

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 B. REDGATE
PETER COVO

2024 FEB 15 AM 1:15
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WELLESLEY MA 02482

ZBA 2024-07

Petition of Jeffrey & Karen McAdams
241 Weston Road

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, February 1, 2024, at 7:30 pm, on the petition of Jeffrey & Karen McAdams 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 nonconforming garage, construction of a two-story addition with less than required left side yard and right side yard setbacks, on an existing nonconforming structure, demolition and reconstruction of a front porch landing, on an 8,671 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, at 241 Weston Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On December 27, 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 David Boronkay, Architect, Jeffrey and Karen McAdams, the Petitioner, and Jane Grover.

Mr. Boronkay said that the request is for relief for side yard setbacks on a nonconforming lot. He said that they used the existing nonconforming side yard setback of the detached garage as the datum point for the setback of the new addition. He said that the original intention was to connect to the detached garage but that would put the lot coverage over the maximum allowed. He said that the request is to demolish the detached garage once the new addition is constructed.

The Chairman said that the garage is an accessory structure that is not covered under Section 5.1 of the Zoning Bylaw. He said that the original building is nonconforming on the right-hand side and after the addition is built, will still be nonconforming on the right side. He said that the left side yard setback is currently conforming on the original building. He questioned whether the correct procedure would be to apply for a variance for the 14.5 foot left side yard setback.

Mr. Boronkay said that Michael Grant, Building Inspector, told him that using the garage setback as the datum point would be acceptable for a special permit application. He said that the proposed addition is not out of character with other houses that have been modified in the neighborhood. He said that the impact to the neighborhood will be minimal. He said that all of the abutting neighbors sent letters of support.

The Chairman discussed a previous petition that had come before the Board and Town Counsel's opinion regarding the detached garage. He said that the Board never got to a decision on that case because the petition was withdrawn without prejudice.

Mr. Boronkay asked if the Board would consider a request for a special permit to connect the addition to the garage as a feasible path. The Chairman said that a better solution would be for the Board to further discuss the matter before it to see if it could accept Mr. Grant's opinion.

A Board member asked if the existing garage is of sufficient repair to remain as a garage. He asked about taking the back of the garage off and using the structure for storage. Mr. Boronkay said that there are things that they can do to utilize the garage or part of it as a useful structure.

The Chairman asked about TLAG. Mr. Boronkay said that the TLAG will be 3,600 square feet. He said that they did a lot finessing to make the addition fit and to have only one request for relief.

No member of the public wished to speak to the petition.

Statement of Facts

The subject property is located at 241 Weston Road, on an 8,671 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 right side yard setback of 6.8 feet where 20 feet is required. The existing nonconforming detached garage has a minimum left side yard setback of 14.3 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 nonconforming garage, construction of a two-story addition with less than required left side yard and right side yard setbacks, on an existing nonconforming structure, demolition and reconstruction of a front porch landing, on an 8,671 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 12/13/23, stamped by John R. Hamel, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 12/13/23, prepared by Slocum Hall Design Group, Inc., and photographs were submitted.

On January 26, 2024, the Planning Board reviewed the petition and recommended that a Special Permit be approved.

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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 3.8 of the Zoning Bylaw for Water Supply Protection Districts.

It is the opinion of this Authority that demolition of an existing nonconforming garage, construction of a two-story addition with less than required left side yard and right side yard setbacks, demolition and reconstruction of a front porch landing 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 garage, construction of a two-story addition with less than required left side yard and right side yard setbacks, and demolition and reconstruction of a front porch landing, 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 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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ZBA 2024-07
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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 (Am.)
J. Randolph Becker, Chairman

David G. Sheffield (Am.)
David G. Sheffield

Peter Covo (Am.)
Peter Covo

ZBA 2024-07
Applicant Jeffrey & Karen McAdams
Address 241 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

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WELLESLEY MA 02481
2024 FEB 15 AM 1:19

PROPOSED SITE PLAN

241 WESTON ROAD

WELLESLEY, MASSACHUSETTS

1 INCH = 20 FEET DECEMBER 13, 2023

1 INCH = 20 FEET

0 10 20 40 60

SNELLING & HAMEL ASSOCIATES, INC.
 PROFESSIONAL LAND SURVEYORS & ENGINEERS
 10 LEWIS STREET P.O. BOX 102
 LINCOLN, MASSACHUSETTS 01773
 (781) 259-0071

OWNERS OF RECORD:

JEFFREY W. McADAMS
 &
 KAREN E. McADAMS
 BK.27788 PG.585

N/F
 ANDREW S. KUAN
 &
 TANYA D. AUGER
 BK.32404 PG.377

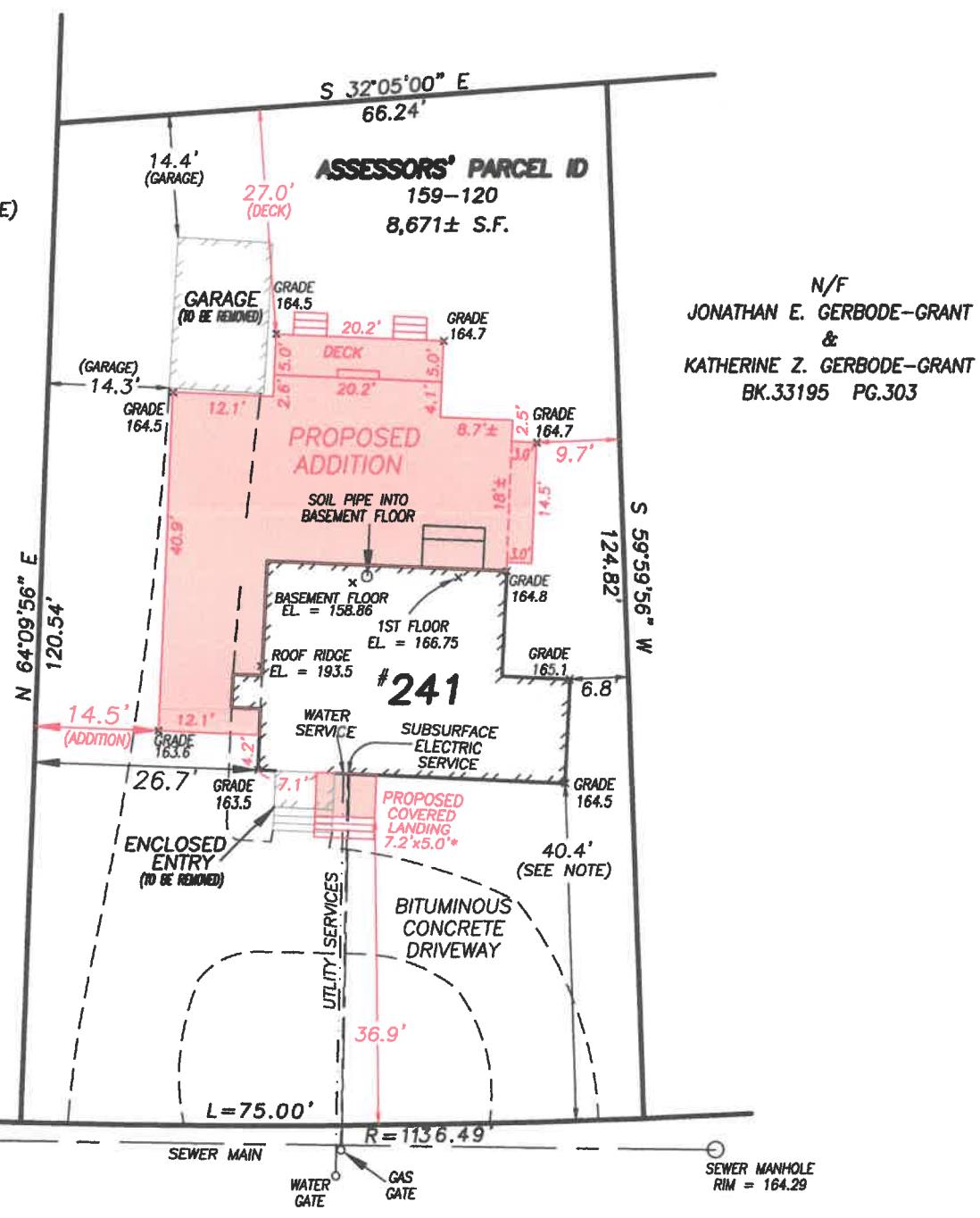
NORTH FROM PLAN 189 OF 1928

PROPOSED AVERAGE GRADE: 164.5
 RIDGE ELEVATION: 193.5
 BUILDING HEIGHT: 29.0' (NO PROPOSED CHANGE)

PROPOSED HOUSE = 2088 SQ. FT.
 PROPOSED LOT COVERAGE: 24.1%
 (HOUSE ONLY, GARAGE TO BE REMOVED)

N/F
 CATHERYN A. CHARNER-LAIRD
 &
 MEGIN H. CHARNER-LAIRD
 BK.38813 PG.134

N/F
 JONATHAN E. GERBODE-GRANT
 &
 KATHERINE Z. GERBODE-GRANT
 BK.33195 PG.303



NOTES:

- ZONING DISTRICT: SINGLE RESIDENCE 10
- THE LOCATION OF THE SUBSURFACE UTILITIES IS APPROXIMATE & BASED ON FIELD OBSERVATION & INFORMATION PROVIDED BY OTHERS. DIG-SAFE SHOULD BE CONTACTED & THE LOCATION OF THE SUBSURFACE UTILITIES MARKED ON THE GROUND PRIOR TO ANY EXCAVATION. CALL (800) DIG-SAFE.
- CONSTRUCTION STAKEOUT IS NECESSARY TO ASSIST WITH THE PLACEMENT OF THE PROPOSED FEATURES.
- THE EXISTING FRONT YARD SETBACK OF 40.4' IS THE CLOSEST SETBACK TO THE STREETLINE, INCLUDING ADJACENT HOUSES WITHIN 500'. (SEE WELLESLEY 500' RULE - ZONING BY-LAW SECTION 5.3)
- * THE PROPOSED COVERED LANDING CAN NOT PROJECT MORE THAN 5' FROM THE FACE OF THE BUILDING.
- NO ZONING DETERMINATION IS PROVIDED BY THE PROFESSIONAL LAND SURVEYOR.

I HEREBY STATE THAT THE LOCATION OF THE FEATURES SHOWN HEREON IS THE RESULT OF A FIELD SURVEY PERFORMED AS OF AUGUST 23, 2023 AND UPDATED ON OCTOBER 19, 2023 WITH THE USE OF A TOTAL STATION.

PLAN REFERENCE:
 - PLAN NUMBER 189 OF 1928

JOHN R. HAMEL
 PROFESSIONAL
 LAND SURVEYOR



12-13-2023

DATE:

R E C E I P T
Printed: August 30, 2024 @ 13:54:55
Norfolk Registry of Deeds
William P O'Donnell
Register

BK 41975 Pg 577 #57440
08-30-2024 @ 01:54p

Trans#: 58999 Oper:LEAH

Book: 41975 Page: 577 Inst#: 57440
Ctl#: 580 Rec:8-30-2024 @ 1:54:53p
WELL 241 WESTON 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 PM 2544		106.00

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MARGINAL REFERENCE

BOOK 27788 PAGE 585