



ZONING BOARD OF APPEALS

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

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ZBA 2020-17

Petition of Ralph & Caroline Ladd
54 Prospect Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 5, 2020 at 7:30 pm in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Ralph & Caroline Ladd 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 structure with less than required right side yard setbacks and construction of a new structure with less than required right side yard setbacks, on an 8,764 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, at 54 Prospect Street, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On February 6, 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 was Nick Baldassarre, Architect, who said that he was representing Peter Chung, the prospective buyer of 54 Prospect Street. He said that the request is for a special permit to demolish the existing structure and construct a new home on a nonconforming lot. He said that the existing home has a nonconforming right side yard setback.

Mr. Baldassarre said that impervious area will be decreased. He said that the concrete sidewalk will be reduced and the two existing driveways will be reduced to one.

Mr. Baldassarre said that square footage of the structure will increase substantially but neighboring structures support the plans. He said that letters of support were submitted. He said that the proposed home will be a closer match to what is in the neighborhood. A Board member said that it is a good solution.

The Chairman discussed the nonconformities. He said that the distance to the garage is 25.7 feet, where 30 feet is required for a side entry garage. He said that the proposed entry porch is 75 square feet, which does not meet the exemption of 50 square feet in the definition of front yard. He said that the Zoning Review that was submitted lists a Porch Projection Maximum at 5 feet. He said that the 5 feet that is described in the front yard exemption is not a requirement of the bylaw. He said that the front yard depth to a porch that is greater than 50 square feet is measured from the front lot line to the structure that is larger than 50 square feet. He said that the porch can be made smaller or the building can be slid back to meet the bylaw.

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The Board discussed State Case Law, *Bellalta v Brookline*. The Chairman said that the existing side facing garage is 24 feet from the side lot line and the proposed side facing garage will be 25.7 feet, which decreases the nonconformity.

Mr. Baldassarre confirmed that the front porch will have to be pulled back five feet. The Chairman said that if the front porch is 50 square feet or smaller, the front setback is measured from the front property line to the front of the house. He said that if the porch is greater than 50 square feet, the front yard setback is measured to the front of the porch.

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 54 Prospect Street, on an 8,764 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with a minimum right side yard setback of 17.7 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 structure with less than required right side yard setbacks and construction of a new structure with less than required right side yard setbacks, on an 8,764 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 with attachments to Matthew Herson Wellesley Public Works Department, dated 2/20/20, from Eric Bradanese, Engineering Alliance, Inc., a Plot Plan, dated 1/8/20, and Plot Plan, dated 1/24/20, stamped by Wesley T. Guillaume, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 1/23/20, revised 2/17/20, prepared by JBA, and photographs were submitted.

On March 5, 2020, the Planning Board reviewed the petition and recommended that a 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 an existing nonconforming structure with less than required right side yard setbacks and construction of a new structure with less than required right side yard setbacks, on an 8,764 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 an existing nonconforming structure with less than required right side yard setbacks and

construction of a new structure with less than required right side yard setbacks, on an 8,764 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, subject to the following conditions:

1. The proposed entryway shall be reduced to 50 square feet or the entire structure shall be moved back to meet the 30 foot front yard setback requirement.
2. A new plan shall be submitted prior to applying for a building permit.

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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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



Richard L. Seegel



Walter B. Adams

ZBA 2020-17
Applicant Ralph & Caroline Ladd
Address 54 Prospect Street

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TOWN CLERK'S OFFICE
WELLESLEY MA 02481

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