



ZONING BOARD OF APPEALS

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ZBA 2020-41
Petition of Olga Boric
30 River Ridge

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, October 1, 2020 at 7:30 pm, on the petition of Olga Boric requesting amendment of a Variance and/or a Special Permit Finding pursuant to the provisions of Section 14E, Section 17, Section 19, Section 24 and Section 25 of the Zoning that demolition of an existing nonconforming deck with less than required right side yard setbacks and construction of a one-story addition with a two-car garage underneath, with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard and right side yard setbacks and frontage, at 30 River Ridge, in a 10,000 square foot Single Residence District and a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On May 26, 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. In accordance with Chapter 53 of the Acts of 2020, the hearing was scheduled for October 1, 2020.

Present at the public hearing were Olimpiu Dejeu and Olga Boric, the Petitioner. Mr. Dejeu said that the request is for a special permit/finding or modification of a variance to extend a nonconforming structure and build a one level addition with a garage underneath.

Mr. Dejeu said that 30 River Ridge is located in a 10,000 square foot district Single Residence District and a Water Supply Protection District. He said that the lot is odd shaped and has nonconforming right side and front yard setbacks as well as nonconforming frontage. He said that the addition will encroach into the Riverfront Protection area. He said that an Order of Conditions was approved by the Wetlands Protection Committee (WPC) on June 5, 2020.

Mr. Dejeu said that existing lot coverage of 8 percent will increase to 17 percent, which is below the maximum allowed. He said that TLAG will be 3,481 square feet, with 640 square feet in the basement and garage. He said that the existing height of 25.7 feet will increase to 26.1 feet. He said that the proposal is to extend the current house out with the addition. He said that the garage doors will meet the required 30 feet to the side lot line. He said that they will use permeable pavers on the driveway that comes in from the street. He said that there will be no new nonconformities. He said that they tried to minimize the impact to the Riverfront Protection area.

Mr. Dejeu said that they showed the plans to the neighbors and they were supportive. He said that some of the neighbors sent emails in support of the project.

There was no member of the public who wished to speak to the petition.

Statement of Facts

The subject property is located at 30 River Ridge, in a 10,000 square foot Single Residence District and a Water Supply Protection District, with a minimum front yard setback of 1 foot where 30 feet is required, a minimum right side yard setback of 1 foot where 20 feet is required, and 24 feet of frontage where 60 feet is required.

The Petitioner is requesting amendment of a Variance and/or a Special Permit Finding pursuant to the provisions of Section 14E, Section 17, Section 19, Section 24 and Section 25 of the Zoning that demolition of an existing nonconforming deck with less than required right side yard setbacks and construction of a one-story addition with a two-car garage underneath, with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard and right side yard setbacks and frontage, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 4/3/20, an Existing Conditions Plan of Land and a Tree Protection and Mitigation Plan, dated 4/28/20, stamped by David W. Humphrey, Professional Land Surveyor, Erosion Control Plan, dated 4/27/20, stamped by Chi Y. Man, P.E., Existing and Proposed Floor Plans and Elevation Drawings, dated 5/25/20, prepared by McGavern Design, and photographs were submitted.

On June 5, 2020, the Wetlands Protection Committee issued an Order of Conditions, DEP #324-0945.

On September 23, 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 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 nonconforming structure and reconstruction of a two-story structure with basement, on the existing footprint with less than required front yard, left and right side yard setbacks 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 and reconstruction of a two-story structure with basement, on the existing footprint with less than required front yard, left and right side yard setbacks, in accordance with the submitted plot plan and construction drawings.

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.

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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.

Robert W. Levy, Acting Chairman

David G. Sheffield

Derek B. Redgate

ZBA 2020-41
Applicant Olga Boric
Address 30 River Ridge

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