

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ZBA 2019-90

Petition of Vincent & Patricia Cerulle
12 Intervale Road

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 Vincent & Patricia Cerulle requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that raising the ridge on an existing nonconforming structure with less than required front yard, left and right side yard setbacks and construction of a side porch and stairs, on a 5,640 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, at 12 Intervale Road, 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 Scott Vaughn, Architect, representing Vincent and Patricia Cerulle, the Petitioner. Mr. Vaughn said that the property is an undersized lot in a 10,000 square foot Single Residence District, with less than required side yard setbacks. He said that his clients bought the home, knowing that they would need to renovate it. He said that part of the renovation is to relocate an existing internal stair going up to attic space that is six feet six inches high. He said that when demolition proceeded he received a letter from the engineer saying that the roof is not safe and will have to be replaced. He said that it would be a hardship to have to rebuild the nonconforming height space. He said that the building will stay as a three bedroom. He said that the request is to increase the height in an upper bedroom area with a low roof pitch. He said that the goal is to keep the aesthetic of the building. He said that they maintained the roof slope on the front. He said that the existing roof height is 20 feet 1 ½ inches and the new roof height will be 29.6 feet. He said that the change will allow for full use of the second floor. He displayed an aerial photo of the property that shows that there are many trees on Intervale Road and that 12 Intervale Road is surrounded by 2.5 story buildings. He said that the plan is to bring the structure into conformance with the height of surrounding structures while preserving the character of the building.

A Board member discussed differences in drawings that Mr. Vaughn displayed at the hearing and the drawings that were submitted to the Board. Mr. Vaughn said that he omitted a window over the stairwell in the drawing but it will be there.

A Board member said it is an undersized lot, has less than required side yard setbacks on both sides, and less than required front yard setbacks. He said that other than the 25 square foot porch on the side and the 50 square foot porch on the front that are exempt under the bylaw, the proposed construction will not exacerbate the nonconforming setbacks but will increase lot coverage. He said that the TLAG Affidavit was not signed.

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Mr. Vaughn said that currently the entrance to the home is off of the driveway. He said that they will move the steps from the side yard to the rear, thereby decreasing the impact to the neighborhood.

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 12 Intervale Road, on a 5,640 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with a minimum front yard setback of 23.8 feet where 30 feet is required, a minimum left side yard setback of 10.7 feet and a minimum right side yard setback of 15.6 feet where 20 feet is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that raising the ridge on an existing nonconforming structure with less than required front yard, left and right side yard setbacks and construction of a side porch and stairs, on a 5,640 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 10/1/18, revised 9/27/19, stamped by Dennis B. O'Brien, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 8/10/19 and 9/28/19, and photographs were submitted.

On November 5, 2019, the Planning Board reviewed the petition and recommended that the 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 raising the ridge on an existing nonconforming structure with less than required front yard, left and right side yard setbacks and construction of a side porch and stairs, on a 5,640 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet will 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.

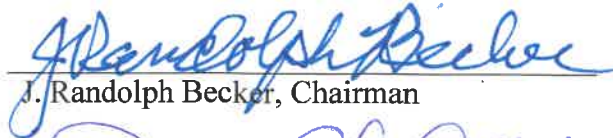
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for raising the ridge on an existing nonconforming structure with less than required front yard, left and right side yard setbacks and construction of a side porch and stairs, on a 5,640 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, 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, the Special Permit shall expire two years after the date time stamped on this decision.

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Petition of Vincent & Patricia Cerulle
12 Intervale Road

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, Chairman


David G. Sheffield


Robert W. Levy

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Applicant Vincent & Patricia Cerulle
Address 12 Intervale 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.

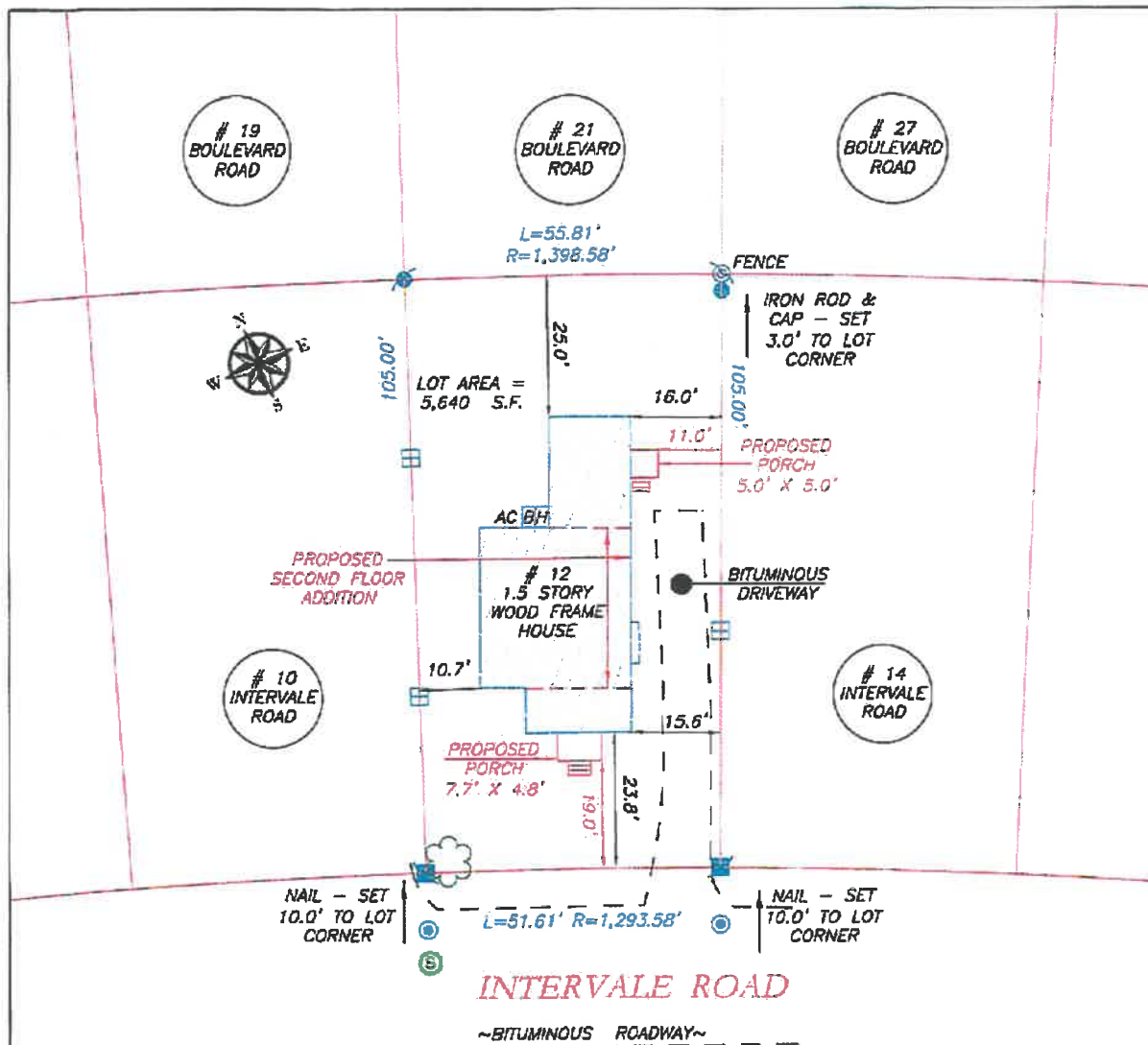
Date:

Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm

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LEGEND:

- = STAKE - SET
- = IRON ROD & CAP - SET
- = TACK IN FENCE POST - SET
- = NAIL - SET
- = BOUND - FOUND

NOTES:

ALL OFFSETS & DIMENSIONS ARE TO THE SIDING UNLESS OTHERWISE NOTED.

BH=BULKHEAD
AC=AIR CONDITIONING

EXISTING LOT COVERAGE = (21.0%) 1,187.9 S.F.
EXISTING OPEN SPACE = (69.1%) 3,900.2 S.F.
PROPOSED LOT COVERAGE = (22.1%) 1,249.8 S.F.
PROPOSED OPEN SPACE = (67.9%) 3,831.7 S.F.

Dennis O'Brien P.L.S.



PLAN SHOWING PROPOSED ADDITION
& PORCHES - 12 INTERVALE ROAD
WELLESLEY, MA NORFOLK COUNTY

SCALE: 1:20	DATE: 10/1/2018	REVISED: 9/27/2019	DRAWN BY: W.M.N.	CHECKED BY: D.O.
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