

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS
888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

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2024 MAR 21 PH1222
TOWN OF WELLESLEY
WELLESLEY, MA 02482

ZBA 2024-14

Petition of Brenna Spingler & Zachary Epstein
5 Shelley Road

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, March 7, 2024, at 7:30 pm, on the petition of Brenna Spingler & Zachary Epstein 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 construction of a second story addition over an existing nonconforming structure with less than required left side yard setbacks, at 5 Shelley Road, in a 10,000 square foot Single Residence District and a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On January 31, 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 was Zach Epstein, the Petitioner, who said that the request is to put a second story addition with a two-foot cantilever off the back over an existing one-story structure that is located within a side yard setback. He said that the addition will otherwise comply with all Zoning requirements.

Board members confirmed that the current setback will be maintained and that the cantilever, while increasing the structure by a couple of feet will not encroach further into the setback.

Mr. Epstein said that three direct abutters across the street and on either side of the house submitted emails of support.

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

Statement of Facts

The subject property is located at 5 Shelley Road, in a 10,000 square foot Single Residence District and a Water Supply Protection District, with a minimum left side yard setback of 15.1 feet and a minimum right side yard setback of 12 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 construction of a second story addition over an existing nonconforming structure with less than required left 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 12/21/23, stamped by Bradley J. Simonelli, Professional Land Surveyor (MA PLS # 47581), Floor Plans and Elevation Drawings, dated 12/18/23, and TLAG Affidavit, dated 12/20/23, prepared by McGavern Design, and photographs were submitted.

On March 5, 2024, 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 3.8 of the Zoning Bylaw for Water Supply Protection Districts.

It is the opinion of this Authority that construction of a second story addition over an existing nonconforming structure with less than required left side yard setbacks 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 construction of a second story addition over an existing nonconforming structure with less than required left side yard setbacks, 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.

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.

Robert W. Levy (l.m.)

Robert W. Levy, Acting Chairman

David G. Sheffield (l.m.)

David G. Sheffield

Derek B. Redgate (l.m.)

Derek B. Redgate

ZBA 2024-14
Applicant Brenna Spingler & Zachary Epstein
Address 5 Shelley 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.

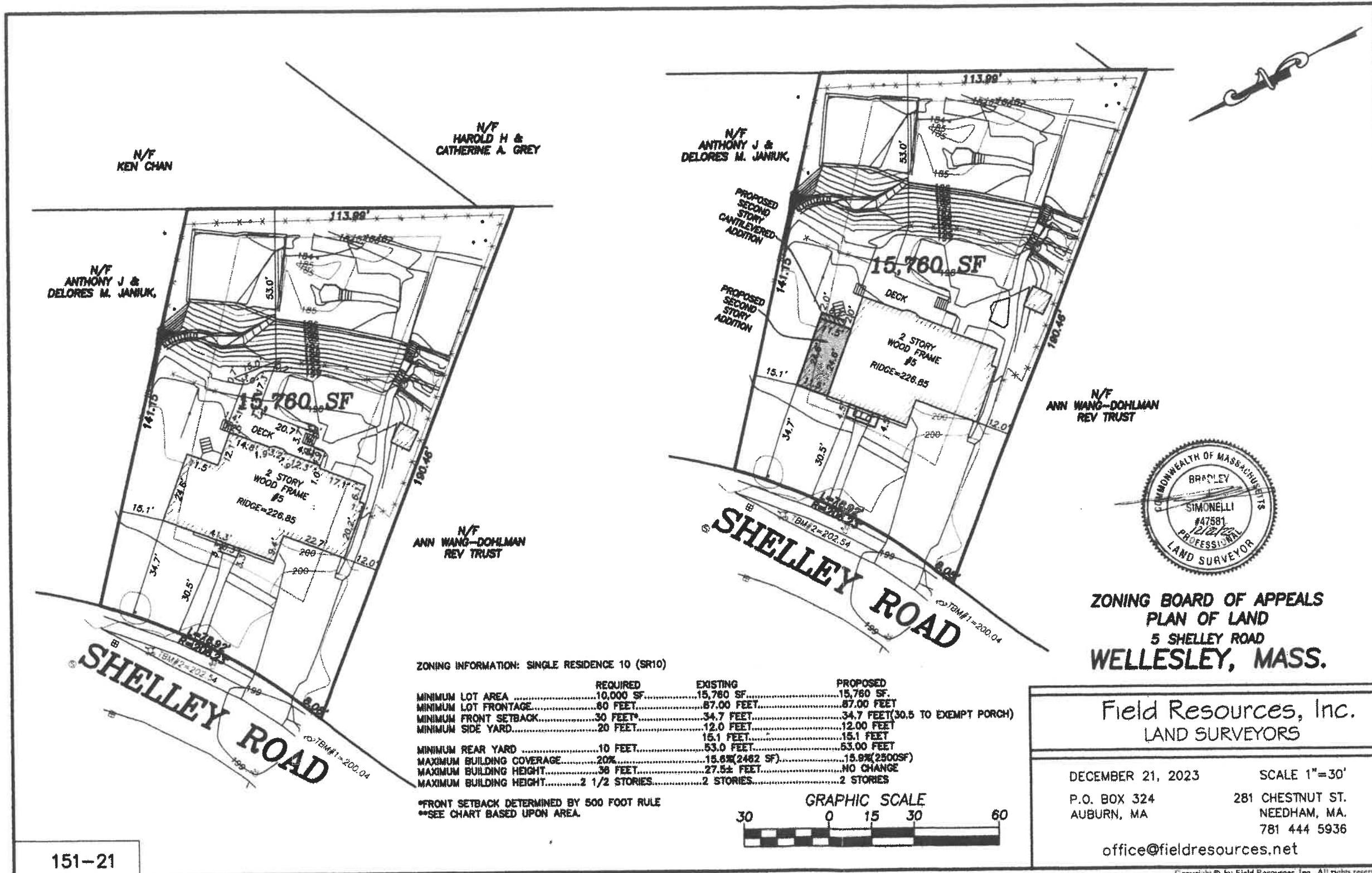
Date:

Attest:

Cathryn Jane Kato
Town Clerk

2024 MAR 21 PM12:23
WELLESLEY, MASSACHUSETTS
TOWN CLERK'S OFFICE
RECEIVED
BY CIVILLE

cc: Planning Board
Inspector of Buildings
lrm



ZBA 2024-14, 5 Shelly Road

R E C E I P T

Printed: April 19, 2024 @ 9:46:37
Norfolk County Land Court
William P O'Donnell

Trans#: 25274

Oper: MBRENNAN

Doc#: 1534906

Ctl#: 108 Rec: 4-19-2024 @ 9:46:34a
WELL

DOC	DESCRIPTION	TRANS AMT
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	1 EPSTEIN, ZACHARY	
	DECISION	
50.00	Surcharge	50.00
30.00	LC Rec fee	30.00
5.00	Tech. Surcharge	5.00
20.00	State Increase	20.00
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	Total fees:	105.00
***	Total charges:	105.00
CHECK PM 220		105.00