



## ZONING BOARD OF APPEALS

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

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ZBA 2019-44  
Petition of Amy & Gregg Barton  
18 Brewster Road

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2019 MAY 16  
RECEIVED  
TOWN ENGINEER  
WELLESLEY

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 2, 2019 7:30 pm in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Amy & Gregg Barton 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 second story addition over an existing structure that will meet all setback requirements, on an existing conforming structure, on a 10,254 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District, at 18 Brewster Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On March 28, 2019, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Present at the public hearing was Gregg Barton, the Petitioner, who said that the request is to build an addition on top of the existing home on a nonconforming lot. He said that he lives in the home with his wife, two children and a new baby. He said that they would like to add a bedroom, bathroom and closet above an existing three season porch, which they closed in two years ago when they moved in.

A Board member said that the drawings show that the construction is on posts. Mr. Barton said that the photographs show that the area is closed in. The Board member said that the drawings do not represent the current condition and need to be corrected to show what the actual construction conditions will be. He asked if the structure will be supported on the same sona tubes. Mr. Barton said that the existing sona tubes were assessed and the engineer is convinced that the sona tubes will hold up the second floor. The Chairman said that the Board will not release the decision until revised plans are submitted.

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 18 Brewster Road, on a 10,254 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District.

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 second story addition over an existing structure that will meet all setback requirements, on an existing conforming structure, on a 10,254 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water

Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 3/8/19, stamped by Bruce Bradford, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 3/1/19, prepared by McGavern Design, and photographs were submitted.

On May 2, 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 construction of a second story addition over an existing structure that will meet all setback requirements, on an existing conforming structure, on a 10,254 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District, will result in the intensification of existing nonconformities, it will not result in additional nonconformities, and will 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 structure that will meet all setback requirements, on an existing conforming structure, on a 10,254 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District, subject to the following condition:

- Amended plans that show actual conditions 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.

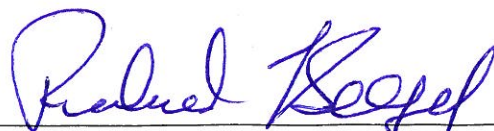
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

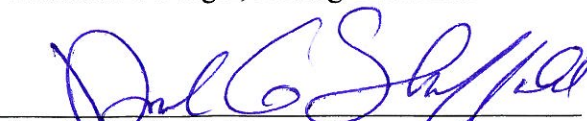
RECEIVED  
TOWN CLERK'S OFFICE  
MELLIS EY 11A 02442  
2019 MAY 16 P 3:08

ZBA 2019-44  
Petition of Amy & Gregg Barton  
18 Brewster Road

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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, Acting Chairman

  
David G. Sheffield

  
Derek B. Redgate

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WELLESLEY MA 02152  
2019 MAY 16 P 3:08

ZBA 2019-44  
Applicant Amy & Gregg Barton  
Address 18 Brewster 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.

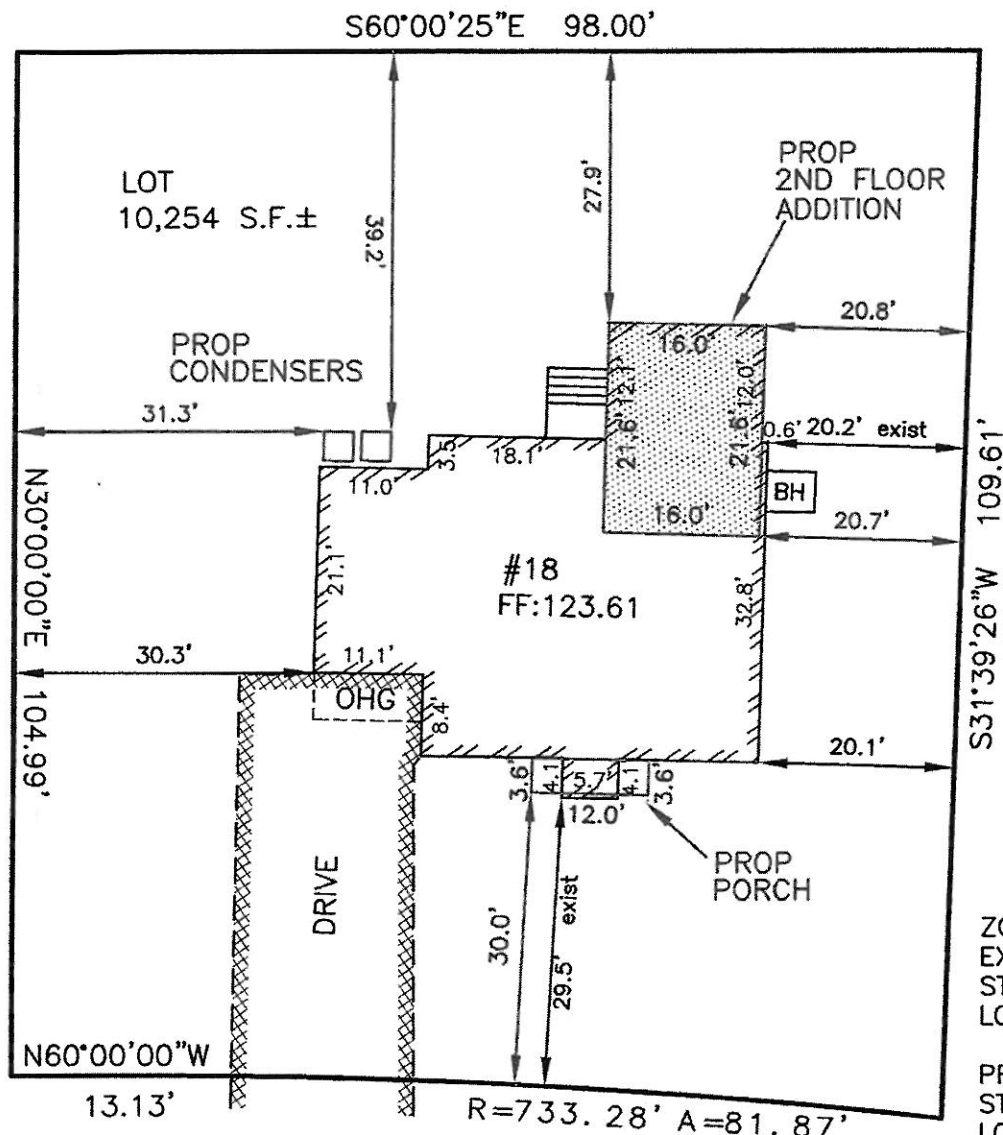
Date:

Attest:

\_\_\_\_\_  
Cathryn Jane Kato  
Town Clerk

cc: Planning Board  
Inspector of Buildings  
lrm





ZONING DISTRICT S15  
EXISTING  
STRUCTURE: 1,603 S.F.  
LOT COVERAGE: 15.6%

PROPOSED  
STRUCTURE: 1,623 S.F.  
LOT COVERAGE: 15.8%

**BREWSTER ROAD**

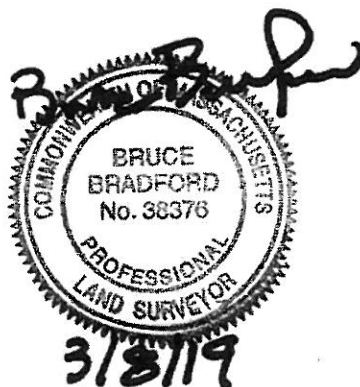
ESTABLISHED 1916

**EMB**

EVERETT M. BROOKS CO.  
SURVEYORS & ENGINEERS

49 LEXINGTON STREET  
WEST NEWTON, MA 02465

(617) 527-8750  
info@everettbrooks.com



PLAN OF LAND IN  
WELLESLEY, MA

18 BREWSTER ROAD

PREPARED FOR:  
AMY BARTON

SCALE: 1 IN. = 20 FT.

DATE: MARCH 8, 2019

DRAWN: GAR

CHECK: BB

PROJECT NO. 25787