

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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

RICHARD L. SEEDEL, CHAIRMAN  
J. RANDOLPH BECKER, VICE CHAIRMAN  
DAVID G. SHEFFIELD

LENORE R. MAHONEY  
EXECUTIVE SECRETARY  
TELEPHONE  
(781) 431-1019 EXT. 2208

ROBERT W. LEVY  
WALTER B. ADAMS  
DEREK B. REDGATE

ZBA 2018-29

Petition of Anthony & Leah Cinelli  
102 Oak Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 3, 2018, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Anthony & Leah Cinelli requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing deck and shed and construction of a two story addition and a detached two car garage that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard and right side yard setbacks, at 102 Oak 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 March 29 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 was Mike Tartamella, Architect, representing Anthony and Leah Cinelli, the Petitioner. He said that the property is located in a 10,000 square foot Single Residence District on a 10,000 square foot lot. He said that there is a pre-existing nonconforming structure in the side yard setback. He said that all of the proposed additions will be within the setback and none of them will maintain the existing nonconformities. He said that all of the additions will be off of the rear and will not be visible from the public way. He said that the proposed structure will be below the Total Living Area plus Garage (TLAG) threshold at 3,258 square feet.

A Board member said that he likes the way that the yard works. He said that the steps work to the patio and the retaining wall re-justifies the grade change there. He said that the garage with a gable roof on each side will loom large in the backyard. He asked if the Petitioner would consider a hip roof that slopes in all four directions. He said that in looking at the proposed left and right side elevations, the garage appears to be large in comparison to the house. He confirmed that the upper level is for storage. Mr. Tartamella said that they took cues from the neighborhood. He said that the gables complement the existing house style. He said that adding a gable would make it seem much larger toward the rear property line and would be foreign to the architecture on the site. He said that he would be willing to lower the roof but at 20 feet, it is modest. He said that he could lower the plate height and keep the same pitch to match the house. He said that the existing house is 23 feet high.

The Board asked about the retaining wall that holds up the patio. Mr. Tartamella said that there is no retaining wall proposed. He said that there is a fence and a gate to define the patio area.

The Board asked about access to the second floor of the garage. Mr. Tartamella said that it will be just be storage space with a scuttle per Building Code. He said that it was included in the Total Living Area plus Garage (TLAG) calculation.

The Chairman said that TLAG will still only be at 3,200 square feet. Mr. Tartamella said that mass and scale were heavily considered. He said that the garage may not be built right away. He said that they are in the process of determining that now.

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

A Board member said that the plan works very well.

The Chairman said that the existing nonconformities are the left and right side yard setbacks. Mr. Tartamella said that the proposed additions will be conforming.

#### Statement of Facts

The subject property is located at 102 Oak Street, in a 10,000 square foot Single Residence District, with a minimum left side yard setback of 19.9 feet and a minimum right side yard setback of 18.4 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing deck and shed and construction of a two story addition and a detached two car garage that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard and right side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 1/14/18, stamped by John R. Hamel, Professional Land Surveyor, Letter to Zoning Board of Appeals, dated 2/26/18, from Patrick Ahearn, Architect, Existing & Proposed Floor Plans and Elevation Drawings, dated 2/26/18, prepared by Patrick Ahearn, Architect, and photographs were submitted.

On April 25, 2018, the Planning Board reviewed the petition and recommended that 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 opinion of this Authority that that demolition of an existing deck and shed and construction of a two story addition and a detached two car garage that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard and right side yard setbacks shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it shall neither increase an existing nonconformity nor create a new nonconformity.

ZBA 2018-29  
Petition of Anthony & Leah Cinelli  
102 Oak Street

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of an existing deck and shed and construction of a two story addition and a detached two car garage that will meet all setback requirements, on an existing nonconforming structure with less than required 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.

ZBA 2018-29  
Petition of Anthony & Leah Cinelli  
102 Oak Street

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  
J. Randolph Becker, Acting Chairman

David G. Sheffield  
David G. Sheffield

Robert W. Levy  
Robert W. Levy

cc: Planning Board  
Inspector of Buildings  
lrm

## SITE PLAN

102 OAK STREET  
WELLESLEY, MASSACHUSETTS

1 INCH = 20 FEET FEBRUARY 14, 2018

SNELLING & HAMEL ASSOCIATES, INC.  
PROFESSIONAL LAND SURVEYORS & ENGINEERS  
10 LEWIS STREET P.O. BOX 102  
LINCOLN, MASSACHUSETTS 01773  
(781) 259-0071

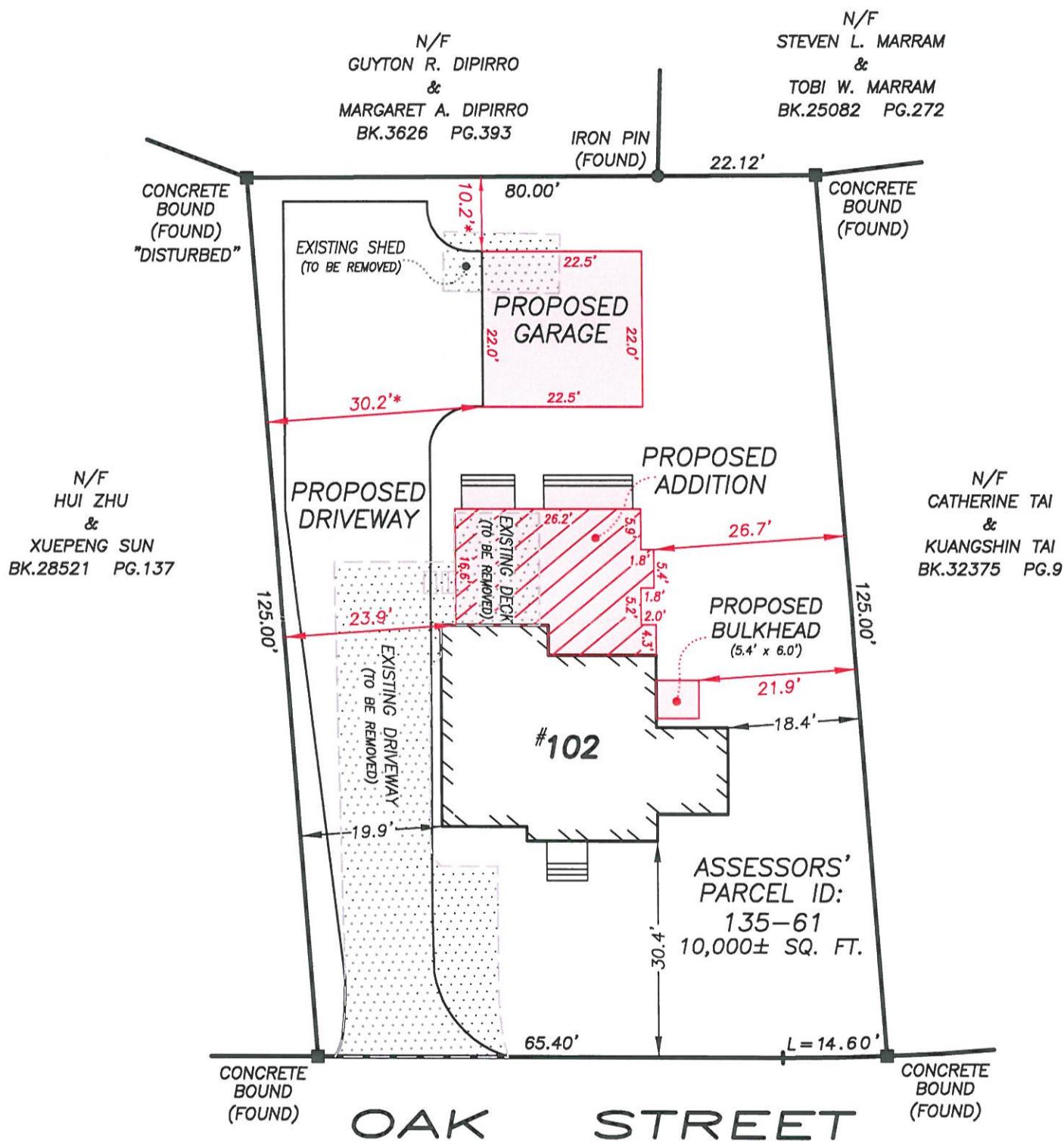
## OWNERS OF RECORD:

ANTHONY F. CINELLI  
&  
LEAH M. CINELLI  
BK.31460 PG.29

1 INCH = 20 FEET

0 10 20 40 60

NORTH FROM PLAN 661 OF 1931



## PLAN REFERENCES:

- PLAN NUMBER 661 OF 1931
- PLAN NUMBER 295 OF 1947
- PLAN NUMBER 1011 OF 1949
- PLAN NUMBER 1078 OF 1946

## NOTES:

- ZONING DISTRICT: SR-10
- EXISTING LOT COVERAGE = 1,307 SF OR 13.07%
- PROPOSED LOT COVERAGE = 2,080 SF OR 20.8%
- \* - CONSTRUCTION STAKEOUT IS NECESSARY TO ASSIST WITH THE PLACEMENT OF THE PROPOSED GARAGE.

I HEREBY STATE THAT THE LOCATION OF THE FEATURES SHOWN  
HEREON IS THE RESULT OF A FIELD SURVEY PERFORMED AS OF  
DECEMBER 16, 2016, WITH THE USE OF A TOPCON TOTAL STATION.

JOHN R. HAMEL  
PROFESSIONAL  
LAND SURVEYOR

FEBRUARY 14, 2018

DATE:

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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

RICHARD L. SEEGEL, CHAIRMAN  
J. RANDOLPH BECKER, VICE CHAIRMAN  
DAVID G. SHEFFIELD

LENORE R. MAHONEY  
EXECUTIVE SECRETARY  
TELEPHONE  
(781) 431-1019 EXT. 2208

ROBERT W. LEVY  
WALTER B. ADAMS  
DEREK B. REDGATE

December 6, 2018

Richard L. Seegel, Chairman  
J. Randolph Becker  
David G. Sheffield

RECEIVED  
WELLESLEY  
TOWN CLERK'S OFFICE  
WELLESLEY, MA 02482  
2018 DEC 20 P 2:32

### PUBLIC MEETING

Pursuant to due notice, the Special Permit Granting Authority held a Public Meeting on Thursday, December 6, 2018, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Unitarian Universalist Wellesley requesting that the Board determine that a proposed change to approved plans is a minor modification that does not require a public hearing.

#### ZBA 2018-29, ANTHONY & LEAH CINELLI, 102 OAK STREET

Present at the public meeting was Michael Tartamella, Architect, representing Anthony and Leah Cinelli. He said that in May of 2018, the Petitioner applied for an addition to a pre-existing nonconforming structure at 102 Oak Street. He said that the addition was conforming and included a detached two car garage. He said that the original proposal was unanimously approved by the Board. He said that when construction drawings were done for the project, the homeowners asked if they could connect the detached garage to the existing structure. He said that they developed a small one-story connection piece that will be conforming. He said that TLAG will increase by 234 square feet, for a total of 3,492 square feet, which is below the 3,600 square foot threshold. He said that they submitted drawings that represent the proposed change. He said that the proposed change is de minimis and does not nullify the original decision.

Mr. Becker said that a new site plan had not been submitted. He asked about the distance from the rear of the garage to the rear lot line. Mr. Tartamella said that dimension has not changed from the previous decision. Mr. Becker said his concern relates to connection of a nonconforming garage to a conforming house. Mr. Tartamella said that the new garage will be conforming. He said that the only nonconformity is the front corner of the house. He said that every addition that was proposed in May and tonight will be conforming.

Mr. Seegel asked if there was anyone present who wished to speak to the request.

Mr. Becker moved, Mr. Sheffield seconded the motion, and the Board voted unanimously to approve the determination that the proposed modification is not a substantial change and does not require a public hearing.

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02482

2016 DEC 20 P 2:32