

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

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ZBA 2021-71  
Petition of Ben Smith  
23 Wellesley Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 2, 2021 at 7:30 pm, on the petition of Ben Smith requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that demolition of existing decks and construction of a one story addition that will meet setback requirements and construction of a deck with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard and right side yard setbacks, at 23 Wellesley Avenue, on an 8,815 square foot lot in a General Residence District in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 26, 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 on behalf of the petition were Ben Smith, the Petitioner, and Michael Hally, Architect.

Mr. Smith said that he has lived in Wellesley for four years with his wife and two children. He said that they love their old home and are looking to expand the outside living space by replacing two existing small decks with a mudroom and one larger deck.

Mr. Hally said that it is a small lot in a General Residence District. He said that the front and the right side are nonconforming. He said that house was built in the 1920's. He said that there is a bump out on the first floor that goes toward the right side lot line where the nonconformity is. He said that it is a single story addition that was probably a screened porch that was enclosed. He said that there is an existing deck off of the addition. He said on the other side there is another deck with stairs that go down to the back yard, the driveway and the detached garage. He said that the proposal is to remove both decks and the stairs and in place build a mudroom, connected to a deck that extends to the other side of the house. He said that this will give the homeowner outdoor living space that is just one step down from the living space. He said that the stairs will lead to the back yard and the driveway. He said that the new deck will

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be flush with the one story bump out, 6.7 feet away and a little further away from the lot line than the existing front corner.

A Board member said that the proposed addition is the only new impervious surface. Mr. Hally said that the mudroom will be 160 square feet and will be the only new roof added, assuming that water will fall through the decking.

A Board member said that there seems to be significant screening on the side where deck will be exposed and the mudroom addition will somewhat screen the deck from the neighbor on the other side.

Mr. Hally said that the Smiths spoke with the neighbors. He submitted a letter of support that was signed by six neighbors.

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

#### Statement of Facts

The subject property is located at 23 Wellesley Avenue, on an 8,815 square foot lot in a General Residence District in which the minimum lot size is 10,000 square feet, with a minimum front yard setback of 24.8 feet where 30 feet is required, and a minimum right side yard setback of 6.6 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 demolition of existing decks and construction of a one story addition that will meet setback requirements and construction of a deck with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard and right side yard setbacks, on an 8,815 square foot lot in a General Residence District in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Existing Conditions Plot Plan and Proposed Additions Plot Plan, dated 3/12/21, stamped by Bruce Bradford, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 1/27/21 & 7/13/21, prepared by Michael Hally Design, Inc., and photographs were submitted.

On August 25, 2021, 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.

It is the opinion of this Authority that demolition of existing decks and construction of a one story addition that will meet setback requirements and construction of a deck with less than required right side yard setbacks will result in the intensification of existing nonconformities, will not result in additional

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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 existing decks and construction of a one story addition that will meet setback requirements and construction of a deck with less than required right side yard setbacks, in accordance with the submitted plot plan and construction drawings.

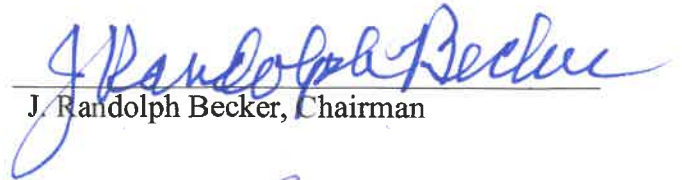
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed constructions plans.

If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

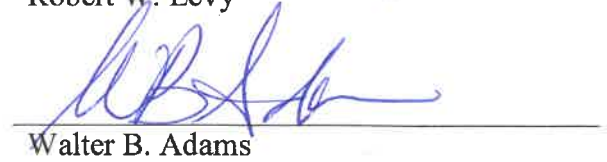
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APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.

  
J. Randolph Becker, Chairman

  
Robert W. Levy

  
Walter B. Adams

ZBA            2021-71  
Applicant    Ben Smith  
Address      23 Wellesley Avenue

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NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

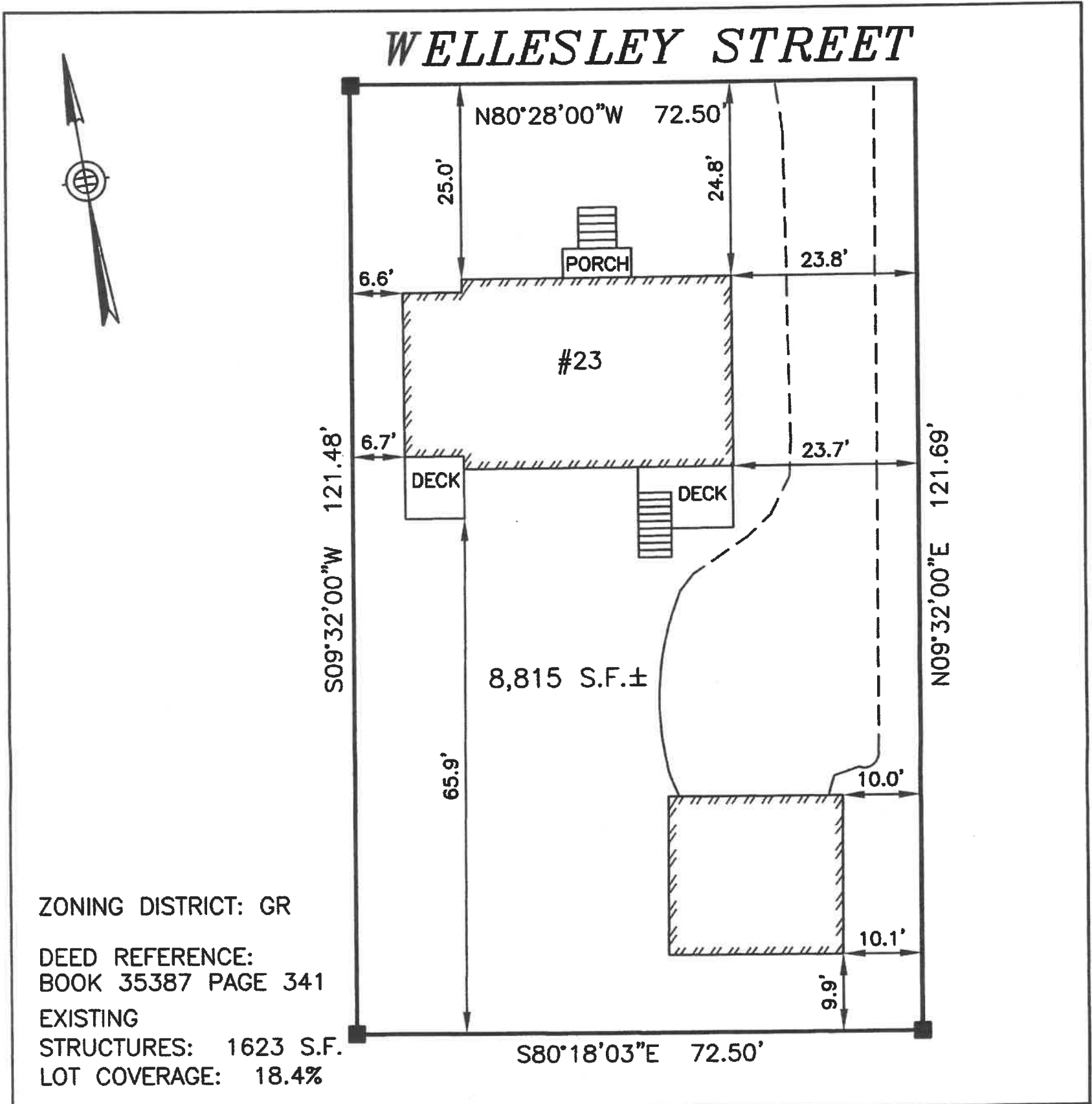
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed,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

Date:

Attest:

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

cc: Planning Board  
Inspector of Buildings  
lrm



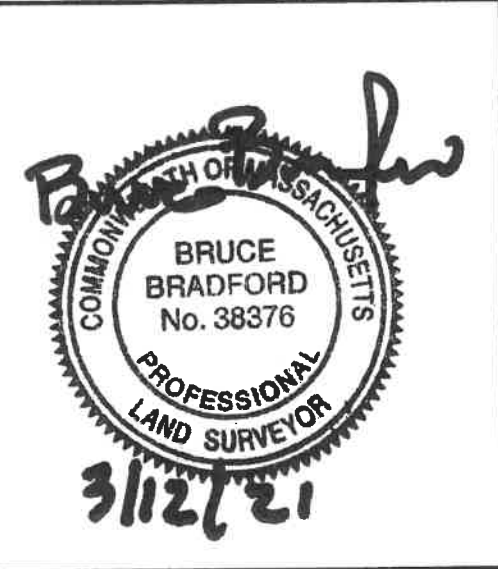
ESTABLISHED 1916

**EMB**

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**

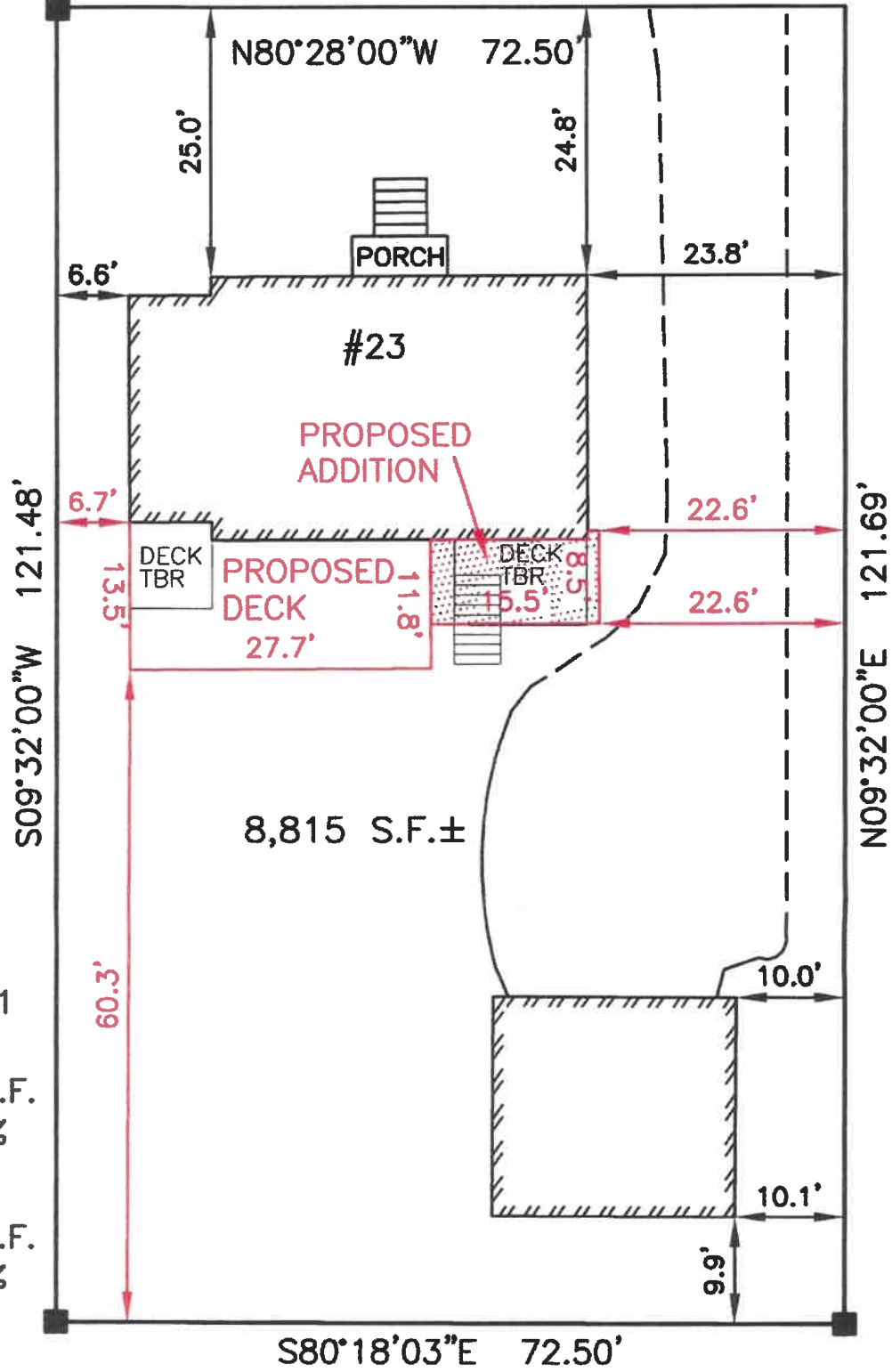
23 WELLESLEY AVENUE  
 EXISTING CONDITIONS

SCALE: 1 IN. = 20 FT.  
 DATE: MARCH 12, 2021  
 DRAWN: SM  
 CHECK: BB

PROJECT NO. 26285



# WELLESLEY STREET



ZONING DISTRICT: GR

DEED REFERENCE:  
BOOK 35387 PAGE 341

EXISTING  
STRUCTURES: 1623 S.F.  
LOT COVERAGE: 18.4%

PROPOSED  
STRUCTURES: 1947 S.F.  
LOT COVERAGE: 22.1%

8,815 S.F.±

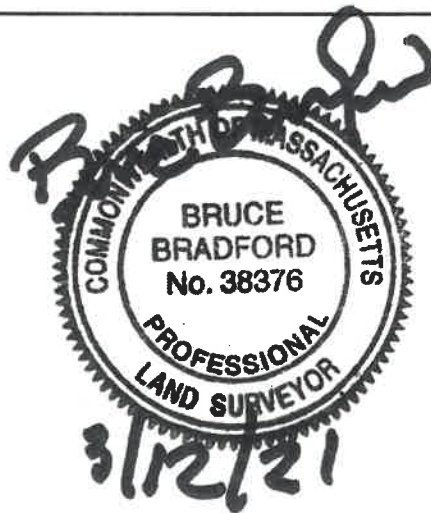
ESTABLISHED 1916

# EMB

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## PLAN OF LAND IN WELLESLEY, MA

23 WELLESLEY AVENUE  
PROPOSED ADDITIONS

SCALE: 1 IN. = 20 FT.

DATE: MARCH 12, 2021

DRAWN: SM

CHECK: BB

PROJECT NO. 26285