



ZONING BOARD OF APPEALS

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

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2020 JAN 23 P 2:50
TOWN OF WELLESLEY MA 02482

ZBA 2020-01
Petition of Joelle & Brendan Reidy
60 Prospect Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 9, 2020 at 7:30 pm in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Joelle & Brendan Reidy requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that demolition of two rear porches and a one story addition, and construction of a two story addition that will meet all setback requirements, on an existing nonconforming structure with less than required front yard and left side yard setbacks, on an 8,707 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, at 60 Prospect Street, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On December 12, 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 David Himmelberger, Esq., Bram Young, Architect, Joelle and Brendan Reidy, the Petitioner.

Mr. Himmelberger said that the request is for a special permit to construct a 1.5 story fully conforming addition to the rear of the existing home, which is a pre-existing nonconforming home due to insufficient lot area of 8,707 square feet in a 10,000 square foot district, a front setback of 13.9 feet, a left side yard setback of less than 12.1 feet, and an existing garage with a 1.8 foot left side yard setback.

Mr. Himmelberger said that the proposed new addition will be 24.6 feet tall, which is less than the current and remaining peak of the main house at 34 feet tall. He said that the proposed addition will be fully compliant with left side yard setbacks at 20.1 feet and right side yard setbacks at 23 feet. He said that the proposed project will remove two rear porches and a one story addition. He said that existing lot coverage of 1,897 square feet will increase to 2,094 square feet, which is below the limit. He said that existing TLAG is 3,063 square feet and with the new addition will be 3,555 square feet. He said that the addition will be fully compliant with all Zoning dimensions and will go out the back. He requested that the Board make a finding that the proposed addition will not be substantially more detrimental to the neighborhood than the pre-existing nonconforming structure.

A Board member said that the air conditioning (ac) condensers appear to be right at the 20 foot side yard setback. He said that the Petitioner will need to be mindful that they are so close to the setback requirement.

Mr. Himmelberger said that the plot plan was stamped by a professional engineer, not a registered land surveyor, as required in the bylaw. He said that they will submit a plot plan that complies with the bylaw and will accept that as a condition of approval.

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 60 Prospect Street, on an 8,707 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with a minimum front yard setback of 13.9 feet where 30 feet is required, and a minimum left side yard setback of 12.1 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 demolition of two rear porches and a one story addition, and construction of a two story addition that will meet all setback requirements, on an existing nonconforming structure with less than required front yard and left side yard setbacks, on an 8,707 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Letter to Zoning Board of Appeals, dated 11/26/19, from David J. Himmelberger, Esq., a Plot Plan dated 11/20/19, stamped by Robert Alan Masys, Registered Professional Engineer, Existing and Proposed Floor Plans and Elevation Drawings, dated 10/28/19, prepared by Bramwell D. Young, and photographs were submitted.

On January 8, 2020, the Planning Department staff 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.

It is the opinion of this Authority that demolition of two rear porches and a one story addition, and construction of a two story addition that will meet all setback requirements, on an existing nonconforming structure with less than required front yard and left side yard setbacks, on an 8,707 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet will not 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 demolition of two rear porches and a one story addition, and construction of a two story addition that will meet all setback requirements, on an existing nonconforming structure with less than required front yard and left side yard setbacks, on an 8,707 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, subject to the following condition:

- A revised plot plan that is stamped by a registered land surveyor shall be submitted.

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, the Special Permit shall expire two years after the date time stamped on this decision.

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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, Chairman


David G. Sheffield


Robert W. Levy

2020 JAN 23 P 2:11
TOWN CLERK'S OFFICE
WELLESLEY MA 02482

ZBA 2020-01
Applicant Joelle & Brendan Reidy
Address 60 Prospect Street

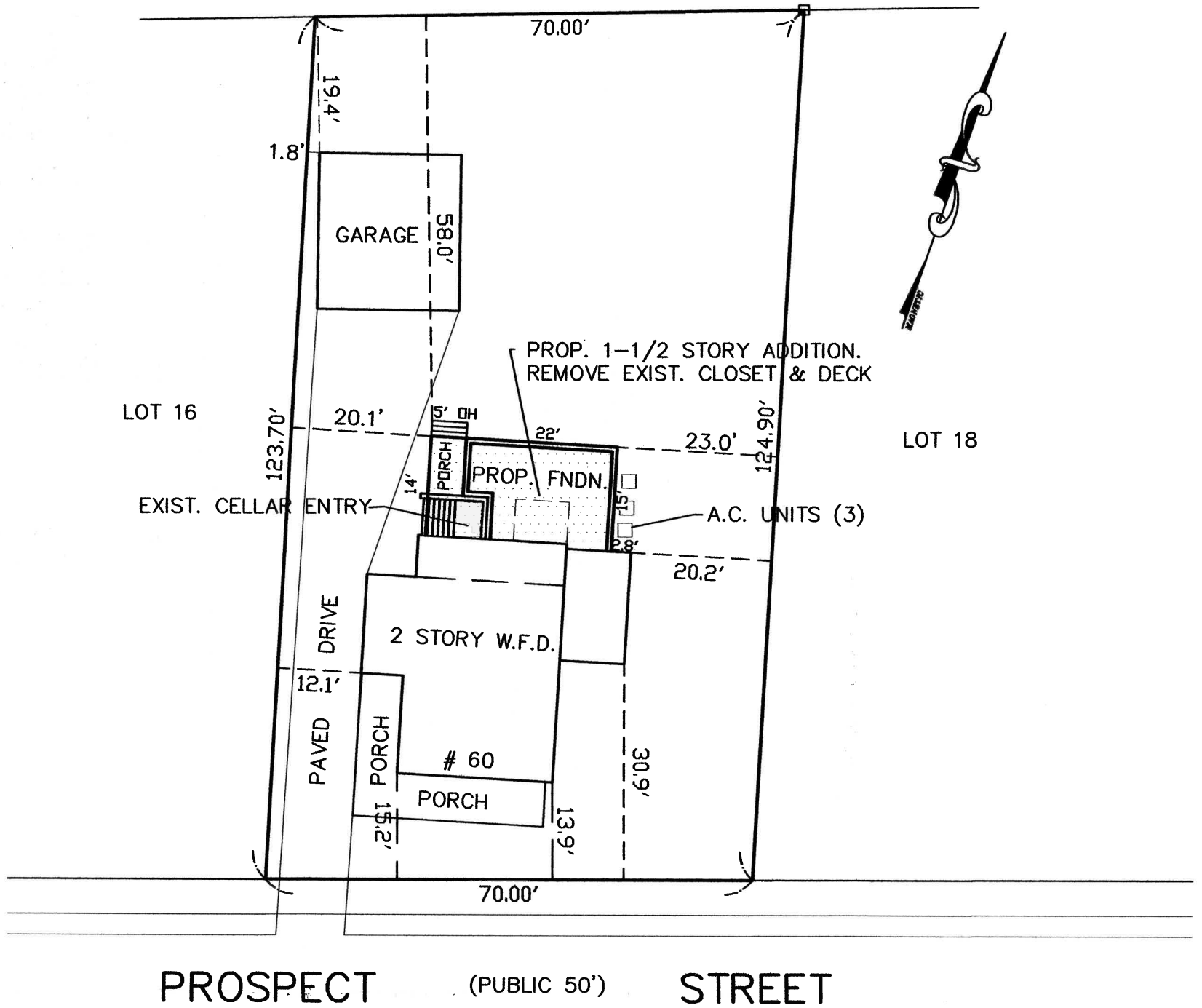
NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

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:

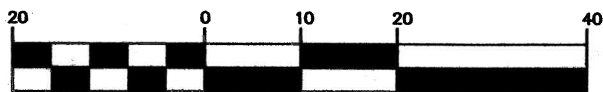
Attest: _____
Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm



LOT AREA = 8,707 S.F.
 EXISTING LOT COVERAGE 22.0% (INCLUDES DECKS & CLOSET TO BE REMOVED)
 EXISTING LOT COVERAGE 1,897 S.F.
 PROPOSED LOT COVERAGE 24.0%
 PROPOSED LOT COVERAGE 2,094 S.F.

GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

GENERAL NOTES:

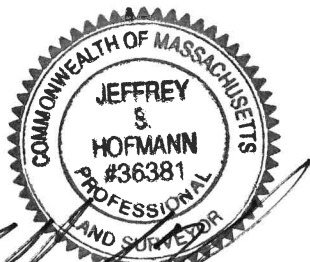
- BOUNDARY INFORMATION BASED UPON PLANS BK. 17, PLAN 751
- ADDITIONAL INFORMATION WAS COMPILED FROM ONSITE SURVEY PERFORMED BY RAM ENGINEERING, HAVERHILL, MA.

SCALE: 1" = 20'
 DEED BOOK 33038 PAGE 393
 AREA 8,707 S.F. +/-
 PLANS BK 17, PL 751
 ASSESSOR MAP 35
 LOT 70
 ZONE SR10

**CERTIFIED PLOT PLAN
 OF LAND AT
 60-PROSPECT STREET
 WELLESLEY, MASSACHUSETTS**

JANUARY 10, 2020

**OWNER/APPLICANT:
 JOELLE & BRENDAN REIDY
 60 PROSPECT ST.
 WELLESLEY, MA.**



JEFFREY S. HOFMANN, P.L.S. DATE 1/10/20
 PROFESSIONAL LAND SURVEYOR CONSULTANT

