

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

RICHARD L. SEEDEL, CHAIRMAN
J. RANDOLPH BECKER, VICE CHAIRMAN
DAVID G. SHEFFIELD

LENORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 2208
web: www.wellesleyma.gov

ROBERT W. LEVY
WALTER B. ADAMS
DEREK B. REDGATE

ZBA 2017-59

Petition of Dana & Ellen Conti
157 Weston 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 Dana Conti requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that construction of a one-story addition and construction of a two-story addition that will meet all setback requirements, on an existing nonconforming structure with less than required right side yard setbacks, at 157 Weston 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 April 25, 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 David Himmelberger, Esq. and Dana Conti, the Petitioner.

Mr. Himmelberger said that the request is for a special permit for a conforming addition to a pre-existing nonconforming house due to insufficient side yard setback.

Mr. Himmelberger said that after the plot plan was submitted, it was discovered that there was a typo for lot coverage. He said that the corrected plot plan, dated May 30, 2017 shows existing lot at 1,266 square feet for 8.9 percent coverage while the proposed lot coverage will be 2,101 square feet for 14.8 percent, which is well within permissible limits.

Mr. Himmelberger said that the addition is consistent with the home, which is quite beautiful in its design. He said that it is an older home. He said that there will be a two-story addition in the back and a one-story addition on the side that will be conforming. He said that the Planning Board recommended approval. He said that the fully compliant additions shall not be substantially more detrimental to the neighborhood than the existing nonconformities, which are side setback for the house and the garage. He said that the right side yard setback to the house is 17.8 feet and the side yard setback for the garage is 2.2 feet.

Mr. Himmelberger said that the height of the addition is shown on Plan X2. He said that the existing building height is 30 feet and the addition is no greater.

A Board member asked about the ability to pull into the driveway off of Weston Road and turn around so that you can pull out facing front onto the street. Mr. Conti said that they can do that. He said that there is an area where they can do a three point turn.

The Chairman asked if there are any Building Code issues. He said that they will be putting an addition on the left side and rear of the house. He asked if the house will be five feet from the garage. Mr. Himmelberger said that there are no Building Code issues with that.

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 157 Weston Road, in a 10,000 square foot Single Residence District, in a Water Supply Protection District, with a minimum right side yard setback of 17.8 feet. The existing nonconforming garage has a minimum left side yard setback of 2.2 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 construction of a one-story addition and construction of a two-story addition that will meet all setback requirements, on an existing nonconforming structure with less than required right side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Letters to Zoning Board of Appeals, dated 5/26/17 and 5/30/17, from David J. Himmelberger, Esq., a Plot Plan, dated 4/25/17, revised 5/30/17, stamped by Bradley J. Simonelli, Professional Land Surveyor, Proposed Floor Plans and Elevation Drawings, dated 1/1/15, prepared by John Chapman, Architect, and photographs were submitted.

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 construction of a one-story addition and construction of a two-story addition that will meet all setback requirements, on an existing nonconforming structure with less than required 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 construction of a one-story addition and construction of a two-story addition that will meet all setback requirements, on an existing nonconforming structure with less than required right side yard setbacks, in accordance with the submitted plot plan and construction drawings.

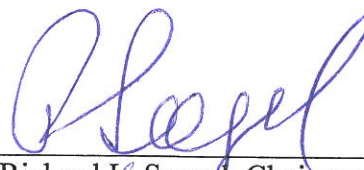
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed constructions plans.

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

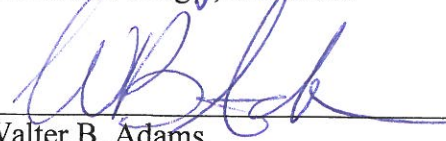
ZBA 2017-59
Petition of Dana & Ellen Conti
157 Weston Road

1 2017 JUN 15 P 12:21

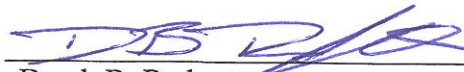
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



Richard L. Seegel, Chairman

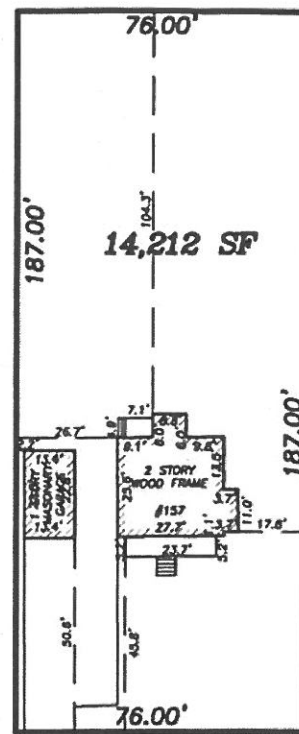


Walter B. Adams



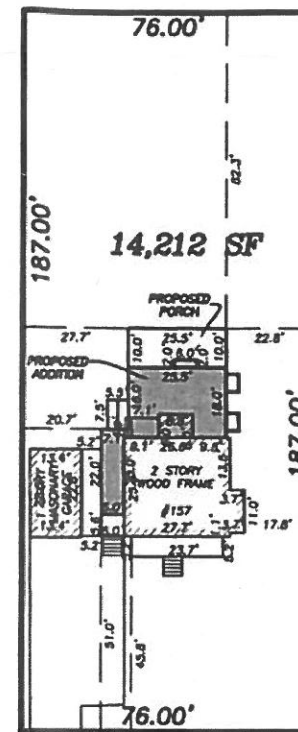
Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm



WESTON ROAD

EXISTING SITE
1"=40'



WESTON ROAD

PROPOSED SITE
1"=40'



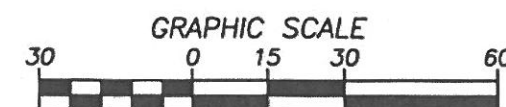
ZONING INFORMATION: SINGLE RESIDENCE 10 (SR10)

	REQUIRED	ACTUAL	PROPOSED
MINIMUM LOT AREA	10,000 SF	14,212 SF	14,212 SF
MINIMUM LOT FRONTAGE.....	60 FEET	76.0 FEET	76.0 FEET
MINIMUM FRONT SETBACK.....	30.4 FEET*	45.8 FEET	45.8 FEET
MINIMUM SIDE YARD.....	20 FEET	17.8 FEET	17.8 FEET
		2.2(26.7) FEET	2.2(20.7)FEET**
MINIMUM REAR YARD	10 FEET	104.3 FEET	82.3 FEET
MAXIMUM BUILDING COVERAGE.....	20%/2500 SF	8.9%/1266SF	14.8%/2101 SF
MAXIMUM BUILDING HEIGHT.....	36 FEET***		
MAXIMUM BUILDING HEIGHT.....	2 1/2 STY	2 STY	2STY

*FRONT SETBACK DETERMINED BY 500 FOOT RULE

**SIDE SETBACK ON LEFT CURRENTLY TO DETACHED GARAGE, SETBACK TO HOUSE IN PARENTHESIS

***PER SECTION XX OF THE WELLESLEY ZONING BYLAW, ALL BUILDING HEIGHTS ARE MEASURED TO AVERAGE FINISHED OR ORIGINAL GRADE WHICHEVER IS LOWER.



ZONING BOARD OF APPEALS
PLAN OF LAND
157 WESTON ROAD
WELLESLEY, MASS.

TOWN OF WELLESLEY
MAP 149 PARCEL 83

NORFOLK COUNTY
REGISTRY OF DEEDS
BOOK 9845 PAGE 179

Field Resources, Inc.
LAND SURVEYORS

APRIL 25, 2017 SCALE 1"=40'
P.O. BOX 324 281 CHESTNUT ST.
AUBURN, MA NEEDHAM, MA.
508 832 4332 781 444 5936
fieldresources@hotmail.com

170-14

REVISED: MAY 30, 2017