

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  
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(781) 489-7450

WALTER B. ADAMS  
DEREK B. REDGATE  
PETER COVO

ZBA 2024-27  
Petition of Carrie Vargas  
86 Wellesley Avenue

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 Carrie Vargas 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 second story addition with less than required side yard setbacks, on an existing nonconforming structure with less than required front yard and side yard setbacks, on a corner lot with less than required frontage at 86 Wellesley Avenue, in a 10,000 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 were Alexandra Fiust, Wiese Company, Carrie Vargas, the Petitioner, and Kim Dunn, homeowner.

Ms. Fiust said that the request is for a special permit/finding for a second floor addition. She said that the existing first floor family room has a 17.5 foot left side yard setback. She said that the proposal is to build a smaller addition above the existing family room with a left side yard setback of 19.2 feet. She said that the proposed addition will not enlarge the existing nonconformity.

The Chairman said that this is a corner lot with two front yards and two side yards. He said that the frontage and front yard setback on Wellesley Avenue is nonconforming and the front yard setback to Rice Street is nonconforming.

Ms. Fiust said that the project was approved for a negative determination of applicability by the Wetlands Protection Committee and will not require filing a Notice of Intent.

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

### Statement of Facts

The subject property is located on a corner lot at 86 Wellesley Avenue, in a 10,000 square foot Single Residence District, with minimum frontage on Wellesley Avenue of 55.59 feet where 60 feet is required, a minimum front yard setback to Wellesley Avenue of 16.9 feet and a minimum front yard setback to Rice Street of 20.2 feet where 30 feet is required, and a minimum side yard setback of 17 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 construction of a second story addition with less than required side yard setbacks, on an existing nonconforming structure with less than required front yard and side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 2/26/24, stamped by Bruce Bradford, Professional Land Surveyor (MA PLS # 38376), Floor Plans and Elevation Drawings, dated 2/19/24, prepared by The Wiese Co., 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 second story addition with less than required side yard setbacks, on an existing nonconforming structure with less than required front yard and 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 with less than required side yard setbacks, on an existing nonconforming structure with less than required front yard and 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.

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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 (Lm.)  
J. Randolph Becker, Chairman

David G. Sheffield (Lm.)  
David G. Sheffield

Walter B. Adams (Lm.)  
Walter B. Adams

ZBA            2024-27  
Applicant    Carrie Vargas  
Address      86 Wellesley Avenue

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

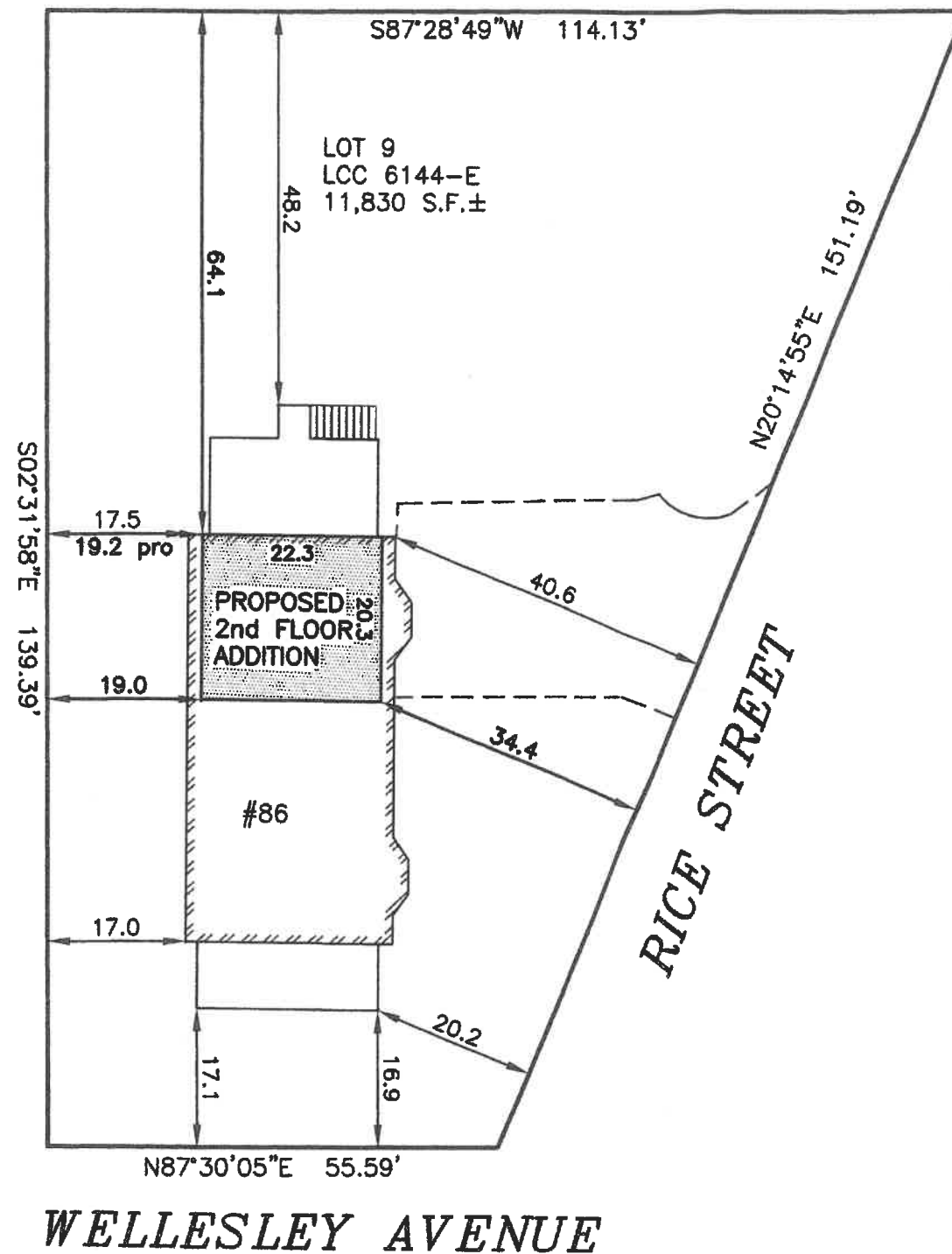
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed,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

Date:

Attest:

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

cc: Planning Board  
Inspector of Buildings  
lrm



ZONING DISTRICT: SR-10

DEED REFERENCE:  
CTRF 181811

EXISTING & PROPOSED  
STRUCTURES: 1759 S.F.  
LOT COVERAGE: 14.9%

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

86 WELLESLEY AVENUE  
PROPOSED ADDITIPON

SCALE: 1 IN. = 20 FT.

DATE: FEBRUARY 26, 2024

DRAWN: ER

CHECK: BB

REVISIONS:


PROJECT NO. 26635

MEMORANDUM Norfolk County Land Court

May 15, 2024

Norfolk Registry District of The Land Court  
DEDHAM, MASS.

To

TOWN / CITY OF Wellesley

DECISION OF: ☒ Board of Appeals  
☐ Planning Board  
☐ Sign Review Board

DOCUMENT NO. 1536116

RE: ZBA-2024-27

RECORDING FEE: \$105.00

RECEIPT  
Printed: May 15, 2024 @ 12:58:39  
Norfolk County Land Court  
William P O'Donnell

Trans#: 31745 Oper:MBRENNAN

Doc#: 1536116  
Ctl#: 345 Rec:5-15-2024 @ 12:58:39p  
WELL

DOC	DESCRIPTION	TRANS AMT
1	VARGAS, CARRIE	
	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
	Total fees:	105.00
	*** Total charges:	105.00
	CASH PMT PAYMENT -CASH	105.00

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