

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

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ZBA 2022-17
Petition of Charles & Peggy Collier
5 Maurice Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 3, 2022 at 7:30 pm, in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Charles & Peggy Collier requesting a Special Permit/Finding pursuant to the provisions of Section 14E, Section 17 and Section 25 of the Zoning Bylaw that construction of a two story addition and deck with less than required left side yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, at 5 Maurice Road, in a 10,000 square foot Single Residence District, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On January 12, 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.

Present at the public hearing was Mike Tartamella, Architect, who said that the request is for relief for a proposed addition to the rear of the existing structure. He said that the existing house is located in an SR 10 district and has nonconformities on both sides and the front. He said that the proposal is to construct a two story addition and deck at the back, lining up with the existing structure at 14.5 and slightly improving to 14.7 feet. He said that TLAG of the completed house will be 3,130 square feet, which is below the threshold for the district.

The Chairman said that the property is located in a Water Supply Protection District. Mr. Tartamella said that the area is well known to have some water table issues. He said that they anticipate putting an infiltration system in the rear yard and crawl space under the addition.

A Board member said that two air conditioner pads on either sides of the house are located in the setback area. Mr. Tartamella said that the air conditioner pads are existing. The Board member said that there was nothing in the permit history that shows when the air conditioners were installed. He said that if they have been there over 10 years, they are grandfathered. He said that the last permit that was issued was in 1970.

No member of the public wished to speak to the petition.

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Statement of Facts

The subject property is located at 5 Maurice Road, in a 10,000 square foot Single Residence District, in a Water Supply Protection District, with a minimum front yard setback of 28.6 feet where 30 feet is required, a minimum left side yard setback of 14.5 feet and a minimum right side yard setback of 12.1 feet where 20 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 construction of a two story addition and deck with less than required left side yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 12/23/21, stamped by Elliott J. Paturzo, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 1/7/22, prepared by Patrick Ahearn Architect, and photographs were submitted.

On February 25, 2022, the Planning Board reviewed the petition and recommended that a special permit be approved, subject to conditions.

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 construction of a two story addition and deck with less than required left side yard setbacks on an existing nonconforming structure with less than required front yard, left side yard and right 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.

The Board found that after examination of various building permits that the air conditioner pads are pre-existing and not permitted but are grandfathered as 10 years have passed since the last permit was granted for the property.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of a two story addition and deck with less than required left side yard setbacks, subject to the following condition:

- A stormwater infiltration system shall be placed on the property to capture additional runoff.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction 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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ZBA 2022-17
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5 Maurice 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
J. Randolph Becker, Chairman

David G. Sheffield
David G. Sheffield

Richard L. Seegel
Richard L. Seegel

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2022 MAR 17 PM 1:00

ZBA 2022-17
Applicant Charles & Peggy Collier
Address 5 Maurice Road

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

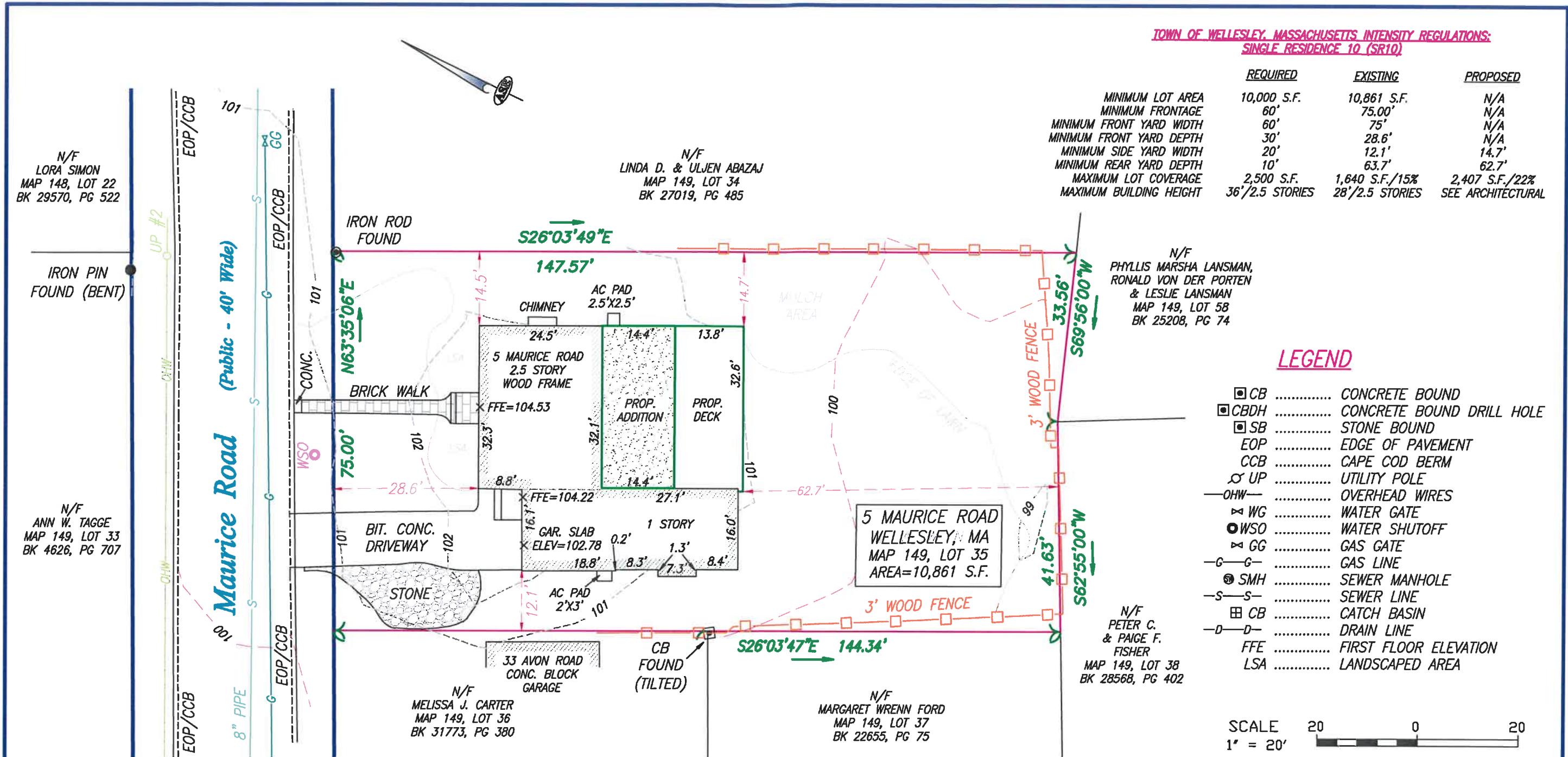
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed,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

Date:

Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm



<p>ZONING DESIGNATION: TOWN OF WELLESLEY ZONING DISTRICT SINGLE RESIDENCE 10 (SR10)</p> <p>ASSESSORS REFERENCE: MAP 149, LOT 35</p>	<p>I CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY PERFORMED ON THE GROUND ON JANUARY 27, 2017 AND THE LATEST PLANS AND DEEDS OF RECORD.</p> <p>I CERTIFY THAT PART OF THE SUBJECT DWELLING SHOWN LIES IN A FLOOD ZONE "X" AS SHOWN ON MAP NUMBER 25021C0016E, HAVING AN EFFECTIVE DATE OF JULY 17, 2012.</p>	<p>REVISIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">DATE</th> <th style="text-align: center;">DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">12/23/21</td> <td style="text-align: center;">UPDATE PROP.</td> </tr> </tbody> </table> <p>FIELD: MRI/BMD CALCS: EJP/SMI DRAWN BY: SMI FIELD EDIT: N/A CHECKED: EJP APPROVED: JOB #: 171513</p>	DATE	DESCRIPTION	12/23/21	UPDATE PROP.	<p>A.S. Elliott & Associates Professional Land Surveyors P.O. BOX 85 ~ HOPEDALE, MASSACHUSETTS (508) 634-0256 www.aselliott.com</p>	<p>Plan of Land Showing Proposed Improvements 5 MAURICE ROAD WELLESLEY, MASSACHUSETTS PREPARED FOR: PEGGY COLLIER SCALE: 1" = 20' DATE: DECEMBER 10, 2021</p>
DATE	DESCRIPTION							
12/23/21	UPDATE PROP.							

TOWN OF WELLESLEY, MASSACHUSETTS INTENSITY REGULATIONS:
SINGLE RESIDENCE 10 (SR10)

	<u>REQUIRED</u>	<u>EXISTING</u>	<u>PROPOSED</u>
MINIMUM LOT AREA	10,000 S.F.	10,861 S.F.	N/A
MINIMUM FRONTAGE	60'	75.00'	N/A
MINIMUM FRONT YARD WIDTH	60'	75'	N/A
MINIMUM FRONT YARD DEPTH	30'	28.6'	N/A
MINIMUM SIDE YARD WIDTH	20'	12.1'	14.7'
MINIMUM REAR YARD DEPTH	10'	63.7'	62.7'
MAXIMUM LOT COVERAGE	2,500 S.F.	1,640 S.F./15%	2,407 S.F./22%
MAXIMUM BUILDING HEIGHT	36'/2.5 STORIES	28'/2.5 STORIES	SEE ARCHITECTURAL

REFERENCES

DEED REF: NORFOLK COUNTY REGISTRY OF DEEDS
BOOK 27295, PAGE 211

PLAN REF: PLAN ENTITLED "PROFILE: IVY ROAD", PREPARED BY THE TOWN OF WELLESLEY DEPARTMENT OF PUBLIC WORKS, JOHN E. BEZONSON, ACTING TOWN ENGINEER, DATED NOV. 20, 1963, BOOK 216, PAGE 409

PLAN ENTITLED "PLAN OF LAND IN WELLESLEY, MASS. OWNED BY LUCIANO & PIA V. NICOLAI", PREPARED BY GLEASON ENGINEERING COMPANY, DATED JUNE 2, 1951, BOOK 3907, PAGE 18

PLAN ENTITLED "PLAN OF LAND IN WELLESLEY, MASS.", PREPARED BY GLEASON ENGINEERING COMPANY, DATED APRIL 30, 1958, ON FILE WITH THE TOWN OF WELLESLEY PLANNING BOARD, CERTIFIED MAY 12, 1958

PLAN ENTITLED "LAYOUT OF MAURICE ROAD IN WELLESLEY, MASS., TOWN OF WELLESLEY PUBLIC WORKS DEPT.", PREPARED BY PHILIP A. PLAISTED, TOWN ENGINEER, DATED JANUARY 2, 1958, BOOK 205, PAGE 395

PLAN ENTITLED "LAYOUT OF MAURICE ROAD IN WELLESLEY, MASS., TOWN OF WELLESLEY PUBLIC WORKS DEPT.", PREPARED BY PHILIP A. PLAISTED, TOWN ENGINEER, DATED JAN. 2, 1958, BOOK 205, PAGE 389

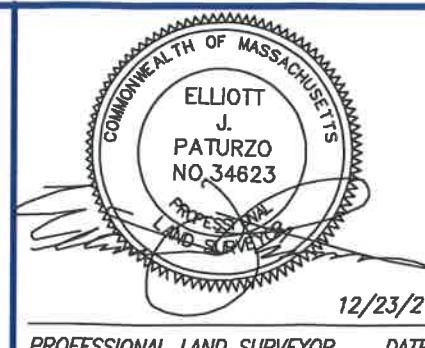
PLAN ENTITLED "PLAN OF LAND IN WELLESLEY, MASS. OWNED BY MARY MULRONEY", PREAPRED BY FARNHAM AND GLEASON, INC., CIVIL ENGINEERS, DATED JULY 1924, BOOK 1680, PAGE 563

NOTES

1. SUBJECT TO ANY STATEMENT OF FACT AN UP-TO-DATE ABSTRACT OF TITLE WOULD DISCLOSE.
2. SUBJECT TO ALL RIGHTS, EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD.
3. UNDERGROUND UTILITIES, STRUCTURES AND FACILITIES, IF ANY, HAVE BEEN SHOWN FROM SURFACE LOCATIONS AND MEASUREMENTS OBTAINED FROM A FIELD SURVEY AND RECORD LOCATIONS, THEREFORE THEIR LOCATIONS MUST BE CONSIDERED APPROXIMATE ONLY. THERE MAY BE OTHER UTILITIES WHICH THE EXISTENCE OF ARE NOT KNOWN. SIZE, TYPE AND LOCATION OF ALL UTILITIES AND STRUCTURES MUST BE VERIFIED BY PROPER AUTHORITIES PRIOR TO ANY AND ALL CONSTRUCTION. CALL, TOLL FREE, DIG SAFE CALL CENTER AT 1-888-344-7233 SEVENTY-TWO HOURS PRIOR TO ANY EXCAVATION.
4. ELEVATIONS ON THIS PLAN REFERENCE AN ASSUMED DATUM.

LEGEND

<input checked="" type="checkbox"/> CB	CONCRETE BOUND
<input checked="" type="checkbox"/> CBDH	CONCRETE BOUND DRILL HOLE
<input checked="" type="checkbox"/> SB	STONE BOUND
EOP	EDGE OF PAVEMENT
CCB	CAPE COD BERM
<input checked="" type="checkbox"/> UP	UTILITY POLE
OHW	OVERHEAD WIRES
<input checked="" type="checkbox"/> WG	WATER GATE
<input checked="" type="checkbox"/> WSO	WATER SHUTOFF
<input checked="" type="checkbox"/> GG	GAS GATE
<input checked="" type="checkbox"/> G—G	GAS LINE
<input checked="" type="checkbox"/> SMH	SEWER MANHOLE
<input checked="" type="checkbox"/> S—S	SEWER LINE
<input checked="" type="checkbox"/> CB	CATCH BASIN
<input checked="" type="checkbox"/> D—D	DRAIN LINE
FFE	FIRST FLOOR ELEVATION
LSA	LANDSCAPED AREA

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