

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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

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ZBA 2021-14

Petition of Matthew & Lori Kane  
14 Old Town Road

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Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, March 4, 2021 at 7:30 pm, on the petition of Matthew & Lori Kane requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that construction of a second story addition over an existing nonconforming garage with less than required left side yard setbacks, on an existing nonconforming structure with less than required left and right side yard setbacks, on an 18,010 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, at 14 Old Town Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On January 7, 2021, 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 Matthew and Lori Kane, the Petitioner. Mr. Kane said that the request is to alter the ceiling height of the room above the garage to use the space differently. He said that there will be no change to the square footage of the house. He said that the existing house is a traditional colonial with space above the garage. He said that the area above the garage will be raised to the same height as the bump out on the right. He said that they spoke with the neighbors and the abutters have given their approval.

The Chairman said that existing nonconformities are lot area and side yard widths on both sides, none of which will be increased by the proposed work.

A Board member said that there are large evergreen trees on the property line where the second story will be raised. He said that the screening will mitigate a hardship for the neighbor.

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

### Statement of Facts

The subject property is located at 14 Old Town Road, on an 18,010 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, with a minimum left side yard setback of 10.2 feet and a minimum right side yard setback of 10.9 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 second story addition over an existing nonconforming garage with less than required left side yard setbacks, on an existing nonconforming structure with less

than required left and right side yard setbacks, on an 18,010 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 1/3/20, stamped by Frank Iebba, Professional Land Surveyor, Floor Plans and Elevation Drawings dated 1/1/21, prepared by CHE, and photographs were submitted.

On March 3, 2021, the Planning Board reviewed the petition and recommended that a special permit be approved.

On February 11, 2021, Jason Tobin, Civil Engineer, Town of Wellesley, reviewed the petition and submitted comments.

### 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 second story addition over an existing nonconforming garage with less than required left side yard setbacks, on an existing nonconforming structure with less than required left and right side yard setbacks, on an 18,010 square foot lot in a Single Residence District in which the minimum lot size is 20,000 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 construction of a second story addition over an existing nonconforming garage with less than required left side yard setbacks, on an existing nonconforming structure with less than required left and right side yard setbacks, on an 18,010 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, 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.

2021 MAR 18 A 11:24  
RECEIVED  
BUILDING DEPARTMENT  
WELLESLEY, MA 02453

ZBA 2021-14  
Petition of Matthew & Lori Kane  
14 Old Town Road

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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 (A.M.)  
J. Randolph Becker, Chairman

Richard L. Seegel (A.M.)  
Richard L. Seegel

Walter B. Adams (A.M.)  
Walter B. Adams

ZBA            2021-14  
Applicant    Matthew & Lori Kane  
Address      14 Old Town Road

2021 MAR 18 A 11:24  
TOWN CLERK  
OFFICE  
WELLESLEY MA 02158

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

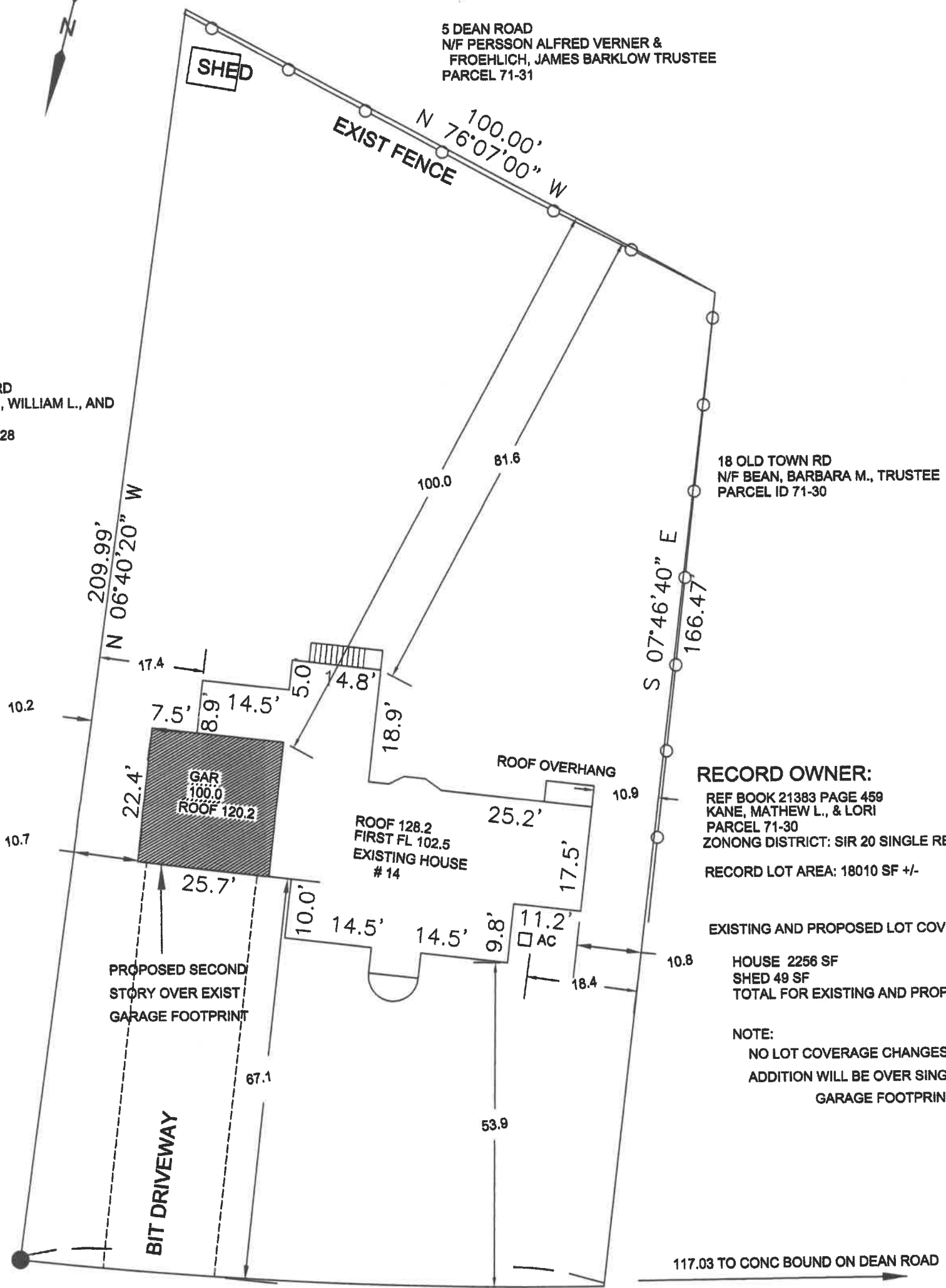
cc: Planning Board  
Inspector of Buildings  
lrm



5 DEAN ROAD  
 N/F PERSSON ALFRED VERNER &  
 FROELICH, JAMES BARKLOW TRUSTEE  
 PARCEL 71-31

8 OLD TOWN RD  
 N/F MCHAHON, WILLIAM L., AND  
 BARBARA H  
 PARCEL ID 71-28

18 OLD TOWN RD  
 N/F BEAN, BARBARA M., TRUSTEE  
 PARCEL ID 71-30



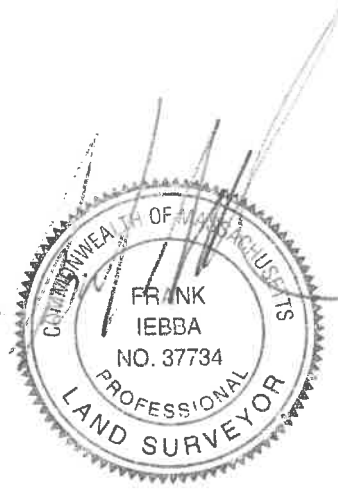
**RECORD OWNER:**  
 REF BOOK 21383 PAGE 459  
 KANE, MATHEW L., & LORI  
 PARCEL 71-30  
 ZONING DISTRICT: SIR 20 SINGLE RESIDENCE DISTRICT  
 RECORD LOT AREA: 18010 SF +/-

EXISTING AND PROPOSED LOT COVER 12.8 %  
 HOUSE 2256 SF  
 SHED 49 SF  
 TOTAL FOR EXISTING AND PROPOSED 2305 SF

**NOTE:**  
 NO LOT COVERAGE CHANGES  
 ADDITION WILL BE OVER SINGLE STORY  
 GARAGE FOOTPRINT

OLD TOWN ROAD  
 A97.27'  
 R813.64'  
 D3°25'29"

117.03 TO CONC BOUND ON DEAN ROAD



PROPOSED ADDITION  
 14 OLD TOWN ROAD  
 WELLESLEY, MA.  
 SCALE: 1 IN = 20 FT  
 JAN 3, 2020

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