

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ZBA 2019-89

Petition of Benjamin & Christina Scirica
5 Damien Road

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 7, 2019 at 7:30 pm in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Benjamin & Christina Scirica requesting a Special Permit/Finding pursuant to the provisions of Section 14, Section 17 and Section 25 of the Zoning Bylaw that demolition of an existing nonconforming shed with less than required right side yard setbacks and construction of new larger shed at the existing nonconforming right side yard setbacks, at 5 Damien Road, in a 15,000 square foot Single Residence District and a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On October 11, 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 Christina Scirica, the Petitioner, who said that the request is to replace an existing nonconforming shed in the back yard with a similar shed with a larger footprint. She said that the side yard setback for the existing shed is 2.3 feet. She said that the new shed will be deeper by 2.3 feet, two feet longer and 4.2 feet taller than the existing shed. She said that the proposal is to extend the depth further inward on the property so as to not affect the setback. She said that the shed is not visible to the abutting neighbor because of a mature tree line. She said that they reviewed all of the dimensions with the neighbors who abut each property line and those neighbors have wholeheartedly endorsed the proposed shed. She said that the additional altitude will bring it more in line with the adjacent garage and will create a more cohesive appearance.

A Board member said that the photograph and the drawing of the shed show the doors in different locations. Ms. Scirica said that they are fine with either configuration as long as the footprint is similar. She said that the proposal is to have the double doors on one end to maximize the storage capacity of the shed. The Board member said that having the doors on the side would provide a more serviceable space and would allow the shed to be pulled further from the property line.

A Board member said that the new shed will be four feet higher, approximately the same height as the existing garage. He confirmed that there will be no second floor. He asked if there is a reason why the shed cannot be located behind the garage. He said there is a big back yard with a lot of area. Ms. Scirica said that they considered turning it 90 degrees and placing it along the back of the garage. She said that centering the shed with the back wall of the garage would reduce the nonconformity but not eliminate it. She said that pulling the shed back to a 20 foot side yard setback takes it out of alignment with the garage and creates a gap where space will not be used. She said that they are trying to maximize the utility of the back yard space.

A Board member said that the area is well screened.

Ms. Scirica read letters of support from the neighbors.

A Board member suggested moving the shed further to the south, not lined up, but with some corner relief at the garage and with the doors on the side. He said that the storage space would not be compromised much and it would be more convenient to the house. He said that moving the shed from the property line will create an opportunity for more plantings along the property line.

Ms. Scirica said that the garage is 11.4 feet from the side property line and the width of the garage is 20.2 feet. The Board discussed moving the shed to 14 feet from the property line. Ms. Scirica said that would be acceptable.

There was no one present at the public hearing who wished to speak to the petition.

Statement of Facts

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MCLELLAN'S OFFICE
WALPOLE, MA 02453

The subject property is located at 5 Damien Road, in a 15,000 square foot Single Residence District and a Water Supply Protection District, with a minimum right side yard setback of 2.3 feet where 20 feet is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 14, Section 17 and Section 25 of the Zoning Bylaw that demolition of an existing nonconforming shed with less than required right side yard setbacks and construction of new larger shed at the existing nonconforming right side yard setbacks, in a 15,000 square foot Single Residence District and a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 9/19/19, stamped by Bruce Bradford, Professional Land Surveyor, Walpole Woodworkers Pine Harbor Quinett Cape – General Features, and photographs were submitted.

On November 5, 2019, the Planning Board reviewed the petition and recommended that the special permit be denied.

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.

The Board found that the Design and Operation Standards in Part F are adequately satisfied and not otherwise prohibited in Part D.1, of Section XIVE of the Zoning Bylaw for Water Supply Protection Districts.

It is the opinion of this Authority that demolition of an existing nonconforming shed with less than required right side yard setbacks and construction of new larger shed at the existing nonconforming right

side yard setbacks will not result in the intensification of existing nonconformities, 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 demolition of an existing nonconforming shed with less than required right side yard setbacks and construction of new larger shed at the existing nonconforming right side yard setbacks, subject to the following condition:

- The shed be no closer to the lot line than the garage, not lined up so that there is a break in the plane to the garage.

The Board said that centering the shed behind the garage would be acceptable. The Board said that the doors can be on either side.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

If construction has not commenced, except for good cause, the 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.


J. Randolph Becker

J. Randolph Becker, Chairman


David G. Sheffield


Robert W. Levy

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Applicant Benjamin & Christina Scirica
Address 5 Damien 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

