storage. He said that when the Petitioner came back in May of 2018, the Board

discussed having a full set of pull down stairs located inside the garage to access the second story storage space.

A Board member said that this is a difficult lot. He said that the request is to create a huge mass along the lot line. He said that the Planning Board was concerned about the creation of living space on the second floor of the garage.

The Chairman discussed concerns about having the exterior stairs and the connecting deck in relation to the Board's original finding that the proposed construction was not more detrimental to the neighborhood. He said that the current proposal is for things that are substantially different. He said that the Board's initial concern about having too much stuff in the back yard was addressed with a revised plan. He said that it appears that Mr. Coletta is asking to bring things back piecemeal.

A Board member discussed moving the deck further into the yard to create space. He said that whatever is built will require a special permit.

Mr. Coletta asked about using the second story of the garage as an office. The Board said that it does not have an issue with the use of the space but with accessing the space. The Board said that the mass of the structure is an issue.

Mr. Coletta said that he is asking for a bump out at the back and at the front. He said that he was planning to put a desk in the bump out at the back of the garage. The Board discussed concerns about the appearance of a second residential dwelling on the lot. The Board said that windows would be allowed on the second floor of the garage.

Mr. Coletta asked about removing the deck extension from the request. The Chairman said that the request included external stairs in addition to expansion of the deck to the garage.

The Board confirmed that Mr. Coletta spoke with the neighbors about the plans.

A Board member said that the garage can be built wider behind the deck towards the interior of the property to create an area on the second floor for storage and office space. He said that there can be no plumbing and the space cannot be used for sleeping or eating. He said that there is no plan before the Board to approve to make that kind of change to the garage.

The Chairman said that the existing house is also nonconforming. He said that connecting it to the garage would not change that status. The Board discussed concerns about connecting the house to the garage.

The Chairman said that the Board is not supportive of amending the existing special permit. He said that if the Petitioner can come back with new plans that are different from tonight's presentation for approval of a special permit/finding.

Mr. Coletta questioned whether the Board did not consider the submittal as a plan. The Chairman said that the Petitioner submitted a complete package for the original request in March of 2018. He said that the submittal for tonight's hearing was sketches of things and it is really hard to tell how things fit together. He said that a concern with the original proposal from March to May in 2018 was TLAG and the need to make things smaller. He said that it seems like the Petitioner is coming back a piece at a time

to make it bigger. He said that it is not clear what the Board has approved or what they are approving. He said that the Board needs to understand that.

Mr. Coletta confirmed that what was before the Board at tonight's hearing was a request for amendment to the 2018 decision to add stairs and an access ramp. A Board member said that it is a different project.

Mr. Coletta said that they want to make the garage look like a house because their house is not very attractive and the existing garage looks terrible. The Chairman discussed detriment to and consistency with the neighborhood. Mr. Coletta said that he has a shared driveway, which is not really typical of houses in Wellesley.

The Chairman said that the materials that were submitted for tonight did not talk about how the project impacts the Zoning Bylaw and why that was okay. He said that the Board was trying to figure out how it fits together and how it fits in with the Zoning Bylaw. He said that the Board needs to understand the concept and the details of what Mr. Coletta is trying to do. He said that the Board cannot grant relief from the town's bylaws based on what was submitted. He said that Mr. Coletta has to justify amendment of the special permit and show construction-wise what is planned.

A Board member said that the Board has to make a finding that the proposed renovation will not be substantially more detrimental to the neighborhood than the existing nonconformities. He said that it appears that the plan is to have two residential structures on one lot and the Board cannot grant relief for that.

A Board member suggested that the best way to proceed would be to build on the back of the house where there is room to do that. He said that it would still require a special permit but would be a lot easier to do.

Mr. Coletta confirmed that he can build the garage, as previously approved.

Mr. Coletta requested that the petition be withdrawn without prejudice.

The Board voted unanimously to allow the petition to be withdrawn without prejudice.

2021 AUG 19 P 1:02

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

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ZBA 2018-18 Modify  
Petition of David Coletta  
39 Atwood Street

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Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, May 9, 2024, at 7:30 pm, on the petition of David Coletta requesting modification of a Special Permit that was granted pursuant to Section 17 (now Section 5.1) and Section 25 (now Section 6.3) of the Zoning Bylaw that rotating the garage six (6) inches at the front to better align with the driveway, and raising the roof of the garage 3 feet 2 inches, at 39 Atwood 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 April 4, 2024, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

### WITHDRAWN WITHOUT PREJUDICE

Present at the public hearing was David Coletta, the Petitioner, who said that the request is to build a garage with less than the required offset. He said that when the foundation was poured over two years ago, a mistake was made at the front of the garage where it was shifted to the left by nine inches. He said that the back corner of the garage is the closest point to the property line and will not be changed. He said that the plan was to place the garage where it was before. He said that his surveyor suggested rotating the front of the garage to be parallel with the boundary, which would help to alleviate a problem getting the car into the garage. He said that the request is move the front of the garage an additional six inches from the original location, six plus nine inches from the current location.

Mr. Coletta said that he has a shared driveway, so getting in or out sometimes requires moving onto another part of the driveway where there might be a car. He said that he wants to avoid having to sway onto the other part of the driveway or disturbing the neighbor.

A Board confirmed that there are two items on the application, one is to rotate the garage and the other is to raise the roofline three feet two inches for a gable roof profile. He said that said that Sheets 4 and 12 show the garage in the same location with the difference being the roof height. Mr. Coletta said that Sheets 3 and 4 show the difference in rotation. He said that he waited two years for people to

acknowledge that there was a problem with the foundation. He said that when he had time to think about the plans, he realized that he did not like the original design. The Board member said that the raised roof is a more attractive solution, even when compared to the neighbor's smaller garage. He said that the issue for him would be the rotation.

The Chairman that he had not heard from the Applicant how the Board could consider the proposed change to be a good one under the bylaw. He said that he had trouble understanding which plan Mr. Coletta wanted the application to be based on, and why.

Mr. Coletta said that the current location of the foundation does not match the original plot plan. He said that the request is to rotate the front of the garage so that the 3.7 foot setback is reduced to 3.2 feet. He said that since he has to change the foundation, he is asking to rotate the garage by six more inches so that it will be easier to get into it from the driveway.

The Chairman said that Sheets 1 and 2 show the limit of the 200 foot Riverfront Buffer Zone that goes through the garage. Mr. Coletta said that he has approval from the Wetlands Protection Committee (WPC) to rebuild the garage. The Chairman questioned whether the proposed changes to move the garage and change the height were approved by the WPC. He said that will be more construction going on in the buffer zone.

The Chairman discussed concerns about the history of this property and requests for incremental piecemeal changes. He said that it is difficult to keep track of what's happening overall. He said that the original request was for changes to the house, including a deck and stair system that eventually connected the house to the garage. He said that Mr. Coletta told the Board that he was not going to build the stairs on the left side, the inverted L shape going out to the deck. He said that for the original request, the Board said that the house was too big. He said that the TLAG was reduced by 1,000 square feet but Mr. Coletta has come back to add a series of things a piece at a time. He said that the package that was submitted for the current request does not tell the Board what is really happening.

Mr. Coletta said that the request is to rotate the approved garage six inches. He said that the garage is four feet wider than the original.

The Chairman asked why the Board should allow the garage to be moved closer to the lot line. He said that the business of the Board is to try to move things further away from the lot line. Mr. Coletta said that he came before the Board again because a mistake was made with the foundation. He said that the surveyor measured the setback before taking down the original garage. He said that when he measured the new foundation, he thought that it was off by nine inches. Mr. Coletta said that he was hoping that he could move the garage over an additional six inches since he had to move it anyway. He said that the boundary line is somewhat irregular and the original garage was falling down, so it may have shifted. He said that it is difficult to get the car into the garage. He said that sometimes he has to swerve over the line between the properties where his neighbor's cars are parked. He said that rotating the front of the garage six inches would help.

A Board member asked about rotating the rear of the garage away from the property line. Mr. Coletta said that the problem is with the offset of the front door. He said that there is a concrete wall on the side of the house. He said that he may want to enclose that area to be a porch in the future.



The Chairman said that he did not think that he could approve the request to move the garage closer to the lot line just because the property owner thinks that it is a good idea. He discussed the options for moving forward with the petition.

Mr. Coletta asked to withdraw the petition without prejudice. The Board voted unanimously to allow the petition to be withdrawn without prejudice.