

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

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(781) 431-1019 EXT. 2208

WALTER B. ADAMS  
DEREK B. REDGATE  
RICHARD L. SEEGEL

ZBA 2021-66  
Petition of Peter & Paige Fisher  
29 Avon Road

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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 Peter & Paige Fisher requesting a Special Permit/Finding pursuant to the provisions of Section 14E, Section 17 and Section 25 of the Zoning Bylaw that alterations to the second floor and roof lines on an existing nonconforming structure with less than required front, left side and right side yard setbacks, with less than required frontage, on a 7,985 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, at 29 Avon Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 15, 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 Peter and Paige Fisher, the Petitioner, Richard Curl, Architect, and Michael Lynch, Builder.

Mr. Curl said that the request is for a special permit/finding for a pre-existing nonconforming house with less than required front and side yard setbacks. He said that the proposal is for alteration of the second floor toward the rear that will not increase the footprint but will raise the ridge line slightly higher. He said that the goal was to keep the roof line low while increasing livable space and head height in the upstairs rooms. He said that they attempted to keep the character of the house.

The Chairman said that lot size and frontage are also nonconforming.

Mr. Curl said that the footprint will be reduced by removing a side staircase. He said that the proposed side yard setback of 12.5 feet is to an at grade stone step.

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

2021 SEP 16 P 1:23

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TOWN OF WELLESLEY  
PLANNING & ZONING BOARD

Statement of Facts

The subject property is located at 29 Avon Road, on a 7,985 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, with minimum frontage of 58 feet where 60 feet is required, a minimum left side yard setback of 17.6 feet and a minimum right side yard setback of 15 feet where 20 feet is required, and a minimum front yard setback of 18.3 feet where 30 feet is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 14E, Section 17 and Section 25 of the Zoning Bylaw that alterations to the second floor and roof lines on an existing nonconforming structure with less than required front yard, left side and right side yard setbacks, with less than required frontage, on a 7,985 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 7/8/21, stamped by John R. Hamel, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 7/6/21, prepared by Curl Simitis Architecture + Design, 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.

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 14E of the Zoning Bylaw for Water Supply Protection Districts.

It is the opinion of this Authority that alterations to the second floor and roof lines on an existing nonconforming structure 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 alterations to the second floor and roof lines on an existing nonconforming structure, in accordance with the submitted plot plan and construction drawings.

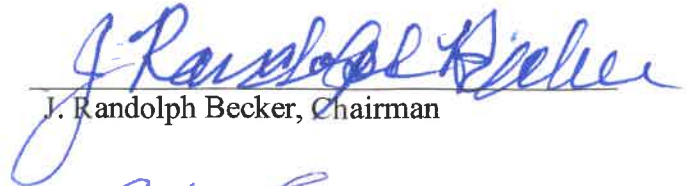
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed constructions plans.

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

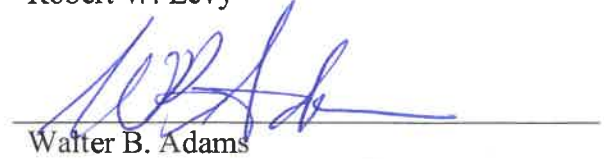
2021 SEP 16 P 1:53  
PLANNING BOARD  
CITY OF WASHINGTON  
PLANNING DEPARTMENT  
1100 17TH ST NW  
WASHINGTON DC 20036

ZBA 2021-66  
Petition of Peter & Paige Fisher  
29 Avon Road

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

2021 SEP 16 P 1:23  
TOWN CLERK  
OFFICE

ZBA            2021-66  
Applicant    Peter & Paige Fisher  
Address      29 Avon Road

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

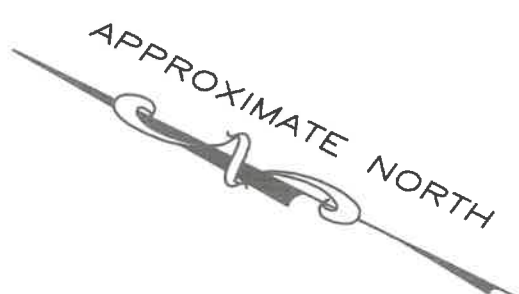
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed,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

Date:

Attest:

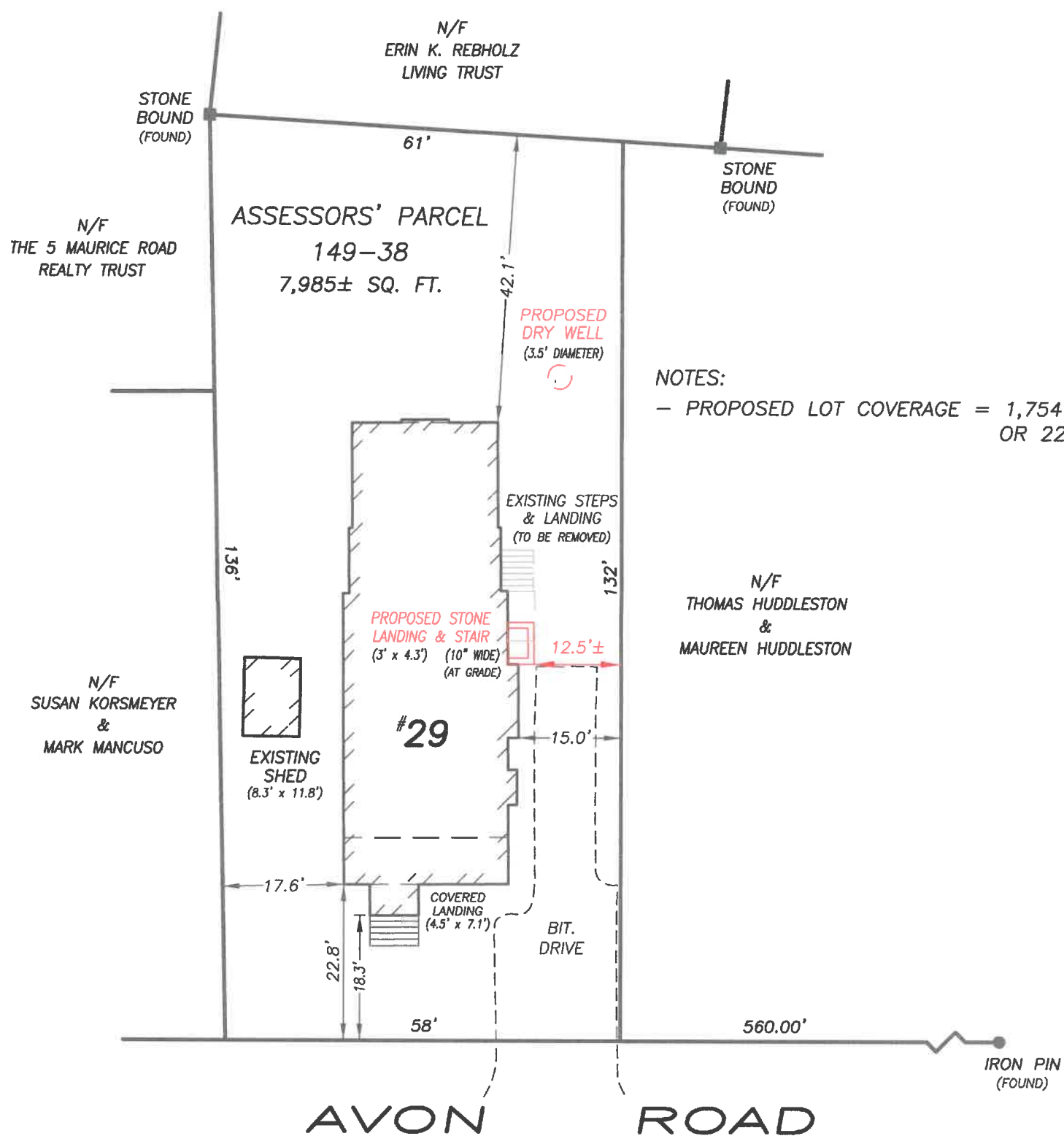
\_\_\_\_\_  
Cathryn Jane Kato  
Town Clerk

cc: Planning Board  
Inspector of Buildings  
lrm



PLAN TO ACCOMPANY ZBA APPLICATION  
 29 AVON ROAD  
**WELLESLEY, MASSACHUSETTS**  
 1 INCH = 20 FEET JULY 8, 2021  
 SNELLING & HAMEL ASSOCIATES, INC.  
 PROFESSIONAL LAND SURVEYORS & ENGINEERS  
 10 LEWIS STREET P.O. BOX 102  
 LINCOLN, MASSACHUSETTS 01773  
 (781) 259-0071

OWNERS OF RECORD:  
 PETER C. FISHER  
 &  
 PAIGE F. FISHER  
 BK.28568 PG.402

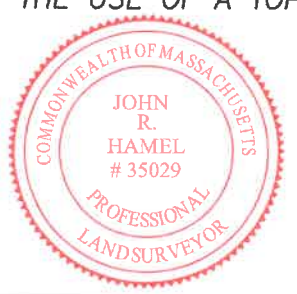


NOTES:  
 - PROPOSED LOT COVERAGE = 1,754 SF  
 OR 22.0%

- REFERENCES:
- PLAN NUMBER 286 OF 1930
  - PLAN NUMBER 455 OF 1934
  - PLAN NUMBER 32 OF 1926
  - ZONING BOARD OF APPEALS DECISION  
 RECORDED IN BOOK 19415 ON PAGE 274

I HEREBY STATE THAT THE LOCATION OF THE FEATURES SHOWN  
 HEREON IS THE RESULT OF A FIELD SURVEY PERFORMED AS OF  
 MARCH 3, 2021, WITH THE USE OF A TOPCON TOTAL STATION.

*John R. Hamel*  
 JOHN R. HAMEL  
 PROFESSIONAL  
 LAND SURVEYOR



JULY 8, 2021  
 DATE: