

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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

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

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TOWN CLERK'S OFFICE  
WELLESLEY MA 02482  
2018 NOV 15 P 2:57

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 constructions plans.

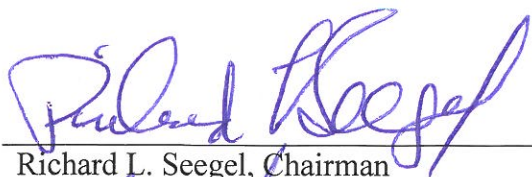
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

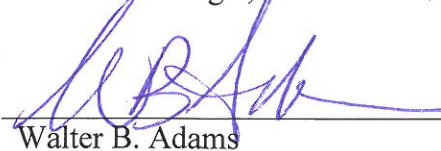
ZBA 2018-70  
Petition of Ben & Megan Haber  
5 Wingate Road

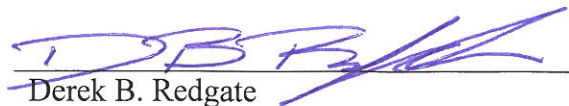
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WELLESLEY MA 02462  
2018 NOV 15 P 2:57

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.

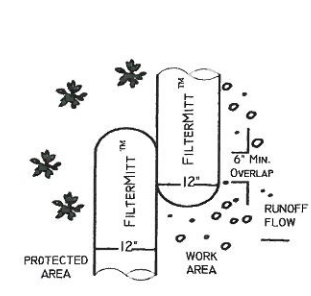
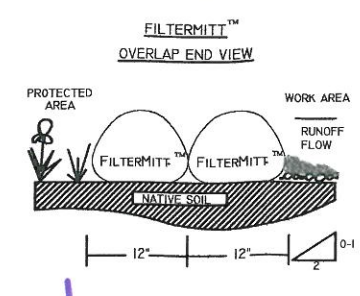
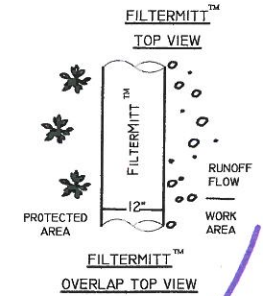
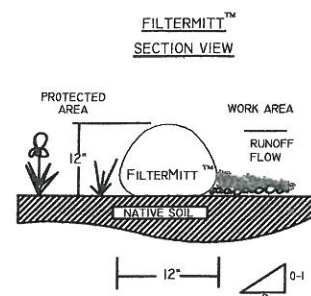
  
Richard L. Seegel, Chairman

  
Walter B. Adams

  
Derek B. Redgate

cc: Planning Board  
Inspector of Buildings  
lrm





N/F  
WILLIAM D. & DONNA B. COOPER  
MAP 169, LOT 12

N/F  
ANNE B. SMITH, TRUSTEE  
ANNE B. SMITH TRUST 2014  
MAP 169, LOT 13

CB W/METAL PIN  
FOUND & HELD  
AT NORTHEASTERLY CORNER  
OF 19 WINGATE ROAD  
MAP 168, LOT 66

BENCHMARK #1  
CB W/METAL PIN  
FOUND & HELD  
AT SOUTHEASTERLY CORNER  
OF 19 WINGATE ROAD  
MAP 168, LOT 66  
ELEV=150.00

N/F  
TOWN OF WELLESLEY  
NATURAL RESOURCES DEPARTMENT  
MAP 156, LOT 21

5 WINGATE ROAD  
WELLESLEY, MA  
MAP 169, LOT 14  
AREA=12,081± S.F.

N/F  
STEPHEN L. CARR, TRUSTEE  
SCANNER REALTY TRUST  
MAP 169, LOT 15

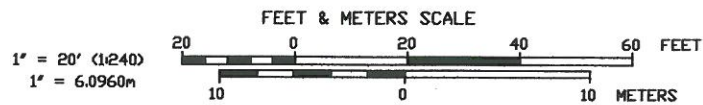
N/F  
RUDINA I. SESERI  
& ADRIAN KETRI  
MAP 169, LOT 30

### REFERENCES

- DEED REF: NORFOLK COUNTY REGISTRY OF DEEDS  
BOOK 32486, PAGE 420
- PLAN REF: PLAN ENTITLED "SUBDIVISION PLAN OF LAND IN  
WELLESLEY, MASS., OWNED BY LILLIE P. RICH",  
PREPARED BY GLEASON ENGINEERING COMPANY,  
DATED SEPTEMBER 15, 1948, PLAN BOOK 154,  
PLAN 1236
- PLAN ENTITLED "TAKING FOR WELLESLEY SEWERS",  
PREPARED BY PHILIP A. PLAISTED, ENGINEER,  
DATED DEC. 5, 1944, PLAN NO. 528 OF 1944

### NOTES

- SUBJECT TO ANY STATEMENT OF FACT AN  
UP-TO-DATE ABSTRACT OF TITLE WOULD DISCLOSE.
- SUBJECT TO ALL RIGHTS, EASEMENTS, COVENANTS  
OR RESTRICTIONS OF RECORD.
- UNDERGROUND UTILITIES, STRUCTURES AND  
FACILITIES, IF ANY, HAVE BEEN SHOWN FROM  
SURFACE LOCATIONS AND MEASUREMENTS OBTAINED  
FROM A FIELD SURVEY AND RECORD LOCATIONS,  
THEREFORE THEIR LOCATIONS MUST BE CONSIDERED  
APPROXIMATE ONLY. THERE MAY BE OTHER UTILITIES  
WHICH THE EXISTENCE OF ARE NOT KNOWN. SIZE,  
TYPE AND LOCATION OF ALL UTILITIES AND  
STRUCTURES MUST BE VERIFIED BY PROPER  
AUTHORITIES PRIOR TO ANY AND ALL CONSTRUCTION.  
CALL, TOLL FREE, DIG SAFE CALL CENTER AT  
1-888-344-7233 SEVENTY-TWO HOURS PRIOR TO  
ANY EXCAVATION.
- ELEVATIONS ON THIS PLAN ARE APPROXIMATE AND  
REFERENCE THE NORTH AMERICAN VERTICAL DATUM  
OF 1988 (NAVD 88).
- LOCATIONS OF FLOOD ZONE BOUNDARY AND  
200' RIVERFRONT AREA BOUNDARY ARE TAKEN FROM  
THE TOWN OF WELLESLEY GIS MAP, AND ARE SHOWN  
GRAPHICALLY.



REDUCED COPY  
(NOT TO SCALE)

- ### LEGEND
- CB ..... CONCRETE BOUND
  - EOP ..... EDGE OF PAVEMENT
  - 151.4x ..... SPOT GRADE
  - \*WLP ..... WOODEN LIGHT POLE
  - \*LP ..... LAMP POST
  - GG ..... COMMUNICATIONS HAND HOLE
  - GG ..... COMMUNICATIONS PAINT
  - GG ..... GAS GATE
  - GG ..... GAS SERVICE
  - GG ..... IRRIGATION CONTROL VALVE
  - PVC ..... POLYVINYL CHLORIDE
  - FTE ..... FIRST FLOOR ELEVATION
  - ACU ..... AIR CONDITIONING UNIT
  - LSA ..... LANDSCAPED AREA
  - HEM ..... HEMLOCK
  - DEC ..... DECIDUOUS TREE (AS SHOWN)
  - WF ..... WETLAND FLAG

### TOWN OF WELLESLEY, MASSACHUSETTS INTENSITY REGULATIONS: SINGLE RESIDENCE (SR-10)

	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA	10,000 S.F.	12,081± S.F.	N/A
MINIMUM FRONTAGE	60'	90.17'	N/A
MINIMUM FRONT YARD WIDTH	60'	90.1'	N/A
MINIMUM FRONT YARD DEPTH	30'	27.4'(RAD)	N/A
MINIMUM SIDE YARD WIDTH	20'	19.9'	N/A
MINIMUM REAR YARD DEPTH	10'	55.3'	N/A
MAXIMUM LOT COVERAGE	2,500 S.F.(25%)	1,542 S.F.(12.8%)	1,696 S.F.(14%)
MAXIMUM BUILDING HEIGHT	3 STORIES/36'	2 STORIES/27.6'	2 STORIES/28±'

**ZONING DESIGNATION:**  
TOWN OF WELLESLEY ZONING DISTRICT  
SINGLE RESIDENCE (SR-10)

**ASSESSORS REFERENCE:**  
MAP 169, LOT 14

I CERTIFY THAT THIS PLAN IS BASED ON AN  
ACTUAL FIELD SURVEY PERFORMED ON THE  
GROUND ON FEBRUARY 15, 2018, AND THE LATEST  
PLANS AND DEEDS OF RECORD.

I CERTIFY THAT PART OF THE SUBJECT DWELLING  
SHOWN LIES IN A FLOOD ZONE "X" AND ZONE "A"  
(WITHOUT BASE FLOOD ELEVATION) AS SHOWN ON  
MAP NUMBER 25021C0008E, HAVING AN EFFECTIVE  
DATE OF JULY 17, 2012.

### REVISIONS

DATE	DESCRIPTION
7/25/18	OFFSETS, COVERAGE

FIELD: RJC/BD  
CALCS: EJP/SMI  
DRAWN BY: SMI  
FIELD EDIT: N/A  
CHECKED: EJP  
APPROVED:  
JOB #: 181615



PROFESSIONAL LAND SURVEYOR DATE

**A.S. Elliott & Associates**  
Professional Land Surveyors  
P.O. BOX 85 ~ HOPEDALE, MASSACHUSETTS  
(508) 634-0256  
www.aselliott.com

Existing Conditions  
Plan of Land Showing  
Proposed Improvements  
**5 WINGATE ROAD**  
WELLESLEY, MASSACHUSETTS  
PREPARED FOR: BEN HABER  
SCALE: 1"= 20' DATE: APRIL 4, 2018