

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

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ZBA 2022-34  
Petition of Barry & Victoria Gallup  
419 Weston 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 Barry & Victoria Gallup 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 one story front entry with less than required front yard setbacks, and construction of a one story addition that will meet setback requirements, on an existing nonconforming structure with less than required front and side yard setbacks, at 419 Weston Road, on a 6,442 square foot corner 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.

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 on behalf of the Petitioner was Brian Alim, bca Architectural Design, Barry and Victoria Gallup, the Petitioner.

Mr. Alim said that the request is for a special permit for an addition to the east or garage side of the property. He said that the addition will be 9.2 by 20 feet and will match the existing house. He said that a small front porch will be added to the Pine Plan Road portion of the property as well.

Mr. Alim said that existing lot area is nonconforming. He said that the setbacks on Pine Plain and Weston Roads are nonconforming. He said that the new addition falls within the 20 foot rear yard setback along the garage, so there will be no more nonconformity there. He said that the addition of the front stoop has Sona tube footings that cross over the Pine Plain Road 30 foot front yard setback. He said that the request is for relief for the setback on Pine Plain Road.

The Chairman said that the proposed front stoop will encroach further into the front setback by an additional 4.5 feet. He asked if analysis had been done with respect to the 500 Foot Rule. Mr. Alim said that there is an existing sunroom at the front right side with a front yard setback to Pine Plain Road of

26.7 feet. The Chairman said that the proposal is to build an addition that will be 22 feet from Pine Plain Road. He said that 50 square feet of the wood stoop is exempt under the Zoning Bylaw, provided that it projects five feet or less from the face of the building and comes no closer than 25 feet to the street line. Mr. Alim said that the current design sets the stoop itself 26 feet from Pine Plain Road. He said that the Petitioner is happy to make the porch 50 square feet.

David Himmelberger, Esq., said that the 500 Foot Rule does not apply here because it applies when there are three or more houses greater than 30 feet from the street, with the subject house included in the calculation. He said that it is already less than 30 feet here. The Chairman said that the Board can make no determination with respect to the 500 Foot Rule and leave that up to the Building Inspector.

The Chairman confirmed that the garage will stay as is.

The Chairman confirmed that the TLAG will be under the threshold for Large House Review.

A Board member said that the property is located in a Water Supply Protection District. The Chairman asked about handling stormwater runoff. Mr. Alim said that it will be handled with rain barrels. He said that the lot is not particularly large for a full filtration system.

The Chairman said that because this is a corner lot, the setbacks are 30 feet to both streets and the other two setbacks are side yard setbacks of 20 feet. He said that there were no dimensions shown on the plot plan to the air conditioner condensers and they appear to be less than 20 feet from the property line. He said that the Board would not be granting relief for the condensers in the setback area.

Ms. Gallup said the she and her husband bought the home in 1995 and raised their family there. She said that they want to age in their home. She said that they love the town and their home. She said that they spent a lot of time with Mr. Alim and their contractor. She said that their intention is to make it lovely and improve the neighborhood. She said that they want to make the home safe so that they can age and stay in the house. She said that they are not trying to do anything that would be noncompliant. She said that time is of the essence as they are getting older. She said that everything has taken so long and now that they have everything teed up, they are anxious to get the project underway. She said that they will cut the size of the porch back, have a drainage system and figure out the air conditioning. She said that there is a sense of urgency for them.

#### Statement of Facts

The subject property is located at 419 Weston Road, on a 6,442 square foot corner 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 28.2 feet to Weston Road and a minimum front yard setback of 26.7 feet to Pine Plain Road where 30 feet is required, and a minimum side yard setback of 14 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 one story front entry with less than required front yard setbacks, and construction of a one story addition that will meet setback requirements, on an existing nonconforming structure with less than required front and side yard setbacks, on a 6,442 square

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foot corner 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 4/8/22, stamped by Patrick Roseingrave, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 4/7/22, prepared by BCA Architectural Design, and photographs were submitted.

On May 4, 2022, the Planning Board 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 one story front entry with less than required front yard setbacks, and construction of a one story addition that will meet setback requirements, on an existing nonconforming structure with less than required front and side yard setbacks, on a 6,442 square foot corner lot in a Single Residence District in which the minimum lot size is 10,000 square feet 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 one story front entry with less than required front yard setbacks, and construction of a one story addition that will meet setback requirements, subject to the following conditions:

1. Stormwater management shall be handled by some means.
2. The porch with a front yard setback to Pine Plain Road shall be reduced in size to no greater than 50 square feet.
3. The side yard setback shall be shown on the plot plan.
4. The air conditioning condensers shall be removed from the plot plan.

The Board makes no determination regarding the 500 Foot Rule.

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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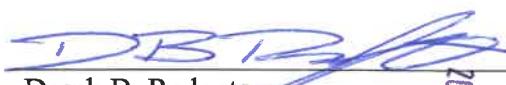
APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.



Robert W. Levy, Acting Chairman



Walter B. Adams



Derek B. Redgate

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Applicant Barry & Victoria Gallup  
Address 419 Weston 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

