

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  
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EXECUTIVE SECRETARY  
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WALTER B. ADAMS  
DEREK B. REDGATE  
RICHARD L. SPIEGEL

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.

RECEIVED  
CLERK'S OFFICE  
WELLESLEY MA 02482  
MAR 17 PM 12:59

### 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 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.



ZBA 2022-17  
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5 Maurice Road

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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

  
David G. Sheffield

  
Richard L. Seegel

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

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02482  
2022 MAR 17 PM 1:00

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

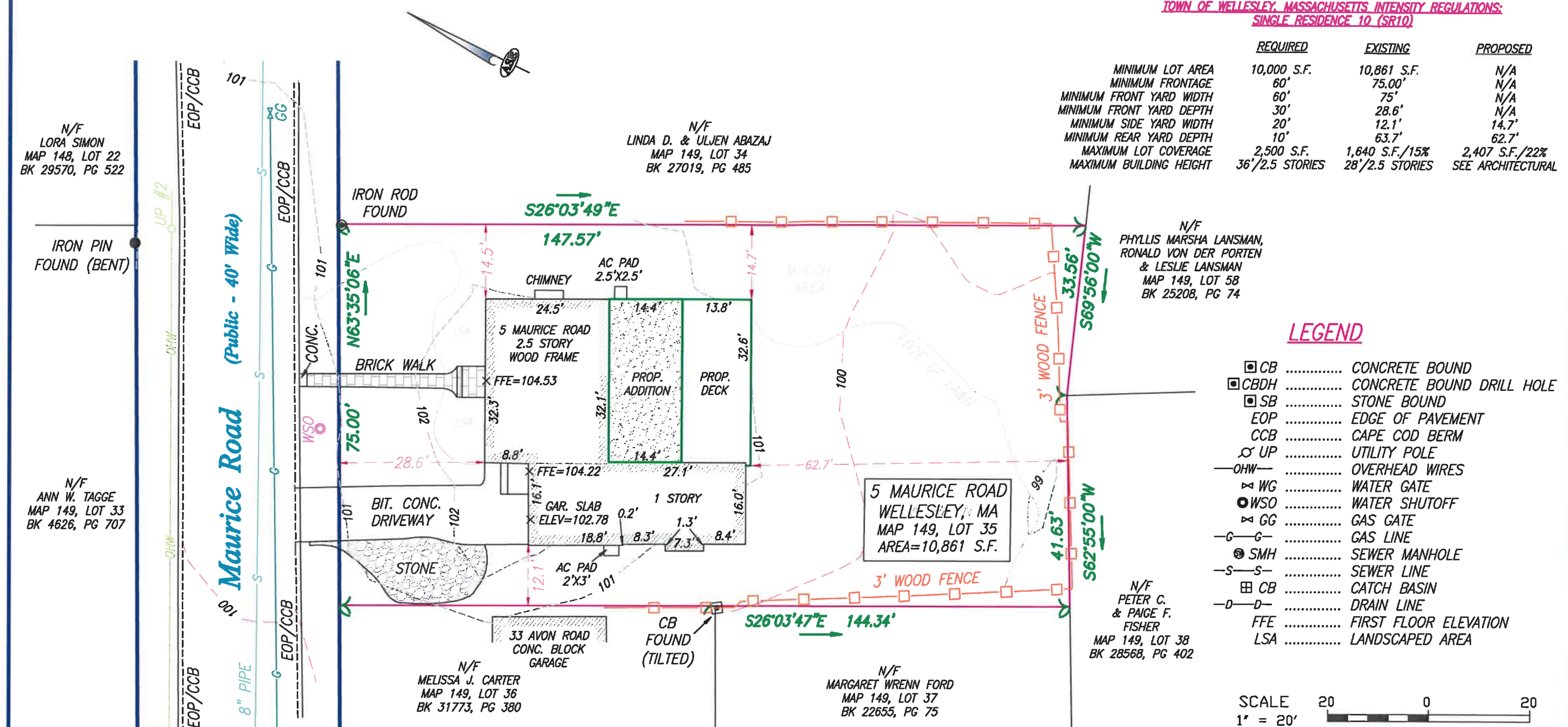
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed,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

Date:

Attest:

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

cc: Planning Board  
Inspector of Buildings  
lrm



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

	REQUIRED	EXISTING	PROPOSED
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

- LEGEND**
- CB ..... CONCRETE BOUND
  - CBDH ..... CONCRETE BOUND DRILL HOLE
  - SB ..... STONE BOUND
  - EOP ..... EDGE OF PAVEMENT
  - CCB ..... CAPE COD BERM
  - UP ..... UTILITY POLE
  - OHW ..... OVERHEAD WIRES
  - WG ..... WATER GATE
  - WSO ..... WATER SHUTOFF
  - GG ..... GAS GATE
  - GL ..... GAS LINE
  - SMH ..... SEWER MANHOLE
  - SL ..... SEWER LINE
  - CB ..... CATCH BASIN
  - DL ..... DRAIN LINE
  - FFE ..... FIRST FLOOR ELEVATION
  - LSA ..... LANDSCAPED AREA

**ZONING DESIGNATION:**  
TOWN OF WELLESLEY ZONING DISTRICT  
SINGLE RESIDENCE 10 (SR10)

**ASSESSORS REFERENCE:**  
MAP 149, LOT 35

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.

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.

REVISIONS	
DATE	DESCRIPTION
12/23/21	UPDATE PROP.

FIELD: MRI/BMD  
CALCS: EJP/SMI  
DRAWN BY: SMI  
FIELD EDIT: N/A  
CHECKED: EJP  
APPROVED:   
JOB #: 171513

12/23/21  
PROFESSIONAL LAND SURVEYOR DATE

**A.S. Elliott & Associates**  
Professional Land Surveyors  
P.O. BOX 85 ~ HOPEDALE, MASSACHUSETTS  
(508) 634-0256  
www.aselliott.com

**Plan of Land Showing Proposed Improvements**  
**5 MAURICE ROAD**  
WELLESLEY, MASSACHUSETTS  
PREPARED FOR: PEGGY COLLIER  
SCALE: 1" = 20' DATE: DECEMBER 10, 2021

SHEET 1



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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, 1961, 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", PREPARED BY FARNHAM AND GLEASON, INC., CIVIL ENGINEERS,  
DATED JULY 1924, BOOK 1680, PAGE 563

NOTES

- SUBJECT TO ANY STATEMENT OF FACT AN  
UP-TO-DATE ABSTRACT OF TITLE WOULD  
DISCLOSE.
- SUBJECT TO ALL RIGHTS, EASEMENTS,  
COVENANTS OR RESTRICTIONS OF RECORD.
- 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.
- ELEVATIONS ON THIS PLAN REFERENCE AN  
ASSUMED DATUM.

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PATURZO  
NO. 34623  
PROFESSIONAL  
LAND SURVEYOR  
12/23/21  
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