

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

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WALTER B. ADAMS  
DEREK B. REDGATE  
RICHARD L. SEEGL

ZBA 2022-71

Petition of Daria Tcherniakovskaia  
147 Walnut Street

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 3, 2022, at 7:30 p.m. in the Great Hall, 525 Washington Street, Wellesley, on the petition of Daria Tcherniakovskaia requesting a Special Permit/Finding pursuant to the provisions of Section 5.1 and Section 6.3 of the Zoning Bylaw that demolition of an existing nonconforming deck and construction of a one story mudroom with less than required front yard and rear yard setbacks, on a 1,967 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, at 147 Walnut Street, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On September 29, 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 Laurence Shind, Esq., representing Daria Tcherniakovskaia, the Petitioner.

Mr. Shind said that it is a unique property with just under 2,000 square feet of land area. He said that the house is nonconforming on all sides. He said that the proposal is to remove the existing deck on the right side of the house and add a new one story mudroom on the same footprint. He said that there is no close neighbor to that side because the properties are bisected by the aqueduct. He said that there is no real impact to the neighbor on the right side.

A Board member said that the pre-existing nonconforming house covers most of the usable space on the lot. He said that the people across the street are probably closer to the construction than the neighbor on the side. He said that he had no objection to the proposed construction and could make a finding that the proposed construction will not be substantially more detrimental to the neighborhood.

There was no one present at the Public Hearing who wished to speak to the petition.

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02482  
2022 NOV 17 AM 10:02

### Statement of Facts

The subject property is located at 147 Walnut Street, on a 1,967 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with a minimum rear yard setback that crosses the rear property line by 0.3 feet where a 10 foot setback is required and a minimum front yard setback that crosses the property line where a 30 foot setback is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 5.1 and Section 6.3 of the Zoning Bylaw that demolition of an existing nonconforming deck and construction of a one story mudroom with less than required front yard and rear yard setbacks, on a 1,967 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Plot Plans, Sheet 1 & 2, dated 9/9/22, stamped by Paje Brown Owens, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 9/26/22, prepared by StreetBlock, TLAG Affidavit, and photographs were submitted.

On November 1, 2022, the Planning Board reviewed the petition and recommended that the ZBA approve the Special Permit.

### 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 nonconforming deck and construction of a one story mudroom with less than required front yard and rear yard setbacks, on a 1,967 square foot 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 demolition of an existing nonconforming deck and construction of a one story mudroom, in accordance with the submitted plans.

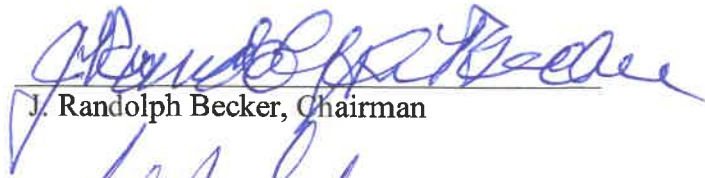
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed constructions plans.

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

ZBA 2022-71  
Petition of Daria Tcherniakovskaia  
147 Walnut Street

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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

ZBA                    2022-71  
Applicant        Daria Tcherniakovskaia  
Address           147 Walnut 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.

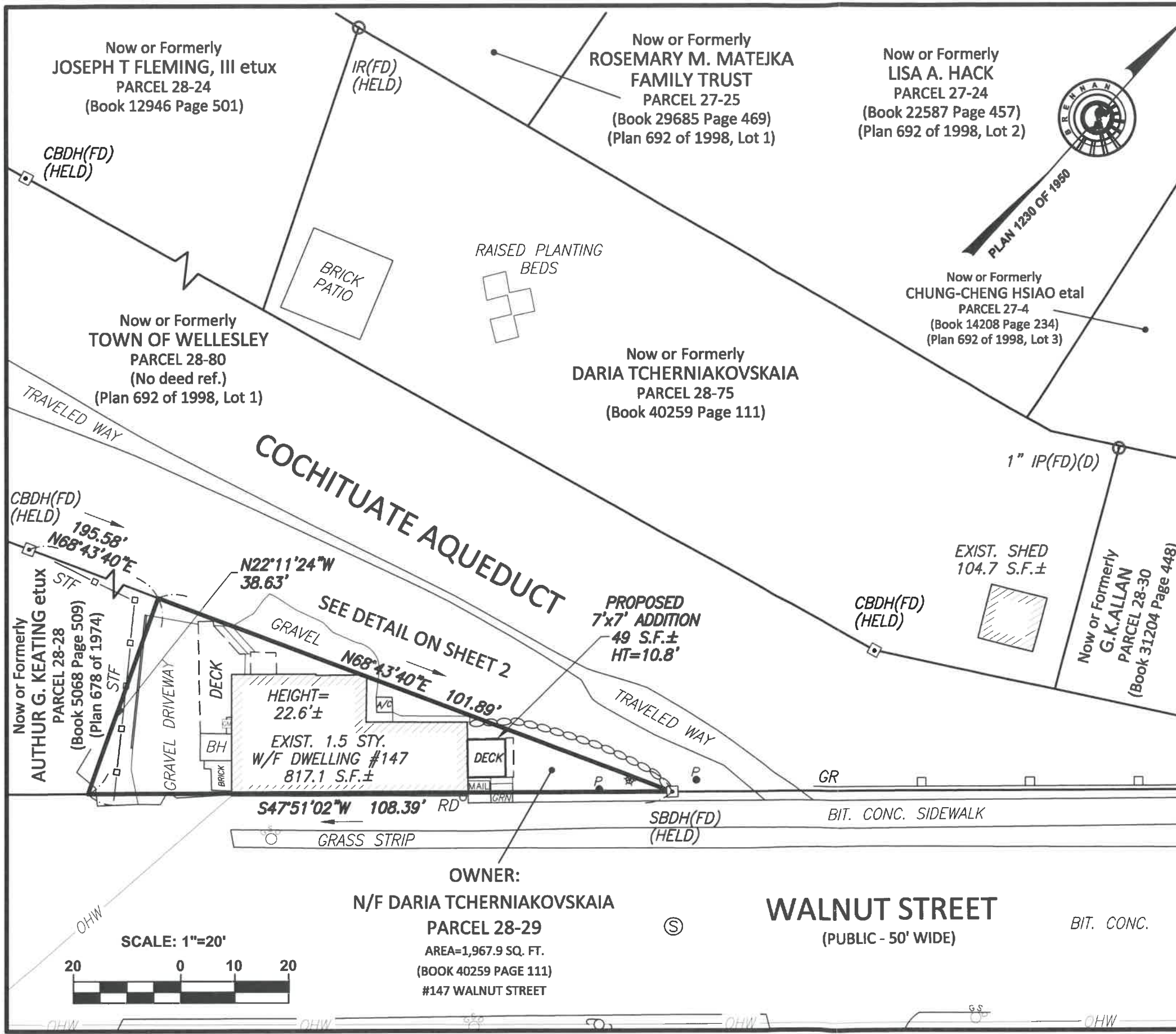
Date:

Attest:

\_\_\_\_\_  
Cathryn Jane Kato  
Town Clerk

cc: Planning Board  
Inspector of Buildings  
lrm

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02485  
2022 NOV 17 AM 10:52



**NOTES:**

1. LOCUS LIES WITHIN THE SINGLE RESIDENCE (SR-10) ZONING DISTRICT.
2. THE PLANIMETRIC DETAIL, AND SURFACE IMPROVEMENTS DEPICTED HEREON WERE OBTAINED FROM A FIELD SURVEY CONDUCTED ON BETWEEN JULY 22, 2022 AND AUGUST 1, 2022 BY BRENNAN CONSULTING.
3. THE LOCATION OF ALL UTILITIES SHOWN ARE BASED UPON ABOVE GROUND OBSERVED EVIDENCE DURING A FIELD SURVEY BY BRENNAN CONSULTING AND DOES NOT WARRANTY THE LOCATION OF ALL UTILITIES DEPICTED. THE CONTRACTOR, PRIOR TO COMMENCEMENT OF CONSTRUCTION, SHALL VERIFY THE LOCATION OF ALL UTILITIES AND CONTACT DIG SAFE AT 1-888-344-7233.
4. PROPOSED CONDITIONS SHOWN HEREON AS PER PLANS PROVIDED BY CLIENT AND PREPARED BY STREETBLOCK DEVELOPMENT.

	EXISTING	PROPOSED
PERCENTAGE OF LOT COVERAGE	52.4%	51.8%
AREA OF LOT COVERAGE	1,031.8 S.F.	1,019.1 S.F

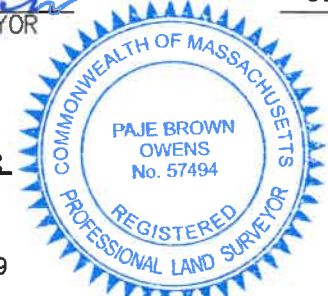
I HEREBY CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY AND THE LATEST DEEDS AND PLANS OF RECORD.

  
PROFESSIONAL LAND SURVEYOR

09-09-22  
DATE

**LOCUS & RECORD OWNER:**

DARIA TCHERNIAKOVSKAIA  
DEED BK. 40259, PAGE 111  
ASSESSOR MAP 28, PARCEL 29



**PLOT PLAN**  
**147 WALNUT STREET**  
**WELLESLEY, MASSACHUSETTS**  
**(NORFOLK COUNTY)**

PREPARED FOR  
**DASHA TCHERNIAKOVSKAIA**

SCALE: 1" = 20'      DATE: SEPTEMBER 9, 2022

**Brennan Consulting**  
ENGINEERING TRANSPORTATION SURVEYING  
24 RAY AVENUE, BURLINGTON, MA  
PHONE: (781) 273-3434 WWW.BRENNANCONSULTS.COM

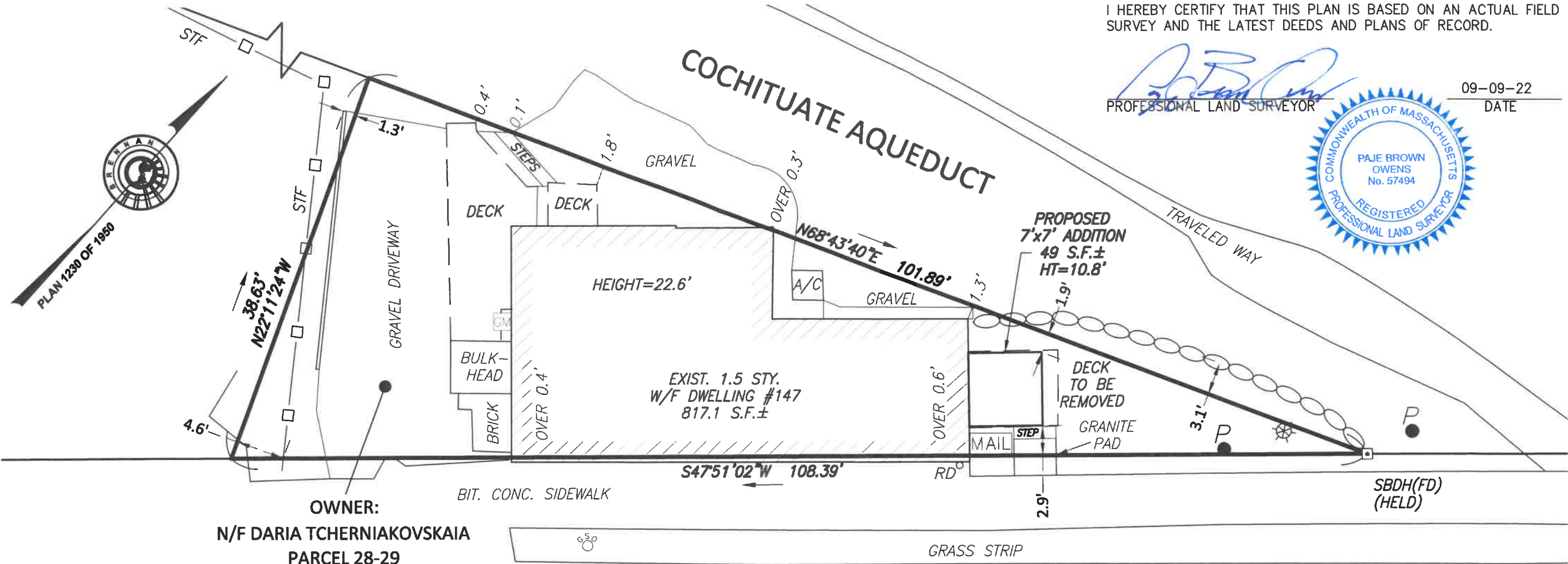
SHEET 1 OF 2      JOB NO.22272



I HEREBY CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY AND THE LATEST DEEDS AND PLANS OF RECORD.

*P. Brown*  
PROFESSIONAL LAND SURVEYOR

09-09-22  
DATE



OWNER:  
N/F DARIA TCHERNIAKOVSKAIA  
PARCEL 28-29  
AREA=1,967.9 SQ. FT.  
(BOOK 40259 PAGE 111)  
#147 WALNUT STREET

WALNUT STREET  
(PUBLIC - 50' WIDE)

LEGEND

BH ..... BULKHEAD  
BIT ..... BITUMINOUS  
HT ..... HEIGHT  
CONC ..... CONCRETE  
STF ..... STOCKADE FENCE  
GSO ..... GAS SHUT OFF/GAS GATE  
GM ..... GAS METER  
S ..... SEWER MANHOLE

RD ..... ROOF DRAIN  
OHW ..... OVERHEAD WIRES  
GR ..... GUARD RAIL  
VF ..... VINYL FENCE  
SW ..... STONE WALL  
UP ..... UTILITY POLE  
LP ..... LIGHT POLE  
P ..... POST  
MAIL ..... MAIL BOX

(D) ..... DISTURBED  
(FD) ..... FOUND  
IP ..... IRON PIPE  
IR ..... IRON ROD  
SB ..... STONE BOUND  
CB ..... CONCRETE BOUND  
B ..... BOUND  
ISM ..... IRON SURVEY MARKER

SCALE: 1"=10'



**PLOT PLAN**  
**147 WALNUT STREET**  
**WELLESLEY, MASSACHUSETTS**  
**(NORFOLK COUNTY)**

PREPARED FOR  
DASHA TCHERNIAKOVSKAIA  
SCALE: 1"=10'      DATE: SEPTEMBER 9, 2022

**Brennan Consulting**  
ENGINEERING TRANSPORTATION SURVEYING

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SHEET 2 OF 2

JOB NO.22272