



ZONING BOARD OF APPEALS

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

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ZBA 2018-60

Petition of Catherine & Pete Murillo
77 Donizetti Street

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 Catherine & Pete Murillo requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a second and third floor addition, reconstruction of the roof from a 9/12 pitch to a 12/12 pitch, with less than required left side, right side and front yard setbacks, on an existing nonconforming structure with less than required left side, right side and front yard setbacks, and construction of a deck with less than required right side yard setbacks, on a 6,489 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, at 77 Donizetti 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 Catherine and Pete Murillo, the Petitioner, and Paul Worthington, Architect.

Ms. Murillo said that the request is for relief to build an addition to their home. She said that they moved from Boston and sought out Wellesley because of the great schools and wonderful community. She said that she grew up here and still has family ties. She said that when they moved into their home in 2011 they had two small children. She said that they now have three children. She said that they love their house and the neighborhood.

Ms. Murillo said that the house is just under 1,600 square feet with four bedrooms and one full bath. She said that they would like to add another bathroom. She said that they will not expand the footprint of the home. She said that a prior owner built a one story addition in 1998 with a special permit for a family room with a foundation into the basement. She said that they would like to go over that room and expand to the attic.

A Board member said that there is quite a stand of trees on the south side of the property. He said that measures should be taken to protect those trees so that they are not damaged during construction. He asked if any trees will be taken down. Mr. Worthington said that they will not take down any trees for the project. Ms. Murillo said that there are hemlocks on the north side that they might have to address in the future. She said that they are trying to prolong their lives because they provide nice screening.

Ms. Murillo said that they spoke with all of their immediate abutters except for 679 Worcester Street at the rear, which is a rented property. She said that they provided plans and all of the neighbors were supportive and saw it as a benefit to the neighborhood.

The Chairman said that the Board received a letter from DPW regarding a catch basin in the driveway apron and extension of the sidewalk to connect Worcester Street to Calvin Road. Ms. Murillo said that at some point during the discussions of Route 9 and Kingsbury Street, the sidewalk was discussed. She said that there is currently no sidewalk on their property. She said that it discontinues next door at 79 Donizetti Road and picks up again at 69 Donizetti Road. She said that they are aware that at some point the Town might extend the sidewalk to make the connection.

A Board member said that the existing nonconformities are: a 6,489 square foot lot in a 10,000 square foot Single Residence District; a front yard setback of 16.7 feet where 30 feet is required; a left side yard setback of 16.7 feet and a right side yard setback of 15.9 feet where 20 feet is required. The Chairman said that one of the building permits shows that the house was built in 1921, which pre-dates zoning.

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 77 Donizetti Street, on a 6,489 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 16.7 feet, a minimum left side yard setback of 16.7 feet, and a minimum right side yard setback of 15.9 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 second and third floor addition, reconstruction of the roof from a 9/12 pitch to a 12/12 pitch, with less than required left side, right side and front yard setbacks, on an existing nonconforming structure with less than required left side, right side and front yard setbacks, and construction of a deck with less than required right side yard setbacks, on a 6,489 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 5/22/18, stamped by Michael P. Clancy, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 5/29/18 and 6/4/18, prepared by Paul Worthington Design & Restoration 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 although construction of a second and third floor addition, reconstruction of the roof from a 9/12 pitch to a 12/12 pitch, with less than required left side, right side and front yard setbacks, on an existing nonconforming structure with less than required left side, right side and front yard setbacks, and construction of a deck with less than required right side yard setbacks, on a 6,489 square foot lot in a Single Residence 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.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of a second and third floor addition, reconstruction of the roof from a 9/12 pitch to a 12/12 pitch, with less than required left side, right side and front yard setbacks, on an existing nonconforming structure with less than required left side, right side and front yard setbacks, and construction of a deck with less than required right side yard setbacks, in accordance with the submitted plot plan and construction drawings.

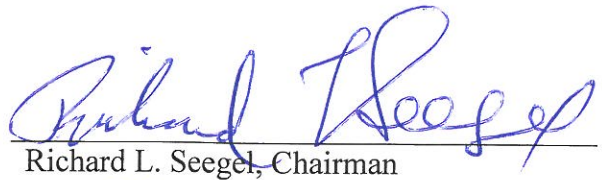
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed constructions plans.

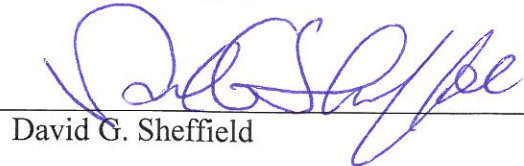
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

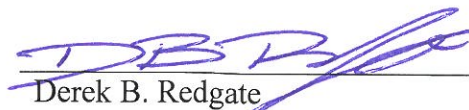
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TOWN OF BARNSTABLE
CLERK OF MAJOR
2018 SEP 20 P 2:50

ZBA 2018-60
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77 Donizetti Street

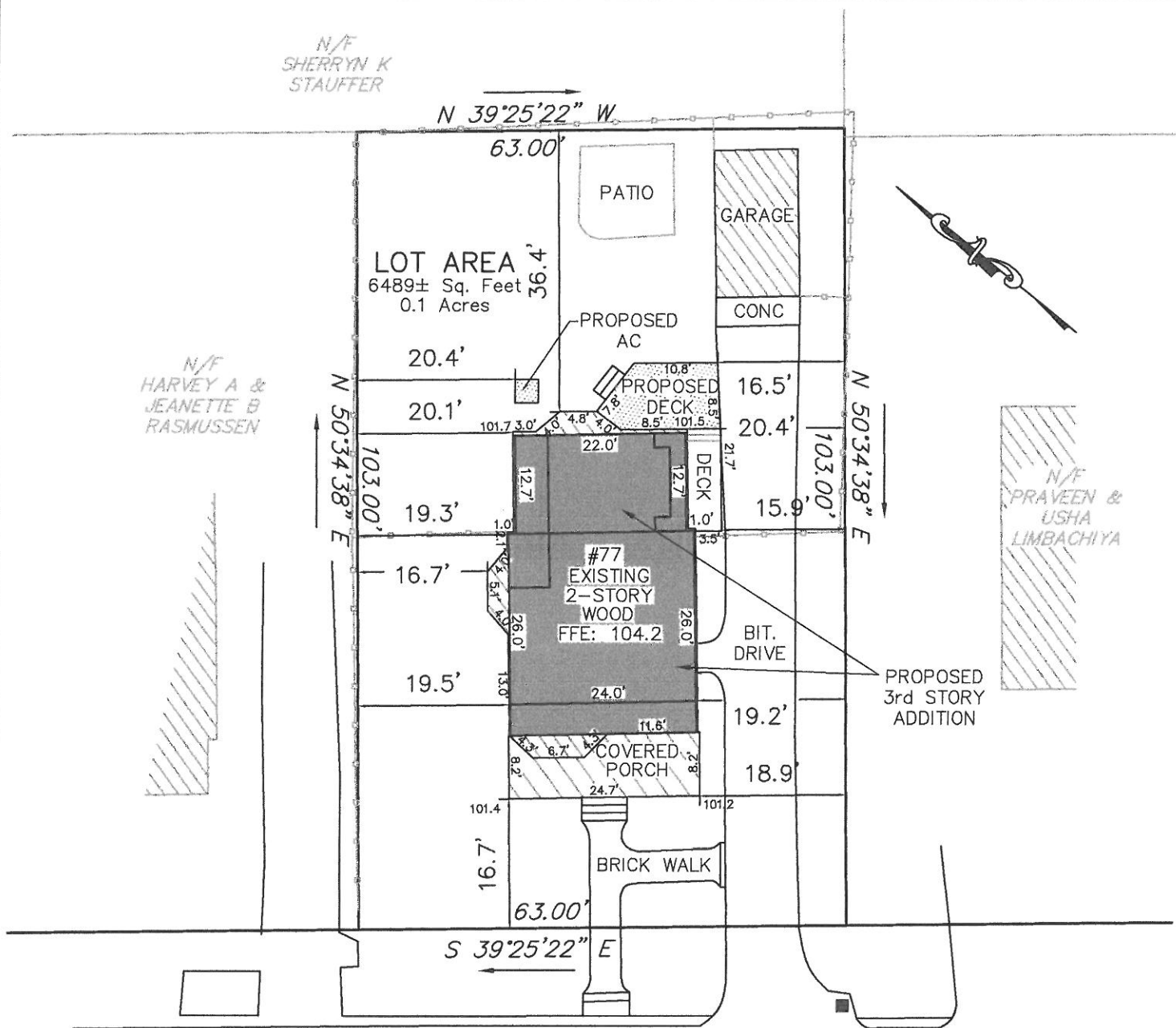
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.

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TOWN CLERK'S OFFICE
2018 SEP 20 P 2:50

Richard L. Seegel, Chairman


David G. Sheffield


Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm



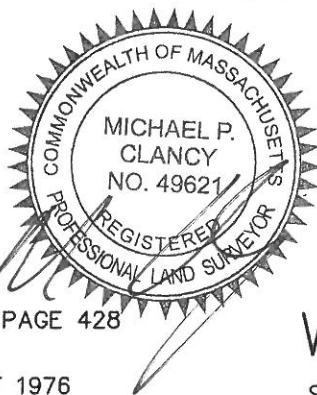
DONIZETTI (PUBLIC 50' WIDE) STREET

PREPARED FOR:

MARC CHARNEY
4 TWITCHELL STREET
WELLESLEY, MA 02482

NOTES:

1. ZONING CLASSIFICATION - SR-10
2. LOCUS DEED:
NORFOLK REGISTRY OF DEEDS BOOK 28918 PAGE 428
3. PLAN REFERENCES:
NORFOLK REGISTRY OF DEEDS PLAN 445 OF 1976
4. ASSESSORS PARCEL ID: 121-89
LOT COVERAGE (EXISTING) = $1427 \text{ SF} / 6489 = 22.0\%$
LOT COVERAGE (PROPOSED) = $1544 \text{ SF} / 6489 = 23.8\%$
EXISTING PEAK TO AVERAGE GRADE IS 27.9'
PROPOSED PEAK TO AVERAGE GRADE IS 32.4'



PLOT PLAN
FOR
77 DONIZETTI STREET
IN
WELLESLEY, MA

SCALE: 1"=20' MAY 22, 2018

C & G SURVEY COMPANY
37 JACKSON ROAD
SCITUATE, MA. 02066
1-877-302-8440