

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

888 WASHINGTON STREET • SUITE 160 • 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

AUG 8 PM 12:27
WELLESLEY MA 02482
CLERK'S OFFICE
WELLESLEY MA 02482

ZBA 2022-46
Petition of Deadra Doku
3 Pickerel Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 7, 2022, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Deadra Doku 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 deck and construction of a larger deck with less than required right side yard and rear yard setbacks, on an existing nonconforming structure with less than required right side yard setbacks, at 3 Pickerel Road, in a 10,000 square foot Single Residence District, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 9, 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.

On July 12, 2022, the Petitioner filed a revised request for a hearing before this Authority, requesting a Special Permit/Finding and/or a Variance pursuant to the provisions of Section 14E, Section 17, Section 19, Section 24 and Section 25 of the Zoning Bylaw for demolition of an existing nonconforming deck and construction of a larger deck with less than required right side yard and rear yard setbacks, on an existing nonconforming structure with less than required right side yard setbacks, at 3 Pickerel Road, in a 10,000 square foot Single Residence District, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

July 7, 2022

The Board voted unanimously to continue the petition to August 4, 2022 to be heard de novo.

August 4, 2022

Present at the public hearing were Deadra Doku, the Petitioner, Tim Gover, and Joel Lunger.

Mr. Gover said that the Petitioner appeared before the Board at the July 7, 2022 public hearing to request a special permit. He said that the request is to replace and extend a 30 year old 6 foot by 12 foot cantilevered deck off of the back of the house. He said that the Board asked that a survey that shows the distance from the lot lines to the proposed deck be submitted.

The Chairman said that revised plans show a deck that will meet the rear yard setback requirements. Mr. Gover said that at the previous hearing, there was a question about creating a new nonconformity. He said that their engineer redesigned the deck so that it is now 10 feet by 14 feet.

Mr. Gover said that the Wetlands Protection Committee approved the project.

The Chairman said that the erosion control barrier appears to go onto the Lomer and Hildebrand properties. Ms. Doku said that they can remove it.

Don Eburne, 4 Pickerel Road, said that he and his wife, Carol Hildebrand, own the property that is immediately adjacent to 3 Pickerel Road. He said that they are the only people who will see the deck and they have no objections to it. He said that there are no houses in back of 3 Pickerel Road. He said that he and his wife are in full support.

Statement of Facts

The subject property is located at 3 Pickerel Road, in a 10,000 square foot Single Residence District, in a Water Supply Protection District, with a minimum right side yard setback of 15.8 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 demolition of an existing nonconforming deck and construction of a larger deck with less than required right side yard setbacks, on an existing nonconforming structure with less than required right side yard setbacks, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 5/18/22, revised 7/8/22, stamped by Todd P. Chapin, Professional Land Surveyor, Floor Plan and Elevation Drawing, dated 5/16/22, revised 7/10/22, prepared by Joel S. Lunger, P.E., General Scope of Work, dated 5/18/22, revised 7/11/22, prepared by Rockwood Inc., and photographs were submitted.

On July 1, 2022, the Planning Board reviewed the petition and recommended that the ZBA delay action. On August 2, 2022, the Planning Board reviewed the petition and recommended that a 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 demolition of an existing nonconforming deck with less than required right side yard setbacks and construction of a larger deck with less than required right 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 nonconforming deck with less than required right side yard setbacks and construction of a larger deck with less than required right side yard setbacks, in accordance with the plan dated July 8, 2022.

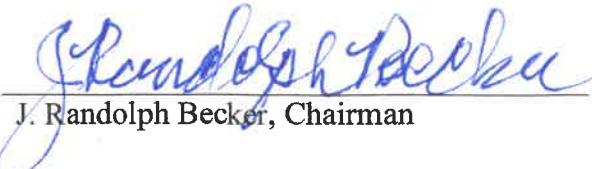
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2022 AUG 8 PM 12:27

ZBA 2022-46
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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.


J. Randolph Becker, Chairman


Robert W. Levy


Walter B. Adams

2022 AUG 18 PM 12:27
EXECUTIVE
TOWN CLERK'S OFFICE
WELLESLEY MA 02482

ZBA 2022-46
Applicant Deadra Doku
Address 3 Pickerel Road

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

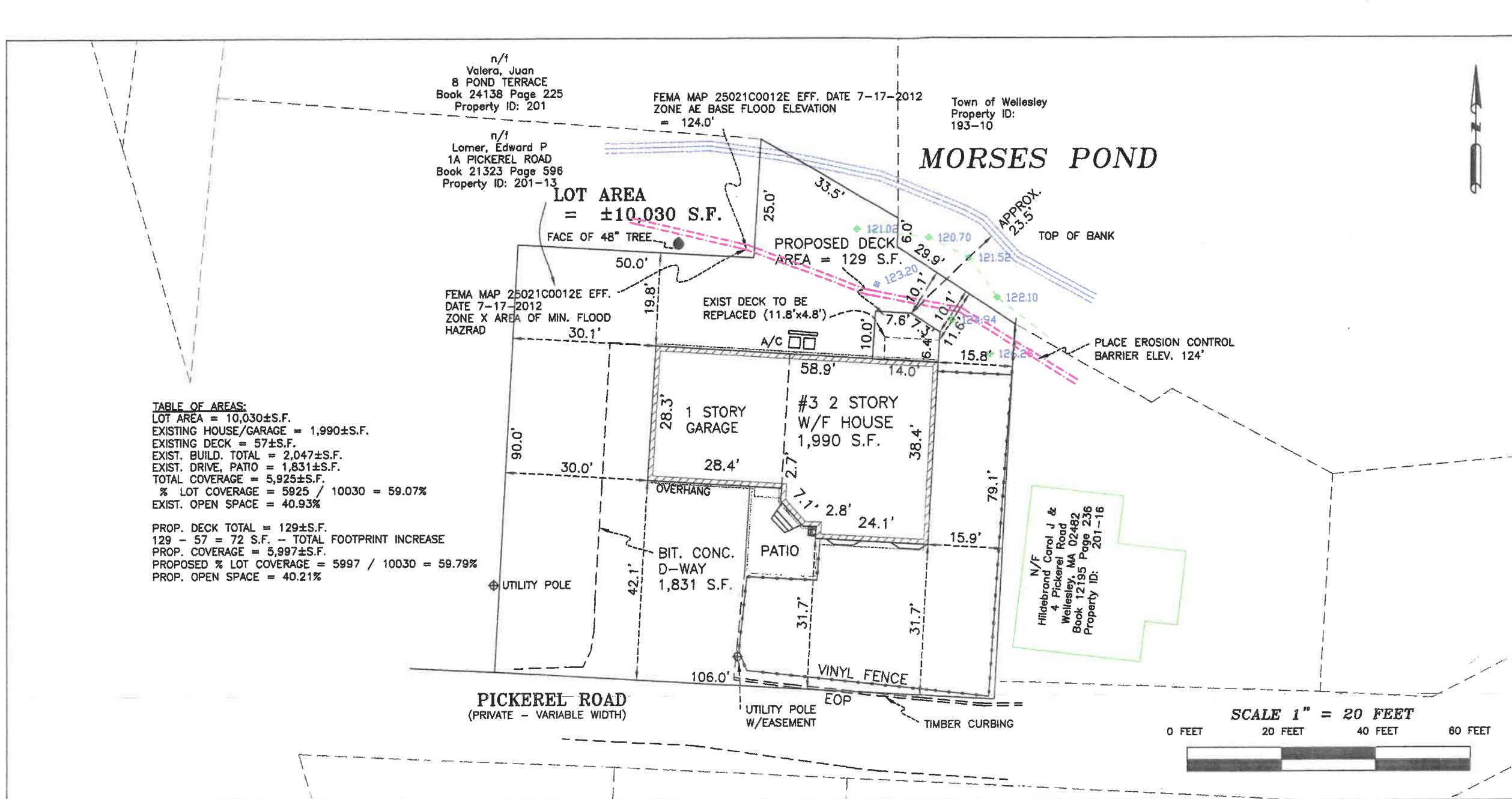
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Date:

Attest:


Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm



<p>FLOOD ZONE NOTE: PORTION OF PROPERTY LIES WITHIN ZONE AF A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM MAP 25021C0012E EFFECTIVE DATE: 07/17/2012.</p> <p>PORTION OF PROPERTY LIES IN ZONE X AN AREA OF MINIMAL FLOOD HAZARD AS SHOWN ON FIRM MAP 25021C0012E EFFECTIVE DATE: 07/17/2012.</p>	<p>PLAN PREPARED FOR PROPERTY OWNER(S): DEADRA DOKU 3 PICKEREL ROAD WELLESLEY MA 02482</p>	 <p>TODD P. CHAPIN P.L.S. 37558</p>	<p>ASSESSORS MAP - MAP 201 BLOCK 0015 ZONING DISTRICT: SR10 MINIMUM SETBACK REQUIREMENTS: FRONT YARD = 30.0' SIDE YARD = 20.0' REAR YARD = 10.0' MAX. STORIES = 2.5 MAX. HEIGHT = 35'</p>	<p>PROPOSED DECK</p>
			<p>PLOT PLAN OF LAND IN WELLESLEY, MASS</p>	
			<p>SCALE: 1"=20' DATE: 07/08/2022 DEED REF. BOOK: 24217 PAGE: 370 PLAN BOOK 75 PLAN NO 3641</p>	
			<p>RealMapInfo LLC 118 Turnpike Road Suite 200 Southborough, MA. 01772 RealMapInfo.com 508-523-4559</p>	

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R E C E I P T
Printed: March 7, 2023 @ 15:23:56
Norfolk Registry of Deeds
William P O'Donnell
Register

Oper:YSANCHEZ

Trans#: 15388

Book: 41086 Page: 37 Inst#: 13113
Ct #: 340 Rec:3-07-2023 @ 3:23:48p
WELL 3 PICKEREL 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 #M 4339 106.00