

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

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22 MAY 19 PH: 35

ZBA 2022-32

Petition of Patricia Lynn Seidel
196 Washington Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 5, 2022, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Patricia Lynn Seidel requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that demolition of an existing conforming detached garage and construction of a two story addition that will meet setback requirements and construction of a deck with less than required left side yard setbacks, on an existing nonconforming structure with less than required left side yard setbacks, at 196 Washington Street, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On April 7, 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 David Himmelberger, Esq., and Patricia Seidel, the Petitioner.

Mr. Himmelberger said that the request is for a special permit to raze a conforming detached garage and build an addition and deck onto a pre-existing nonconforming home with a nonconforming left side yard setback of 19.4 feet. He said that the proposed deck will be slightly less conforming with a side yard setback of 18.4 feet, while the remainder of the addition, which is an attached garage with space above, will be dimensionally compliant. He said that the lot is oversized at 32,480 square feet in 10,000 square foot Single Residence District. He said that existing lot coverage is 1,812 square feet, or 5.6 percent, and proposed lot coverage will be 2,979 square feet, or 9.2 percent. He said that the existing height of the main home is 34.35 feet and the addition will be shorter at 26.75 feet. He said that the Planning Board commended the Petitioner for designing the addition to compliment the original home. He said that the requested addition will be not be substantially more detrimental to the neighborhood than the existing nonconformity.

A Board member said that the lot size helps to mitigate lot coverage and a TLAG of 6,000 square feet.

The Chairman said that there is some question whether a detached structure enjoys the benefit of the second except clause of Chapter 40A, Section 6. He said that the garage will now become part of the house.

The Chairman said that recent case law has allowed moving further into the setback than the current nonconformity. He said that the goal for the Board is to try to make properties conform as much as possible and to not create new nonconformities. He asked why the setback was not held at 19.4 feet. Mr. Himmelberger said that the house is not square to the lot line. A Board member said that basing the request on someone's sense of symmetry seems extreme. He asked why the deck could not be set off one or two feet from the edge of the house. The Board discussed imposing a condition that requires a side yard setback of 19.4 feet rather than the proposed 18.4 feet.

The Chairman asked how drainage will be handled. Mr. Himmelberger said that it will run into the ground. The Chairman said that it is an oversized lot but the proposed structure will be almost double the TLAG threshold in a 20,000 square foot Single Residence District. Mr. Himmelberger said that the Petitioner would accept a condition for installation of a Cultec System to handle all of the runoff.

A Board member confirmed that the existing stone driveway will remain as is.

There was no member of the public who wished to speak to the petition.

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Statement of Facts

The subject property is located at 196 Washington Street, in a 10,000 square foot Single Residence District, with a minimum left side yard setback of 19.4 feet where 20 feet is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that demolition of an existing conforming detached garage and construction of a two story addition that will meet setback requirements and construction of a deck with less than required left side yard setbacks, on an existing nonconforming structure with less than required left side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Letter to Zoning Board of Appeals, dated 3/23/22, from David J. Himmelberger, Esq., Proposed Plot Plan Sheets 1 & 2, dated 2/23/22, revised 3/22/22, and TLAG Affidavit, dated 3/23/22, stamped by Bernard H. Hamill, Registered Land Surveyor, Floor Plans and Elevation Drawings, dated 2/18/22, prepared by Private Residence Renovations, and photographs were submitted.

On May 4, 2022, the Planning Board reviewed the petition and recommended that the special permit be approved, subject to a condition.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing.

It is the opinion of this Authority that demolition of an existing conforming detached garage and construction of a two story addition that will meet setback requirements and construction of a deck with less than required left side yard setbacks, on an existing nonconforming structure with less than required left 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.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of an existing conforming detached garage and construction of a two story addition that will meet setback requirements and construction of a deck with less than required left side yard setbacks, subject to the following conditions:

1. The left side yard setback shall be no less than 19.4 feet.
2. Provisions shall be made for collection and disposal of drainage from the impervious surface of the new facility.

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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2022 MAY 19 PM 12:35

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Petition of Patricia Lynn Seidel
196 Washington Street

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.

Robert Levy
Robert W. Levy, Acting Chairman

Walter B. Adams
Walter B. Adams

J. Randolph Becker
J. Randolph Becker

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ZBA 2022-32
Applicant Patricia Lynn Seidel
Address 196 Washington 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:

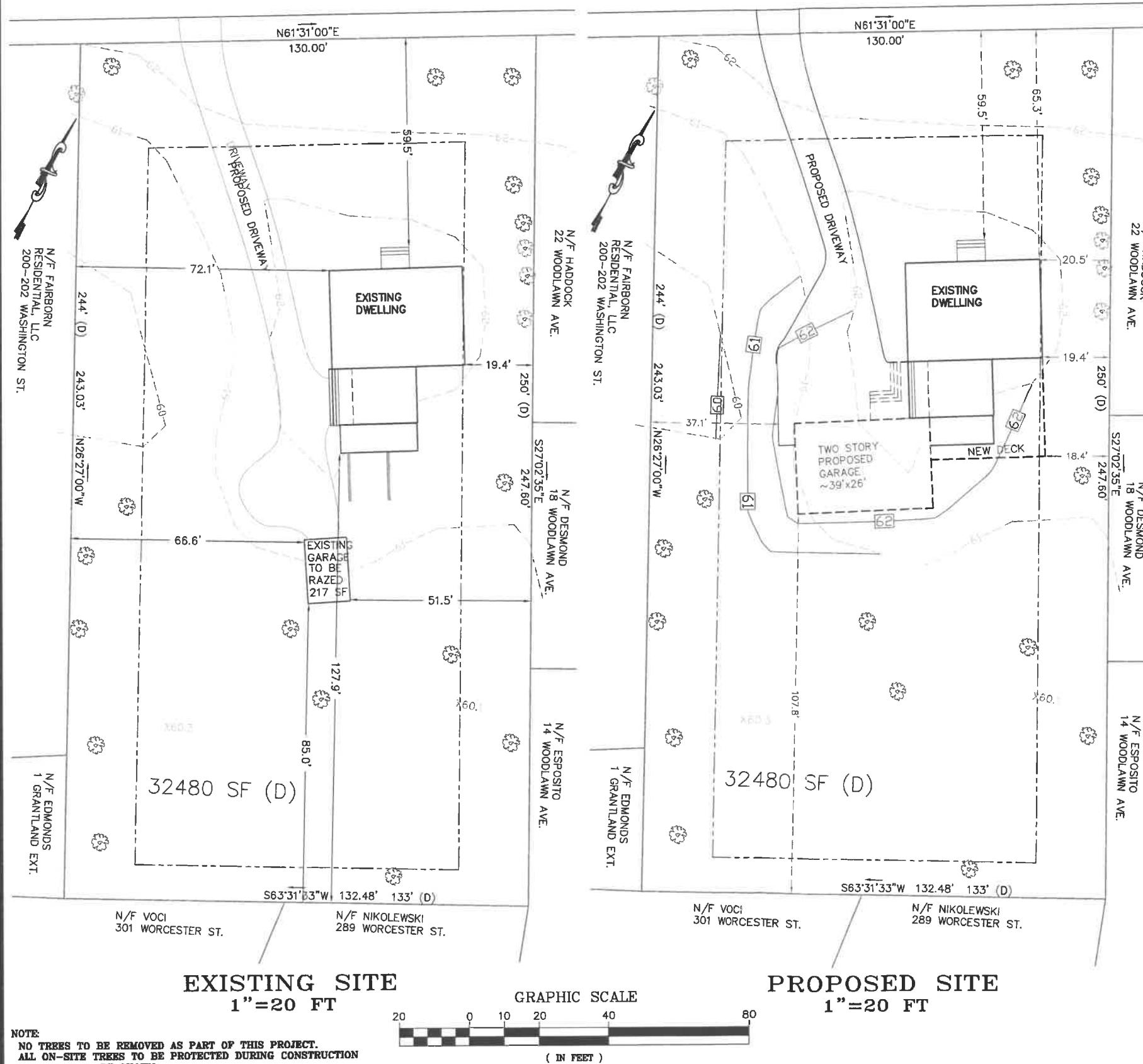
Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm

PROPOSED PLOT PLAN
196 WASHINGTON ST.
WELLESLEY, MA

WASHINGTON ST.

WASHINGTON ST.



ZONING DISTRICT: SR-10 (SINGLE FAMILY RESIDENCE)

ZONING DIMENSIONS

LOT REQUIREMENTS REQUIRED PROPOSED

1. AREA (SF)	10000	32480
2. WIDTH (FT)	80	100
4. FRONTAGE (FT)	60	180
5. FRONT SETBACK (FEET)	30	59
6. SIDE (FEET)	20	19 (EXISTING) 18.4 (NEW - VARIANCE)
7. REAR (FEET)	10	107
8. COVERAGE (SF)	1812 (EXISTING)	2978 (INCLUDES DECK)
COVERAGE %	5.6% (EXISTING)	9.2%
9. HEIGHT (FEET)	36	35
10. STORIES	2.5	2.5
11. TLAG (PER ZONING)	3600	6079

REFERENCE:

1. PLAN BOOK 280 PLAN 138 OF 1980 NRD.
2. DEED BOOK 2841 PAGE 365 NRD.
3. WELLESLEY ASSESSORS MAP 63 PARCEL 85
4. WELLESLEY ZONING MAP: ZONING DISTRICT SR-10
5. WELLESLEY GIS
6. L.C. PLAN 512K NRD.

NOTE:
BUILDING LOCATION AND OFFSETS SHOWN ARE SPECIFICALLY
FOR ZONING DETERMINATION ONLY AND NOT TO BE USED TO
ESTABLISH PROPERTY LINES.

CERTIFICATION:
PLAN WAS COMPILED FROM EXISTING PLANS IN ACCORDANCE
WITH THE TECHNICAL STANDARDS FOR FOUNDATION
INSPECTIONS AS ADOPTED BY THE MASSACHUSETTS
ASSOCIATION OF LAND SURVEYORS AND CIVIL ENGINEERS.
A. THE BUILDING CONFORMS TO THE DIMENSIONAL
REQUIREMENTS OF THE ZONING BYLAWS OF THE TOWN
OF WELLESLEY, MA.
B. THE BUILDING IS NOT IN THE 100 YEAR FLOOD PLAIN.
SEE FEMA MAP FME5021C0009B DATED 17 JULY 2012.
C. THE LOT IS NOT SUBJECT TO THE WETLANDS PROTECTION ACT.



Bernard H. Hamill

DATE: 23 FEB. 2022
REVISED: 22 MARCH 2022

PREPARED FOR:
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