

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

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WELLESLEY, MA 02482

ZBA 2022-22

Petition of Carolyn & Botond Kiss  
18 Massasoit 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 Carolyn & Botond Kiss 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 second story addition with less than required front yard setbacks, and construction of a second story dormer with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard and right side yard setbacks, at 18 Massasoit 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 Carolyn Kiss, the Petitioner, who said that the request is for relief to build an addition above the garage and extend a dormer across the back. She said that there are two points on the house that are nonconforming, one in the front left at 29.6 feet and at the back right corner.

Ms. Kiss said that the proposed addition will have two bedrooms and one bathroom, for a total of 481 square feet. She said that total living area of the existing house is 2,046 square feet.

A Board member commented on the boxy eyebrow over the garage doors shown on Plan Z.5. He said that with three stories of façade, adding an eyebrow over the garage door with lighting underneath the eyebrow would be attractive and would help the scale of the house a lot. Ms. Kiss said that they talked about adding an eyebrow but wanted to wait to see what structure is behind the existing one.

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

Statement of Facts

The subject property is located at 18 Massasoit Road, in a 10,000 square foot Single Residence District, in a Water Supply Protection District, with a minimum front yard setback of 29.6 feet where 30 feet is required, and a minimum right side yard setback of 19.1 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 second story addition with less than required front yard setbacks, and construction of a second story dormer with less than required right side yard setbacks, on an existing nonconforming structure with less than required front 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 12/27/22, stamped by Bradley J. Simonelli, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 1/24/22, prepared by Preston Design, Inc., 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 second story addition with less than required front yard setbacks, and construction of a second story dormer with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard and right side yard setbacks will not 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 a second story addition with less than required front yard setbacks, and construction of a second story dormer with less than required right 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.

2022 MAR 17 PM 12:36  
JUDY CLERK'S OFFICE  
WELLINGTON MA 02482

ZBA 2022-22  
Petition of Carolyn & Botond Kiss  
18 Massasoit 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

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02482

2022 MAR 17 PM 12:56

ZBA 2022-22  
Applicant Carolyn & Botond Kiss  
Address 18 Massasoit Road

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

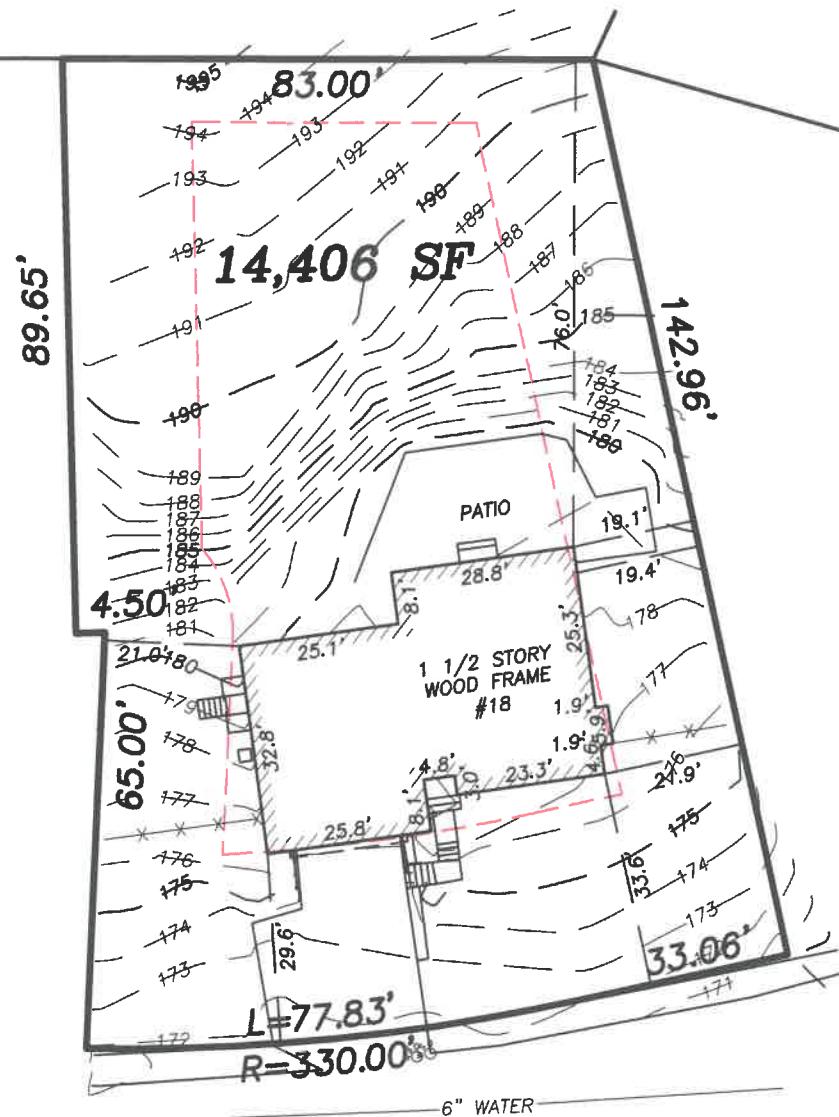
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed,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

Date:

Attest:

Cathryn Jane Kato  
Town Clerk

cc: Planning Board  
Inspector of Buildings  
lrm



<sup>1=162.53</sup>  
**MASSASOIT ROAD**  
EXISTING SITE

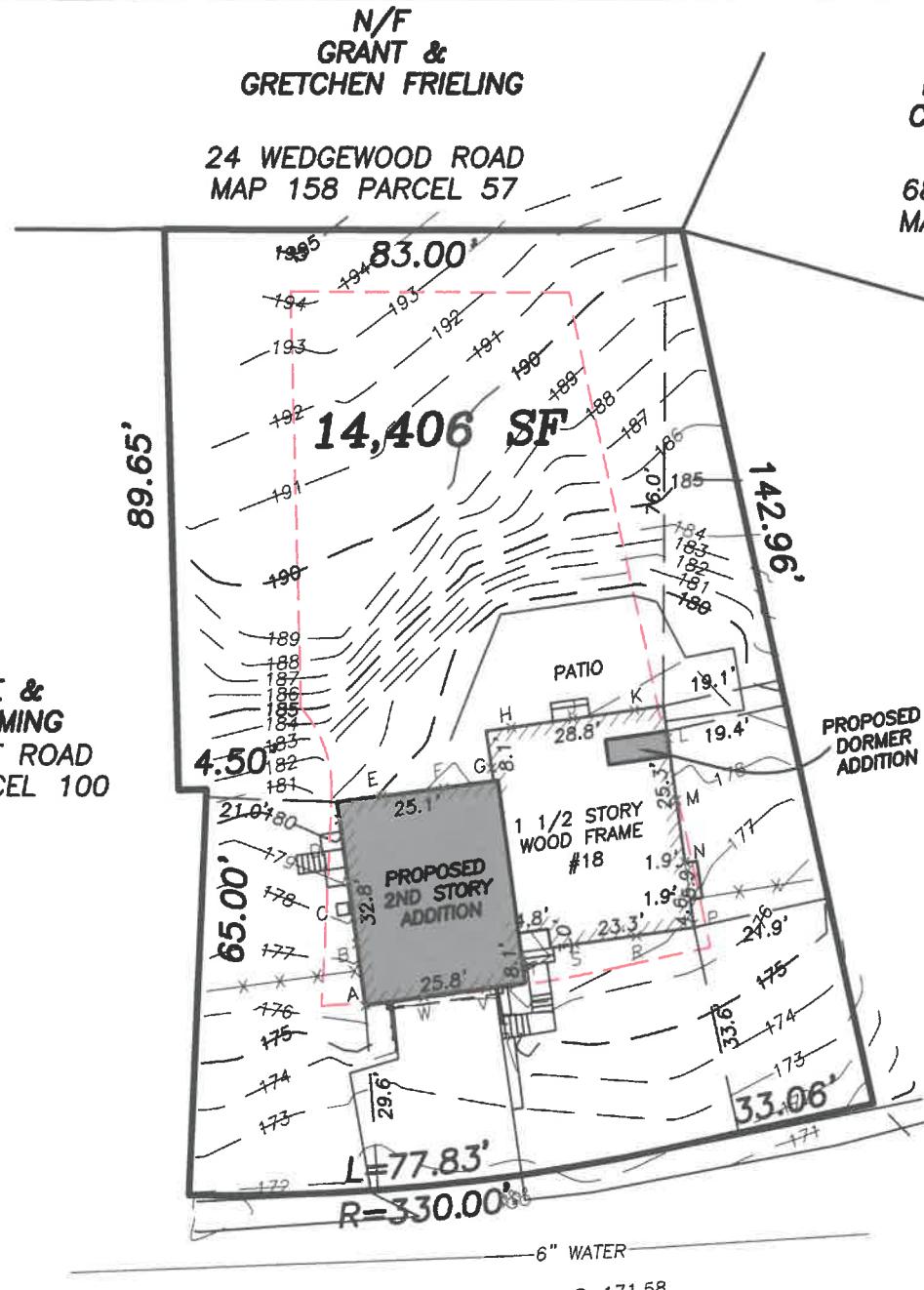
**ZONING INFORMATION: SINGLE RESIDENCE 10 (SR10)**

	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA .....	10,000 SF.....	14,406 SF.....	14,406 SF
MINIMUM LOT FRONTAGE.....	60 FEET.....	102.94 FEET.....	102.94 FEET
MINIMUM FRONT SETBACK.....	31.1 FEET*.....	29.6 FEET.....	29.6 FEET
MINIMUM SIDE YARD.....	20 FEET.....	19.1 FEET.....	19.1 FEET
		21.0 FEET.....	21.0 FEET
MINIMUM REAR YARD .....	20 FEET.....	76.0 FEET.....	76.0 FEET
MAXIMUM BUILDING COVERAGE.....	20%(2,881 SF).....	13.1%(1,881 SF).....	13.1%(1,881 SF)
MAXIMUM BUILDING HEIGHT.....	36 FEET** .....	21.9± FEET.....	27.2± FEET
MAXIMUM BUILDING HEIGHT.....	2 1/2 STORIES.....	1 1/2 STORIES.....	2 STORIES

**\*FRONT SETBACK DETERMINED BY 500 FOOT RULE (#22 MASSASOIT ROAD IS AT 31.1' FROM MASSASOIT)**

\*\* HEIGHT DETERMINED FROM AVERAGE GRADE PLANE PER ZONING BY LAW SECTION 20

A graphic scale with markings at 0, 15, and 30. The scale is marked with a series of vertical lines and a horizontal line at the top. The markings are labeled 0, 15, and 30. The scale is 30 units long.



<sup>1=162.53</sup>  
**MASSASOIT ROAD**  
**PROPOSED SITE**

**TOWN OF WELLESLEY  
MAP 158 PARCEL 4**

OWNER/APPLICANT  
CAROLYN KISS

ZONING BOARD OF APPEALS  
PLAN OF LAND  
18 MASSASOIT ROAD  
WELLESLEY, MASS.

# Field Resources, Inc.

## LAND SURVEYORS

DECEMBER 27, 2021

SCALE 1" = 30'

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REVISED