

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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

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ZBA 2017-37

Petition of Scott & Kim Snapper  
38 Hillside Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 4, 2017, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Scott & Kim Snapper requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a two-story addition and a deck with less than required right side yard setbacks, on a 6,776 square foot lot with less than required frontage in a Single Residence District in which the minimum lot size is 15,000 square feet, at 38 Hillside Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. Existing lot coverage is 26.2 percent and proposed lot coverage will be 27.35 percent.

On April 4, 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 Laurence Shind, Esq., Scott and Kim Snapper, the Petitioners.

Mr. Shind said that the petition is for a two-story addition at the right rear to square off the house. He said that it is a small house on a small lot in a 15,000 square foot zone. He said that they will be adding just over 100 square feet of living area to create a mudroom on the first floor and a master bathroom on the second floor. He said that the lot is less than half of the minimum required size at 6,776 square feet. He said that the lot is extremely narrow at 40 feet across at the front and 45 feet across at the back. He said that currently the house is nonconforming on both sides because it would not be possible to fit it on the lot in a conforming way. He said that lot coverage is currently 26 percent, which is over the maximum of 25 percent that is allowed. He said that lot coverage will increase to 27 percent. He said that the Total Living Area plus Garage (TLAG) of the house is 2,755 square feet and will increase to 2,866 square feet after the addition. He said that the addition will have no impact on the neighbors because the side that this addition will go on is abutted by town park land.

A Board member said that it is a nice solution.

A Board member said that this is one of the cases where the old lot size is different from the current lot size. He said that they lost a couple of thousand square feet somewhere along the line. He said that if it was conforming on either side, the building would have a negative width.

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 38 Hillside Road, on a 6,776 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, with 40 feet of frontage, with a minimum left side yard setback of 7.1 feet and a minimum right side yard setback of 3 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 two-story addition and a deck with less than required right side yard setbacks, on a 6,776 square foot lot with less than required frontage in a Single Residence District in which the minimum lot size is 15,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. Existing lot coverage is 26.2 percent and proposed lot coverage will be 27.35 percent.

A Plot Plan, dated 2/1/17, stamped by Kevin J. Jarvis, Professional Land Surveyor, Existing & Proposed Floor Plans & Elevation Drawings, dated 1/26/17, stamped by Nazeih R. Hammouri, P.E. on 3/31/17, and a photograph were submitted.

On May 2, 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 although construction of a two-story addition and a deck with less than required right side yard setbacks, on a 6,776 square foot lot with less than required frontage in a Single Residence District in which the minimum lot size is 15,000 square feet, with an increase in existing lot coverage of 26.2 percent to 27.35 percent, 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 two-story addition and a deck with less than required right side yard setbacks, on a 6,776 square foot lot with less than required frontage in a Single Residence District in which the minimum lot size is 15,000 square feet, with an increase in existing lot coverage from 26.2 percent to 27.35 percent, in accordance with the submitted plot plan and construction drawings.

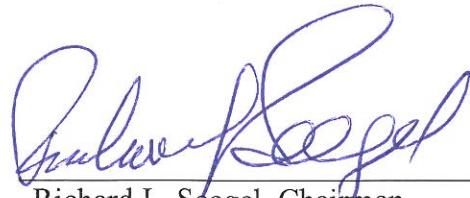
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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

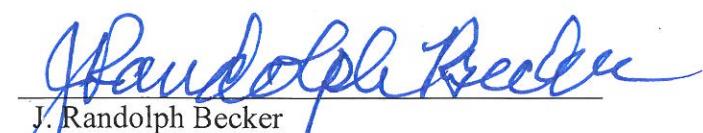
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MC 234

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



David G. Sheffield

cc: Planning Board  
Inspector of Buildings  
lrm

**PLAN SHOWING EXISTING HOUSE  
PREPARED FOR  
SCOTT & KIMBERLY SNAPPER  
38 HILLSIDE ROAD  
WELLESLEY, MASSACHUSETTS  
FEBRUARY 01, 2017  
SCALE: 1 INCH = 30 FEET**

**JARVIS LAND SURVEY, INC  
29 GRAFTON CIRCLE  
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**ASSESSORS MAP 52  
LOT 39**

**ZONING DATA:**

SR15 AREA = 15,000 S.F.  
LOT FRONTAGE = 60'  
FRONT YARD SETBACK = 30'  
SIDE YARD SETBACK = 20'  
REAR YARD SETBACK = 15'

