

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

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ZBA 2023-02

Petition of Naomi & Phillip Getto
40 Chestnut Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 2, 2023, at 7:30 pm in the Kingsbury Room, 485 Washington Street, Wellesley, on the petition of Naomi & Phillip Getto 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 one car garage with less than required right side yard and rear yard setbacks, and construction of a new two car garage with less than required right side yard and rear yard setbacks, on a 12,869 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, at 40 Chestnut Street, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On January 5, 2023, 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 Tova Greenberg, Designer, Phillip and Naomi Getto, the Petitioner.

Ms. Greenberg said that said that the property currently has a small garage in the rear corner that does not meet setback requirements. She said that the proposal is to replace it with a 20 foot by 22 foot two car garage, maintaining the current nonconforming setbacks.

The Chairman said that a revised plan should be submitted that shows that the property is located in Wellesley, not Newton.

The Chairman asked about use of the upper level of the garage. Ms. Greenberg said that there will be boards above the rafters with a ladder to access the space. She said that there will not be a floor.

A Board member said that the existing driveway appears to go onto the neighbor's property. Ms. Greenberg submitted a copy of the driveway easement. She said that the intention is to stay within the existing easement.

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COMMUNITY DEVELOPMENT
OFFICE
WELLESLEY, MA 02482

The Chairman identified the three nonconformities of lot area, and right side yard and rear yard setbacks for the shed. He said that the new garage will be where the existing shed is and will extend in toward the center of the property.

A Board member said that the town map shows a garage that is hard against the property line at 45 Cliff Road. He asked if the surface of that garage will be only 3 feet 4 inches from the corner of the new garage. Ms. Greenberg said that is the current condition. She said that they will not encroach further into the setback. The Board member said that the 3.5 foot strip between the garage and the property line will be hard to maintain. Ms. Greenberg said that it is big enough to get a lawn mower back there. She said that the way that the fences are, you will not be able to see it from any of the neighboring properties. Mr. Getto said that there is a small four foot wall facing the rear of the property and behind it are plantings. He said that there is a row of fir trees separating the property line to Cliff Road.

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 40 Chestnut Street, on a 12,869 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, with a minimum right side yard setback of 3.9 feet and a minimum rear yard setback of 3.4 feet where 20 feet 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 one car garage with less than required right side yard and rear yard setbacks, and construction of a new two car garage with less than required right side yard and rear yard setbacks, on a 12,869 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 9/6/22, revised 12/21/22, stamped by Bruce Bradford, Professional Land Surveyor, Quitclaim Deed, Bk 36629, Pg 339, #13485, Floor Plan & Elevation Drawing, dated 12/1/22, prepared by Steveworks LLC, and photographs were submitted.

On January 27, 2023, the Department of Public Works Engineering Division submitted comments.

On February 1, 2023, 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.

It is the opinion of this Authority that demolition of an existing nonconforming one car garage with less than required right side yard and rear yard setbacks, and construction of a new two car garage with less than required right side yard and rear yard setbacks, on a 12,869 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, will result in the intensification of existing

nonconformities, 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 car garage with less than required right side yard and rear yard setbacks, and construction of a new two car garage with less than required right side yard and rear yard setbacks, subject to the following condition:

- A revised plot plan that shows the dimensions shown on the plot plan dated 12/21/22, and shows that the property is located in Wellesley shall be submitted.

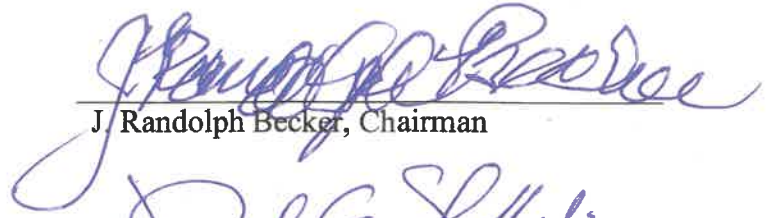
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed constructions plans.

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

2023 FEB 16 AM 10:49
WELLESLEY MA 02459
CIVIL ENGINEER'S OFFICE

ZBA 2023-02
Petition of Naomi & Phillip Getto
40 Chestnut Street

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



David G. Sheffield



Derek B. Redgate

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WELLESLEY, MA 01981
2023 FEB 16 AM 10:49

ZBA 2023-02
Applicant Naomi & Phillip Getto
Address 40 Chestnut Street

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

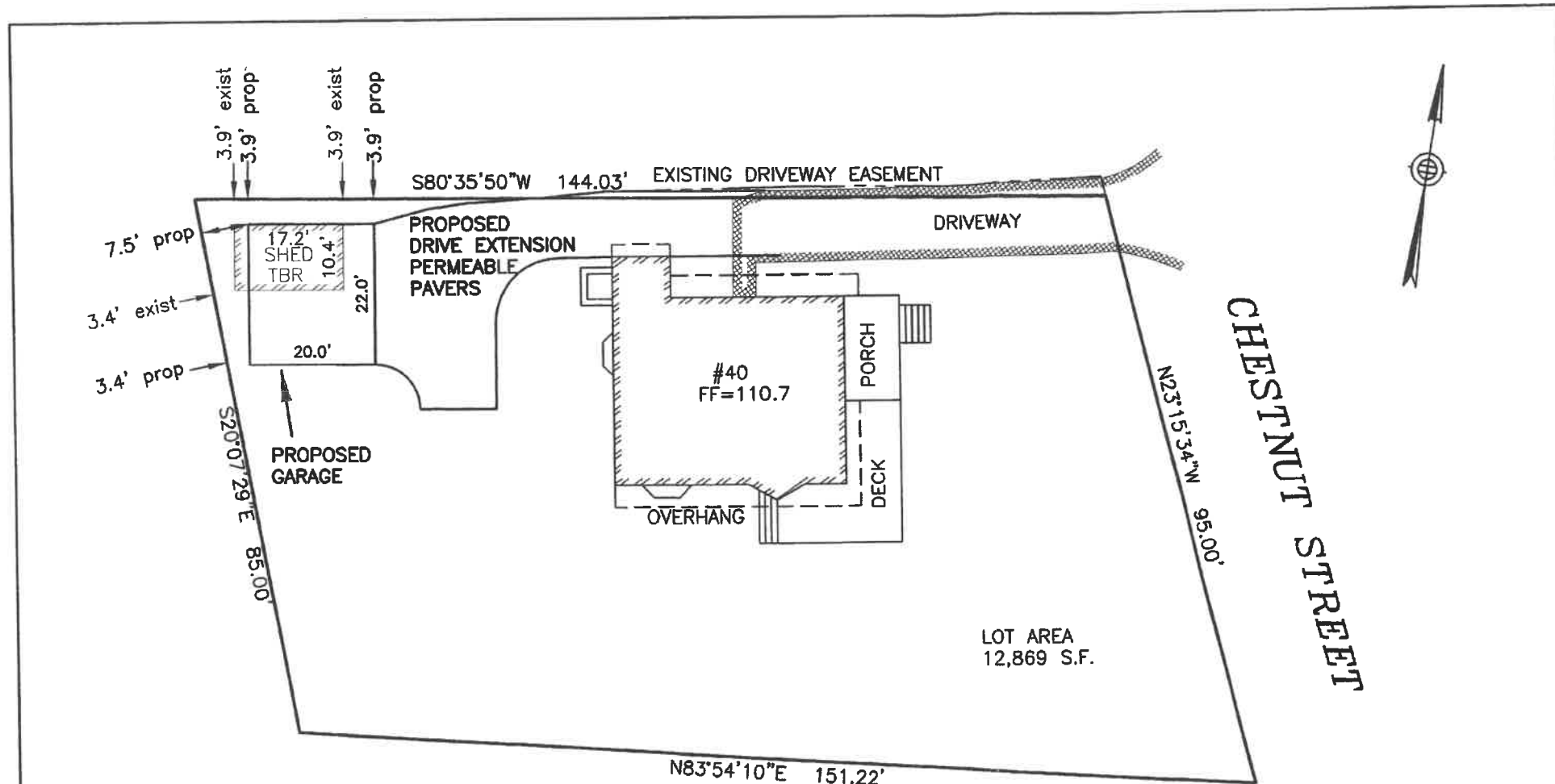
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed,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

Date:

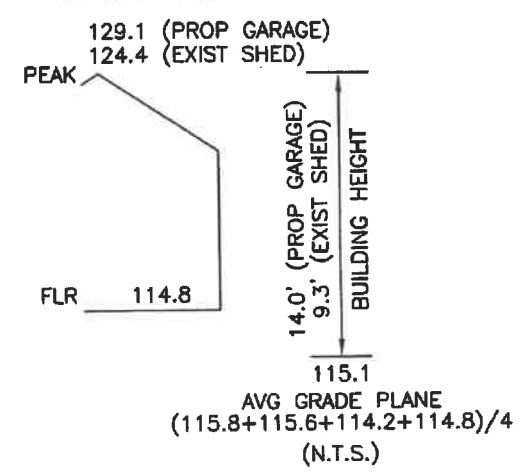
Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm



SHED & GARAGE HEIGHT CALCULATION



ZONING INFORMATION

ZONE: SR-20
 PLAN 1487 OF 1986
 DEED REFERENCE: BOOK 36629 PAGE 339

	EXISTING	PROPOSED
STRUCTURES	1,970 S.F.	2,231 S.F.
LOT COVERAGE	15.3%	17.3%

ESTABLISHED 1916
EMB
 EVERETT M. BROOKS CO.
 SURVEYORS & ENGINEERS
 49 LEXINGTON STREET
 WEST NEWTON, MA 02465
 (617) 527-8750
 info@everettbrooks.com



PLAN OF LAND IN WELLESLEY, MA
 40 CHESTNUT STREET
 PROPOSED GARAGE

SCALE: 1 IN. = 20 FT.
 DATE: SEPTEMBER 6, 2022
 DRAWN: LNS
 CHECK: BB

REVISIONS:

DATE	DESCRIPTION
12/21/22	various

PROJECT NO. 26652