

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS  
TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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ZBA 2017-24  
Petition of Jonathan & Rachel Lowe  
30 Laurel Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 6, 2017, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Jonathan & Rachel Lowe requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming one-story mudroom and screened porch and construction of a two-story addition and a one-story screened porch that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard and right side yard setbacks and frontage, at 30 Laurel Avenue, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On February 14, 2017, 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 Jonathan Lowe, the Petitioner, and David Whitney, Architect.

Mr. Lowe said that the proposal is for an addition to the back of the existing house. He said that they will remove a portion of the house that is nonconforming and replace it with an addition that will be conforming. He said that everything that they will be doing will be by right. He said that the only issue is that a distant corner of the house is too close to the side property line.

Mr. Lowe said that the steps and the shed at the back left corner of the house will be removed, as shown on Demolition Plan, D1.1. He said that the Site Plan shows the proposed construction and the part to be demolished.

Mr. Lowe said that the closest that the proposed construction will come to the side property line is 21 feet. The Board said that the side yard setback at the right front of the house is pre-existing nonconforming at 14.1 feet and the left rear corner is pre-existing nonconforming at 17.9 feet. The Board said that the pre-existing nonconforming setback will be reduced.

The Board asked if the Petitioner spoke with the neighbors about what they plan to do. Mr. Lowe said that the neighbors are aware that they will be making changes. He said that they have not seen the specific details. He said that they have been talking about it for years. He said that the neighbors have all done projects as well.

There was no one present at the public hearing who wished to speak to the petition.

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Statement of Facts

The subject property is located at 30 Laurel Avenue, with a minimum left side yard setback of 16.1 feet, a minimum right side yard setback of 14.1. feet and minimum frontage of 56.9 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming one-story mudroom and screened porch and construction of a two-story addition and a one-story screened porch that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard and right side yard setbacks and frontage, at 30 Laurel Avenue, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 1/27/17, stamped by John R. Hamel, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 2/17/17, prepared by David Whitney, Architect, and photographs were submitted.

On March 28, 2017, the Planning Board reviewed the petition and recommended that the special permit be granted.

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 nonconforming one-story mudroom and screened porch and construction of a two-story addition and a one-story screened porch that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard and right side yard setbacks and less than required frontage 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 nonconforming one-story mudroom and screened porch and construction of a two-story addition and a one-story screened porch that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard and right side yard setbacks and less than required frontage, 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.

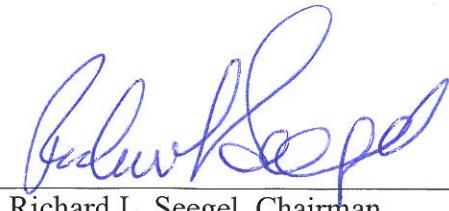
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

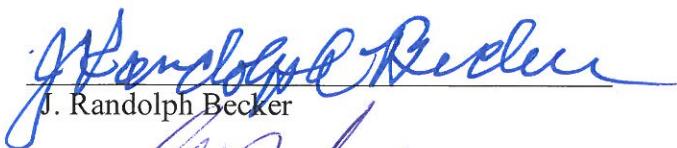
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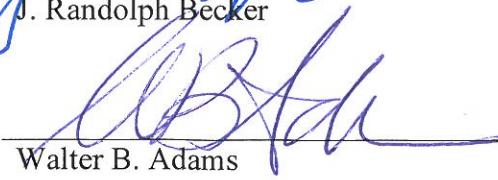
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APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.

  
Richard L. Seegel, Chairman

  
J. Randolph Becker

  
Walter B. Adams

cc: Planning Board  
Inspector of Buildings  
lrm

