

R E C E I P T
Printed: March 27, 2024 @ 11:23:48
Norfolk Registry of Deeds
William P O'Donnell
Register

Trans#: 19581 Oper:LEAH

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Book: 41697 Page: 296 Inst#: 17536
Ctl#: 231 Rec:3-27-2024 @ 11:23:45a
WELL 21 DURANT ROAD

DOC	DESCRIPTION	TRANS AMT
DECISION		
10.00	rec fee	10.00
50.00	Surcharge	50.00
5.00	Tech. Surcharge	5.00
	Postage/Handling Fee	1.00
	State Fee \$40.00	40.00
	Total fees:	106.00
***	Total charges:	106.00
CHECK PM	2565	106.00

41697 Pa296 #17536
3-27-2024 @ 11:23a

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482

2022 APR 21 AM 11:23

WELLESLEY

MASSACHUSETTS



ZONING BOARD OF APPEALS

• 525 WASHINGTON STREET • WELLESLEY, MA 02482

LENORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 2208

WALTER B. ADAMS
DEREK B. REDGATE
RICHARD L. SEESEL

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 Joseph & Alyssa Creney 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 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 a 5,101 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, at 21 Durant Road, 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 was Joseph Creney, the Petitioner, who said that he lives at 21 Durant Road with his wife and their boys. He said that the request is for relief for the right and left side yard setbacks to build a two story addition off the back of the house on a nonconforming lot.

A Board member asked if it would be possible to put the bulkhead under the deck on the other side. Mr. Cheney said that they looked at that and spoke extensively with the architect. He said that they did not put the bulkhead under the deck due to potential water issues.

The Chairman said that the survey shows the shed at an angle at the back corner of the lot. He said that the existing condition shows something different. He said that the shed appears to be parallel with the side lot line. Mr. Creney said that a new shed was put in after the survey was done. He said that the new shed is located towards the back of the lot and is 8 feet by 12 feet, or 96 square feet. The Chairman said that because the shed is less than 100 square feet, it is allowed in the setback area.

Mr. Creney confirmed that the air conditioner is outside of the setback area.

BOOK 39264 PAGE 482

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WELLESLEY MA 02482

2022 APR 21 AM 11:22

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
DAVID G. SHEFFIELD

LENORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 2208

WALTER B. ADAMS
DEREK B. REDGATE
RICHARD L. SEEGER

ZBA 2022-28

Petition of Joseph & Alyssa Creney
21 Durant Road

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The Chairman said that the survey shows the shed at an angle at the back corner of the lot. He said that the existing condition shows something different. He said that the shed appears to be parallel with the side lot line. Mr. Creney said that a new shed was put in after the survey was done. He said that the new shed is located towards the back of the lot and is 8 feet by 12 feet, or 96 square feet. The Chairman said that because the shed is less than 100 square feet, it is allowed in the setback area.

Mr. Creney confirmed that the air conditioner is outside of the setback area.

2022 APR 21 AM 11:22

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 21 Durant Road, on a 5,101 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 18.3 feet where 30 feet is required, a minimum left side yard setback of 10.2 feet and a minimum right side yard setback of 17.3 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 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 a 5,101 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, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 2/24/22 and Plan of Land Showing Proposed Air Conditioning Units, dated 6/20/19, stamped by Elliott J. Paturzo, Professional Land Surveyor, Existing and Proposed Floor Plans and Existing Elevation Drawings, dated 2/12/22, and Proposed Elevation Drawings, dated 2/28/22, prepared by Michael Hally Design, Inc., 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 two story addition 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 a 5,101 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 two story addition 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.

ZBA 2022-28
Petition of Joseph & Alyssa Creney
21 Durant 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.



David G. Sheffield, Acting Chairman



Richard L. Seegel



Derek B. Redgate

ZBA 2022-28
Applicant Joseph & Alyssa Creney
Address 21 Durant 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.

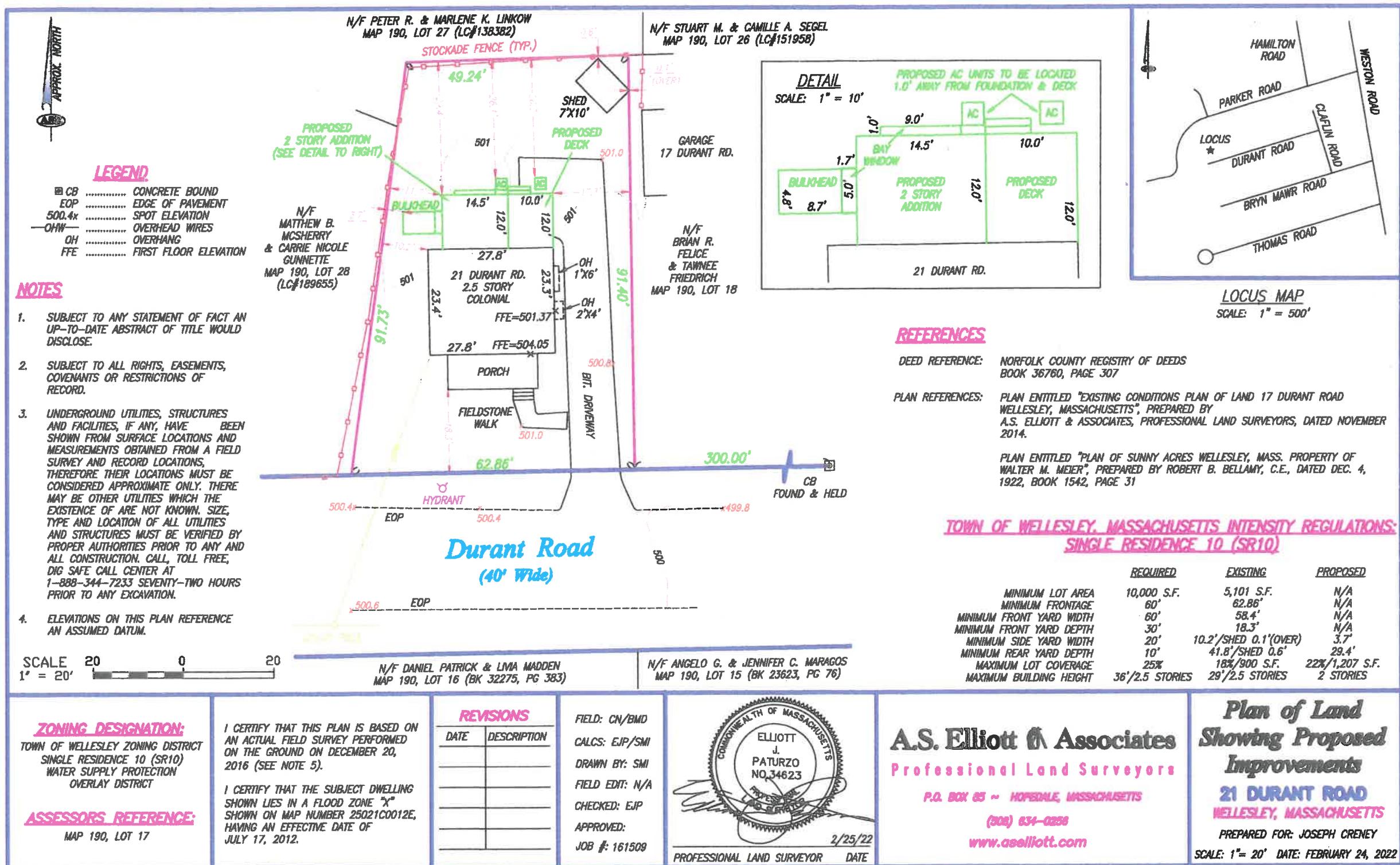
Date:

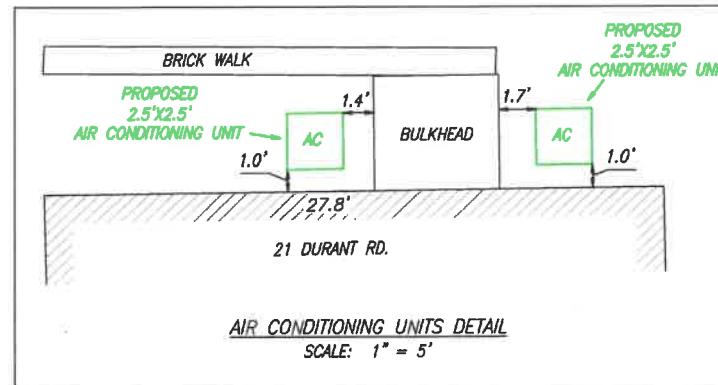
Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2022 APR 21 AM 11:22





REFERENCES

DEED REFERENCE: NORFOLK COUNTY REGISTRY OF DEEDS BOOK 36760, PAGE 307

PLAN REFERENCES: PLAN ENTITLED "EXISTING CONDITIONS PLAN OF LAND 17 DURANT ROAD WELLESLEY, MASSACHUSETTS", PREPARED BY A.S. ELLIOTT & ASSOCIATES, PROFESSIONAL LAND SURVEYORS, DATED NOVEMBER 2014.

PLAN ENTITLED "PLAN OF SUNNY ACRES WELLESLEY, MASS. PROPERTY OF WALTER M. MEIER", PREPARED BY ROBERT B. BELLAMY, C.E., DATED DEC. 4, 1922, BOOK 1542, PAGE 31

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.
- THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED LOCATION OF A NEW AIR CONDITIONING UNIT AT THE REAR OF THE EXISTING HOUSE. THE EXISTING CONDITIONS SHOWN HEREON REFLECT THE CONDITIONS LOCATED IN AN ON-THE-GROUND SURVEY PERFORMED ON DECEMBER 20, 2016 AND DO NOT REFLECT ANY CHANGES THAT MAY HAVE BEEN MADE SINCE THAT DATE.

FEET & METERS SCALE
 $1' = 20' (1:240)$
 $1' = 6.0960m$
 20 0 20 40 60 FEET
 10 0 10 METERS

ZONING DESIGNATION:
TOWN OF WELLESLEY ZONING DISTRICT SR10 - SINGLE RESIDENCE

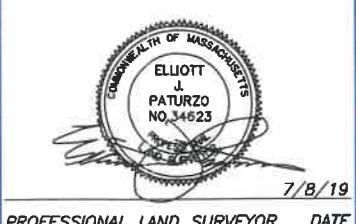
ASSESSORS REFERENCE:
MAP 190, LOT 17

I CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY PERFORMED ON THE GROUND ON DECEMBER 20, 2016 (SEE NOTE 5).

I CERTIFY THAT THE SUBJECT DWELLING SHOWN LIES IN A FLOOD ZONE "X" SHOWN ON MAP NUMBER 25021C0012E, HAVING AN EFFECTIVE DATE OF JULY 17, 2012.

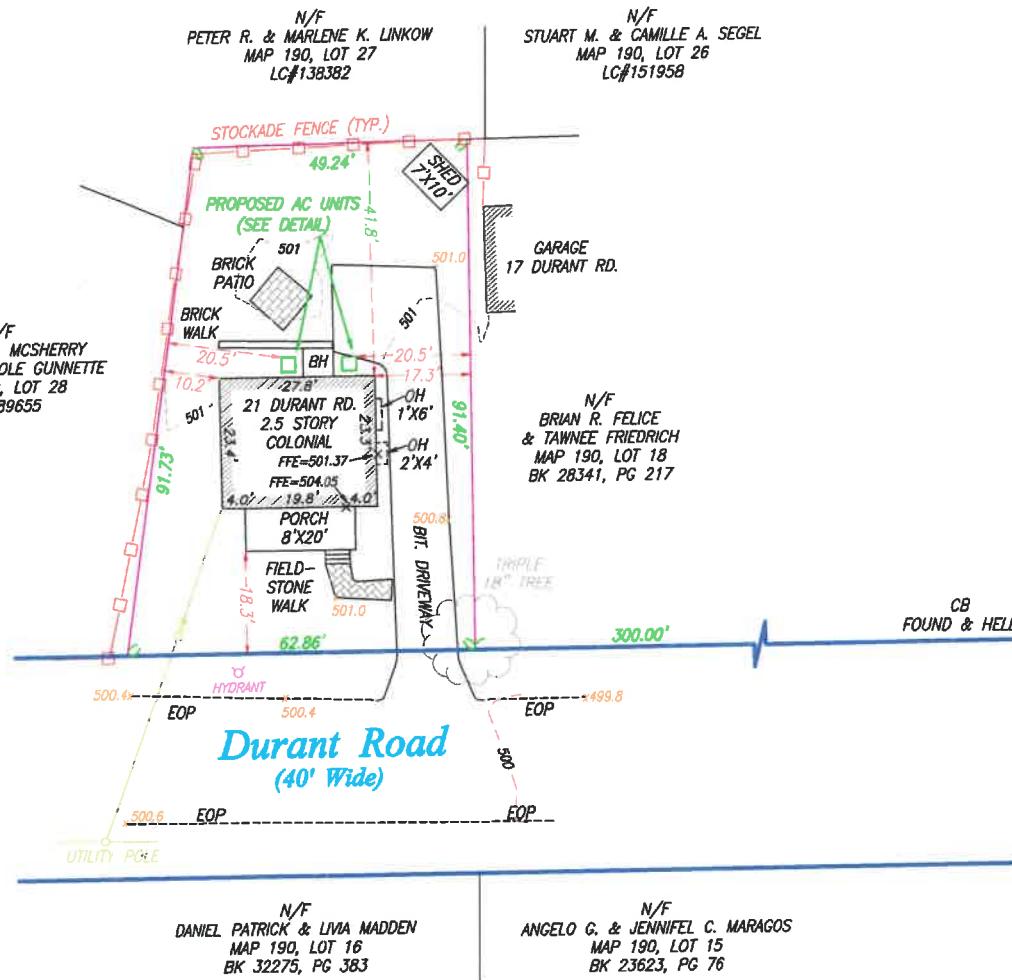
REVISIONS	
DATE	DESCRIPTION
07/08/19	ADD'L AC

FIELD: CN/BD
 CALCS: EJP
 DRAWN BY: SMI
 FIELD EDIT: N/A
 CHECKED: EJP
 APPROVED: J. PATURO
 NO. 34523
 JOB #: 161509



A.S. Elliott & Associates
 Professional Land Surveyors
 P.O. BOX 85 ~ HOPEDALE, MASSACHUSETTS
 (508) 834-0256
www.aselliott.com

Plan of Land
Showing Proposed
Air Conditioning Units
21 DURANT ROAD
WELLESLEY, MASSACHUSETTS
 PREPARED FOR: JOSEPH CRENEY
 SCALE: 1" = 20' DATE: JUNE 20, 2019



LEGEND	
CB	CONCRETE BOUND
EOP	EDGE OF PAVEMENT
OHW	OVERHEAD WIRES
OH	OVERHANG
BH	BULKHEAD

TOWN OF WELLESLEY, MASSACHUSETTS INTENSITY REGULATIONS: SR10 - SINGLE RESIDENCE

REQUIRED	EXISTING
MINIMUM LOT AREA	10,000 S.F. 5,101 S.F.
MINIMUM FRONTAGE	60' 63'
MINIMUM FRONT YARD WIDTH	60' 60'
MINIMUM FRONT YARD DEPTH	30' 18'
MINIMUM SIDE YARD WIDTH	20' 10'
MINIMUM REAR YARD DEPTH	10' 42'
MAXIMUM LOT COVERAGE	25% 35%
MAXIMUM BUILDING HEIGHT	36'/2.5 STORIES 29'/2.5 STORIES