



## ZONING BOARD OF APPEALS

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

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ZBA 2020-75

Petition of Fardad Farahmand

183 Walnut Street

RECEIVED  
TOWN OF WELLESLEY  
FEB -4 A 10:10 AM 2021

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Tuesday, December 15, 2020 at 7:30 pm, on the petition of Fardad Farahmand requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that construction of a four level structure with less than required front yard setbacks to Walnut Street and less than required side yard setbacks, on an existing nonconforming structure with less than required front yard setbacks to Walnut and Prospect Streets, and less than required side yard setbacks, on a corner lot in a 10,000 square foot Single Residence District, at 183 Walnut Street, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On November 16, 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.

At the public hearing on December 15, 2020, a Board member asked to recuse himself from this petition. The Board voted unanimously to continue the hearing for this petition to January 21, 2021 to be heard de novo, as it did not have a quorum of Board members.

### January 21 2021

Present at the public hearing were Fardad Farahmand, the Petitioner, and Bennie Ber, Architect.

Mr. Farahmand said that the request is for a special permit to improve the left side of an existing nonconforming structure. He said that he decided to not go through with a plan that had previously been approved by the Zoning Board. He said that the new design will use the existing foundation as opposed to a total demolition of the left side. He said that the goal is to add a master bedroom on the second floor and improve the flow of the first floor. He said that the property is unique in many ways. He said that it was originally built as two separate single family houses that were connected together and turned into a single family house by a previous owner. He said that he has lived there for 20 years and would like to improve the house to make it better to live there. He said that they like the neighborhood. He said that they spoke with the neighbors.

Mr. Ber said that the main house is nonconforming in the front yard. He said that the location of the existing front door does not work well. He said that the wing on the left side that is attached to the main house is lower by two or three steps and the flow is problematic. He said that the plan is to reuse the existing foundation on the left and build additional footprint. He said that the existing left side yard setback is one foot. He displayed photographs taken from the abutting town land showing a topographical drop on the subject property.

Mr. Ber said that the previously approved design entailed demolition of the left wing and construction of a more conforming structure in its place. He said that when they spoke with builders they found that three line items drove the cost of the work out of proportion. He said that the cost of demolition of the wing, excavation for a new foundation and construction of a new foundation was not viable and would be riskier in an environmentally sensitive area of the site.

Mr. Ber discussed the issue of directly abutting town land and precedence for future projects. He said that there are characteristics that are unique to this particular property in this location that would be difficult to match.

Mr. Farahmand said that the plan is to add one level on top of the left side to make it even with the right side with the bedrooms lined up on the second floor. He said that looking at the structure from the front at Walnut Street, it will appear as two stories. Mr. Ber said that the proposed structure will meet height requirements.

A Board member discussed revised comments from the Planning Board. He confirmed that the property will not be expanded further into the setback.

The Chairman said that it is a large house but you do not see the total volume of it from the front and are not overwhelmed by the mass of it. He said that there will be additional volume in the setback area but the existing nonconformities of front yard and side yard depth will be unchanged. He said that the lot is 20 percent larger than required and can withstand the house.

The Board discussed TLAG calculations, noting that special permits are exempt from Large House Review (LHR). The Board said that TLAG will increase from 4,600 to 6,000 square feet, which exceeds the threshold of 3,600 square feet in a 10,000 square foot Single Residence District for LHR.

A Board member said that, architecturally, there were a lot of little things that had to be solved to make the structure become one. He said that the proposed structure will be an improvement to the neighborhood.

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

#### Statement of Facts

The subject property is located at 183 Walnut Street, on a corner lot, in a 10,000 square foot Single Residence District, with a minimum front yard setback to Walnut Street of 8.6 feet and a minimum front yard setback to Prospect Street of 12.8 feet where 30 feet is required, and a minimum side yard setback of 1.1 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 construction of a four level structure with less than required front yard setbacks to Walnut Street and less than required side yard setbacks, on an existing nonconforming structure with less than required front yard setbacks to Walnut and Prospect Streets, and less than required side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

2021 FEB -4 A 10:46  
RECEIVED  
PLANNING DEPARTMENT  
CITY OF SEASIDE, CA 92162

An Existing Condition Plan, dated 7/11/18 and a Proposed Addition Plan, dated 10/28/20, stamped by Bruce Bradford, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 11/3/20, revised 1/15/21, prepared by Neh Koo Dah, and photographs were submitted.

On December 14 2020, the Planning Board reviewed the petition and recommended that a special permit be denied. On January 20, 2020, the Planning Board submitted a revised recommendation to approve a special permit.

### Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing.

It is the opinion of this Authority that construction of a four level structure with less than required front yard setbacks to Walnut Street and less than required side yard setbacks, on an existing nonconforming structure with less than required front yard setbacks to Walnut and Prospect Streets, and less than required side yard setbacks 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 construction of a four level structure with less than required front yard setbacks to Walnut Street and less than required side yard setbacks, on an existing nonconforming structure with less than required front yard setbacks to Walnut and Prospect Streets, and less than required 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.

RECEIVED  
TOWN OF FARMINGTON  
BUILDING DEPARTMENT  
2021 FEB -4 A 10:46

ZBA 2020-75  
Petition of Fardad Farahmand  
183 Walnut Street

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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 (h.m.)  
J. Randolph Becker, Chairman

Robert W. Levy (h.m.)  
Robert W. Levy

David G. Sheffield (h.m.)  
David G. Sheffield

ZBA            2020-75  
Applicant    Fardad Farahmand  
Address      183 Walnut Street

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

RECORDED  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02462  
2021 FEB -4 A 10:46

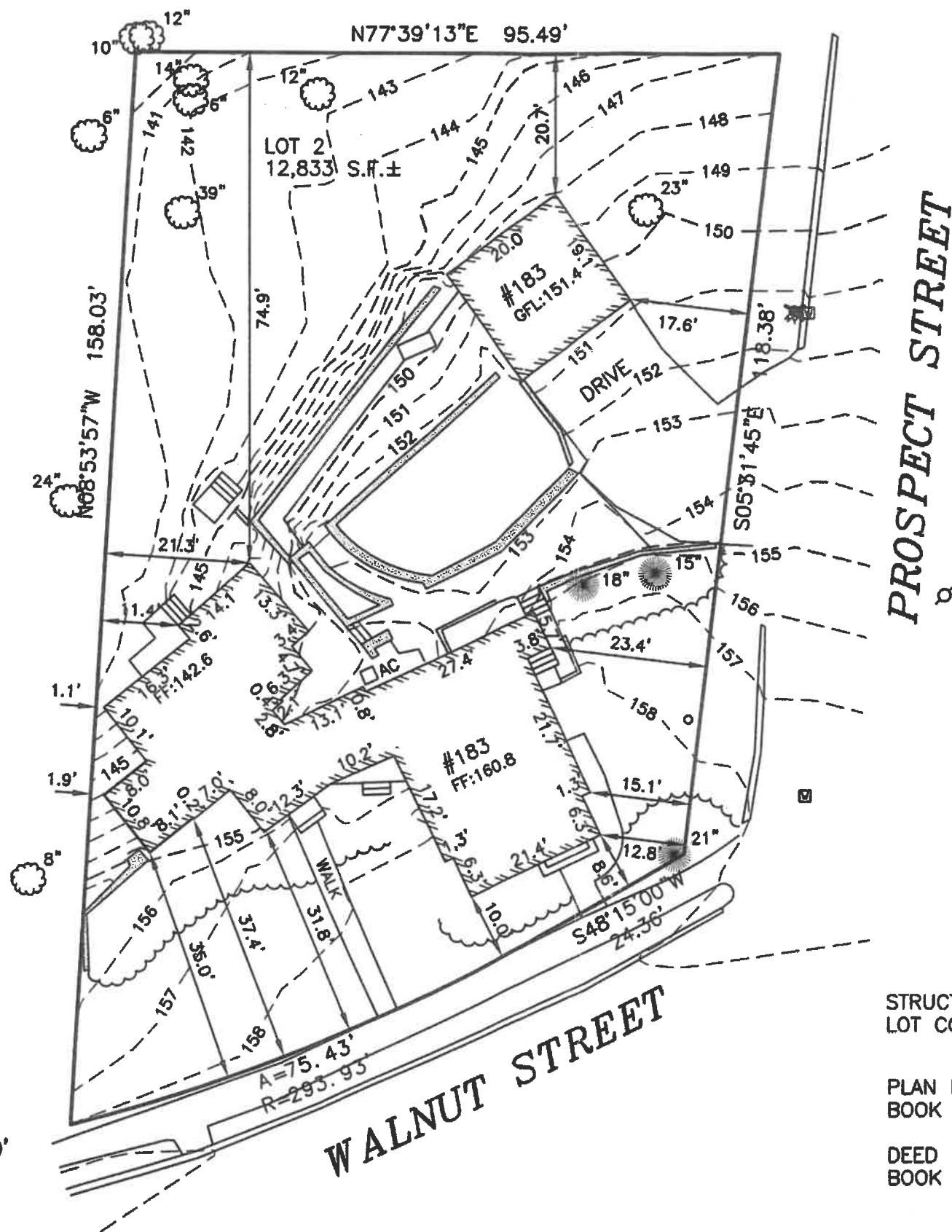
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Date:

Attest:

\_\_\_\_\_  
Cathryn Jane Kato  
Town Clerk

cc: Planning Board  
Inspector of Buildings  
lrm



STRUCTURES 2160 S.F.  
 LOT COVERAGE 16.8%

PLAN REFERENCE:  
 BOOK 10781 PAGE 153

DEED REFERENCE:  
 BOOK 20005 PAGE 520

ESTABLISHED 1916



**EVERETT M. BROOKS CO.**  
 SURVEYORS & ENGINEERS  
 49 LEXINGTON STREET  
 WEST NEWTON, MA 02465

(617) 527-8750  
 info@everettbrooks.com



**PLAN OF LAND IN  
 WELLESLEY, MA**  
 183 WALNUT STREET  
 EXISTING CONDITION

SCALE: 1 IN. = 20 FT.
DATE: JULY 11, 2018
DRAWN: GAR
CHECK: BB
REVISIONS:

PROJECT NO. 25594

ESTABLISHED 1916



EVERETT M. BROOKS CO.  
SURVEYORS & ENGINEERS  
49 LEXINGTON STREET  
WEST NEWTON, MA 02465

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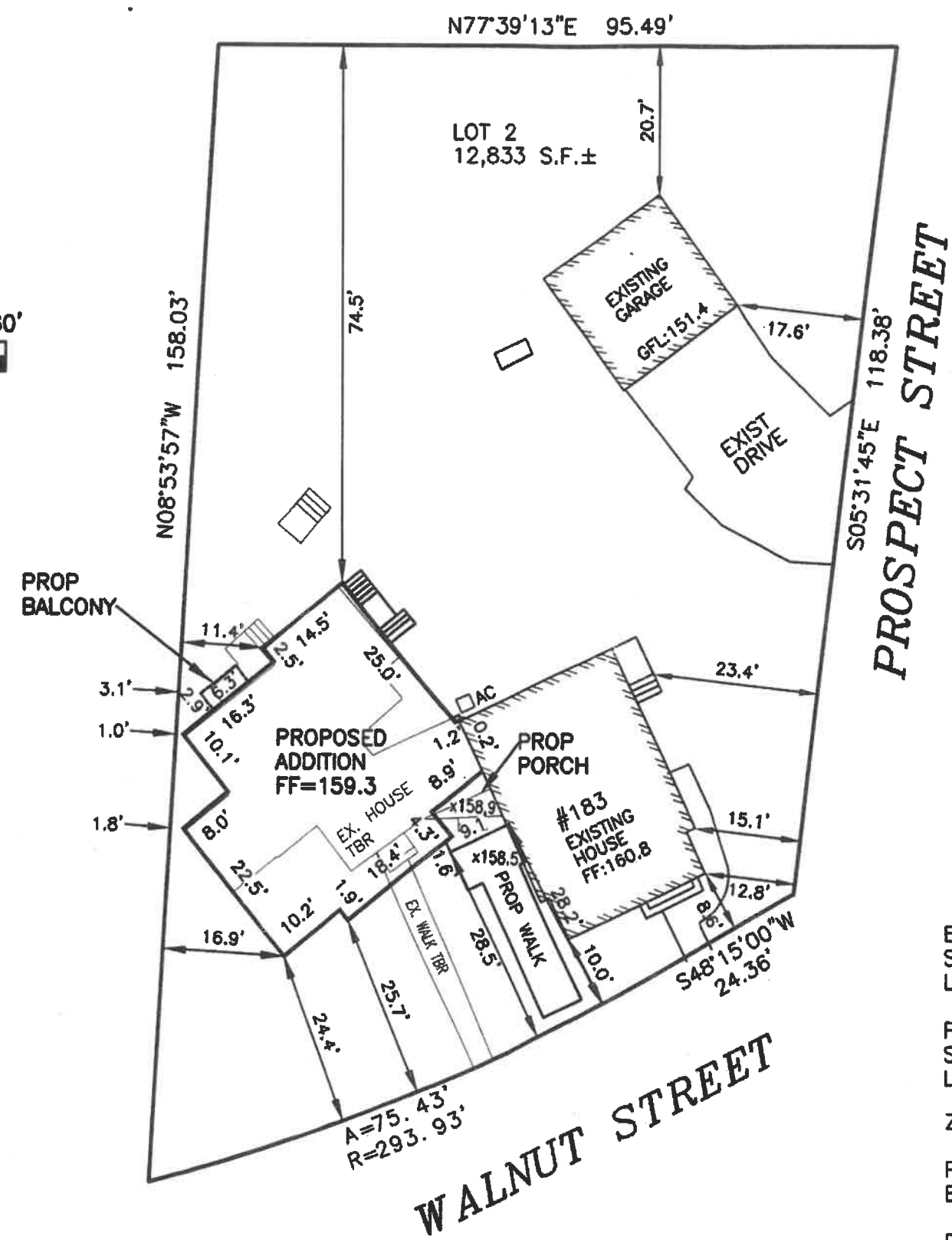
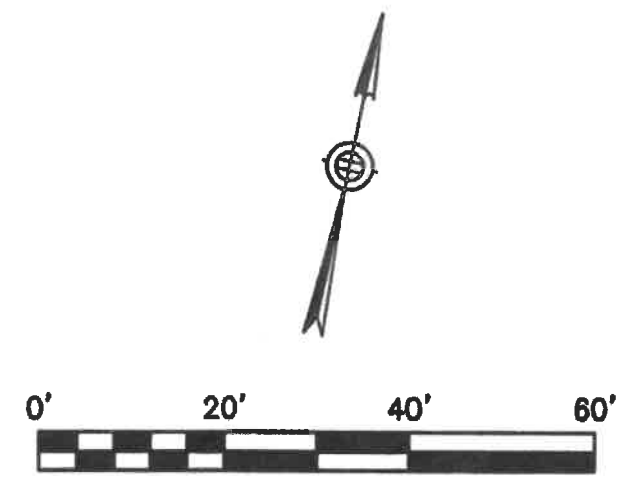


### PLAN OF LAND IN WELLESLEY, MA

183 WALNUT STREET  
PROPOSED ADDITION

SCALE: 1 IN.= 20 FT.
DATE: OCTOBER 28, 2020
DRAWN: GAR
CHECK: BB
REVISIONS:

PROJECT NO. 25594



EXISTING  
STRUCTURES 2,160 S.F.  
LOT COVERAGE 16.8%

PROPOSED  
STRUCTURES 2,486 S.F.  
LOT COVERAGE 19.4%

ZONING DISTRICT SR-10

PLAN REFERENCE:  
BOOK 10781 PAGE 153

DEED REFERENCE:  
BOOK 20005 PAGE 520