

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

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ZBA 2021-80
Petition of Thomas Taylor
49 Wall Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 7, 2021 at 7:30 pm, in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Thomas Taylor requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that construction of one and two-story additions with less than required left side yard setbacks, on an existing nonconforming structure with less than required front yard and left side yard setbacks, at 49 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 August 25, 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 in behalf of the petition were Thomas Taylor, the Petitioner, and Michael Hally, Architect.

Mr. Taylor said that the objective is to configure the house that he and his wife have lived at for 25 years to allow them to retire in place, without knocking it down. He disclosed that he is a member of the Wellesley Planning Board but did not participate in the deliberations for their recommendation to the Zoning Board.

Mr. Hally said that the plan is to make the house more workable, easy to get into, with the ability to enjoy the lowest level and a bedroom upstairs that is more in line with a modern lifestyle. He described the project to remove the existing one car garage and covered portico to the mudroom, move a new one car garage forward, build a mudroom behind it and a small family area addition at the back, construction of a by right front portico, and construction of a second story addition over the new garage and mudroom that will be dormered on the front and the back to retain the appearance of the existing house. He said that a new side entrance that is not shown on the plans will be less than 25 square feet.

Mr. Taylor said that the overhang to the second floor is nonconforming for the front yard setback. A Board member said that the existing nonconforming left side yard setback is 19.8 feet and the proposed left side yard setback will be 19.2 feet. Mr. Hally said that the existing garage is too narrow. He said the

standard size is 11 feet 8 inches. He said that picking up seven plus inches will get it to 11 feet 6 inches, wood to wood, which is enough to give them more room on the driver's side and storage space.

Mr. Taylor discussed relocation of the existing air conditioning unit to the back, not located in the setback area.

The Chairman said that State Case Law, *Bellalta v Brookline*, addresses exacerbating an existing nonconformity under a special permit. He read two letters of support from neighbors.

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

Statement of Facts

The subject property is located at 49 Wall Street, in a 10,000 square foot Single Residence District, with a minimum front yard setback of 29.3 feet where 30 feet is required, and a minimum left side yard setback of 19.8 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 one and two-story additions with less than required left side yard setbacks, on an existing nonconforming structure with less than required front yard and left side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Project Narrative, a Plot Plan, dated 6/29/21, revised 8/23/21, stamped by Dennis B. O'Brien, Professional Land Surveyor, Existing Floor Plans & Elevation Drawings, dated 8/19/21, Proposed Floor Plans, dated 8/19/21 and Proposed Elevations, dated 8/23/21, prepared by Michael Hally Design, Inc., TLAG Affidavit, and photographs were submitted.

On October 5, 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 construction of one and two-story additions with less than required left side yard setbacks, on an existing nonconforming structure with less than required front yard and left side yard setbacks will result in the intensification of an existing nonconformity, 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 one and two-story additions with less than required left side yard setbacks, on an existing nonconforming structure with less than required front yard and left 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.

Robert W. Levy, Acting Chairman

Walter B. Adams

Derek B. Redgate

ZBA 2021-80
Applicant Thomas Taylor
Address 49 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