

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

J. RANDOLPH BECKER, CHAIRMAN
ROBERT W. LEVY, VICE CHAIRMAN
DAVID G. SHEFFIELD

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EXECUTIVE SECRETARY
TELEPHONE
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WALTER B. ADAMS
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RICHARD L. SHEPPEL

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MASS.
2022 FEB 17
39

ZBA 2022-13

Petition of Yu Jiang & Misi Huang
30 Comeau Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 3, 2022 at 7:30 pm, in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Yu Jiang & Misi Huang requesting a Variance pursuant to the provisions of Section 14E, Section 19 and Section 24 of the Zoning Bylaw for enclosure of a porch with less than required front yard setbacks, and construction of a two story addition and landing with stairs with less than required side yard setbacks, on an existing nonconforming structure with less than required front yard setbacks, at 30 Comeau Street, on a 9,225 square foot corner lot in a Single Residence District in which the minimum lot size is 15,000 square feet and a Water Supply Protection District.

On January 4, 2022, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Mr. Himmelberger said that the request is for a variance to construct an addition to a pre-existing nonconforming dwelling. He said that it is an unusually shaped lot in that it is almost a triangle that is situated between Comeau Street, Wellesley Avenue and the town's aqueduct. He said that the house is on a 9,225 square foot lot in an SR 15 District, with a left side yard setback of 20 feet that abuts the Sudbury Aqueduct and two front setbacks at 26.3 feet and 29.6 feet. He said that the proposed addition on the left side of the house will add 177 square feet into the left side yard setback, with a resulting setback of 10.3 feet from the Sudbury Aqueduct. He said that the home will retain its existing building height of 32.5 feet, TLAG will increase from 2,974 square feet to 3,519 square feet, and lot coverage will increase from 945 square feet, or 10.2 percent, to 1,173 square feet, or 12.7 percent. He said that the variance is requested due to the unusual triangular shape of the lot that has two front setbacks. He said that, according to the town's GIS Mapping, the Sudbury Aqueduct is approximately 92 feet wide with a walking path down the middle. He said that the nearest point from the path to the Petitioner's property line is 47 feet, and if permitted to build out an additional ten feet will result in a setback from the town trail of approximately 57 feet. He said that they believe that the requested relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw.

Mr. Himmelberger said that the Planning Board had a critical comment about the original location of exterior stairs that further extend into the setback. He said that based on that comment, the stairs were flipped 90 degrees to the rear where they would not be substantially in the setback. He said that he submitted the alternate plans. He said that he did not submit a new plot plan because the 10.3 foot dimension was measured to the corner of the house, not the stairs. He said that the stairs will now not be within 10 feet of public land.

The Chairman said that is it an odd shaped lot but questioned if the shape of the lot causes the problem. He said that the rear of the lot is symmetrical. Mr. Himmelberger said that if it was a four sided lot, it could accommodate the structure.

The Chairman said that the Board will need to see a revised plot plan showing the relocated staircase running from the left rear of the structure when facing from Comeau Street running toward Hunnewell Street at the rear of the home, not within 10 feet of the aqueduct property. He said that the reference to the setback from town property is found in Article 19 C of the Zoning Bylaw. Mr. Himmelberger questioned whether stairs would be considered to be a structure. He said that the Building Inspector typically defines a structure as something that is designed to provide protection or cover for humans or property. A Board member said that a structure does not have to have a roof. Mr. Himmelberger said that the Petitioner is willing to accept a condition that no portion of the stairs will be closer than 10 feet to aqueduct property.

The Chairman asked if there is a fence between the lot and the aqueduct. Mr. Himmelberger said that there is no fence but the aqueduct is elevated.

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

Statement of Facts

2022 FEB 17 PM 1:39
JUDGE RYAN'S OFFICE
WELLESLEY MA 02482

The subject property is located at 30 Comeau Street, on a 9,225 square foot corner lot in a Single Residence District in which the minimum lot size is 15,000 square feet and a Water Supply Protection District, with minimum front yard setbacks of 26.3 feet and 29.6 feet where 30 feet is required.

The Petitioner is requesting a Variance pursuant to the provisions of Section 14E, Section 19 and Section 24 of the Zoning Bylaw for enclosure of a porch with less than required front yard setbacks, and construction of a two story addition and landing with stairs with less than required side yard setbacks, on an existing nonconforming structure with less than required front yard setbacks, on a 9,225 square foot corner lot in a Single Residence District in which the minimum lot size is 15,000 square feet and a Water Supply Protection District.

Letter to Zoning Board of Appeals, dated 12/27/21, from David J. Himmelberger, Esq., a Plot Plan, dated 9/23/21, Proposed Plot Plan, dated 12/10/21, and Topographic Plan, dated 10/20/21, stamped by Terrence M. Ryan, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 12/01/21, prepared by WYD LLC, TLAG Affidavit, and photographs were submitted.

On February 2, 2022, the Planning Board Staff recommended that a Variance be denied.

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 literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner owing to circumstances relating to the shape of such land, which does not generally affect the zoning district in which it is located, the hardship has not been self-created, and desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested Variance from the terms of Section 19 and pursuant to the provisions of Section 24-D of the Zoning Bylaw is granted to allow for enclosure of a porch with less than required front yard setbacks, and construction of a two story addition and landing with stairs with less than required side yard setbacks, on an existing nonconforming structure with less than required front yard setbacks, subject to the following conditions:

1. The stairs shall be located at the rear of the house when viewed from Comeau Street, parallel to the east side of house.
2. No portion of the stair structure shall be located within 10 feet of the property line at the Sudbury Aqueduct.
3. A new plot plan shall be submitted showing the revised location of the stairs.
4. Elevation drawings showing the revised location of the stairs shall be submitted.

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

If installation has not commenced, except for good cause, this Variance shall expire one year after the date time stamped on this decision.

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Petition of Yu Jiang & Misi Huang
30 Comeau Street

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.

RWL

Robert W. Levy, Acting Chairman

WBA

Walter B. Adams

DBR

Derek B. Redgate

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WELLESLEY MA 02482
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ZBA 2022-13
Applicant Yu Jiang & Misi Huang
Address 30 Comeau 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

PLOT PLAN
30 COMEAU STREET
WELLESLEY, MASS.

DATE: SEPTEMBER 23, 2021 SCALE: 1" = 20'

PREPARED FOR:

YU JIANG & MISI HUANG
30 COMEAU STREET
WELLESLEY, MASS. 02481

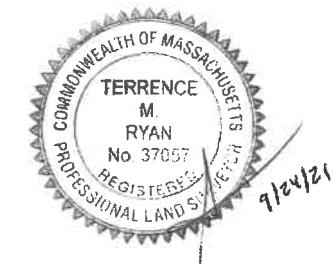
ENGINEERS & SURVEYORS:

APPLEWOOD SURVEY CO. LLC
21 GREEN STREET
HOLLISTON, MASS. 01746
TERRENCE M. RYAN R.L.S. 37057

ZONED: SINGLE RES.
AREA: 15,000 SF
FRONTAGE: 60 FT
SETBACK: 30 FT*
SIDEYARD: 20 FT
REARYARD: 15 FT
COVERAGE: 2,306 SF

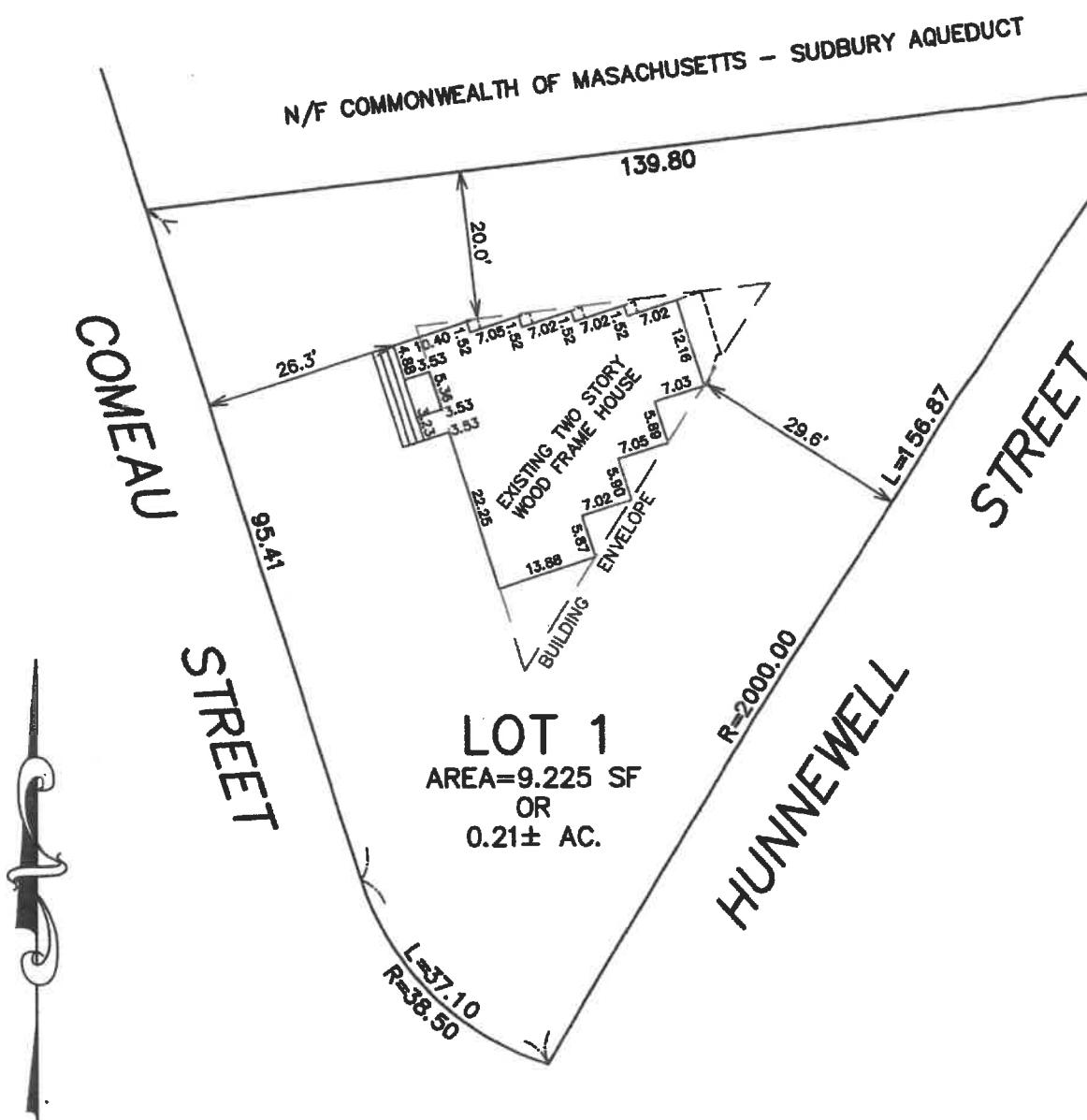
DEED BOOK 33586 PAGE 345
ASSESSORS MAP 17 LOT 7
EXISTING COVERAGE: 945 SF = 10.2%

NOTE: THE BUILDING DIMENSIONS SHOWN ARE
ALONG THE EXTERIOR OF THE SIDING.



I CERTIFY THAT THE LOT SHOWN AND PREDATES THE DIMENSIONAL
REGULATIONS OF THE WELLESLEY ZONING BYLAWS.

I CERTIFY THAT THE LOT SHOWN AND EXISTING HOUSE SHOWN THEREON ARE
LOCATED IN A FEDERAL FLOOD HAZARD ZONE "X" - SUBJECT TO MINIMAL
FLOODING (SOURCE: F.I.R.M. 25021C0036E).



PROPOSED PLOT PLAN
30 COMEAU STREET
WELLESLEY, MASS.

DATE: DECEMBER 10, 2021

SCALE: 1" = 20'

PREPARED FOR:

YU JIANG & MISI HUANG
30 COMEAU STREET
WELLESLEY, MASS. 02481

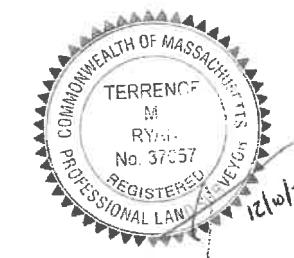
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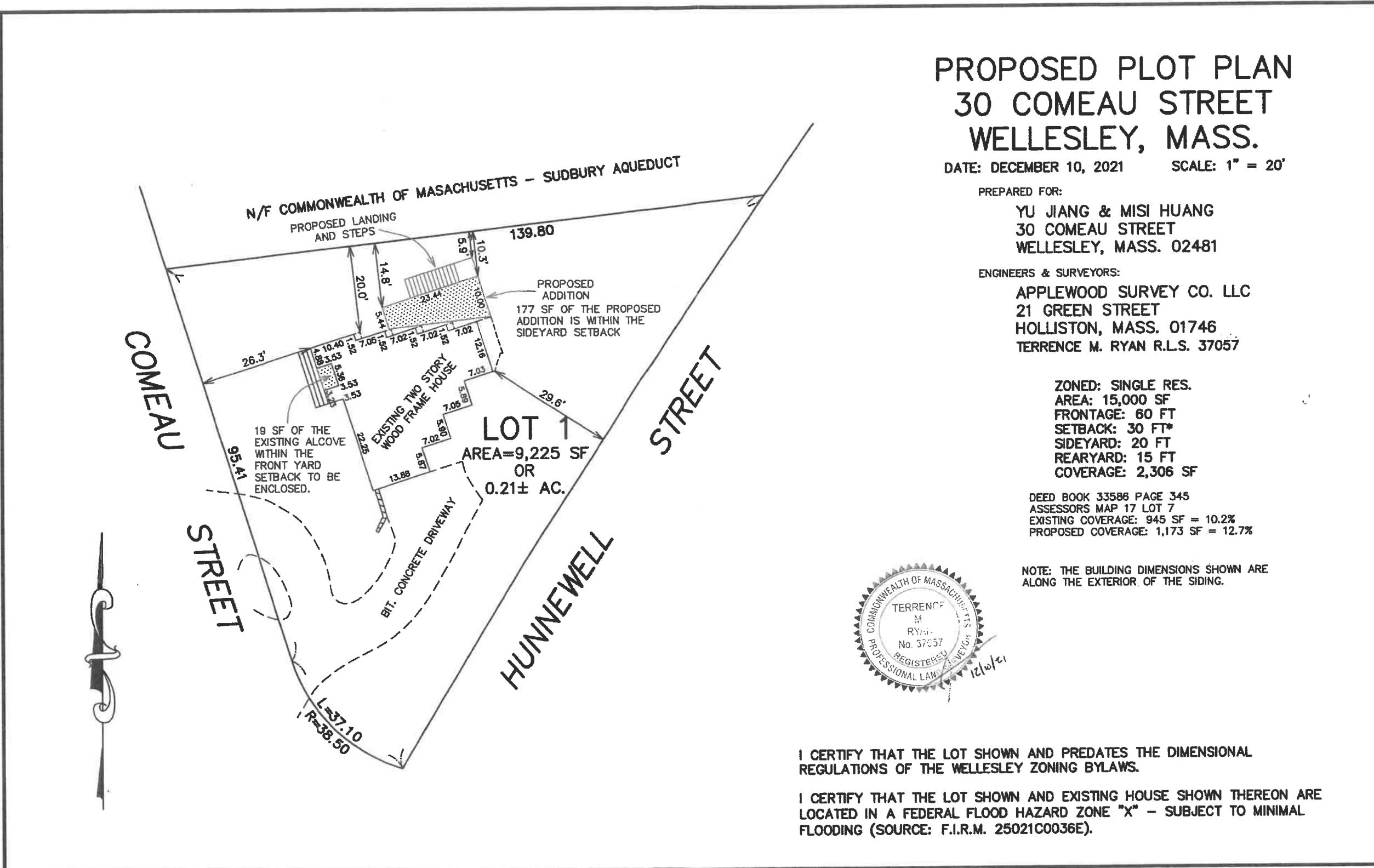
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PROPOSED COVERAGE: 1,173 SF = 12.7%

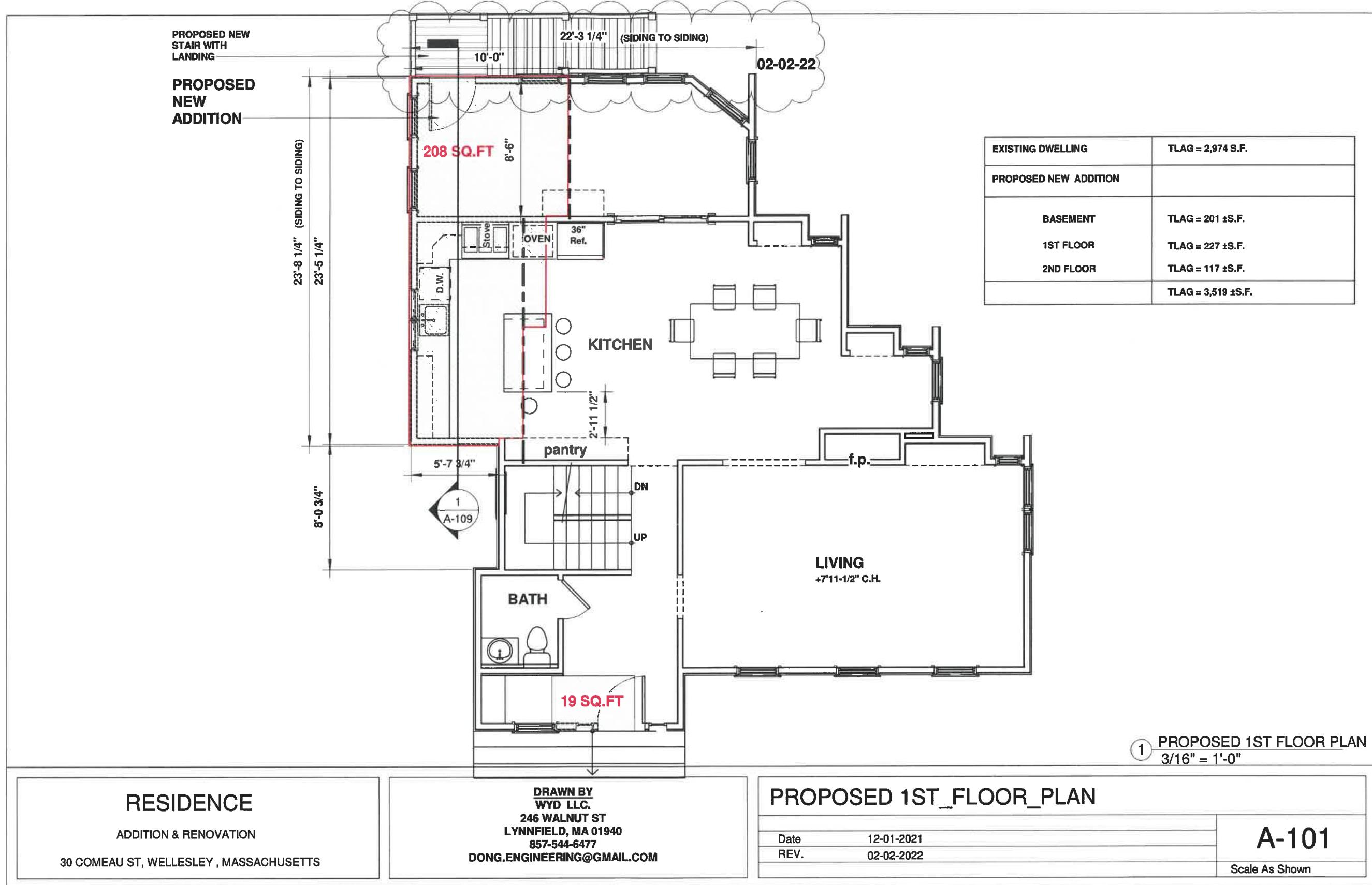
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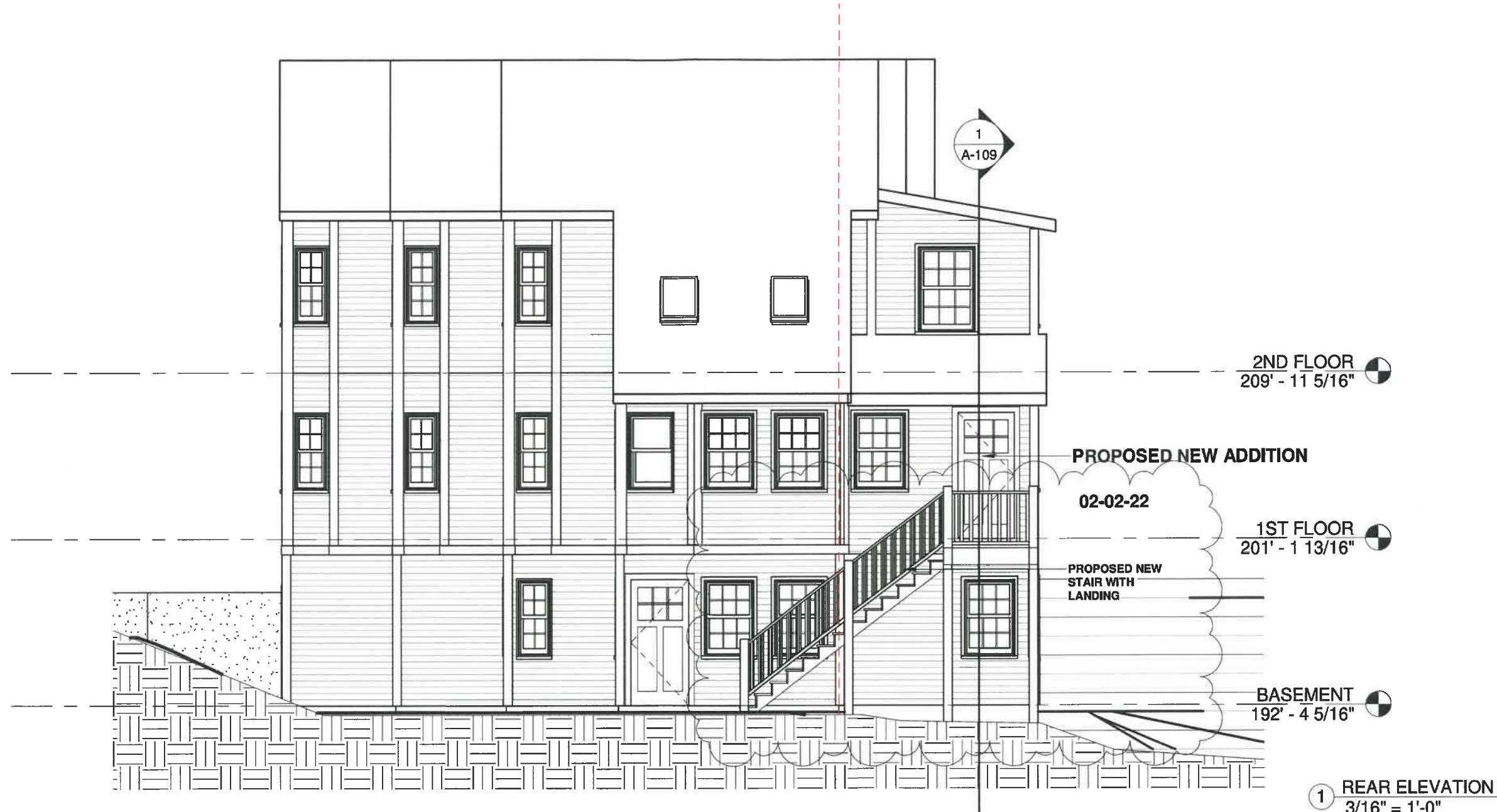


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FLOODING (SOURCE: F.I.R.M. 25021C0036E).







RESIDENCE

ADDITION & RENOVATION

30 COMEAU ST, WELLESLEY, MASSACHUSETTS

DRAWN BY
WYD LLC.
246 WALNUT ST
LYNNFIELD, MA 01940
857-544-6477
DONG.ENGINEERING@GMAIL.COM

BUILDING ELEVATION 3

Date	12-01-2021
REV.	02-02-2022

A-107

Scale As Shown