



## ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

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2021 JUN 17 P 1:22

RECEIVED  
TOWN OF WELLESLEY  
PLANNING BOARD

ZBA 2021-47  
Petition of James & Oriana Montani  
28 Wall Street

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, June 3, 2021 at 7:30 pm, on the petition of James & Oriana Montani 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 garage structure with less than required side yard setbacks, at 28 Wall Street, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On April 6, 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 was Robert Williamson, Architect, representing James and Oriana Montani, the Petitioner. Mr. Williamson said that the request is for relief for a second story addition over an existing two car garage. He said that the existing nonconformity is a side yard setback for the garage doors with less than 30 feet to the side yard property line. He said that all other Zoning dimensions will comply. He said that the project will not increase the footprint. He said that the addition will be a bedroom suite over the existing structure.

A Board member said that the house was built before the bylaw change for side facing garages was adopted.

A Board member asked about moving the garage to meet the 30 foot side yard setback requirement. Mr. Williamson said that it would be a substantial financial burden to remove the existing foundation and lower walls and would reduce the small rear yard in the corner where the garage and the kitchen frame the lawn. He said that the location of the door in the back corner works well for parking. He said that if the whole addition moves over, the steps are more likely to be in conflict with a parked car in the first bay.

Mr. Williamson confirmed that the shed is existing, close to the house but not attached to it.

A Board member said that he agreed with the Planning Board recommendation regarding the addition of windows on the rear wall.

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

Statement of Facts

The subject property is located at 28 Wall Street, in a 10,000 square foot Single Residence District, with a minimum left side yard setback of 24.7 feet where 30 feet is required for a side facing garage.

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 garage structure with less than required side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 2/5/21, stamped by Christopher C. Charlton, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 4/1/21, prepared by Robert H. Williamson, Architect, and photographs were submitted.

On May 17, 2021, Jason Tobin, Civil Engineer, Town of Wellesley, reviewed the petition and submitted comments.

On June 2, 2021, the Planning Board reviewed the petition and recommended that a special permit be approved, subject to a condition.

### 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 garage structure with less than required 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 construction of a second story addition over an existing garage structure with 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.

2021 JUN 17 P 1:22  
TOWN OF WELLESLEY  
INSPECTOR OF BUILDINGS  
OFFICE OF THE TOWN ENGINEER

ZBA 2021-47  
Petition of James & Oriana Montani  
28 Wall 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 (Chm.)  
J. Randolph Becker, Chairman

David G. Sheffield (Chm.)  
David G. Sheffield

Walter B. Adams (Chm.)  
Walter B. Adams

2021 JUN 17 P 1:23  
RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02451

ZBA . 2021-47  
Applicant James & Oriana Montani  
Address 28 Wall Street

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

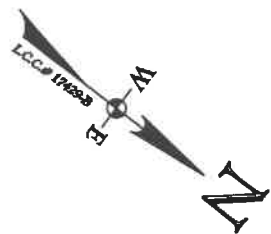
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed,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

Date:

Attest:

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

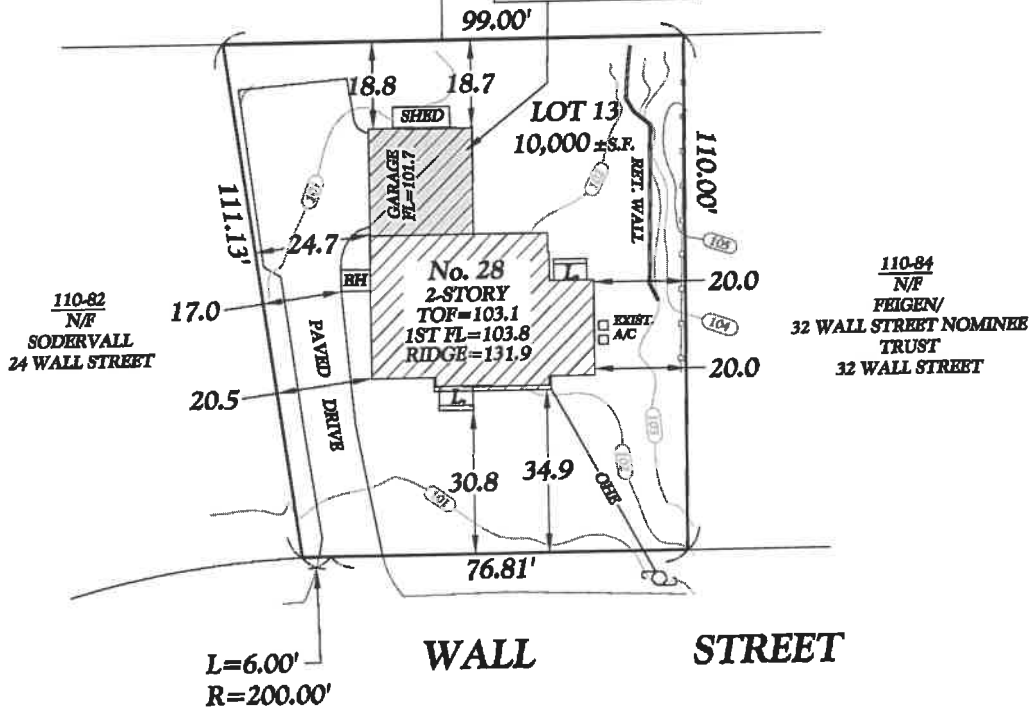
cc: Planning Board  
Inspector of Buildings  
lrm



110-79  
N/F  
BAE  
45 KINGSBURY STREET

110-78  
N/F  
OGINO  
51 KINGSBURY STREET

PROPOSED 2ND-STY  
ADDITION OVER  
EXISTING GARAGE  
FOOTPRINT



PRE-EXISTING LOT COVERAGE = 19.8% (1,975 S.F.)  
PROPOSED LOT COVERAGE = 19.8% (1,975 S.F.)

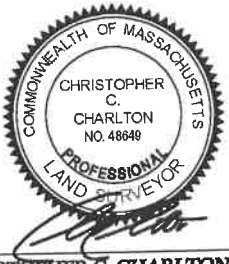
PREPARED FOR:  
JAMES L. & ORLANA R.  
MONTANI  
28 WALL STREET  
WELLESLEY, MA 02481  
REFERENCES:  
DEED: CERT. #199408  
PLAN: No. 17429B

ZONING DISTRICT: SR10

**CERTIFIED PLOT PLAN**

LOCATED AT  
**28 WALL STREET**  
ASSESSORS PARCEL # 110-83  
**WELLESLEY, MA**  
NORFOLK COUNTY  
CONTINENTAL LAND SURVEY, LLC  
105 BEAVER STREET, FRANKLIN, MA  
(508) 528 - 2528  
SCALE: 1"=30' FEBRUARY 5, 2021

I CERTIFY THAT THIS  
PLAN WAS CREATED BY  
AN INSTRUMENT  
SURVEY ON THE  
GROUND AND THAT ALL  
STRUCTURES ARE  
LOCATED AS SHOWN  
HEREON.



CHRISTOPHER C. CHARLTON, PLS

