

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

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100  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02482

2022-19 PHB: 34

ZBA 2022-33

Petition of Thomas Clifford & Brianna Wilson-Byrne  
14 Pine Plain Road

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 Thomas Clifford & Brianna Wilson-Byrne requesting a Special Permit/Finding pursuant to the provisions of Section 14E, Section 17 and Section 25 of the Zoning Bylaw that demolition of an existing nonconforming one story structure and deck, construction of a two story addition that will meet setback requirements, and construction of a one story addition and a deck with less than required left side yard setbacks, on an existing nonconforming structure with less than required left side yard and right side yard setbacks, on a 9,354 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 14 Pine Plain Road, 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 was David Himmelberger, Esq., who said that the request is for a special permit to raze a one story extension of the home and deck and build a new deck, a larger one story addition and a two story addition onto an existing nonconforming house on a nonconforming lot.

Mr. Himmelberger said that the existing home has a nonconforming left side yard setback of 13.1 feet and a nonconforming right side yard setback of 12.3 feet. He said that the proposed two story addition will have a right side yard setback of 20.3 feet and the larger replacement one story addition will have a left side yard setback of 14.7 feet. He said that the Petitioner seeks to replace an existing deck with a 12 by 15 foot deck with a left side yard setback of 14.7 feet.

Mr. Himmelberger said that existing lot is nonconforming at 9,354 square feet in 10,000 square foot Single Residence District. He said that existing lot coverage is 1,616 square feet, or 17 percent, and proposed lot coverage will be 2,021 square feet, or 21 percent. He said that the existing height of the home is 24.33 feet and the addition will be stepped down to 22 feet. He said that existing TLAG is 2,104

square feet and proposed TLAG will be 3,002 square feet, well beneath the 3,600 square foot trigger. He said that the additions are tasteful, well designed and will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Mr. Himmelberger said that a letter was submitted by the neighbors at 12 Pine Plain Road in support of the project.

Mr. Himmelberger said that the property is located in a Water Supply Protection District. He said that the Petitioner is proposing to locate a Cultec chamber at the rear to take the water from the roof.

The Chairman asked about the dimension on the left side that Mr. Himmelberger represented as being 14.7 feet. Mr. Himmelberger said that the left side yard setback is shown as 13.1 feet. He said that there is a 1.5 foot jog also shown on the plot plan. He said that the total of the two is 14.6 feet. He said that a plot plan dated March 15, 2022 was submitted and shows a 14.7 foot dimension. The Executive Secretary said that the March 15, 2022 plot plan was replaced with a revised plot plan dated March 22, 2022 because the March 15, 2022 plot plan was not signed by the surveyor. The Chairman asked that the dimension to the proposed structure be added to a revised plot plan.

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

Statement of Facts

The subject property is located at 14 Pine Plain Road, on a 9,354 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 left side yard setback of 13.1 feet and a minimum right side yard setback of 12.3 feet 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 demolition of an existing nonconforming one story structure and deck, construction of a two story addition that will meet setback requirements, and construction of a one story addition and a deck with less than required left side yard setbacks, on an existing nonconforming structure with less than required left side yard and right side yard setbacks, on a 9,354 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.

Letter to Zoning Board of Appeals, dated 3/21/22, from David J. Himmelberger, Esq., a Plot Plan, dated 3/22/22, stamped by Richard J. Leslie, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 11/17/21, and TLAG Affidavit, dated 1/3/22, prepared by David Sharff, Architect, and photographs were submitted.

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

Decision

RECEIVED  
MAY 19 PM 12:34  
2022  
CLERK'S OFFICE  
WYOMING  
MA 02482

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 demolition of an existing nonconforming one story structure and deck, construction of a two story addition that will meet setback requirements, and construction of a one story addition and a deck with less than required left side yard setbacks, on an existing nonconforming structure with less than required left side yard and right side yard setbacks, on a 9,354 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 demolition of an existing nonconforming one story structure and deck, construction of a two story addition that will meet setback requirements, and construction of a one story addition and a deck with less than required left side yard setbacks, on an existing nonconforming structure with less than required left side yard and right side yard setbacks, subject to the following condition:

- A revised plot plan shall be submitted that shows a left side yard setback not less than 14.6 feet.

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 MAY 19 PM 12:34  
WELLESLEY MA 02482  
TOWN CLERK'S OFFICE  
RECEIVED

ZBA 2022-33

Petition of Thomas Clifford & Brianna Wilson-Byrne  
14 Pine Plain 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.

*Brianna Wilson-Byrne*  
\_\_\_\_\_  
Robert W. Levy, Acting Chairman

*Walter B. Adams*  
\_\_\_\_\_  
Walter B. Adams

*Derek B. Redgate*  
\_\_\_\_\_  
Derek B. Redgate

ZBA 2022-33  
Applicant Thomas Clifford & Brianna Wilson-Byrne  
Address 14 Pine Plain Road

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02482  
2022 MAY 19 PM 12: 34

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

PREPARED FOR:

THOMAS CLIFFORD  
14 PINE PLAIN ROAD  
WELLESLEY, MA 02481



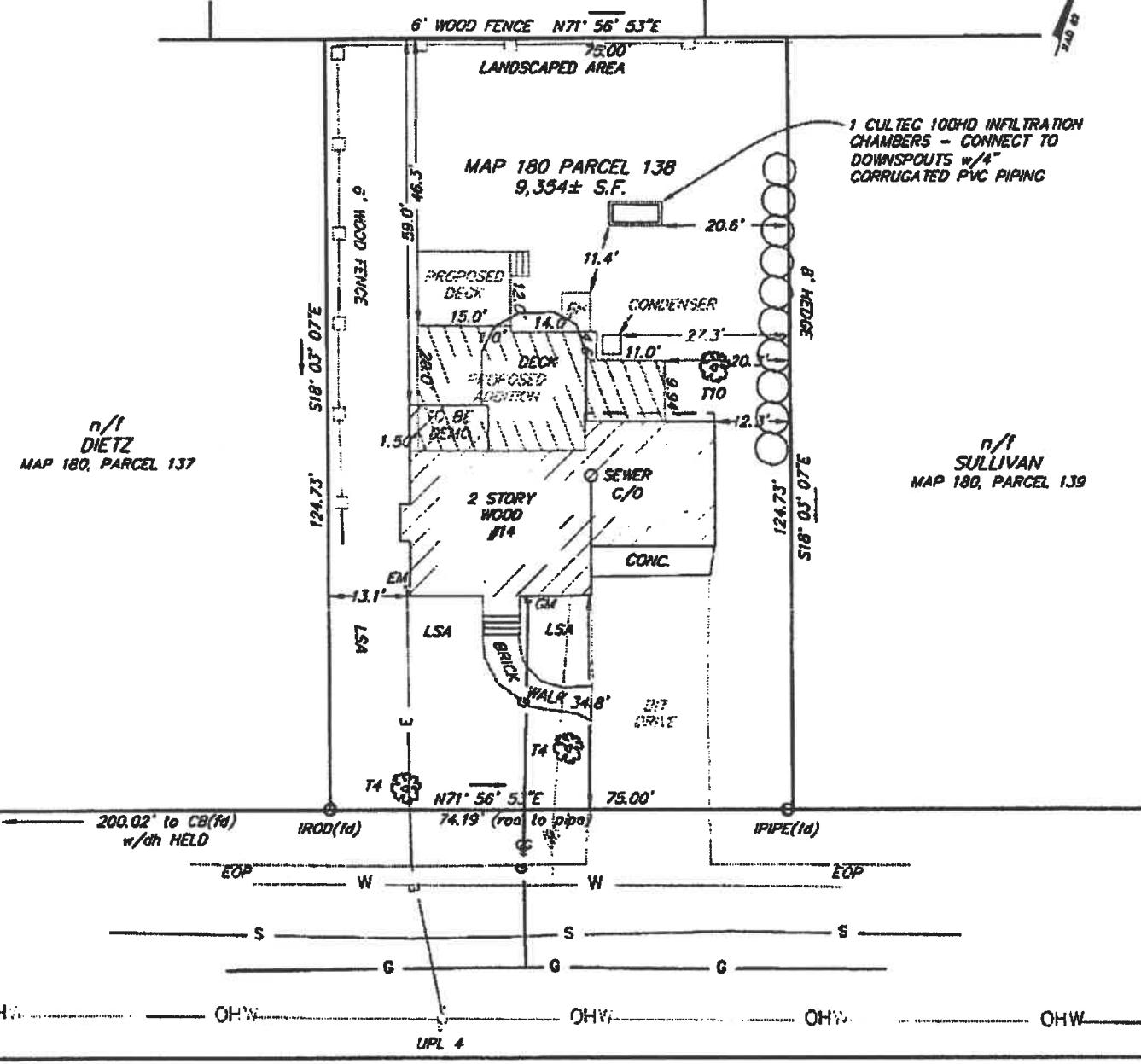
Bay Colony Group, Inc.  
Professional Civil Engineers &  
Professional Land Surveyors

ZONING BY-LAW REQUIREMENTS

ZONING DISTRICT - SINGLE RESIDENCE 10

	REQUIRED	EXISTING	PROPOSED
MIN. LOT AREA	10,000± S.F.	9,354± S.F.	9,354± s.f.
MIN. LOT FRONTRAGE	60'	75.00'	75.00'
MIN. FRONT YARD	30'	34.8'	34.8'
MIN. SIDE YARD	20'	12.3'	12.3'
MIN. REAR YARD	10'	59.0'	46.3'
RATIO BLDG. TO LOT	25% (2,339± s.f.)	17% (1,616± s.f.)	22% (2,049± s.f.)

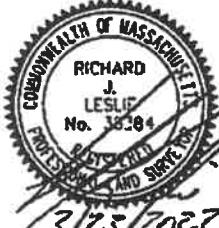
AVERAGE GRADE AT FND=160.87  
TOP OF FOUNDATION=163.03  
FINISH FLOOR=164.17  
2ND FLOOR SOFFET=178.39  
ROOF PEAK(EXISTING)=185.20  
ROOF PEAK(PR. ADDITION)=183.20



PINE PLAIN ROAD

CERTIFIED PLOT  
PLAN OF LAND FOR  
14 PINE PLAIN ROAD  
WELLESLEY, MA

BAY COLONY GROUP, INC.  
PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS  
FOUR SCHOOL STREET, P.O. BOX 9136  
FOXBOROUGH, MA 02035  
(508) 543-3939



3/23/2022 MARCH 22, 2022 SCALE: 1"=20'

I hereby certify to the above named Client that to the best of my professional knowledge, information, and belief that the dwelling is located on the ground as shown herein.

20-0185-BPP