



## ZONING BOARD OF APPEALS

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

RICHARD L. SEEGEL, CHAIRMAN  
J. RANDOLPH BECKER, VICE CHAIRMAN  
DAVID G. SHEFFIELD

LENORE R. MAHONEY  
EXECUTIVE SECRETARY  
TELEPHONE  
(781) 431-1019 EXT. 2208  
web: [www.wellesleyma.gov](http://www.wellesleyma.gov)

ROBERT W. LEVY  
WALTER B. ADAMS  
DEREK B. REDGATE

ZBA 2016-73  
Petition of Michael & Elizma Sexton  
23 McLean Street

---

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 Michael & Elizma Sexton requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming structure with less than required left side yard setbacks and construction of a new two-story structure that will meet all setback requirements, on a 10,000 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, at 23 McLean Street, 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 Michael Schneider, Builder and Michael Sexton, the Petitioner.

Mr. Schneider said that the request is to build a new home that will meet all of the setbacks and Zoning requirements on an undersized lot. He said that it is a 10,000 square foot lot in a 15,000 square foot Single Residence District.

The Chairman said that the Board received a letter from the Building Inspector that says that the 500' Rule was applied incorrectly for the required front yard setback and the 32 foot front yard setback for 9 McLean Street should apply. He said that the Engineer's letter for the 500' Rule included the house at 3 Ashmont Road with a 30.5 foot front yard setback but Ashmont Road is not relevant to the setback on this property. He said that the proposed house at 23 McLean Street will have to be moved back one foot. He said that a corrected plot plan should be submitted to show the proposed house with a front yard setback of 32 feet.

Mr. Schneider said that there is a slope in the back of the yard at the right rear corner. He said that they plan to put a four foot wall to gain a little space between the trees and the house. The Board said that the Site Plan shows the top of wall at 122.0 and the bottom of wall at 118.2, which is just under four feet.

A Board member said that the existing house is a little tired. He said that he was happy to see that it will be replaced. Mr. Sexton that it was not kept up.

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02482  
1 2016 SEP 22 P 12:51

Yang Teng, 24 Dunedin Road, said that his lot is to the left of 23 McLean Street. He said that they currently use a deeded driveway to Dunedin Road. He said that they need to be careful about access.

Mr. Teng asked how far the building will be expanded to the left. Mr. Sexton said that the existing house is closer to the lot line than the new house will be. He said that the new house will be built to meet the setback requirements.

Mr. Teng asked about removal of mature trees between the properties. The Chairman showed Mr. Teng an aerial photograph of the property. He said that the proposed project at 23 McLean Street will not encroach in any way onto the property at 24 Dunedin Road.

Mr. Sexton said that they did speak to some of the neighbors about the plans.

The Board said that the new structure will be 26 feet from the property line where it could be 20 feet.

The Board said that the Site Plan shows the location of trees between the proposed house and the property line.

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY, MA 02482  
2016 SEP 22 12:54

#### Statement of Facts

The subject property is located at 23 McLean Street, on a 10,000 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, with a minimum left side yard setback of 13.8 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming structure with less than required left side yard setbacks and construction of a new two-story structure that will meet all setback requirements, on a 10,000 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 7/27/16 & Letter to Town of Wellesley, dated 7/25/16, re: Building Alignment, stamped by Peter J. Nolan, Professional Land Surveyor, Proposed Floor Plans and Elevation Drawings, dated 7/15/16, prepared by Aesthetic Images, 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 structure with less than required left side yard setbacks and construction of a new two-story structure that will meet all setback requirements, on a 10,000 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, 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 structure with less than required left side yard setbacks and construction of a new two-story structure that will meet all setback requirements, on a 10,000 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, subject to the following condition:

A revised plot plan shall be submitted that shows the proposed house with a front yard setback of 32 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.

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02482  
2016 SEP 22 P 12:54

ZBA 2016-73  
Petition of Michael & Elizma Sexton  
23 McLean Street

---

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02482  
2016 SEP 22 P 12:54

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

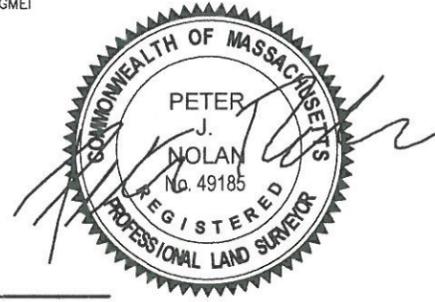
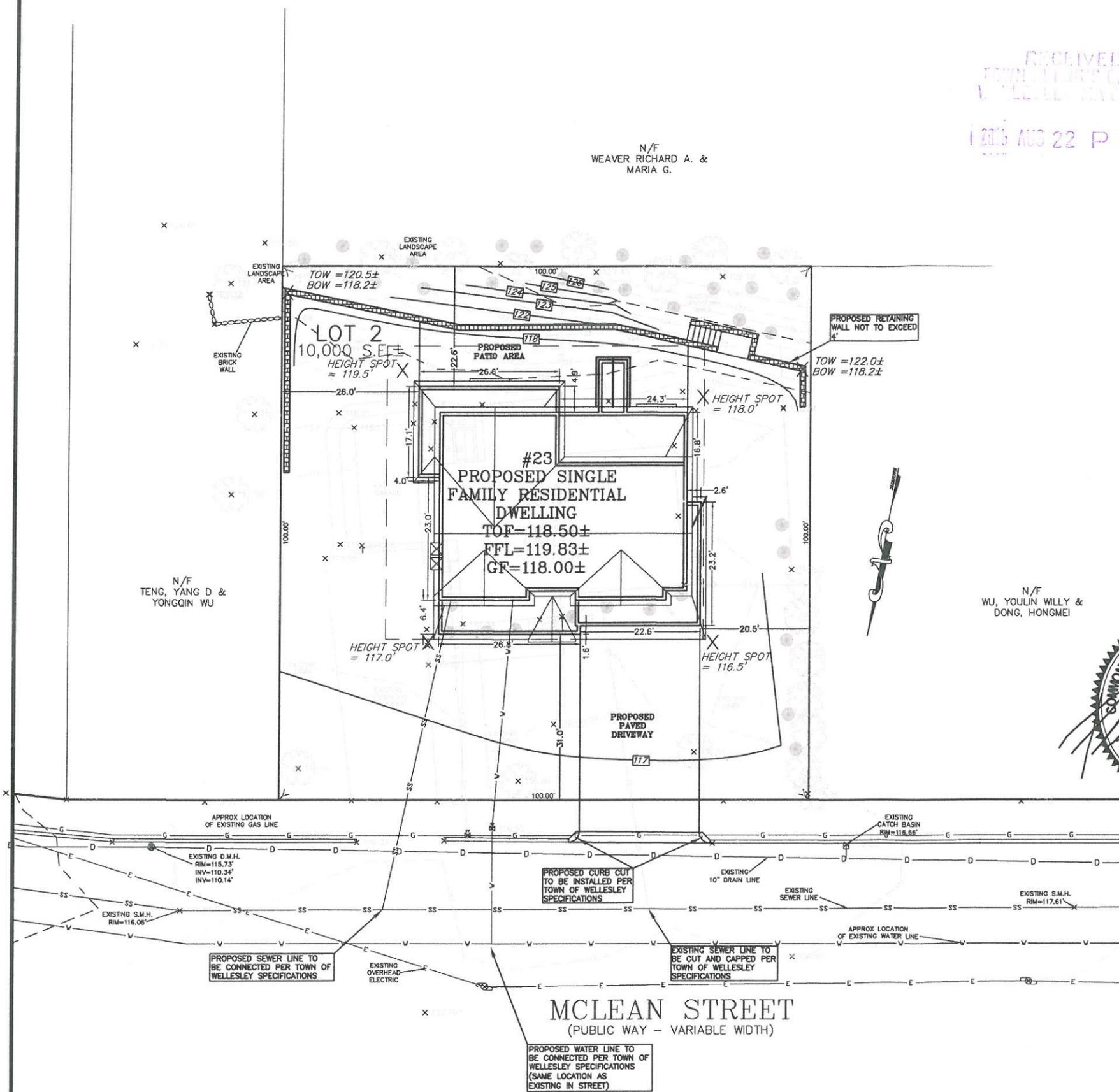
cc: Planning Board  
Inspector of Buildings  
lrm

RECEIVED  
TOWN ENGINEERING OFFICE  
WELLESLEY, MASSACHUSETTS  
2016 AUG 22 P 3:09

N/F  
WEAVER RICHARD A. &  
MARIA G.

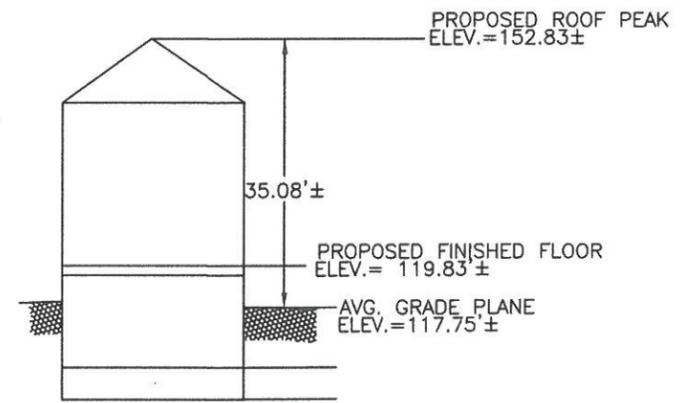
N/F  
TENG, YANG D &  
YONGQIN WU

N/F  
WU, YOU LIN WILLY &  
DONG, HONGMEI

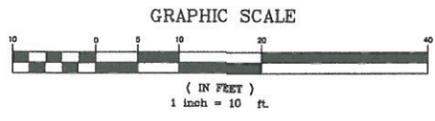


EXISTING ZONING LEGEND			
ZONING DISTRICT: SINGLE RESIDENCE 15 (15,000)			
	REQUIRED	EXISTING	COMPLIANCE
MIN. LOT AREA	15,000 S.F.	10,000 S.F.	EXISTING NON-COMFORMING
MIN. LOT FRONTAGE	60.0'	100'	YES
MIN. LOT WIDTH	60.0'	100'	YES
EXIST. MAX. LOT COV. (%)	20%	16.9% (EXIST.)	YES
EXIST. MAX. LOT COV. (S.F.)	4,000 S.F.	1,690.0 S.F. (EXIST.)	YES
FRONT YARD	30.5'	32.9'	YES
SIDE YARD	20'	13.8'	EXISTING NON-COMFORMING
REAR YARD	15'	24.7'	YES
MAX. BLDG. HEIGHT	36'	16.65'±	YES
MAX. STORIES	3	1	YES

PROPOSED ZONING LEGEND			
ZONING DISTRICT: SINGLE RESIDENCE 15 (15,000)			
	REQUIRED	PROPOSED	COMPLIANCE
MIN. LOT AREA	15,000 S.F.	10,000 S.F.	EXISTING NON-COMFORMING
MIN. LOT FRONTAGE	60.0'	100'	YES
MIN. LOT WIDTH	60.0'	100'	YES
PROP. MAX. LOT COV. (%)	GREATER OF 20% OR 2,500SF	24.0%	YES
PROP. MAX. LOT COV. (S.F.)	GREATER OF 20% OR 2,500SF	2,402.0 S.F.	YES
FRONT YARD	30'	31.0'	YES
SIDE YARD	20'	20.5'	YES
REAR YARD	15'	22.6'	YES
MAX. BLDG. HEIGHT	36'	35.05'±	YES
MAX. STORIES	3	2.5	YES



PROPOSED PROFILE  
NOT TO SCALE



MCLEAN STREET  
(PUBLIC WAY - VARIABLE WIDTH)

SCALE	1"=10'
DATE	7/27/2016
SHEET	1
PLAN NO.	1 OF 1
CLIENT:	23 MCLEAN STREET WELLESLEY MASSACHUSETTS PROPOSED CONDITIONS PLAN
DRAWN BY	
CHKD BY	P.N.
APPD BY	P.N.
<p><b>PETER NOLAN &amp; ASSOCIATES LLC</b> LAND SURVEYORS/CIVIL ENGINEERING CONSULTANTS 697 CAMBRIDGE STREET, SUITE 103 BRIGHTON MA 02135 PHONE: 857 891 7478/617 782 1533 FAX: 617 202 5691 EMAIL: pnolan@pnasurveyors.com</p>	
SHEET NO.	1