



## ZONING BOARD OF APPEALS

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

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ZBA 2019-96  
Petition of Randall & Andrea Schneider  
16 Fells Road

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, December 5, 2019 at 7:30 pm in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Randall & Andrea Schneider requesting a Special Permit/Finding pursuant to the provisions of Section 14E, Section 17 and Section 25 of the Zoning Bylaw that construction of one-story addition on the left, and construction of a two-story addition at the rear, that will meet setback requirements, on an existing nonconforming structure with less than required right side yard and front yard setbacks, on a 6,641 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with less than required frontage, in a Water Supply Protection District, at 16 Fells Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On November 14, 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 Randall and Andrea Schneider, the Petitioner, and Michael Hally, Architect. Mr. Schneider said that they moved to Wellesley six years ago and love the town, the public schools and the neighborhood. He said that their house is a 1925 Dutch Colonial that has been well maintained over the years with much of its original charm and detail intact. He said that with two young children, they have outgrown their 1,480 square foot home. He said that they looked into moving but could not find a place that they liked as much. He said that Mr. Hally designed an addition that looks like it has always been part of the 1925 Dutch Colonial, both inside and out. He said that they spoke with the neighbors in all directions and submitted a letter of approval with all of their signatures.

Mr. Hally said that it is an undersized lot in a 10,000 square foot Single Residence District, with less than required frontage. He said that all of the proposed additions will be conforming. He said that the setback on the right side is nonconforming. He said that the proposal is to demolish an open porch on the left side and construct a like structure that is enclosed. He said that there will be a two story addition off the back of the house, part of which will be a sitting area and a kitchen with a master suite on top.

A Board member confirmed that there are no trees in the way of construction.

The Board asked about TLAG for what will become a four bedroom home. Mr. Hally said that existing TLAG is 2,469 square feet and they will add 833 square feet, for a total of 3,102 square feet, which is a 34 percent increase but below the 3,600 square foot threshold.

The Board said that it received a document that was signed by 13 or 14 neighbors on Fells Road who have no objections to the proposed changes.

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A Board member said that the property is located in a Water Supply Protection District. He asked if the Petitioner would be opposed to including a drywell in the landscaping design and hooking up roof drains. He said that it can be a typical landscape drywell, plastic or concrete with a single metal or plastic landscaping grate. He said that the project will increase impervious surface on the property. Mr. Schneider said that currently there are no water problems on the property but he did not object to adding a drywell.

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 16 Fells Road, on a 6,641 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, with minimum frontage of 49.69 feet where 60 feet is required, a minimum front yard setback of 25.8 feet where 30 feet is required, and a minimum right side yard setback of 17 feet where 20 feet is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 14E, Section 17 and Section 25 of the Zoning Bylaw that construction of one-story addition on the left, and construction of a two-story addition at the rear, that will meet setback requirements, on an existing nonconforming structure with less than required right side yard and front yard setbacks, on a 6,641 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with less than required frontage, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 10/17/19, stamped by Bruce Bradford, Professional Land Surveyor, Existing Floor Plans and Elevation Drawings, dated 3/4/19, Proposed Floor Plans and Elevation Drawings, dated 6/14/19, prepared by Michael Hally Design, Inc., and photographs were submitted.

On December 3, 2019, the Planning Board reviewed the petition and recommended that the 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.

The Board found that the Design and Operation Standards in Part F are adequately satisfied and not otherwise prohibited in Part D.1, of Section 14E of the Zoning Bylaw for Water Supply Protection Districts.

It is the opinion of this Authority that construction of one-story addition on the left, and construction of a two-story addition at the rear, that will meet setback requirements, on an existing nonconforming structure with less than required right side yard and front yard setbacks, on a 6,641 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with less than required frontage, will not result in the intensification of existing nonconformities, will not result in additional

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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 one-story addition on the left, and construction of a two-story addition at the rear, that will meet setback requirements, on an existing nonconforming structure with less than required right side yard and front yard setbacks, on a 6,641 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with less than required frontage, subject to the following condition:

- A drywell that is hooked up to roof drains shall be installed.

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.

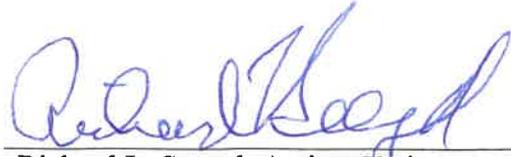
If construction has not commenced, except for good cause, the Special Permit shall expire two years after the date time stamped on this decision.

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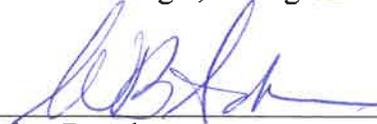
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APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.



Richard L. Seegel, Acting Chairman



Walter B. Adams



Derek B. Redgate

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Applicant     Randall & Andrea Schneider  
Address       16 Fells 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  
Irm

