

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS
888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

J. RANDOLPH BECKER, CHAIRMAN
ROBERT W. LEVY, VICE CHAIRMAN
DAVID G. SHEFFIELD

LENORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 2208

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

22 AUG '22 PM 12:25
CLIVE J. UPTON CLERK'S OFFICE
WELLESLEY MA 02482

ZBA 2022-44

Petition of Thomas Stagliano & Janet Ohnemus
12 Woodlawn Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 7, 2022, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Thomas Stagliano & Janet Ohnemus requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that demolition of an existing nonconforming garage and construction of a slightly larger garage with less than required right side yard and left side yard setbacks, at 12 Woodlawn Avenue, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 9, 2022, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

July 7, 2022

The Board voted unanimously to continue the hearing to August 4, 2022, to be heard de novo.

August 4, 2022

Present at the public hearing was Thomas Stagliano, the Petitioner. Mr. Stagliano said that he discussed details about replacement of an 80 year old 10 foot by 22 foot garage with a new 12 foot by 20 foot garage at the public hearing on July 7, 2022. He said that the larger size is needed to accommodate an overhead garage door. He said that the Board asked for a new plot plan that shows where the new garage will sit relative to the old one and relative to the setbacks. He said that the new garage will pivot with reasonable setbacks on the left side while maintaining the 10.3 foot setbacks on the right side, parallel to the fence. He said that the left side yard and rear yard setbacks will be improved. He said that the new layout will not be substantially more detrimental. He said that the garage was pre-existing and met the requirements at the time when the lot was subdivided.

A Board member said that the garage location is surrounded by other garages. Mr. Stagliano said that a lot of trees will have to come down if the garage is pushed forward. He said that they will follow the engineer's guidance on siting the foundation for the pre-fab garage to sit on.

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 Woodlawn Avenue, in a 10,000 square foot Single Residence District with 55 feet of frontage where 60 feet is required. The existing nonconforming garage has a minimum right side yard setback of 10.3 feet and a minimum left side yard setback of 11.6 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 demolition of an existing nonconforming garage and construction of a slightly larger garage with less than required right side yard and left side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Letter to Zoning Board of Appeals, dated 7/19/22, from Thomas Stagliano, Existing conditions Plot Plan, dated 4/1/22, and Proposed Garage & Condensors Plot Plan, dated 4/21/2022, revised 7/13/22, stamped by Bruce Bradford, Professional Land Surveyor, Floor Plan and Elevation Drawings, and photographs were submitted.

On July 1, 2022, the Planning Board reviewed the petition and recommended that the ZBA delay action. On August 2, 2022, the Planning Board reviewed the petition and recommended that a special permit be approved.

On August 4, 2022, Rafi Razzaque, Civil Engineer, Town of Wellesley, submitted 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 demolition of an existing nonconforming garage and construction of a slightly larger garage with less than required right side yard and left side yard setbacks will result in the intensification of an existing nonconformity, 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 demolition of an existing nonconforming garage and construction of a slightly larger garage with less than required right 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.

2022 AUG 8 PM 12:25
WELLESLEY MA 02482
TOWN CLERK'S OFFICE
WELLESLEY, MASSACHUSETTS

ZBA 2022-44

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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
J. Randolph Becker, Chairman

Robert W. Levy
Robert W. Levy

Walter B. Adams
Walter B. Adams

2022 AUG 8 PM 12:25
TOWNSHIP CLERK'S OFFICE
WELLESLEY MA 02482

ZBA 2022-44
Applicant Thomas Stagliano & Janet Ohnemus
Address 12 Woodlawn Avenue

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.

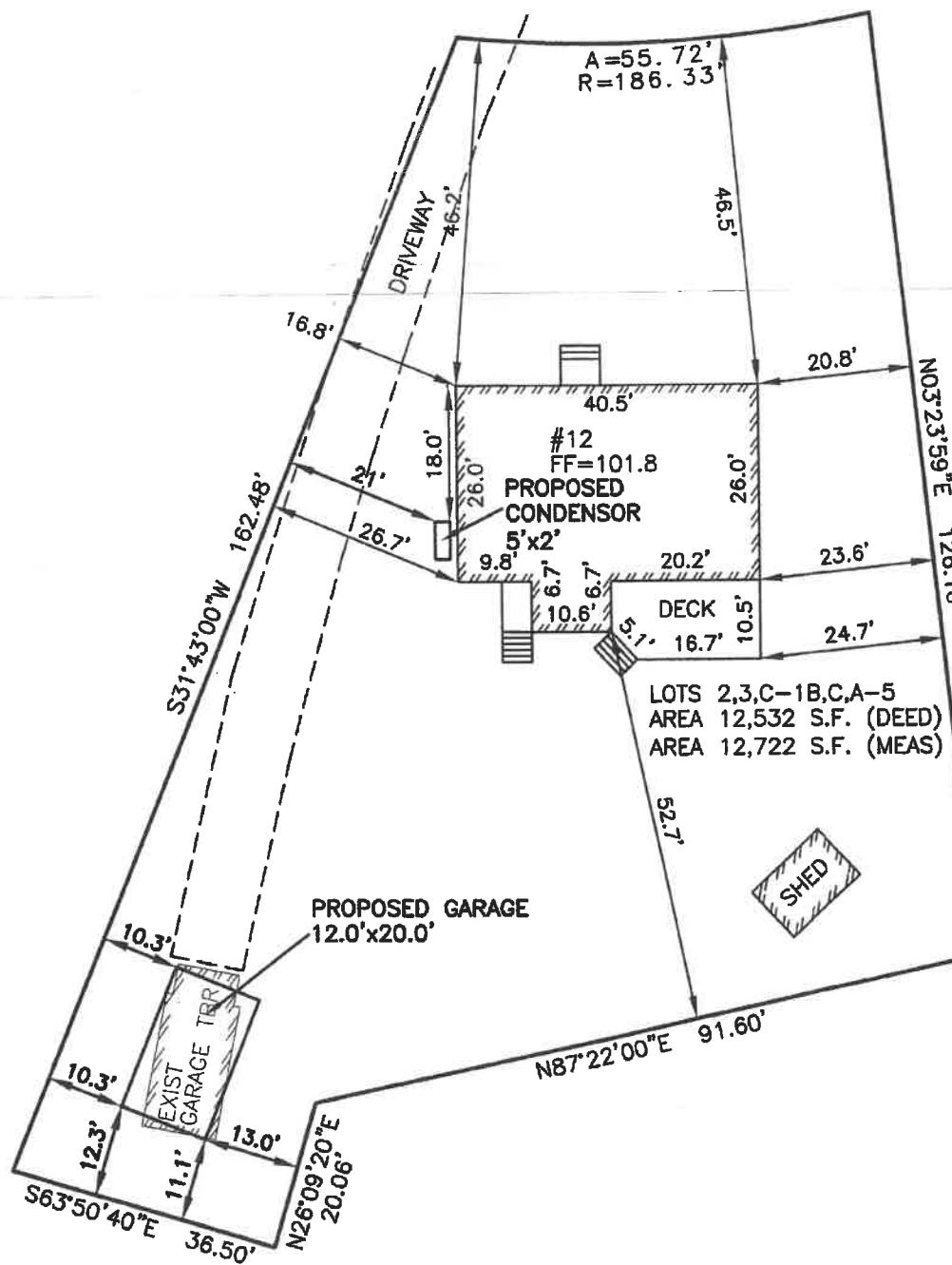
Date:

Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm

WOODLAWN AVENUE



ESTABLISHED 1916

EMB

EVERETT M. BROOKS CO.
SURVEYORS & ENGINEERS

49 LEXINGTON STREET
WEST NEWTON, MA 02465

(617) 527-8750
info@everettbrooks.com



PLAN OF LAND IN WELLESLEY, MA

12 WOODLAWN AVENUE
PROPOSED GARAGE & CONDENSORS

SCALE: 1 IN. = 20 FT.

DATE: JULY 13, 2022

DRAWN: LNS

CHECK: BB

REVISIONS:

PROJECT NO. 26530

Doc:1,509,990 09-12-2022 2:31

MEMORANDUM #: 127149

Norfolk County Land Court

September 12, 2022

Norfolk Registry District of The Land Court

DEDHAM, MASS.

To

TOWN / CITY OF Mellesley

DECISION OF: Board of Appeals

DOCUMENT NO. 1509990

Planning Board

Sign Review Board

RE: ZBA - 2022-44

RECORDING FEE: \$105.00

R E C E I P T

Printed: September 12, 2022 @ 14:39:

Norfolk Registry of Deeds

William P O'Donnell

Register

Trans#: 89915 Oper:MBRENNAN

Doc#: 1509990
Ctl#: 525 Rec:9-12-2022 @ 2:31:38p
WELL

DOC	DESCRIPTION	TRANS AMT
1	STAGLIANO, THOMAS R.	
DECISION		
50.00	Surcharge	50.00
30.00	LC Rec fee	30.00
5.00	Tech. Surcharge	5.00
20.00	State Increase	20.00
	Total fees:	105.00
***	Total charges:	105.00
CHECK PM 5645		105.00

Trans#: 89924 Oper:LAUSTIN

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Book: 40808 Page: 88 Inst#: 80661
Ctl#: 532 Rec:9-12-2022 @ 2:39:03p
WELL 12 WOODLAWN AVENUE

DOC	DESCRIPTION	TRANS AMT
DECISION		
10.00	rec fee	10.00
50.00	Surcharge	50.00
5.00	Tech. Surcharge	5.00
	Postage/Handling Fee	1.00
	State Fee \$40.00	40.00
	Total fees:	106.00
***	Total charges:	106.00
CHECK PM 5646		106.00

Bk 40808 Pg 88 #80661
09-12-2022 a 02:39pHAND TO
LAND COURT

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

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(781) 431-1019 EXT. 2208WALTER B. ADAMS
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CLERK'S OFFICE
WELLESLEY MA 02482
7/16/23 PH 12:23

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HAND TO
LAND COURT530292
127149