



ZONING BOARD OF APPEALS

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

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ZBA 2015-52
 Petition of Meir Segal & Anne Marie Zuchowski
 15 Kirkland Circle

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 4, 2015, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of MEIR SEGAL & ANNE MARIE ZUCHOWSKI requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a two-story addition, construction of a one-story addition, landing and portico, that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard setbacks, at 15 KIRKLAND CIRCLE, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On May 19, 2015, 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 Michael Hally, Architect, and Meir Segal and Anne Marie Zuchowski, (the Petitioner).

Mr. Hally said that the request is for side setback relief. He said that it is a pre-existing nonconforming structure on a conforming lot. He said that it is a gambrel cape with a walk out basement, an attached garage with an attached breezeway. He said that on the back there is a shed with a screened porch above that will be demolished. He said that they will construct a three level addition on the back. He said that there will be a new shed, storage, and screened porch on the first level, a new home office, bathroom and kitchen eating area on the first floor, and a master bathroom, closet, laundry and bedroom expansion on the second floor. He said that they will construct a new mudroom and a by- right portico at the front of the house. He said that the nonconformity is the side yard setback to the existing garage. He said that no construction will take place outside of the conforming areas of the lot.

The Board asked how average grade was determined. Mr. Hally said that it is a walk out basement. He said that the concrete is full all the way up to the first floor framing. He said that at the front of the house the grade is close. He said that at the back it is below the basement slab. He said that it is pretty much even all the way back down both sides and fairly consistent across the rear of the house. He said that there is a step down to the screened porch and then two risers up to the pool deck that is already in place.

Mr. Hally said that Total Living Area plus Garage (TLAG) will be 3,218 square feet.

The Board asked about the existing and the proposed square footage. Mr. Hally said that the existing is approximately 2,200 square feet plus the garage. He said that it includes all of the basement. He said that they will be adding approximately 1,000 square feet. He said that half of the basement counts toward the TLAG. The Board said that it uses the TLAG calculation as a measure for determining if the project will be more detrimental to the neighborhood.

The Board asked if the plans were shared with the neighbors. Mr. Hally said that the plans were shown to all of the direct abutters and no one opposed. Mr. Segal said that he showed the plans to the neighbors at 11, 14, 16, 18 and 19 Kirkland Circle, and 16 Shaw Road. The Board said that the abutters at 14 and 16 Shaw would be the most impacted by the construction. The Board asked if those properties are downhill from 15 Kirkland Circle. The Board said that the lot slopes from the front to the back. Mr. Segal said that the lot is level at the back and the grade change to 16 Shaw Road is essentially flat.

The Board said that there does not appear to be a lot of vegetation along the rear property line. Mr. Segal said that there is a six foot cedar board fence along the rear property line.

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 15 Kirkland Circle, in a 10,000 square foot Single Residence District, with a minimum left side yard setback of 9.8 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a two-story addition, construction of a one-story addition, landing and portico, that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 5/12/15, stamped by Bruce Bradford, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 5/7/15, prepared by Michael Hally Design, Inc., and photographs were submitted.

On June 4, 2015, the Planning Board reviewed the petition and recommended that the Zoning Board of Appeals defer action on the special permit.

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 two-story addition, construction of a one-story addition, landing and portico, that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard setbacks shall not be substantially more detrimental to the

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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 construction of a two-story addition, construction of a one-story addition, landing and portico, that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard setbacks, subject to the following condition:

- A TLAG Affidavit shall be submitted showing that the TLAG shall be no greater than 3,300 square feet.

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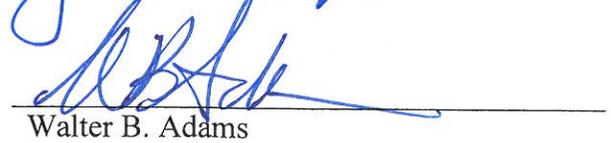
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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



J. Randolph Becker, Acting Chairman

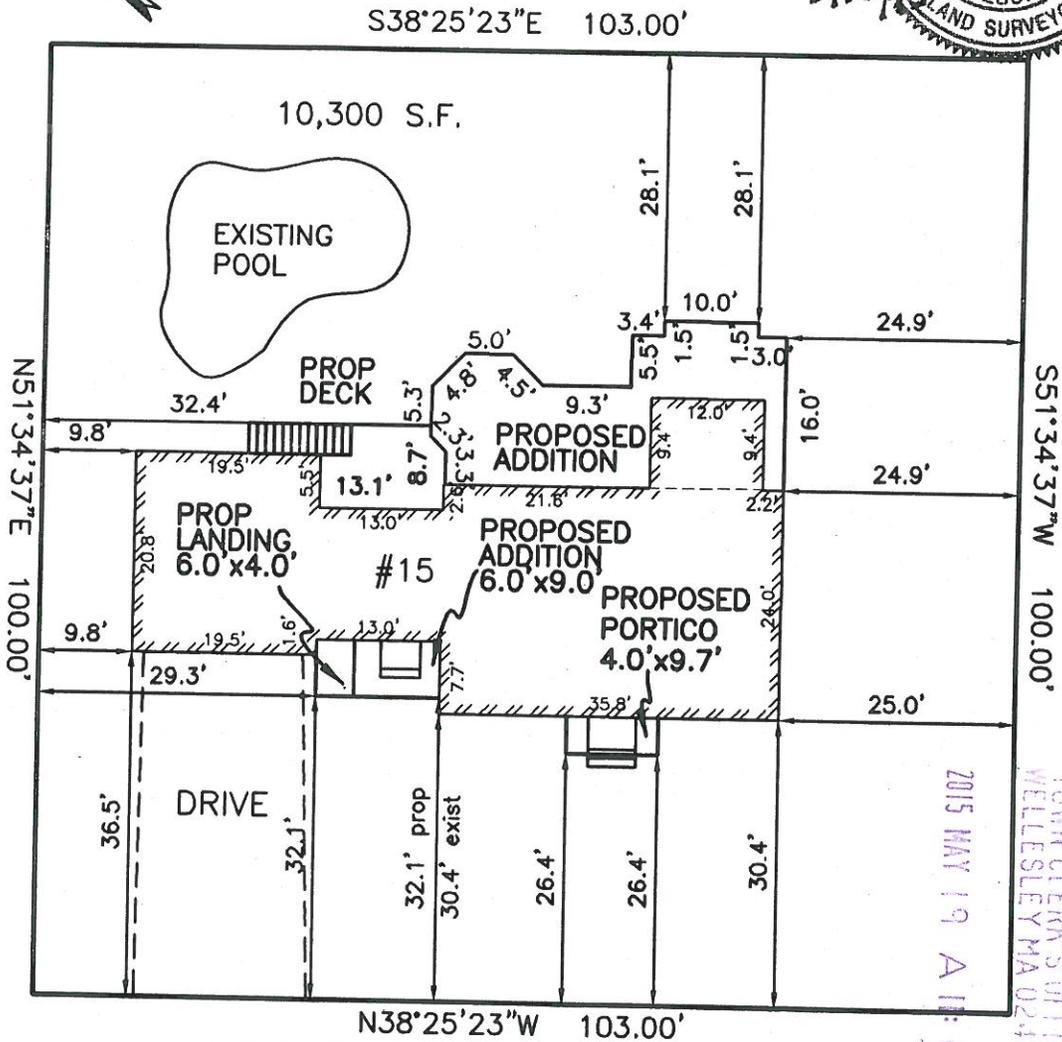
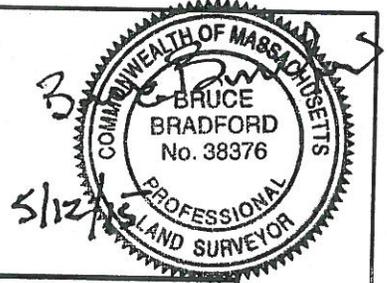
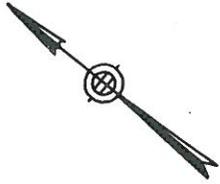


Walter B. Adams



Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm



KIRKLAND CIRCLE

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EMTB

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 SURVEYORS & ENGINEERS
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ZONING DISTRICT: SR10
 EXISTING
 STRUCTURES: 1,586 S.F.
 LOT COVERAGE: 15.4%

PROPOSED
 STRUCTURES: 2,177 S.F.
 LOT COVERAGE: 21.1x%

**PLAN OF LAND IN
 WELLESLEY, MA**
 15 KIRKLAND CIRCLE
 PROPOSED ADDITIONS

PREPARED FOR:
MEIR SEGAL

SCALE: 1 IN. = 20 FT.

DATE: MAY 12, 2015

DRAWN: ER

CHECK: BB

PROJECT NO. 22406