



## ZONING BOARD OF APPEALS

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

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ZBA 2018-59  
Petition of Lino & Phyllis Pucci  
21 Rice Street

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 6, 2018, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Lino & Phyllis Pucci requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that reconstruction of an existing nonconforming porch with less than required front yard and left side yard setbacks, and construction of a second story addition over an existing nonconforming structure with less than required left side yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, on an 8,651 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, at 21 Rice Street, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On August 2, 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 Lino and Phyllis Pucci, the Petitioner.

Mr. Pucci said that the request is to add a master bedroom above an existing family room. He said that the project will increase the overall layout without increasing the footprint.

The Chairman said that the existing nonconformities are: an 8,651 square foot lot where 10,000 square feet is required; a front yard setback of 19.4 feet where 30 feet is required; and a left side yard setback of 4.8 feet where 20 feet is required. He said that the garage has a left side yard setback of 7.5 feet and a right side yard setback of 4.7 where 20 feet is required.

The Chairman said that he did not see any problems with the proposed project. He said that it is a lovely house and it will be nice to have it kept up.

Mr. Pucci said that it was built in 1938. A Board member confirmed that the change to the front porch will be on the same footprint. He said that the changes will give the appearance of more room at the street side. He said that the nonconformities pre-date zoning regulations.

Mr. Pucci said that he spoke with most of the neighbors and they all supported the project. The Board said that it received a number of letters from neighbors who stated their support.

A Board member said that it is an odd shaped lot.

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 21 Rice Street, on an 8,651 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with a minimum front yard setback of 19.4 feet, a minimum left side yard setback of 4.8 feet, and a minimum right side yard setback of 4.7 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that reconstruction of an existing nonconforming porch with less than required front yard and left side yard setbacks, and construction of a second story addition over an existing nonconforming structure with less than required left side yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, on an 8,651 square foot lot in a Single Residence 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 7/18/18, stamped by Bradley J. Simonelli, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 5/1/18, prepared by The Drawing Board, Inc., and photographs were submitted.

On August 23, 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 reconstruction of an existing nonconforming porch with less than required front yard and left side yard setbacks, and construction of a second story addition over an existing nonconforming structure with less than required left 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.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for reconstruction of an existing nonconforming porch with less than required front yard and left side yard setbacks, and construction of a second story addition over an existing nonconforming structure with less than required left 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 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.

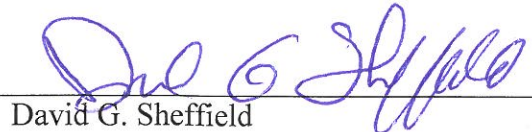
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21 Rice Street

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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.

  
Richard L. Seegel, Chairman

  
David G. Sheffield

  
Derek B. Redgate

cc: Planning Board  
Inspector of Buildings  
lrm



N/F  
MATTHEW J COPELAND &  
DIANE FERNANDES

N/F  
TOWN OF WELLESLEY

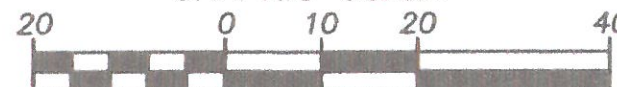
ZONING INFORMATION: SINGLE RESIDENCE 10 (SR10)

	REQUIRED	ACTUAL	PROPOSED
MINIMUM LOT AREA .....	10,000 SF	8,651 SF	8,651 SF
MINIMUM LOT FRONTAGE.....	60 FEET	99.93 FEET	99.93 FEET
MINIMUM FRONT SETBACK.....	30 FEET	19.4 FEET	19.4 FEET
MINIMUM SIDE YARD.....	20 FEET	4.8 FEET	4.8 FEET
			(14.0 TO ADDITION)
MINIMUM REAR YARD .....	10 FEET	N/A	N/A
MAXIMUM BUILDING COVERAGE.....	25%	24.4%(2115 SF)	24.4%(2115 SF)
MAXIMUM BUILDING HEIGHT.....	36 FEET		
MAXIMUM BUILDING HEIGHT.....	2 1/2 STY	2 1/2 STY	2 1/2 STY

PROPOSED  
SECOND STORY  
ADDITON

PROPOSED  
PORCH  
RECONSTRUCTION

GRAPHIC SCALE



ZONING BOARD OF APPEALS  
PLAN OF LAND  
21 RICE STREET  
WELLESLEY, MASS.

Field Resources, Inc.  
LAND SURVEYORS

JULY 18, 2018

SCALE 1"=20'

P.O. BOX 324  
AUBURN, MA  
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NEEDHAM, MA.  
781 444 5936

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