

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

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WELLESLEY, MA 02482
2022 MAR 17 PM 12:59p

ZBA 2022-18

Petition of Richard Mathias & Na Yi
30 Summit 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 Richard Mathias & Na Yi 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 that will meet setback requirements, demolition and reconstruction of an existing nonconforming deck with less than required right side yard setbacks, on an existing nonconforming dwelling with less than required right side yard setbacks, at 30 Summit 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 27, 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 Richard Mathias, the Petitioner, who said that he and his wife bought the property last year. He said that before they move in, they would like to renovate the existing property and build a garage with a master bedroom above on the left side. He said that the right side of the property is nonconforming with a 12 foot side yard setback. He said that at the right rear of the property is a deck that was built in 1978 that they would like to raze and rebuild, expanding further back. He said that they will maintain the right side yard setback of the where it lines up with the right side of the house at 19.3 feet. He said that the existing property is 3,200 square feet and the proposed is 5,200 square feet. A Board member said that he concurred with the Planning Board's commendation of the Petitioner's plan to add to the structure rather than replace it.

The Chairman said that it is an 18,000 square foot lot. He said that the property is located in a Water Supply Protection District and there was nothing submitted about runoff. Mr. Mathias said that they have engaged an engineer to look at that. He said that it did not get done before the hearing due to Covid and other issues. A Board member said that the house has a history of flooding in the basement.

A Board member asked if there are any plans for the large pines and rhododendrons on the east corner. Mr. Mathias said that they want to keep as much as possible. He said that the contractor will try to minimize what happens to that space during construction.

A Board member said that there is a double wide driveway and turnaround from Summit Road. He questioned whether there needs to be such a large curb cut.

A Board member said that there appears to be a lot of ledge under the proposed location of the two story addition. He asked about blasting. Mr. Mathias said that the contractor did not think that it will be necessary but they will not know for sure until they start the work.

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

Statement of Facts

The subject property is located at 30 Summit Road, in a 10,000 square foot Single Residence District, in a Water Supply Protection District, with a minimum right side yard setback of 12 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 that will meet setback requirements, demolition and reconstruction of an existing nonconforming deck with less than required right side yard setbacks, on an existing nonconforming dwelling with less than required 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 4/16/21, stamped by Michael P. Clancy, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 12/13/21, prepared by Port One Design, 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 that will meet setback requirements, demolition and reconstruction of an existing nonconforming deck with less than required right side yard setbacks, on an existing nonconforming dwelling with less than required right side yard setbacks will result in the intensification of an existing nonconformity, will not result in additional

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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 a two story addition and deck with less than required left side yard setbacks, in accordance with the submitted plans.

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.

ELIZABETH
TOWN CLERK'S OFFICE
WELLESLEY MA 02482

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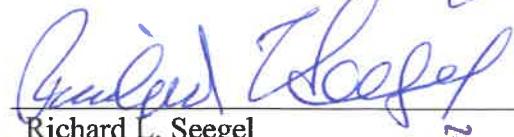
ZBA 2022-18

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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

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Applicant Richard Mathias & Na Yi
Address 30 Summit 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

