



ZONING BOARD OF APPEALS

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

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

LENORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 2208

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

ZBA 2018-80
Petition of Kara & Daniel Thornton
56 Madison Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, December 6, 2018 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Kara & Daniel Thornton requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a second story addition over an existing nonconforming structure with less than required front yard setbacks, at 56 Madison Road, in a 15,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On November 15, 2018, 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 Kara and Daniel Thornton, the Petitioner, Michael Hally, Architect and Richard Nardo, ABRN Development Corp. Ms. Thornton said that it is a 1,500 square foot three bedroom, two bath home. She said that the proposal is to add a master suite in what is currently attic space. She said that a portion of the existing structure protrudes into the front yard setback by several inches above the garage.

Mr. Hally said that the house is a split level that was built in the 1950's. He said that the bedrooms over the garage on the left side cantilever into the front yard setback. He said that the plan is to build over the single story on the right side of the house. He said that an addition was put on the back of the house in the 1990's. He said that the proposal is to also build a new portico as a bay extending from the new second floor addition. He said that the Petitioner is requesting that the Board consider a revision to the plan to make the second floor bay wider. He said that the current bay is seven feet wide and does not protrude more than two feet from the face of the house. He said that the bay and the portico below would be allowed by right. He said that after showing alternate plans for a nine foot bay to the Building Inspector, it was determined that it would not be considered to be a bay because it starts flush with the left hand side of the box of the house. He said that it is the Building Inspector's opinion that a bay can only be within the field of the house and cannot be flush with either end of the house. Mr. Hally said that there are geometry and water issues with having a seven foot wide bay. He said that a nine foot bay would be more aesthetically pleasing, would hide the split level look and would be more moisture tight.

The Chairman said that letters of support for the project were submitted from neighbors. Ms. Thornton said that they showed the plans to a number of their neighbors and they did not object to the plans.

A Board member said that the heights shown on the elevations plans refer to the height above average grade. He said that there was no elevation data to support where the average grade is. Mr. Hally said that he measures from concrete around the house to calculate how low the basement is. He said that also tells

him how far above grade the line is where the siding and cement meet. He said that he measures from the siding to the roofline and takes the concrete average to get the height from average grade. He said that the house will be well below the height limit.

A Board member identified the nonconformities on the property. He confirmed that the Board would be approving the nine foot wide bay shown on the elevation plan dated October 2, 2018.

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 56 Madison Road, in a 15,000 square foot Single Residence District, with a minimum front yard setback of 29.3 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 second story addition over an existing nonconforming structure with less than required front yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 10/23/18, stamped by Brian B. Donegan, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 10/26/18, prepared by Michael Hally Design, Inc., and photographs were submitted.

On November 20, 2018, the Planning Board reviewed the petition and recommended that a Special Permit be approved.

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 second story addition over an existing nonconforming structure with less than required front yard setbacks is intensifying an existing nonconformity, the proposed alteration shall not result in additional nonconformities and 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 second story addition over an existing nonconforming structure with less than required front yard setbacks, subject to the following condition:

- The Board approves the 9'-0" Wide Bay on the second floor, as shown on Plan, A-2, Exterior Elevations, dated October 2, 2018, prepared by Michael Hally Design, Inc.

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.

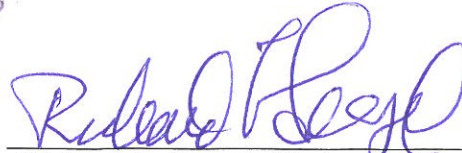
ZBA 2018-80


Petition of Kara & Daniel Thornton
56 Madison Road

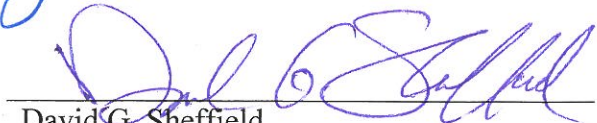
RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482

2018 DEC 20 P 2:43

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

ZBA 2018-80
Applicant Kara & Daniel Thornton
Address 56 Madison Road

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Date:

Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm

