



ZONING BOARD OF APPEALS

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

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ZBA 2017-55

Petition of Ngoc Hoang & Salvatore Insogna
95 Russell Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 1, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Ngoc Hoang & Salvatore Insogna requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that demolition and reconstruction of an existing third floor, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, on a 5,148 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with less than required frontage, in a Water Supply Protection District, at 95 Russell Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On March 28, 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 was Sal Insogna, the Petitioner, who said that the proposal is to raise the roof on the third floor for bathroom.

The Board said that it is a small lot.

A Board member asked if there is any kind of a driveway. Mr. Insogna said that there is no driveway. He said that they park across the street. The Board member asked how contractors and building materials will get to the site. He said that his concern is that there is no place to store materials on this lot. Mr. Insogna said that the land across the street is town land and there is a parking area there. He said that is probably where a dumpster will go. He said that there has been a lot of construction on the street and that is how it is has worked. The Chairman said that contractors can use smaller trucks that have lifts right on them so that everything can be taken off quickly. He said that the truck can back out if there is nowhere for it to turn around.

The Board said that it is a tough site and a tiny lot.

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 95 Russell Road, on a 5,148 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, with a minimum frontage of 37.5 feet, a minimum front yard setback of 24.1 feet, a minimum left side yard setback of 3 feet and a minimum right side yard setback of 5.8 feet.

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 and reconstruction of an existing third floor, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, on a 5,148 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with less than required frontage, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 2/20/17, revised 3/13/17, stamped by Dennis O'Brien, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 3/27/17, prepared by Bourque Design, photographs and photosimulations were submitted.

On March 31, 2017, the Wetlands Protection Committee issued a Negative Determination of Applicability.

On May 16, 2017, the Planning Board reviewed the petition and recommended that 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 and reconstruction of an existing third floor, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, on a 5,148 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with less than required frontage, in a Water Supply Protection District, 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 and reconstruction of an existing third floor, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, on a 5,148 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with less than required frontage, in a Water Supply Protection District, in accordance with the submitted plot plan and construction drawings.

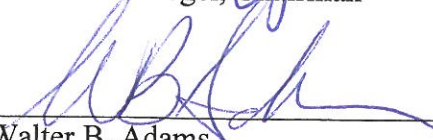
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed constructions plans.

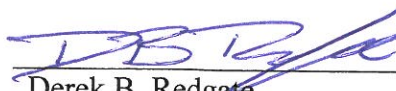
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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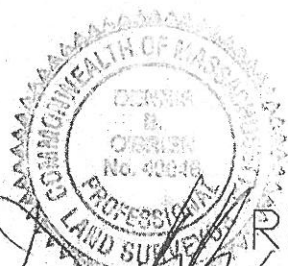
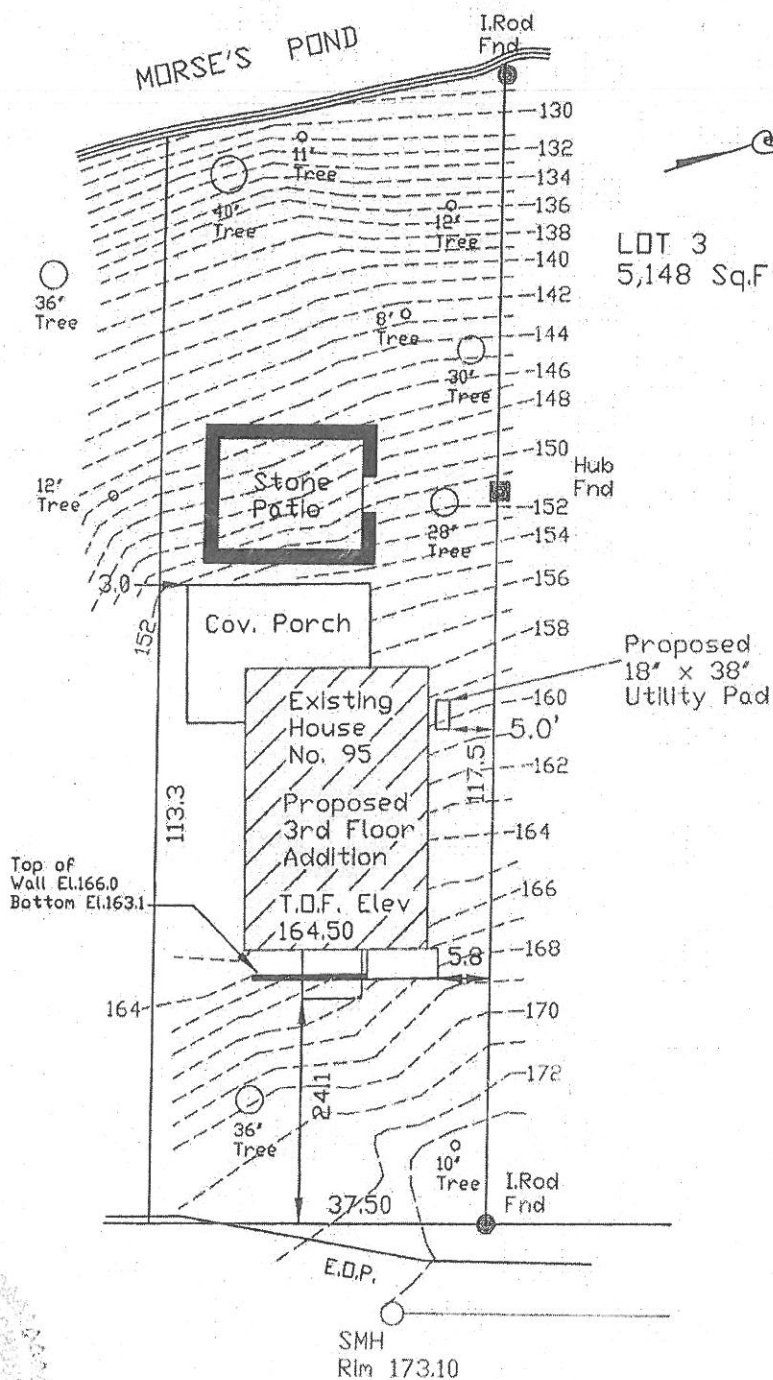
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.


Richard L. Seegel, Chairman


Walter B. Adams

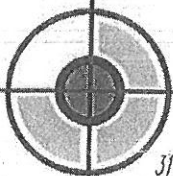

Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm



Dennis O'Brien

P.L.S.



D. O'BRIEN
LAND SURVEYING

31 HAYWARD STREET UNIT 3-G, EST 1996
FRANKLIN, MA 02038 508-541-0048

PLAN SHOWING PROPOSED ADDITION
95 RUSSELL ROAD
WELLESLEY, MA MIDDLESEX COUNTY

SCALE:
1:20

DATE:
2/20/2017

REVISED:
3/13/2017

DRAWN BY:
MEW

CHECKED BY:
D.O.