



ZONING BOARD OF APPEALS

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

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ZBA 2019-10
Petition of Lisa Smith
8 Meadow Lane

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 10, 2019 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Lisa Smith requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that extension of an existing nonconforming deck with less than required left side yard setbacks, construction of an attached mudroom and a two-car garage with space above that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard and front yard setbacks, and less than required frontage, at 8 Meadow Lane, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On December 6, 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 Lisa Smith, the Petitioner, Brian McCarthy and Alan Arsenault, Builder. Ms. Smith said that Mr. Arsenault built an addition that was previously before the Board for a special permit.

Mr. Arsenault said that there is an existing shed on the property that they want to demolish and put on a two car garage with a breezeway. He said that it is a nonconforming lot. The Chairman said that the garage will be attached to a nonconforming house.

Ms. Smith said that the only nonconformity that will be extended will be seven square feet for the deck. A Board member said that the addition will be close to the setbacks, so the surveyor should use care when putting in the stakes.

A Board member asked if the existing deck will be removed and rebuilt. Ms. Smith said that there will be new decking. Mr. Arsenault said that the framing will be reworked.

The Chairman said that the existing nonconforming setback on the left side of the house is 11 feet. A Board member said that the nonconformity will not be increased other than its length.

The Chairman said that the auto circulation will require a turning radius but will be manageable. Ms. Smith said that it is similar to what they have there now.

A Board member asked about the second floor of the garage. Ms. Smith said that it will be a hip roof, so not much can happen there. A Board member said that Page 5 of the plans show that the second floor of the garage will not connect to the main house. Mr. Arsenault said that a mudroom on the first floor will connect the garage to the house. The Board confirmed that there is no water proposed for the garage.

Mr. Arsenault submitted a TLAG Affidavit with calculations at 3,246 square feet.

After identifying the existing nonconformities on the property, the Board made findings in accordance with Section XVII of the Zoning Bylaw.

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 8 Meadow Lane, in a 10,000 square foot Single Residence District, with a minimum 19.7 foot front yard setback where 30 feet is required, a minimum 11 foot left side yard setback where 20 feet is required, and a minimum 20 feet of frontage where 60 feet is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that extension of an existing nonconforming deck with less than required left side yard setbacks, construction of an attached mudroom and a two-car garage with space above that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard and front yard setbacks, and less than required frontage, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 11/21/18, stamped by Todd P. Chapin, Professional Land Surveyor, Exhibit A, Existing and Proposed Floor Plans and Elevation Drawings, dated 12/17/17, prepared by New England Design and Remodeling, and a photograph were submitted.

On January 9, 2019, 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 extension of an existing nonconforming deck with less than required left side yard setbacks, construction of an attached mudroom and a two-car garage with space above that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard and front yard setbacks, and less than required frontage is intensifying an existing nonconformity, the proposed alteration will not result in additional nonconformities and shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

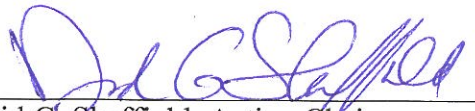
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for extension of an existing nonconforming deck with less than required left side yard setbacks, construction of an attached mudroom and a two-car garage with space above that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard and front yard setbacks, and less than required, 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.

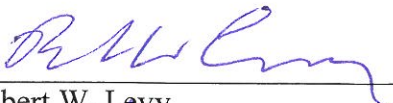
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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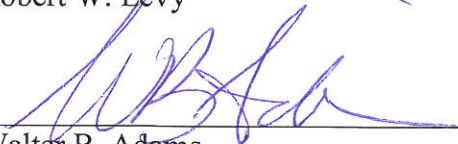
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



David G. Sheffield, Acting Chairman



Robert W. Levy



Walter B. Adams

ZBA 2019-10
Applicant Lisa Smith
Address 8 Meadow Lane

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02462
2019 JAN 24 P 3:05

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:

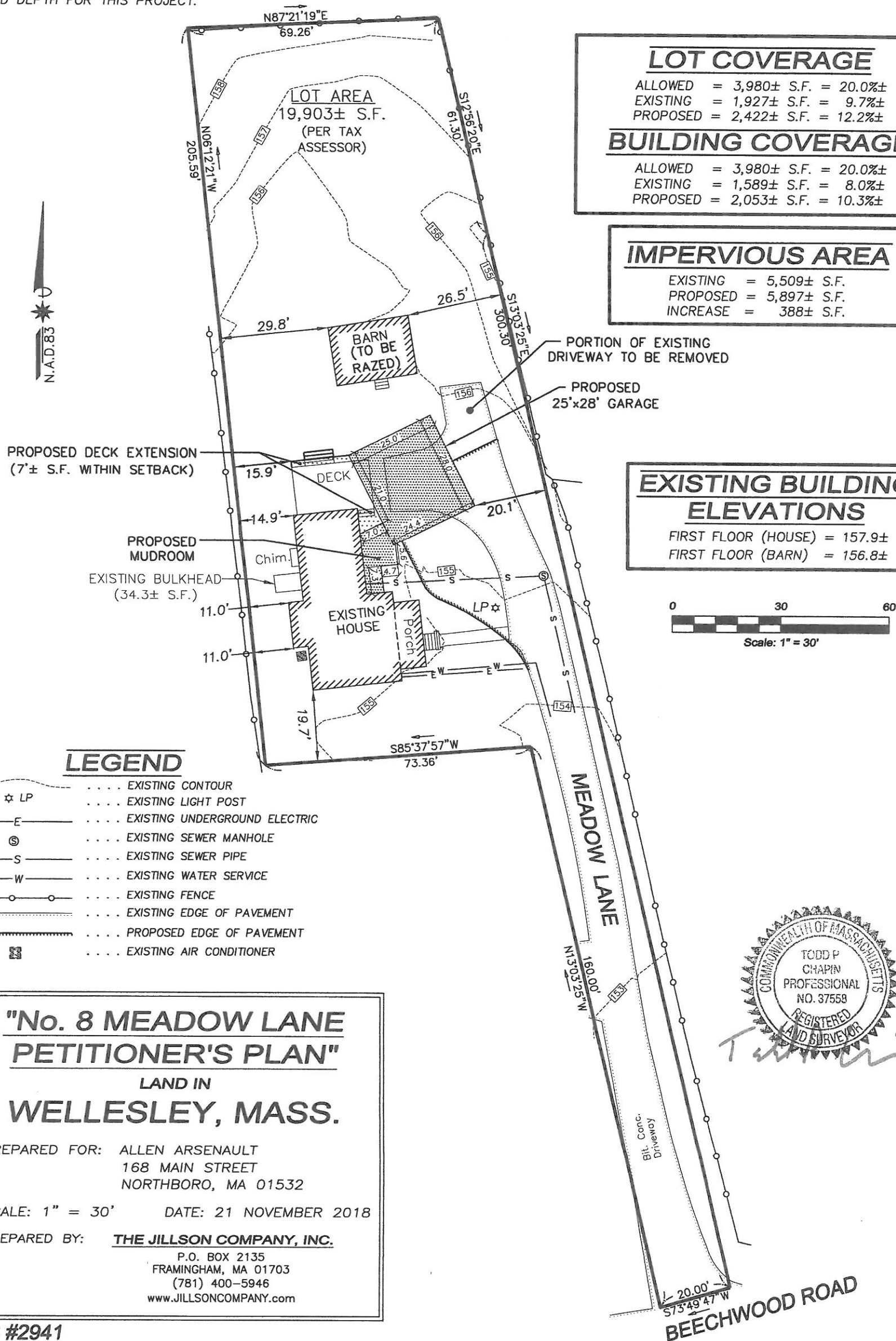
Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm

NOTES

1. THIS PLAN SHALL NOT BE USED TO ESTABLISH PROPERTY LINES.
2. FOR ADDITIONAL PROPERTY LINE INFORMATION REFER TO THE DEED IN BOOK 12614, PAGE 540 RECORDED AT THE NORFOLK REGISTRY OF DEEDS.
3. THIS PLAN REFERS TO THE TOWN OF WELLESLEY ASSESSOR'S MAP 191, LOT 54.
4. ZONING CLASSIFICATION: SR10.
5. ALL ELEVATIONS SHOWN HEREON REFER TO N.A.V.D. OF 1988.
6. THE PLANIMETRIC SITE FEATURES SHOWN HEREON ARE BASED ON FIELD SURVEY WORK PERFORMED BY ALF BERRY.
7. ANY EXISTING UNDERGROUND UTILITY LOCATIONS SHOWN HEREON ARE BASED ON INFORMATION PROVIDED BY THE TOWN AND FIELD SKETCHES AND SHALL BE CONSIDERED APPROXIMATE. FURTHERMORE, THE TOTAL EXTENT OF THE UNDERGROUND UTILITIES IS UNKNOWN.
8. FOR ADDITIONAL INFORMATION REGARDING THE PROPOSED ADDITION(S) SHOWN HEREON REFER TO THE LATEST ARCHITECTURAL PLANS PREPARED BY NEW ENGLAND DESIGN & REMODELING, INC.
9. NO BUILDING EAVES ARE SHOWN HEREON. ALL PROPOSED AND EXISTING EAVES ARE LESS THAN 24".
10. THIS PROJECT SITE IS LOCATED WITHIN THE WATER SUPPLY PROTECTION OVERLAY DISTRICT.
11. BASED ON INFORMATION PROVIDED BY THE BUILDING DEPARTMENT TO THE JILLSON COMPANY, THE "500' RULE" HAS NO IMPACT ON THE FRONT YARD DEPTH FOR THIS PROJECT.



JOB #2941