

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ZBA 2019-15

Petition of Robert & Marybeth Martello
17 Cleveland Road

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 Robert & Marybeth Martello requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that demolition of a portion of an existing nonconforming structure, and construction of a two story addition with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard and right side yard setbacks, on a 7,000 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet and a Water Supply Protection District, at 17 Cleveland Road, 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 Marybeth Martello, the Petitioner, and Jonathan Word, Builder.

Ms. Martello said that the request is for a special permit/finding to build a two story addition on the back of the house for a kitchen and a small family room with a master suite above. She said that she spoke with all of the abutting neighbors and they all support the project.

The Board said that it is an undersized lot with less than required front and right side yard setbacks. The Board said that the proposed addition will not increase the setback.

The Chairman asked about central air conditioning. Ms. Martello said that they are planning to have central air conditioning and will put the condensers where they will meet the setback requirements.

A Board member identified the nonconformities on the property and the Board made findings in accordance with Section XVII of the Zoning Bylaw.

Statement of Facts

The subject property is located at 17 Cleveland Road, on a 7,000 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet and a Water Supply Protection District, with a minimum front yard setback of 27.7 feet where 30 feet is required, and a minimum right side yard setback of 12.9 feet where 20 feet is required.

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 demolition of a portion of an existing nonconforming structure, and construction of a two story addition with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard and right side yard setbacks, on a 7,000 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet and a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 11/28/18, stamped by Douglas Bailey, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 11/29/18, prepared by Rodenhiser Builders, and photographs 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 demolition of a portion of an existing nonconforming structure, and construction of a two story addition with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard and right side yard setbacks, on a 7,000 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet and a Water Supply Protection District 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.

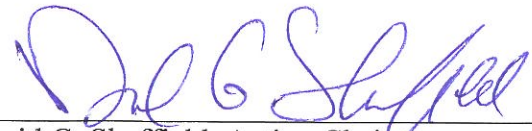
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of a portion of an existing nonconforming structure, and construction of a two story addition with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard and right side yard setbacks, on a 7,000 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet and a Water Supply Protection District, 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.

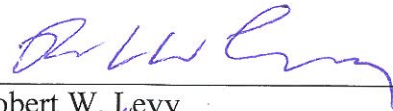
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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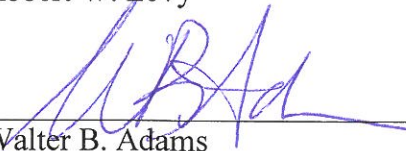
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



David G. Sheffield, Acting Chairman



Robert W. Levy



Walter B. Adams

ZBA 2019-15
Applicant Robert & Marybeth Martello
Address 17 Cleveland Road

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2019 JAN 24 P 3:04

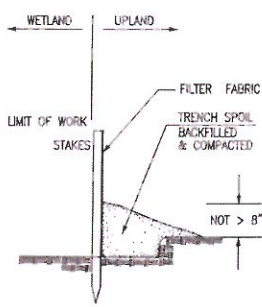
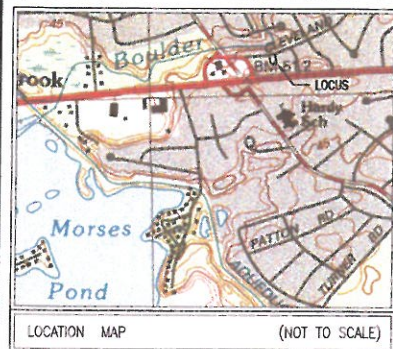
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed,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

Date:

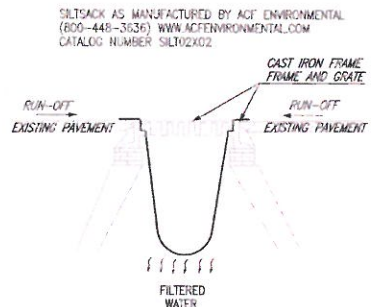
Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm



SILT FENCE
(NOT TO SCALE)



SILT SACK
(NOT TO SCALE)

COVERAGE		PROPOSED		MAXIMUM	
EXISTING		1,273 S.F. OR 18.1%		11750 S.F. OR 25%	
1,030 S.F. OR 14.7%					
SETBACKS		PROPOSED		REQUIRED	
EXISTING		SIDE (PLAN LEFT)		12.9/13.4 FT	
11.4 FT		SIDE (PLAN RIGHT)		20 FT	
15.6 FT		REAR		10 FT	
33.5 FT					

ZONING DATA

DISTRICT(S):		SR-10 (TABLE 1)	
		WATER SUPPLY PROTECTION DISTRICT	
MINIMUM REQUIREMENTS:			
AREA	10,000	S.F.	
FRONT YARD	30	FT	
SIDE YARD	20	FT	
REAR YARD	10	FT	
MAX BUILDING COVERAGE	25	%	
MAX BUILDING HEIGHT	30	FT	

SPECIAL PERMIT REQUEST

APPLICATION FOR CHANGES TO NON-CONFORMING ONE AND TWO FAMILY DWELLINGS EXCEPT CHANGES WHICH THEMSELVES COMPLY WITH THIS ZONING BYLAW, SHALL REQUIRE THE ZONING BOARD OF APPEALS TO IDENTIFY THE PARTICULAR RESPECT OR RESPECTS IN WHICH THE EXISTING STRUCTURE DOES NOT CONFORM TO THE REQUIREMENTS OF THE PRESENT ZONING BYLAW AND THEN DETERMINE WHETHER THE PROPOSED ALTERATION OR ADDITION WOULD INTENSIFY THE EXISTING NON-CONFORMITIES OR RESULT IN ADDITIONAL ONES.

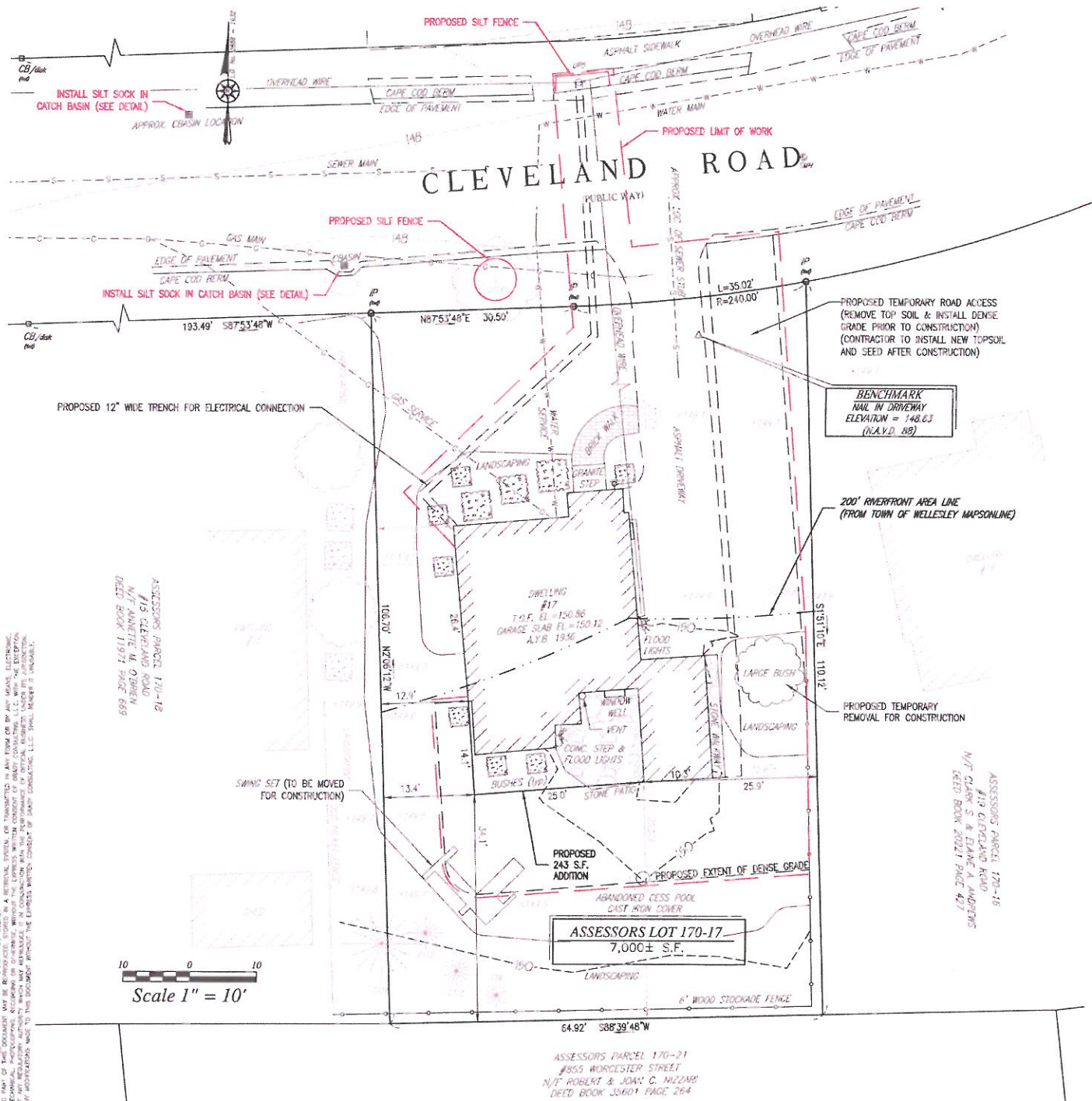
SHOULD THE ZONING BOARD OF APPEALS CONCLUDE THAT THERE WILL BE NO INTENSIFICATION OR ADDITION, THE APPLICANT WILL BE ENTITLED TO THE ISSUANCE OF A PERMIT.

IF THE CONCLUSION IS OTHERWISE, THE APPLICANT WILL BE REQUIRED TO SHOW THAT THE CHANGE WILL NOT BE SUBSTANTIALLY MORE DETRIMENTAL THAN THE EXISTING NON-CONFORMING STRUCTURE OR USE TO THE NEIGHBORHOOD.

SHOULD THE ZONING BOARD OF APPEALS FIND THAT SUCH CHANGE WILL NOT BE SUBSTANTIALLY MORE DETRIMENTAL THAN THE EXISTING NON-CONFORMING STRUCTURE OR USE TO THE NEIGHBORHOOD, THE APPLICANT WILL BE ENTITLED TO THE ISSUANCE OF A PERMIT.

NOTES:

- WELLESLEY ZONING BYLAW SECTION XVI.F.3. FILL
- FILL MATERIAL USED IN A WATER SUPPLY PROTECTION DISTRICT SHALL CONTAIN NO SOLID WASTE, TOXIC OR HAZARDOUS MATERIALS, OR HAZARDOUS WASTE. ADEQUATE DOCUMENTATION SHALL BE PROVIDED TO ENSURE PROPER CONDITION OF THE FILL. THE SPGA MAY REQUIRE SOILS TESTING BY A CERTIFIED LABORATORY AT THE APPLICANT'S EXPENSE.
- RIVERFRONT AREA
- 3,394 S.F. OF LOCUS IS WITHIN THE RIVERFRONT AREA
- 646± S.F. TOTAL DISTURBANCE OF RIVERFRONT AREA PROPOSED
- TRENCH = 80± S.F.
- ACCESS = 506± S.F.
- 534± S.F. OR 15.8% DISTURBANCE OF RIVERFRONT AREA WITHIN LOCUS
- TRENCH = 46± S.F.
- ACCESS = 488± S.F.
- EXISTING IMPERVIOUS COVERAGE WITHIN THE RIVERFRONT AREA
- DWELLING = 560 S.F.
- DRIVEWAY = 513 S.F.
- WALKWAY = 53 S.F.
- STEP = 19 S.F.
- TOTAL = 1205 S.F.
- THERE IS NO PROPOSED CHANGE TO IMPERVIOUS COVERAGE



RECORD OWNER:
ASSESSOR MAP 170 LOT 17
ROBERT MARTELLO and MARYBETH MARTELLO
17 CLEVELAND ROAD
WELLESLEY, MA 02481
DEED BOOK 15779 PAGE 571
LOT 23 - PLAN BOOK 1827 PAGE 900

PLOT PLAN FOR ADDITION

**#17 CLEVELAND ROAD
WELLESLEY, MASSACHUSETTS**

PREPARED FOR
MARYBETH MARTELLO
17 CLEVELAND ROAD
WELLESLEY, MA 02481

NOVEMBER 28, 2018
SCALE: 1"=10'
JOB NO. 18-354

GRADY CONSULTING, L.L.C.

71 Evergreen Street, Suite 1, Kingston, MA 02364
Phone (781) 585-2300 Fax (781) 585-2378