



## ZONING BOARD OF APPEALS

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

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

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

ROBERT W. LEVY, VICE CHAIRMAN  
WALTER B. ADAMS  
DEREK B. REDGATE

ZBA 2020-26

Petition of James & Sharon Murray  
45 Pine Plain Road

---

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, April 2, 2020 at 7:30 pm, on the petition of James & Sharon Murray requesting a Special Permit/Finding pursuant to the provisions of Section 14E, Section 17 and Section 25 of the Zoning Bylaw that demolition of an existing one-story structure and construction of a new one and a half story structure and a new porch with less than required left side yard setbacks, on an existing nonconforming structure with less than required front yard and left side yard setbacks, on a 6,975 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, at 45 Pine Plain Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On March 11, 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 Paul Hemond, representing James and Sharon Murray, the Petitioner. Mr. Hemond said that the plan is to remove a 100 square foot bump out at the back and construct a 1.5 story addition that consists of a family room with a master bedroom and bath above. He said that the addition will be approximately 600 square feet.

The Chairman asked about the proposed demolition. Mr. Hemond said that they will demolish a 12 foot by 8 foot family room. He said that the new addition will go in on the same spot on footings, not on a foundation. The Chairman said that the part of the structure that is being demolished should be labeled on the plan.

A Board member discussed the front elevation. He said that the drawing shows the little canopy over the door being removed. Mr. Hemond said that they will not be touching anything at the front. He said that there is a mistake on the drawing. The Board member said that the plan should be corrected.

A Board member asked if there is a light at the front of the house. He said that there does not appear to be one in the photograph. He said they may want to have a light at the front steps on the side of the house where the door number is for safety reasons. Mr. Hemond said that they can put one there.

A Board member said that a number of houses in the neighborhood have a front porch roof rather than a water deflector. He said that the house would be improved with a canopy that extended out and was large enough to have a couple of columns on the porch. The Board discussed imposing a condition that allows the construction of a covered landing that meets the Zoning Bylaw.

No member of the public wished to speak to the petition.

Statement of Facts

The subject property is located at 45 Pine Plain Road, on a 6,975 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 a minimum front yard setback of 29.8 feet where 30 feet is required, and a minimum left side yard setback of 9.9 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 demolition of an existing one-story structure and construction of a new one and a half story structure and a new porch with less than required left side yard setbacks, on an existing nonconforming structure with less than required front yard and left side yard setbacks, on a 6,975 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, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 2/21/20, stamped by Michael P. Clancy, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 2/22/20, prepared by James Murray, and photographs were submitted.

On April 2, 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.

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 XIVE of the Zoning Bylaw for Water Supply Protection Districts.

It is the opinion of this Authority that demolition of an existing one-story structure and construction of a new one and a half story structure and a new porch with less than required left side yard setbacks, on an existing nonconforming structure with less than required front yard and left side yard setbacks, on a 6,975 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, will 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 one-story structure and construction of a new one and a half story structure and a new porch with less than required left side yard setbacks, on an existing nonconforming structure with less than required front yard and left side yard setbacks, on a 6,975 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. There shall be a front entrance with a porch cover.
2. There shall be a light at the front entry.

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.

2020 APR 15 12 1:39

ZBA 2020-26  
Petition of James & Sharon Murray  
45 Pine Plain Road

---

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  
Richard L. Seegel, Acting Chairman

David G. Sheffield  
David G. Sheffield

Derek B. Redgate  
Derek B. Redgate

ZBA            2020-26  
Applicant     James & Sharon Murray  
Address       45 Pine Plain Road

**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