



ZONING BOARD OF APPEALS

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

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ZBA 2019-42

Petition of Walter & Teresa Peters
48 Sheridan Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 2, 2019 7:30 pm in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Walter & Teresa Peters requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that construction of a basement and first floor addition, construction of a basement and two-story addition, construction of a second story cantilever with less than required left side yard setbacks and construction of a second story cantilever with less than required right side yard setbacks, on an existing nonconforming structure with less than required front and left side yard setbacks, on a 10,440 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District, at 48 Sheridan Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On March 28, 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 were Kent Duckham, Architect, and Walter (Fran) Peters, the Petitioner.

Mr. Duckham said that the property is nonconforming for lot size, front and side yard setbacks. He said that the proposal is for an addition on the back, an addition above the one story garage on the right hand side, an entry porch of 50 square feet in the front, and cantilevered bays on the second floor that go into the side yard setbacks.

The Chairman asked if a plot plan had been submitted. He said that the building permit was too small to read. He said that the plot plan should show lot coverage, setbacks and Zoning.

Mr. Duckham reviewed the TLAG calculations. He said that they included a small amount of attic space. He said that they did calculations for the basement and the proposed first and second floor. He said that the existing house is low and garrisons on the sides, with low roof lines that are roughly 5.5 feet. He said that the additions have the same low scale as the existing house. He said that TLAG will be 3,888 square feet in a district where 4,300 square feet is the maximum, which will be 411 square feet below the threshold.

A Board member said that the existing property is 10,440 square feet in a 15,000 square foot zone and there are four nonconformities.

A Board member asked if a dimension is shown for the height from average grade. Mr. Duckham said that it is shown on Sheet A201. He said that the site slopes down and the average grade is below the first floor level.

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 48 Sheridan Road, on a 10,440 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District, with a minimum front yard setback of 29.9 feet where 30 feet is required, a minimum 18 foot left side yard setback to ac condensers and a minimum 19.9 foot left side yard setback where 20 feet is required.

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 construction of a basement and first floor addition, construction of a basement and two-story addition, construction of a second story cantilever with less than required left side yard setbacks and construction of a second story cantilever with less than required right side yard setbacks, on an existing nonconforming structure with less than required front and left side yard setbacks, on a 10,440 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 8/30/18, stamped by Michael Ufizzi, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 3/13/19, prepared by Duckham Architecture & Interiors, and photographs were submitted.

On May 2, 2019, 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. 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 construction of a basement and first floor addition, construction of a basement and two-story addition, construction of a second story cantilever with less than required left side yard setbacks and construction of a second story cantilever with less than required right side yard setbacks, on an existing nonconforming structure with less than required front and left side yard setbacks, on a 10,440 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District, will result in the intensification of existing nonconformities, it 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 basement and first floor addition, construction of a basement and two-story addition, construction of a second story cantilever with less than required left side yard setbacks and construction of

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a second story cantilever with less than required right side yard setbacks, on an existing nonconforming structure with less than required front and left side yard setbacks, on a 10,440 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District, 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.

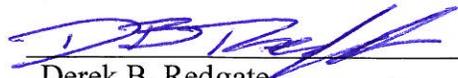
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2019 MAY 16 P 3:10

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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, Acting Chairman


David G. Sheffield


Derek B. Redgate

ZBA 2019-42
Applicant Walter & Teresa Peters
Address 48 Sheridan Road

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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

