

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ZBA 2018-81
Petition of James Mealey
22 Colburn Road

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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 James Mealey requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming garage, and construction of a two-story addition, demolition and reconstruction of a one story with a second story addition, and construction of a covered porch that will meet setback requirements, on a 17,440 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, at 22 Colburn Road, 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 David Himmelberger, Esq., and James Mealey, the Petitioner.

The Chairman disclosed that he is a resident of Garden Close Condominiums and received notice of the petition as an abutter. He asked if there were any objections to his hearing the petition.

Mr. Himmelberger said that the request is for a special permit for a project on a nonconforming undersized lot with a pre-existing nonconforming garage. He said that the request is for a special permit to raze the garage and construct additions to the house. He said that the additions will be fully compliant with zoning dimensions. He said that the TLAG will be 5,524 square feet, which is less than the 5,900 square foot threshold for a 20,000 square foot Single Residence District. He said that the existing ridge is 27 feet high and the two additions will be no taller.

Mr. Himmelberger said that it has been determined that the project will envelop 55 percent of the existing structure and will require Demolition Delay review by the Planning Board. He said that the Petitioner decided that rather than changing to a shed portico for an expanded front stoop, it would be more attractive to the retain the existing more traditional front portico. He submitted a revised A2.1 Exterior Elevations Plan, dated December 4, 2018. A Board member said that the northeast elevation shown on the revised A2.1 Plan still reflects the shed, not the existing portico. He said that plan will have to be revised, as well as the note on the survey regarding the proposed covered porch.

A Board member said that the height shown on the Elevation Drawings refers to first floor grade, not average site grade. Mr. Himmelberger said that they will submit a calculation of height from average grade.

A Board member identified the nonconformities on the property

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 22 Colburn Road, on a 17,440 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet. The existing nonconforming garage has minimum right side yard setback of 10.5 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming garage, and construction of a two-story addition, demolition and reconstruction of a one story with a second story addition, on a 17,440 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 10/24/18, stamped by Michael P. Clancy, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 10/26/18, prepared by Kraus Associates, 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 demolition of an existing nonconforming garage, and construction of a two-story addition, demolition and reconstruction of a one story with a second story addition, on a 17,440 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet 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 demolition of an existing nonconforming garage, and construction of a two-story addition, demolition and reconstruction of a one story with a second story addition, on a 17,440 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, subject to the following conditions:

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ZBA 2018-81
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1. A revised plot plan shall be submitted that shows that the existing front porch shall remain.
2. A revised A2.1 Exterior Elevations Plan shall be submitted that shows the existing portico.
3. A calculation of the height from average grade shall be submitted.

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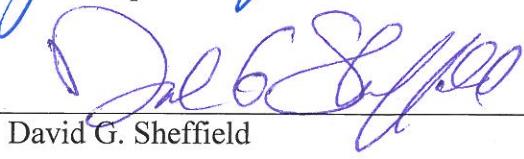
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



Richard L. Seegel, Chairman



J. Randolph Becker



David G. Sheffield

ZBA 2018-81
Applicant James Mealey
Address 22 Colburn Road

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

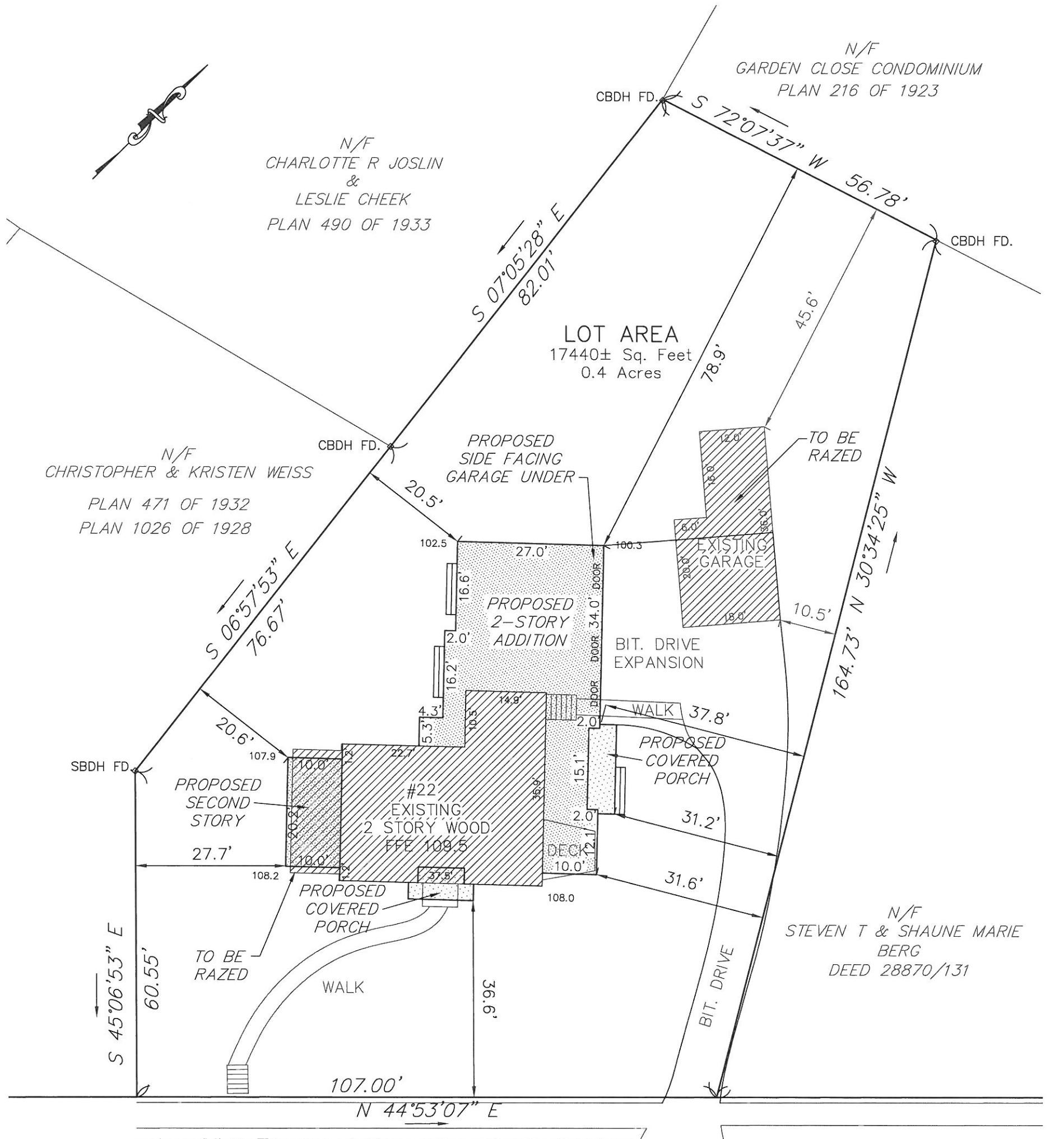
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed,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

Date:

Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm



COLBURN (40' WIDE PUBLIC) ROAD

(40' WIDE PUBLIC)

PREPARED FOR:

JAMES MEALEY
22 COLBURN ROAD
WELLESLEY, MA

NOTES:

1. ZONING CLASSIFICATION – SR20
2. LOCUS DEED:
NORFOLK REGISTRY OF DEEDS BOOK 33360 PAGE 174
3. PLAN REFERENCES:
NORFOLK REGISTRY OF DEEDS PLAN 1973 PAGE 155
NORFOLK REGISTRY OF DEEDS BOOK 1456 PAGE 317
NORFOLK REGISTRY OF DEEDS PLAN BOOK 676 PAGE 0
4. ASSESSORS PARCEL ID: 73-30
LOT COVERAGE (EXISTING) = 1869 S.F. = $1869/17440 = 10.7$
LOT COVERAGE (PROPOSED) = 2567 S.F. = $2567/17440 =$
PROPOSED PEAK OF ADDITION TO AVERAGE GRADE 32.1'



PLOT PLAN
FOR
22 COLBURN ROAD
IN
WELLESLEY, MASS.

SCALE: 1"=20' OCTOBER 24, 2018

C & G SURVEY COMPANY
37 JACKSON ROAD
SCITUATE, MA. 02066

1-877-302-8440