

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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

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

LENORE R. MAHONEY  
EXECUTIVE SECRETARY  
TELEPHONE  
(781) 431-1019 EXT. 2208  
web: [www.wellesleyma.gov](http://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 construction plans.

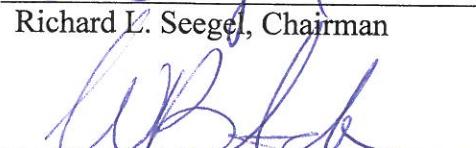
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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

---

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. Seeger, Chairman

  
Walter B. Adams

  
Derek B. Redgate

cc: Planning Board  
Inspector of Buildings  
lrm

