

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ROBERT W. LEVY, VICE CHAIRMAN
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(781) 431-1019 EXT. 2208

WALTER B. ADAMS
DEREK B. REDGATE
RICHARD L. SEEGEL

ZBA 2021-07
Petition of Bryan & Koren Picariello
17 Paine Street

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, February 4, 2021 at 7:30 pm, on the petition of Bryan & Koren Picariello requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that construction of a two story addition with less than required right side yard setbacks, on an existing nonconforming structure with less than required right side yard setbacks, at 17 Paine Street, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On December 14, 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.

Present at the public hearing were Laurence Shind, Esq., Brian Picariello, the Petitioner, and Paul Apkarian, Architect.

Mr. Shind said that the request is for a finding that the proposed expansion will not be substantially more detrimental to the neighborhood than the existing nonconforming structure. He said that the lot is oversized at approximately 30,000 square feet in a 10,000 square foot Single Residence District and is long and narrow at 75 feet wide. He said that the existing house is a Village Colonial that was built in 1915 and has a TLAG of 2,100 square feet. He said that existing nonconformities are a 15.6 foot right side yard setback for the house and a 17 foot left side yard setback for the garage.

Mr. Shind said that proposed construction is an addition off the back right side that will maintain the current nonconforming setback. He said that lot coverage will increase from six to seven percent, which is within the maximum area allowed. He said that TLAG will increase to just under 3,600 square feet. He said that building the addition at the rear of the house will preserve the look and feel of the existing home from the street. He said that the plans were shared plans with the abutters and there were no objections.

The Chairman confirmed that the shed at the rear will be razed.

Richard Lee, 16 Paine Street, said that he previously rented the house at 17 Paine Street. He said that he understands some of the problems with the house and supports the project.

A Board member asked if the 25 foot tree to the right of the existing house can be maintained. Mr. Picariello said that it is a massive tree. He said that an arborist looked at the tree and determined that it has some disease. Mr. Picariello said that he would prefer to take the tree down because of its size, proximity to the house and concerns about the tree falling.

2021 FEB 18 11:01 AM
RECEIVED
ZONING BOARD OF APPEALS
TOWN HALL
525 WASHINGTON STREET
WELLESLEY, MA 02482

Mr. Picariello said that he spoke with Mr. Apkarian about additional landscaping. He said that he would like to maintain a farm feel to the house by adding to the existing fruit trees along the sides of the house towards the back.

Statement of Facts

The subject property is located at 17 Paine Street, in a 10,000 square foot Single Residence District, with a minimum right side yard setback of 15.6 feet where 20 feet is required. An existing accessory garage structure has a minimum left side yard setback of 17.1 feet where 20 feet is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that construction of a two story addition with less than required right side yard setbacks, on an existing nonconforming structure with less than required right side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Existing Conditions Plan, dated 11/3/20 and Proposed Addition Plan, dated 12/8/20, stamped by Stephen E. Davis, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 11/18/20, prepared by Paul Apkarian Architects, Inc., and photographs were submitted.

On February 3, 2021, the Planning Board reviewed the petition and recommended that a special permit be approved.

On January 13, 2021, Jason Tobin, Civil Engineer, Town of Wellesley, reviewed the petition and had no comments.

Decision

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

It is the opinion of this Authority that construction of a two story addition with less than required right side yard setbacks, on an existing nonconforming structure with less than required right side yard setbacks will 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 two story addition with less than required right side yard setbacks, on an existing nonconforming structure with less than required right side yard setbacks, subject to the following conditions:

1. The shed at the rear of the property shall be removed.
2. Landscaping and screening shall be provided along the north side of the property.

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.

2021 FEB 18 PM 2:59
TOWN OF WELLESLEY MA 02481

ZBA 2021-07
Petition of Bryan & Koren Picariello
17 Paine Street

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.

Robert W. Levy (A.M.)
Robert W. Levy, Acting Chairman

David G. Sheffield (A.M.)
David G. Sheffield

Derek B. Redgate (A.M.)
Derek B. Redgate

ZBA 2021-07
Applicant Bryan & Koren Picariello
Address 17 Paine Street

2021 FEB 18 P 12:59
TOWN OF WELLESLEY
RECORDING DEPARTMENT
100 WELLESLEY ST
WELLESLEY MA 02158

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

NOTE:

SUBJECT TO ALL RIGHTS, EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD.

N/F
COMMONWEALTH OF MASS.
COCHITUATE AQUEDUCT

H. BURDETTA JULIANI N/F
2002 REVOCABLE TRUST
BOOK 32962, PAGE 481
95.51'

PL. NO. 1110 OF 1928

LOT COVERAGE:

EXIST. = 1715± S.F. OR 5.8%

363.70'

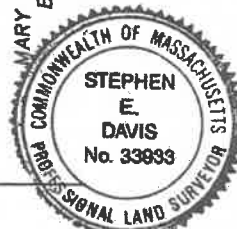
422.84'

LOT 1
102x8
29,495± S.F.
ASSESSING ID: 76 - 28
ZONE: SR10

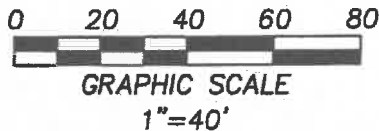
N/F
BRUNO & AMBIKA HOGUET
BOOK 34160, PAGE 369

N/F
MARY J. DIGIACOMANTONIO TRUST
BOOK 33569, PAGE 140

PROPERTY OWNER:
BRYAN PICARIELLO &
KOREN PICARIELLO
BOOK 38441, PAGE 21



Stephen E. Davis



PAINE ST. ETW

I CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY AND THE LATEST PLANS AND DEEDS OF RECORD.

DATE: 11/3/2020

PROJECT # 1882

EXISTING CONDITIONS PLAN
#17 PAINE ST.
WELLESLEY, MA
NORFOLK COUNTY
AS PREPARED FOR
BRYAN PICARIELLO

CHENEY
ENGINEERING CO., INC.
53 MELLEEN STREET
NEEDHAM, MA 02494
TEL. 781-444-2188
admin@cheney-eng.com

NOTE:

SUBJECT TO ALL RIGHTS, EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD.

N/F
COMMONWEALTH OF MASS.
COCHITUATE AQUEDUCT

N/F
H. BURDETTA JULIANI 2002 REVOCABLE TRUST
BOOK 32962, PAGE 481

95.51'

PL. NO. 1110 OF 1928

363.70'

LOT 1
29,495± S.F.
ASSESSING ID: 76
ZONE: SR10

N/F
MARY J. DIGIACOMANTONIO TRUST
BOOK 33569, PAGE 140

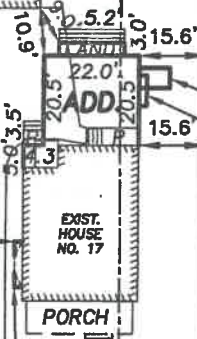
422.84'

LOT COVERAGE:

EXIST. = 1,715± S.F. OR 5.8%
PROP. = 2,087± S.F. OR 7.1%

N/F
BRUNO & AMBIKA HOGUET
BOOK 34160, PAGE 369

ZONING SETBACK LINE - TYP
BIT. CONC. DRIVE



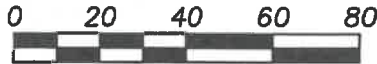
BH 4.6'x7.2'
2ND FL. 1.8'x7.0'



STEPHEN E. Davis

PROPERTY OWNER:

BRYAN PICARIELLO &
KOREN PICARIELLO
BOOK 38441, PAGE 21



GRAPHIC SCALE
1"=40'

75.00'
TO RICE ST. SIDEWALK OPP. TO FOREST ST.
PAINE ST. ETW

I CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY AND THE LATEST PLANS AND DEEDS OF RECORD.

DATE: 12/8/2020

PROJECT # 1882

PROPOSED ADDITION PLAN
17 PAINE ST.
WELLESLEY, MA
NORFOLK COUNTY
AS PREPARED FOR
BRYAN PICARIELLO

CHENEY
ENGINEERING CO., INC.
53 MELLEN STREET
NEEDHAM, MA 02494
TEL. 781-444-2188
admin@cheney-eng.com