

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

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ZBA 2021-70

Petition of Anthony & Judith Salerno
56 Damien Road

2021 SEP 16 P 1:2

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 2, 2021 at 7:30 pm, on the petition of Anthony & Judith Salerno requesting a Special Permit/Finding pursuant to the provisions of Section 14E, Section 17 and Section 25 of the Zoning Bylaw that construction of a one story addition and a screened porch that will meet setback requirements, on an existing nonconforming structure with less than required left side yard setbacks, at 56 Damien Road, in a 15,000 square foot Single Residence District, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 26, 2021, 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 on behalf of the petition was Anthony Salerno, the Petitioner, who said that he has lived at 56 Damien Road for approximately 33 years. He said that the house was built in 1934. He said that a 2.5 square foot section on the left hand side of the house is nonconforming. He said that he and his wife decided that they would like to stay in the house and looked at ways that would allow them to age in place. He said that would include having a first floor bedroom and master suite. He said that the proposal is for a compliant one story addition that extends to the back yard. He said that the lot is approximately half an acre. He said that the house will be well within the TLAG threshold. He said that all of the proposed construction will be conforming.

The Chairman said that the property is located in a Water Supply Protection District. He said that as there was no information about topography shown, it was hard to see where runoff would go. He said that the proposal is to add just under 800 square feet, which puts more impervious cover on the lot. Mr. Salerno said that they have sufficient lot size and any remediation will be through gutters and downspouts.

A Board member said that he knew Mr. Salerno because several years ago their sons were on an athletic team together and Mr. Salerno was the coach. He said that he did not believe that his past association with Mr. Salerno would influence his decision and that he could fairly and impartially make a decision on this.

Mr. Salerno said that his wife spoke with most of the neighbors, who were enthusiastic about the Salernos staying in the neighborhood and supported their project.

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

Statement of Facts

The subject property is located at 56 Damien Road, in a 15,000 square foot Single Residence District, in a Water Supply Protection District, with a minimum left side yard setback of 15.7 feet where 20 feet is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 14E, Section 17 and Section 25 of the Zoning Bylaw that construction of a one story addition and a screened porch that will meet setback requirements, on an existing nonconforming structure with less than required left side yard setbacks, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 7/23/21, stamped by Bruce Bradford, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 7/22/21, prepared by McGavern Design, and photographs were submitted.

On August 25, 2021, the Planning Board reviewed the petition and recommended that a special permit be approved.

Decision

2021 SEP 16 PM 12:27

This Authority has made a careful study of the materials submitted and the information presented at the hearing.

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 14E of the Zoning Bylaw for Water Supply Protection Districts.

It is the opinion of this Authority that construction of a one story addition and a screened porch that will meet setback requirements, on an existing nonconforming structure with less than required left 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.

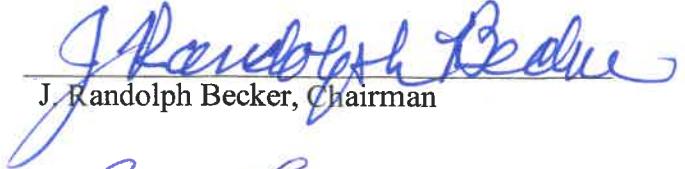
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of a one story addition and a screened porch that will meet setback requirements, on an existing nonconforming structure with less than required left side yard setbacks, in accordance 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.

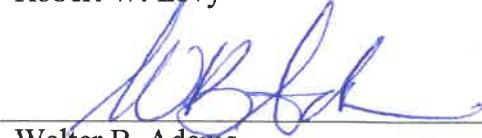
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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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, Chairman


Robert W. Levy


Walter B. Adams

2021 SEP 16 P 1:27
Wellesley, MA 02481

ZBA 2021-70
Applicant Anthony & Judith Salerno
Address 56 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

