

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) 489-7450

WALTER B. ADAMS
DEREK B. REDGATE
PETER COVO

ZBA 2024-22
Petition of Andrew & Laura Rondeau
34 Bradford Road

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, April 4, 2024, at 7:30 pm, on the petition of Andrew & Laura Rondeau requesting a Special Permit/Finding pursuant to the provisions of Section 5.1 and Section 6.3 of the Zoning Bylaw that construction of a one-story addition and demolition and reconstruction of a landing with less than required right side yard setbacks, on an existing nonconforming structure with less than required right side yard setbacks, at 34 Bradford Road, in a 20,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On February 29, 2024, 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 Michael Tartamella, AIA, Patrick Ahearn Architect, who said that the request is for relief for a nonconforming side yard setback for a proposed one-story addition. He said that the 1910 two-story stucco Tudor revival house and detached two-car garage are located on a 27,792 square foot lot in an SR20 district.

Mr. Tartamella said that the existing nonconforming right side yard setback is 9.7 feet where 20 feet is required. He said that the proposed right side yard setback will be 12 feet at the closest point at the front of the one-story addition and 13.1 feet at the rear of it. He said that a new landing on the side will reduce the existing right side yard setback from 5.6 feet to 5 feet.

The Board discussed State case law, *Bellalta v Brookline*. Mr. Tartamella said that his clients thought that rebuilding the landing in the proposed location would not be substantially more detrimental and would provide a safe egress path.

Michael Reidy, 25 Sawyer Road, said that his property is located behind and below 34 Bradford Road. He said that there have been a number of projects in the area that have affected stormwater runoff. He

2024 APR 18 PH 1250
TOWN OF WELLESLEY
WELLESLEY, MA

asked if there is anything in the design or proposal to mitigate stormwater runoff and its impact down the hill.

Mr. Tartamella said that the addition will not significantly impact the current runoff situation as it is de minimis and will be located in a relatively flat area. He said that a full landscape design is currently in development for the rear yard and the owners would be more than willing to address drainage through their landscape design.

Mr. Reidy said that he lives at the bottom of the hill where it is flat. He said that removal of trees in the area has led to significant changes on his property. He asked that the Board account for potential adverse effects down the hill with the proposed design so that he doesn't suffer.

Board members discussed inserting a condition to address stormwater runoff.
No member of the public wished to speak to the petition.

Statement of Facts

The subject property is located at 34 Bradford Road, in a 20,000 square foot Single Residence District, with a minimum right side yard setback of 5.6 feet where 20 feet is required.

2024 APR 18 PM 50
WELLINGTON TOWNSHIP
MICHIGAN

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 construction of a one-story addition and demolition and reconstruction of a landing with less than required right side yard setbacks, on an existing nonconforming structure with less than required right side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Letter to Zoning Board of Appeals, dated 2/20/24, from Michael Tartamella, AIA, a Plot Plan, dated 2/15/24, stamped by Dennis O'Brien, Professional Land Surveyor, Floor Plans and Elevation Drawings, prepared by Patrick Ahearn Architect, and photographs were submitted.

On March 21, 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.

It is the opinion of this Authority that construction of a one-story addition and demolition and reconstruction of a landing with less than required right side yard setbacks 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 construction of a one-story addition and demolition and reconstruction of a landing with less than required right side yard setbacks, subject to the following condition:

- All necessary stormwater runoff mitigation to address the increase in impervious surface shall be constructed.

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.

2024 MAY 18 PM12:50
WELLINGTOWN
TOWN OF WELLINGTON
MUNICIPALITY OF
ONTARIO, CANADA

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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 (rm)
J. Randolph Becker, Chairman

David G. Sheffield (rm)
David G. Sheffield

Derek B. Redgate (rm)
Derek B. Redgate

ZBA 2024-22
Applicant Andrew & Laura Rondeau
Address 34 Bradford Road

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

2024 APR 18 PM 12:50
WELLESLEY, MASSACHUSETTS
TOWN CLERK'S OFFICE

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



N/F
COTT N & ERIN E
SCHMITZ

DEED REFERENCE:

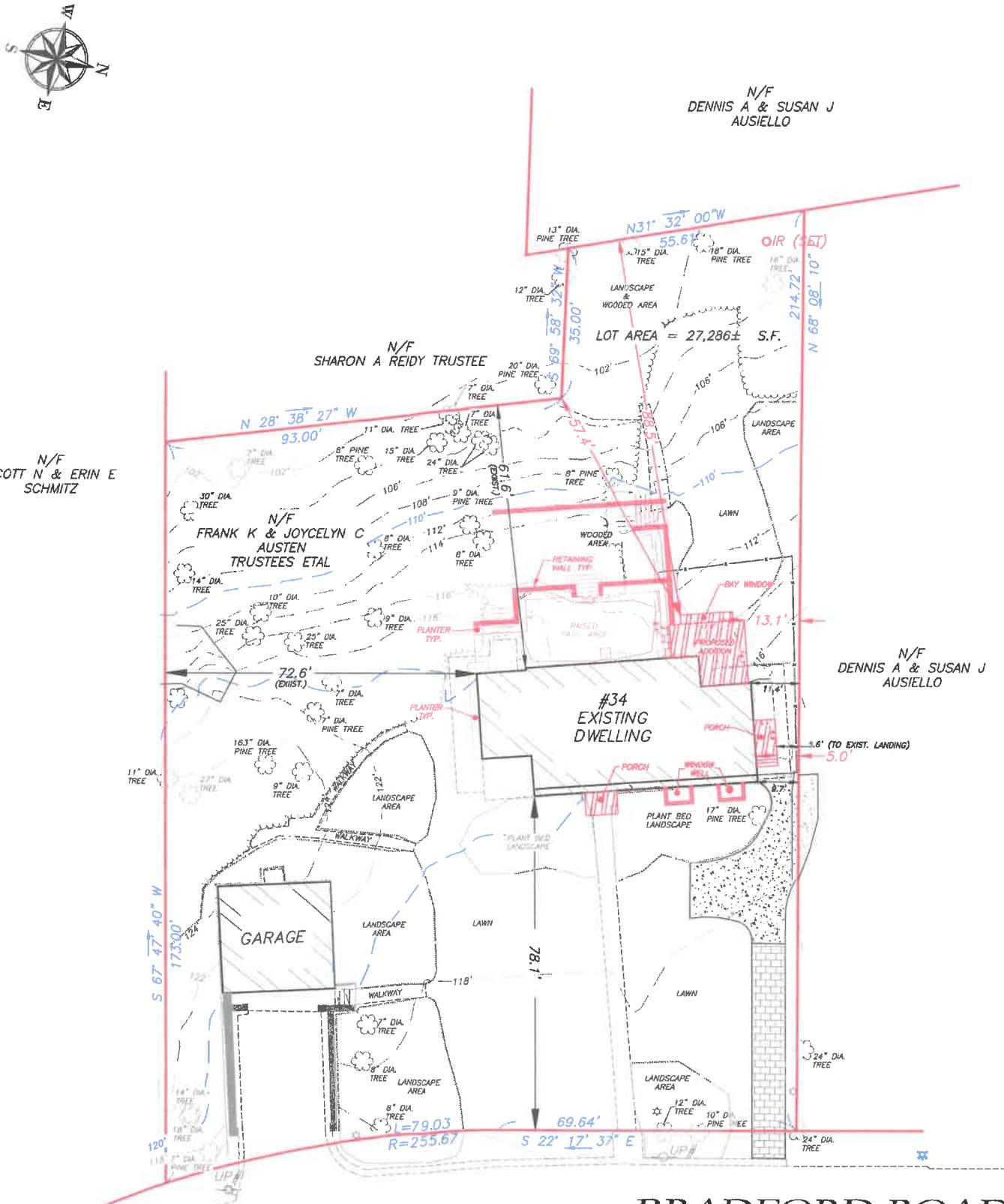
DEED BOOK 29913 PAGE 204
DEED BOOK 5887 PAGE 451

PLAN REFERENCE:

BOOK 2999 PAGE 303
BOOK 4475 PAGE 568

NOTES:

ASSUMED DATUM.
ALL CONFORMITY REQUIREMENTS
TO BE VERIFIED WITH TOWN



BRAFORD ROAD



Dennis O'Brien P.I.S.



PLAN SHOWING PROPOSED ADDITION & LANDSCAPING
34 BRADFORD ROAD
WELLESLEY, MA NORFOLK COUNTY

SCALE: 1"=20'	DATE: 2/15/2024	REVISED:	DRAWN BY: A.R.M.	CHECKED BY: D.O.
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MARGINAL REFERENCE
BOOK 41519 PAGE 127

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MASSACHUSETTS

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