



ZONING BOARD OF APPEALS

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

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ZBA 2016-67
 Petition of Andrew & Gail Windmueller
 12 Poplar Road

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 2016 SEP 22 P 12:49

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 8, 2016 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Andrew & Gail Windmueller requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming deck and construction of a two-story addition and deck with less than required side yard setbacks, on an existing nonconforming structure with less than required side yard setbacks, on a corner lot, at 12 Poplar Road, in a 10,000 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 August 22, 2016, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing were Ian Moore, Builder, and Andrew Windmueller, the Petitioner.

Mr. Moore said that the proposal is to put an addition on an existing nonconforming structure where the deck is located. He said that they will bump that out and add a second floor. He said that they will remove the old deck and a portion of the house that is already over the setback. He said that they are asking for relief for 3.8 feet in the setback. He said that there will be a new 8.8 foot by 13 foot deck.

The Board asked if there is a Larch Road Extension. Mr. Windmueller said that Larch Road is a paper road that has a lot of rock in the way. He said that they were told that the initial intention was to build a road but they encountered rock and decided against continuing it. He said that the property at 12 Poplar Road is technically on a corner lot. The Board said that the owner of the right of way depends on how the deed is written.

The Board said that the encroachment is being reduced.

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 Poplar Road, on a corner lot in a 10,000 square foot Single Residence District and a Water Supply Protection District, with a minimum side yard setback of 11 feet.

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 demolition of an existing nonconforming deck and construction of a two-story addition and deck with less than required side yard setbacks, on an existing nonconforming structure with less than required side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 7/7/16, stamped by Joseph R. Sullivan, Professional Land Surveyor, Existing & Proposed Floor Plans and Elevation Drawings, prepared by Liberty Homes, and photographs were submitted.

On September 7, 2016, the Planning Board reviewed the petition and recommended that the Special Permit be granted.

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 demolition of an existing nonconforming deck and construction of a two-story addition and deck with less than required side yard setbacks, on an existing nonconforming structure with less than required side yard setbacks shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it shall neither increase an existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of an existing nonconforming deck and construction of a two-story addition and deck with less than required side yard setbacks, on an existing nonconforming structure with less than required 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 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.

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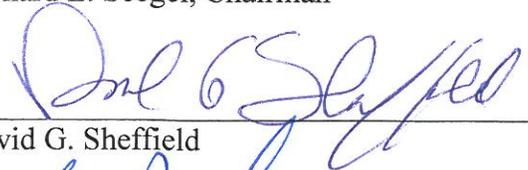
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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



Richard L. Seegel, Chairman



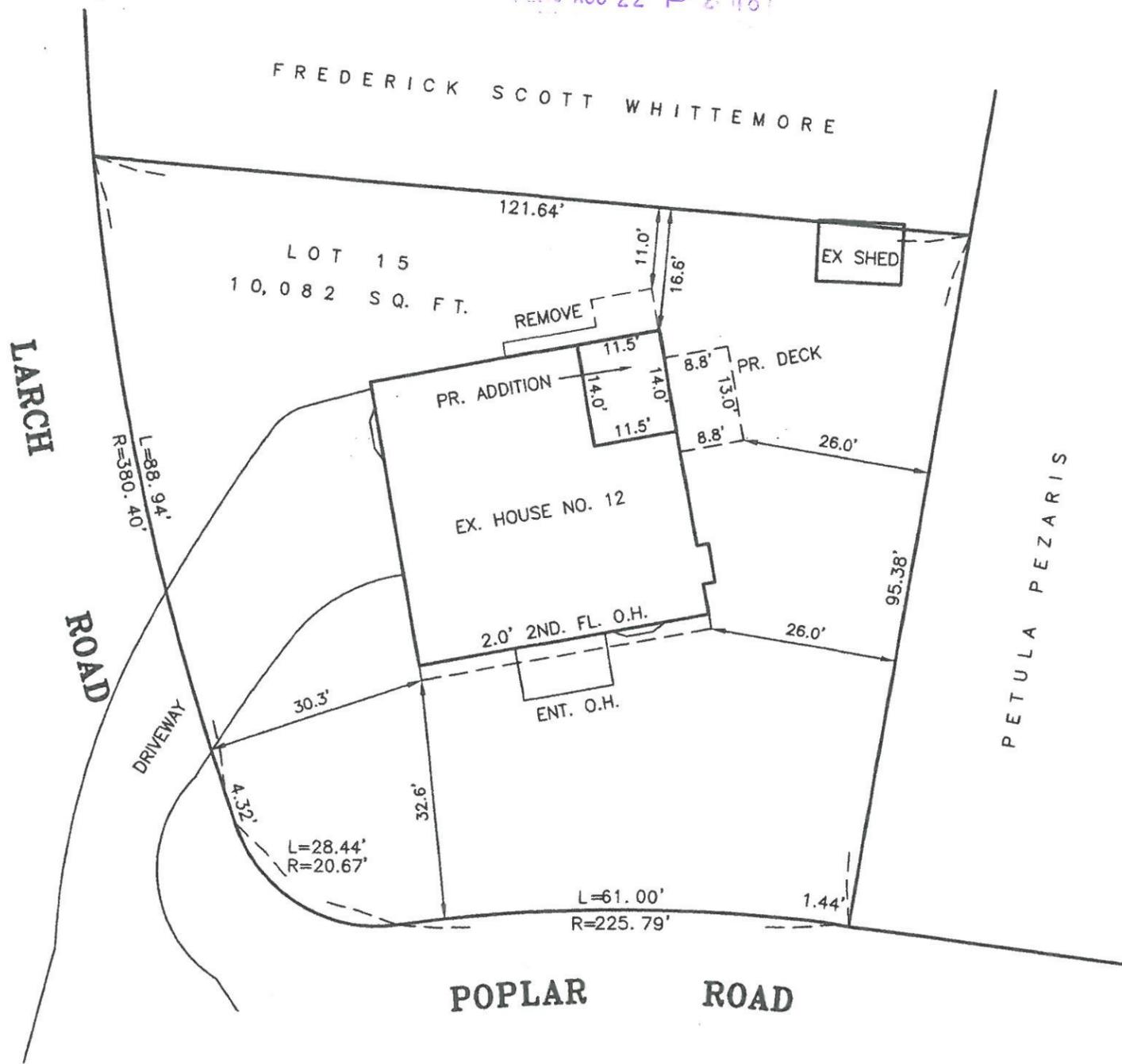
David G. Sheffield



Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm

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EXISTING BUILDING COVERAGE = 1,908 SQ. FT. = 18.93%
PROPOSED BUILDING COVERAGE = 1,950 SQ. FT. = 19.34%



**SULLIVAN SURVEYING
COMPANY, LLC**
209 WEST CENTRAL ST.
NATICK, MA. 01760
PHONE : 508-655-0082
FAX : 508-655-0083

**BOARD OF APPEALS PLAN
OF LAND IN
WELLESLEY, MASS.**

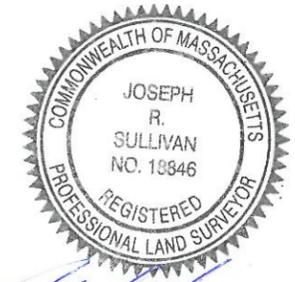
OWNED BY : ANDREW S. & GAIL A. WINDMUELLER

DEED REFERENCE :
BOOK 9151, PAGE 506

NORFOLK REGISTRY OF DEEDS

ASSESSORS MAP REFERENCE
MAP 148, LOT 46

ZONING CLASSIFICATION : SR-10



Joseph R. Sullivan

JOSEPH R. SULLIVAN
REG. PROFESSIONAL LAND SURVEYOR

SCALE : 1" = 20' | DATE : JULY 7, 2016

DRAWING NO. 16,017