

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5918

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ZBA 2020-48

Petition of Arch Building & Home Development LLC
31 Edmunds Road

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, October 29, 2020 at 7:30 pm, on the petition of Arch Building & Home Development LLC requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that enclosure of an existing one story structure with less than required right side yard setbacks, construction of second story addition over an existing structure and construction of a patio that will meet setback requirements, on an existing nonconforming structure with less than required right side yard setbacks, on a 16,008 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, with existing lot coverage in excess of the maximum allowed, at 31 Edmunds Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 29, 2020, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication. In accordance with Chapter 53 of the Acts of 2020, the hearing was scheduled for October 29, 2020.

Present at the public hearing was Joe Giacalone, Arch Building & Home Development LLC, the Petitioner. He said that the request is to add approximately 280 square feet on the rear side second floor above the existing family room to add a bedroom and laundry. He said that the rear side is conforming but the lot size is 16,000 square feet in a 20,000 square foot Single Residence District.

The Chairman said that lot size, side yard setback at 19.1 feet, and building coverage at 27.7 percent are nonconforming.

A Board member said that it is nice to see a large older home not being totally modified and substantially enlarged. Mr. Giacalone said that he got some positive feedback from the neighbors. He said that they did a revamp of the interior but did not substantially change it.

A Board member asked if there are plans to do something with the attic. Mr. Giacalone said that it will be finished space. He said that it is currently semi-finished and there will be a bedroom or office and a bathroom going up there. The Board member confirmed that there is an existing permanent stair.

There was no member of the public who wished to speak to the petition.

Statement of Facts

The subject property is located at 31 Edmunds Road, on a 16,008 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, with a minimum right side yard setback of 19.1 feet where 20 feet is required, and existing lot coverage of 4,435 square feet or 27.7 percent, where the greater of 2,500 square feet or 20 percent is allowed.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that enclosure of an existing one story structure with less than required right side yard setbacks, construction of second story addition over an existing structure and construction of a patio that will meet setback requirements, on an existing nonconforming structure with less than required right side yard setbacks, on a 16,008 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, with existing lot coverage in excess of the maximum allowed, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 9/04/20, stamped by James P. Horgan, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 7/30/20, revised 8/27/20 & 9/1/20, prepared by McGavern Design, and photographs were submitted.

On October 28, 2020, 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.

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It is the opinion of this Authority that enclosure of an existing one story structure with less than required right side yard setbacks, construction of second story addition over an existing structure and construction of a patio that will meet setback requirements, on an existing nonconforming structure with less than required right side yard setbacks, on a 16,008 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, with existing lot coverage in excess of the maximum allowed, 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 enclosure of an existing one story structure with less than required right side yard setbacks, construction of second story addition over an existing structure and construction of a patio that will meet setback requirements, 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 construction 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.

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 lrm
J. Randolph Becker, Chairman

Walter B. Adams lrm
Walter B. Adams

Richard L. Seegel lrm
Richard L. Seegel

ZBA 2020-48
Applicant Arch Building & Home Development LLC
Address 31 Edmunds Road

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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
Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm

