

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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

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ZBA 2018-54

Petition of Paul & Tamara Battaglino  
29 Longmeadow Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 12, 2018, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Paul & Tamara Battaglino 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 setbacks, and construction of a two-story addition that will meet setback requirements, on an existing nonconforming structure with less than required left side yard setbacks and frontage, on a 25,476 square foot lot in a Single Residence District in which the minimum lot size is 40,000 square feet, at 29 Longmeadow Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 7, 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.

The Chairman said that the Board allowed a variance for the garage at a previous public hearing but a special permit is required for the project in general.

Presenting the case at the hearing were Paul and Tamara Battaglino, the Petitioner, and Kevin Gordon, Architect.

Mr. Battaglino said that the Board granted a variance for this project in June. He said that the request is for a special permit for a nonconforming structure on a nonconforming lot for an addition and renovation. The Chairman said that the frontage is nonconforming, it is an undersized lot, and there is a nonconforming setback.

Ms. Battaglino said that they spoke with all of their neighbors on Longmeadow Road about the variance and the special permit. She said that they have letters of support from all of them. She said that the neighbors have seen the plans and are well aware of what is being proposed.

The Chairman said that lot coverage will increase by approximately 50 percent. He confirmed that runoff from the new addition will go to a catch basin in the driveway. Mr. Gordon said that there are galleys and feeds to the galleys under the driveway. He said that there is an existing clay tile storm system that must go to a drywell. He said that the Board requested at the previous hearing that the plans show a catch basin in the new driveway at the turnaround. He said that there will be 184 square feet of additional pavement. Mr. Battaglino said that they will shorten the driveway from the road. He said that the existing driveway is dangerously narrow. He said that they widened it to make it more friendly.

Ms. Battaglino submitted a signed TLAG Affidavit.

A Board member said that the property is located in a 40,000 square foot Single Residence District.

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 29 Longmeadow Road, on a 25,476 square foot lot in a Single Residence District in which the minimum lot size is 40,000 square feet, with a minimum frontage of 20.9 feet and a minimum side yard setback of 8.5 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 setbacks, and construction of a two-story addition that will meet setback requirements, on an existing nonconforming structure with less than required left side yard setbacks and frontage, on a 25,476 square foot lot in a Single Residence District in which the minimum lot size is 40,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 4/2/18, revised 7/9/18, stamped by Peter A. Lothian, Professional Land Surveyor, and Existing and Proposed Floor Plans and Elevation Drawings, dated 4/1/18, prepared by Paul Saraiva were submitted.

On June 27, 2018, the Planning Board reviewed the petition and recommended that a Special Permit be approved.

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 side yard setbacks, and construction of a two-story addition that will meet setback requirements, on an existing nonconforming structure with less than required side yard setbacks and frontage, on a 25,476 square foot lot in a Single Residence District in which the minimum lot size is 40,000 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 two-story addition with less than required side yard setbacks, and construction of a two-story addition that will meet setback requirements, on an existing nonconforming structure with less than required side yard setbacks and frontage, on a 25,476 square foot lot in a Single Residence District in which the minimum lot size is 40,000 square feet, in accordance with the submitted plot plan and construction drawings.

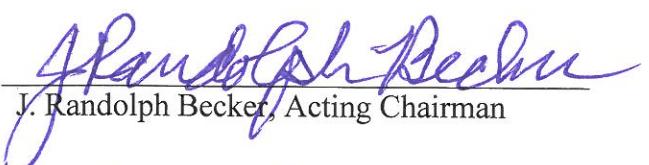
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

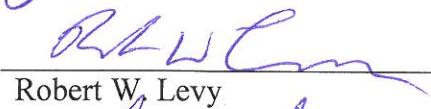
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

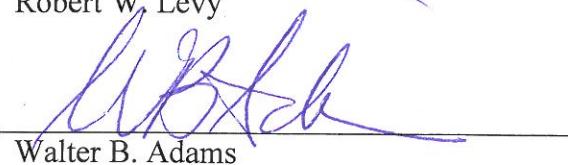
ZBA 2018-54  
Petition of Paul & Tamara Battaglino  
29 Longmeadow Road

101-2018-54  
Planning Board  
Walter B. Adams  
101-2018-54  
A. M. J.

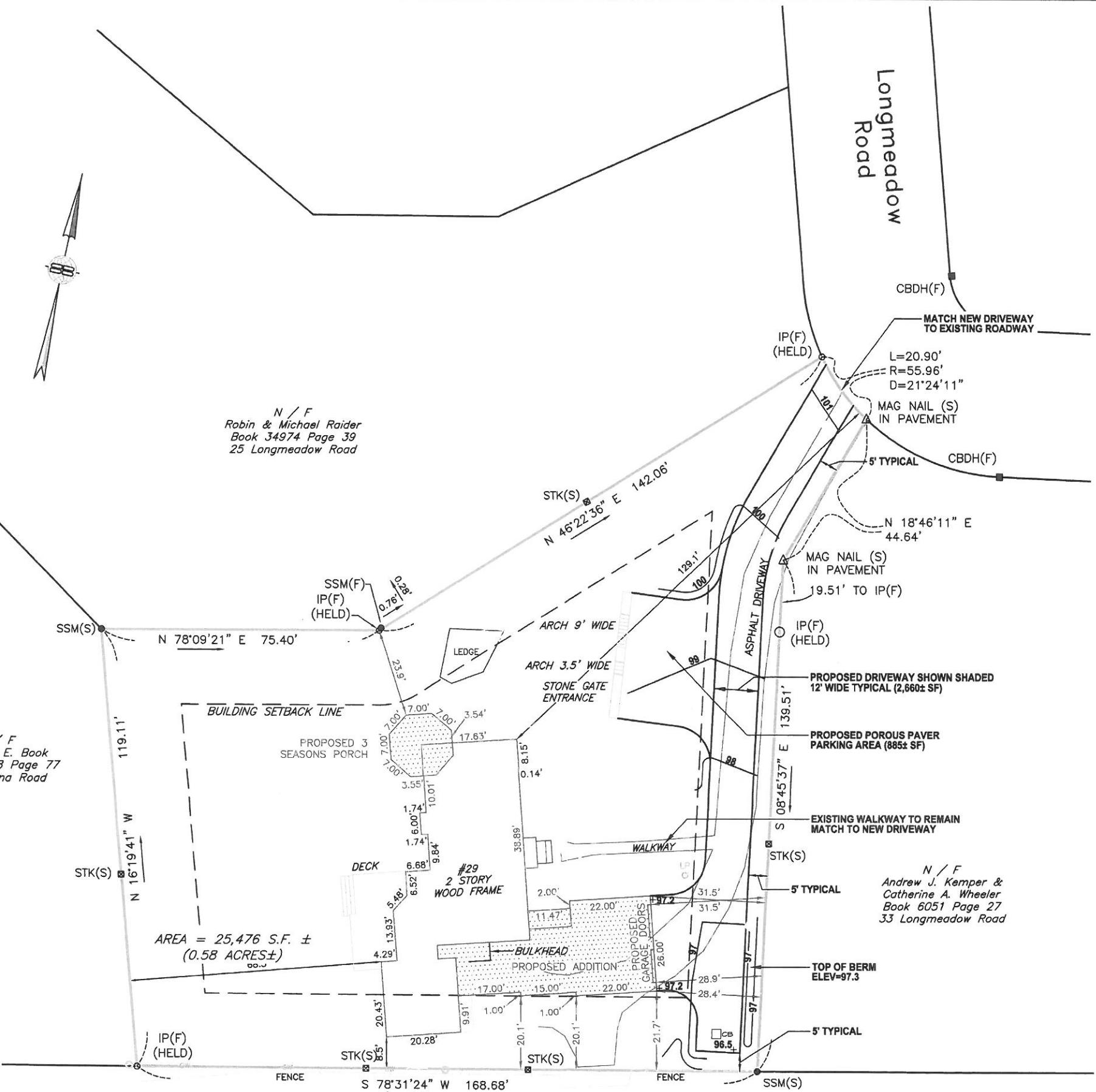
APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.

  
J. Randolph Becker, Acting Chairman

  
Robert W. Levy

  
Walter B. Adams

cc: Planning Board  
Inspector of Buildings  
lrm



IN MY PROFESSIONAL OPINION, I CERTIFY TO DESIGN WEST AND THE TOWN OF WELLESLEY BUILDING INSPECTOR THAT, AS A RESULT OF A SURVEY MADE ON THE GROUND TO THE NORMAL STANDARD OF CARE OF PROFESSIONAL LAND SURVEYORS PRACTICING IN MASSACHUSETTS, I FIND THAT THE EXISTING HOUSE AND PROPOSED ADDITION FALL WITHIN FLOOD ZONE X "UNSHADDED" AS SHOWN ON THE F.I.R.M. MAP FOR NORFOLK COUNTY MASSACHUSETTS, PANEL #25017C0543E DATED: 6/4/2010 AND THAT THE LOCATION OF THE EXISTING HOUSE AND PROPOSED ADDITION IS AS SHOWN HEREON.

*Realist*  
PROFESSIONAL LAND SURVEYOR  
DATE: 7/9/2018



**SCHOFIELD BROTHERS LLC**  
ENGINEERING • SURVEYING • PLANNING • GIS  
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[www.schofieldbros.com](http://www.schofieldbros.com)  
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Deed Recorded At Norfolk Registry of Deeds  
Book 24646, Page 11  
Plan 223 of 1933 & Plan 1055 of 1946  
Assessors Map 115, Parcel 8  
Zoning District: SRD 40 Single Residence 25174

20 0 10 20 40 80  
GRAPHIC SCALE

**PLOT PLAN OF LAND**  
**29 LONGMEADOW ROAD**  
**WELLESLEY, MASS.**  
PREPARED FOR: DESIGN WEST  
SCALE: 1"=20' DATE: APRIL 2, 2018  
REVISED: JULY 9, 2018  
(ADDED DRIVEWAY AND ASSOCIATED  
GRADING AND CALCULATIONS)