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TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

888 WORCESTER 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 REDGATE
RICHARD L. SEIBEL

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ZBA 2022-60
Petition of Maeghan & Mark Sulham
46 Beechwood Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 1, 2022, at 7:00 pm in the Great Hall, 525 Washington Street, Wellesley, on the petition of Maeghan & Mark Sullivan requesting a Special Permit/Finding pursuant to the provisions of Section 3.8, Section 5.1 and Section 6.3 of the Zoning Bylaw that demolition of an existing garage and construction of a two story addition with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard and right side yard setbacks, on an 8,233 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, at 46 Beechwood Road, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 27, 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 Robert Williamson, Architect, and Maeghan Sulham, the Petitioner.

Mr. Williamson said that the request is for a special permit/finding for relief for a two story addition at the rear of the existing home on a nonconforming lot. He said that the existing front yard setback is 23.2 feet to the porch but no work will be done on that side of the house. He said that the existing side yard setback on the west of the house is 9.4 feet. He said that they will do a small addition off of the rear to replace an existing structure that has issues with the foundation. He said that the footprint will be replaced in kind with an extension for an additional bay on the garage. He said that the rear corner will be 9.6 feet from the left side property line.

Mr. Williamson said that side yard setbacks for the ac units will be more than 20 feet. He said that the existing one car garage is 30.1 feet from the side property line on the east. He said that they will replace that footprint in kind.

Bk 31290
Pg 146

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On July 27, 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 Robert Williamson, Architect, and Maeghan Sulham, the Petitioner.

Mr. Williamson said that the request is for a special permit/finding for relief for a two story addition at the rear of the existing home on a nonconforming lot. He said that the existing front yard setback is 23.2 feet to the porch but no work will be done on that side of the house. He said that the existing side yard setback on the west of the house is 9.4 feet. He said that they will do a small addition off of the rear to replace an existing structure that has issues with the foundation. He said that the footprint will be replaced in kind with an extension for an additional bay on the garage. He said that the rear corner will be 9.6 feet from the left side property line.

Mr. Williamson said that side yard setbacks for the ac units will be more than 20 feet. He said that the existing one car garage is 30.1 feet from the side property line on the east. He said that they will replace that footprint in kind.

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Mr. Williamson said that the lot is under 10,000 square feet and is tight. He discussed concerns about the size of the addition and keeping a large backyard. He said that the proposed solution will give them a proper two car garage, additional family space on the ground floor, and an additional bedroom. He said that the existing TLAG is 2,500 square feet and proposed TLAG will be 3,526 square feet. Board members said that it is a good solution.

A Board member confirmed that the Petitioner spoke with the neighbor at 42 Beechwood Road about the plans.

The Chairman said that the three nonconformities are lot area of 8,233 square feet instead of 10,000 square feet, a front yard of 23.2 feet instead of 30 feet and a right side yard setback of 9.4 feet instead of 20 feet. He confirmed that the retaining walls are existing. A Board member said that some of the retaining wall will be removed.

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 46 Beechwood Road, on an 8,233 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 23.2 feet where 30 feet is required, and a minimum right side yard setback of 9.4 feet where 20 feet is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 3.8, Section 5.1 and Section 6.3 of the Zoning Bylaw that demolition of an existing garage and construction of a two story addition with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard and right side yard setbacks, on an 8,233 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 7/18/22, stamped by Dennis B. O'Brian, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 7/20/22 and TLAG Affidavit, prepared by Robert H. Williamson, Architect, and photographs were submitted.

On August 31, 2022, the Planning Board reviewed the petition and recommended that the ZBA delay action.

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 garage and construction of a two story addition with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard and right side yard setbacks, on an 8,233 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 garage and construction of a two story addition with less than required right side yard setbacks, subject to the following condition:

- The project shall meet all of the requirements for a Water Supply Protection District.

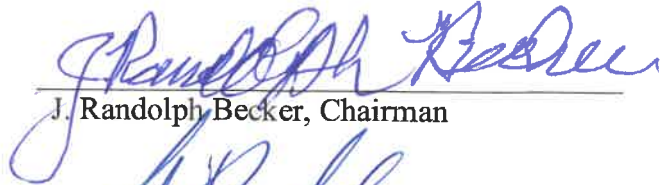
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed constructions plans.

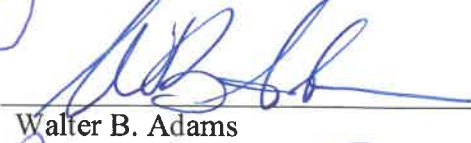
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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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.


J. Randolph Becker, Chairman


Walter B. Adams


Richard L. Seegel

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ZBA 2022-60
Applicant Maeghan & Mark Sulham
Address 46 Beechwood 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
Irm

