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2022 APR 21 AM 11:24

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

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ZBA 2022-27
Petition of Frankin Soto
22 Cedar Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 7, 2022, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Frankin Soto 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 deck with less than required left side yard and right side yard setbacks, on an existing nonconforming structure with less than required front yard, left and right side yard setbacks, on an 8,628 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, with less than required frontage, at 22 Cedar Street, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On March 2, 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 were Frankin Soto and Monica Duque, 22 Cedar Street.

Mr. Soto said that the request is to build a floor level deck on the patio. He said that it will not visually affect the neighbors because there is a big wall and a fence.

The Chairman said that this will give the homeowner a place to be outside that is dry.

There was no one present at the public hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 22 Cedar Street, on an 8,628 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, with a minimum front yard setback of 14.9 feet where 30 feet is required, a minimum left side yard setback of

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22 Cedar Street

4.7 feet and a minimum right side yard setback of 16.8 feet where 20 feet is required, and minimum frontage of 50 feet where 60 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 deck with less than required left side yard and right side yard setbacks, on an existing nonconforming structure with less than required front yard, left and right side yard setbacks, on an 8,628 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, with less than required frontage, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 12/15/21, stamped by Thomas P. Bernardi, Professional Land Surveyor, Floor Plan, dated 2/28/22, prepared by Frankin Soto, and photographs were submitted.

On March 22, 2022, the Planning Board staff reviewed the petition and recommended that the special permit be approved.

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 deck with less than required left side yard and right side yard setbacks, on an existing nonconforming structure with less than required front yard, left and right side yard setbacks, on an 8,628 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet 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.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of a deck with less than required left side yard and right side yard setbacks, in accordance with the submitted plans.

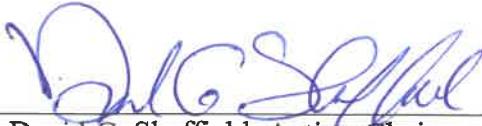
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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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.


David G. Sheffield, Acting Chairman


Richard L. Seegel


Derek B. Redgate

ZBA 2022-27
Applicant Franklin Soto
Address 22 Cedar 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

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PLAN OF LAND

LOCATED AT
22 CEDAR STREET
WELLESLEY, MA

SCALE: 1 INCH = 20 FEET

MASSACHUSETTS
SURVEY
CONSULTANTS

GLOUCESTER, MA 01930
617-899-0703

