

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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10/16 NOV 15 P 2:37

ZBA 2018-70
Petition of Ben & Megan Haber
5 Wingate Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 1, 2018 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Ben & Megan Haber requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing deck and construction of a two-story addition that will meet all Zoning requirements, on an existing nonconforming structure with less than required front yard and right side yard setbacks, at 5 Wingate Road, in a 10,000 square foot Single Residence District, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On October 16, 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 Laurence Shind, Esq. and Ben Haber, the Petitioner.

Mr. Shind said that the project involves a modest two-story addition to the rear of the existing nonconforming house on a conforming lot. He said that the house was built in 1951 and has a TLAG of 2,572 square feet. He said that the lot is 12,000 square feet in a Zoning District that requires a minimum of 10,000 square feet. He said that the front and right sides of the existing house are nonconforming. He said that the existing nonconformities will not be changed as a result of the addition. He said that the proposed addition at the rear will conform to rear and side yard setbacks. He said that after construction, the TLAG will be 3,132 square feet and lot coverage be 14 percent. He said that the property is located in a Water Supply Protection District (WSPD). He said that the Wetlands Protection Committee (WPC) approved an Order of Conditions for the project. He said that the Planning Board has reviewed and recommended approval of the application. He said that the proposed addition will be modest in size, will result in a small increase in TLAG and lot coverage, and will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Mr. Haber said that the neighbors were notified about the project via a direct mailing from the Surveyor. He said that they spoke with their neighbors and answered questions that they had.

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 5 Wingate Road, in a 10,000 square foot Single Residence District, in a Water Supply Protection District, with a minimum 27.4 foot front yard setback where 30 feet is required and a minimum 19.9 foot right side yard setback where 20 feet is required.

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

A Plot Plan, dated 6/1/18, revised 7/25/18, stamped by Elliott J. Paturzo, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 9/18/18, prepared by GMT Home Designs, and photographs were submitted.

On October 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 demolition of an existing deck and construction of a two-story addition that will meet all Zoning requirements, on an existing nonconforming structure with less than required front 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.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of an existing deck and construction of a two-story addition that will meet all Zoning requirements, on an existing nonconforming structure with less than required front yard and right side yard setbacks, subject to the following condition:

- Order of Conditions, MassDEP File, 324-0877 shall be recorded at the Norfolk County Registry of Deeds.

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.

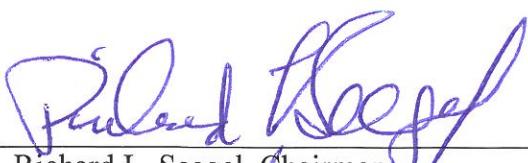
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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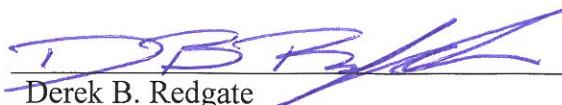
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



Richard L. Seegel, Chairman



Walter B. Adams



Derek B. Redgate

cc: Planning Board
Inspector of Buildings
Irm

