

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

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WALTER B. ADAMS  
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PETER COVO

ZBA 2024-28  
Petition of William Neeley  
26 Riverdale 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 William Neeley 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 left side yard setbacks, on an existing nonconforming structure with less than required front yard and left side yard setbacks, at 26 Riverdale Road, 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 Kent Duckham, Architect, and William Neeley, the Petitioner.

Mr. Duckham said that the property is located in an SR10 district on a conforming lot of 10,390 square feet. He said that the request is to add a 186 square foot second floor addition over an existing one-story sunroom with nonconforming front yard and left side yard setbacks. He said that the existing house is nonconforming for front yard and left side yard setbacks, and floor area ratio (F.A.R.).

Mr. Duckham said that a revised plot plan was submitted that includes the decks in the lot coverage, which will be within the maximum allowed by right.

The Chairman said that there will be little to no change to the setbacks and lot coverage with the proposed second story addition over the first floor.

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

2024 APR 18 PM12:57  
WELLESLEY, MA 02482

Statement of Facts

The subject property is located at 26 Riverdale Road, in a 10,000 square foot Single Residence District, with a minimum front yard setback of 26.38 feet where 30 feet is required, and a minimum left side yard setback of 7.09 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 left side yard setbacks, on an existing nonconforming structure with less than required front yard and left side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 2/27/24, revised 4/3/24, stamped by Jamie G. Gayton, Professional Land Surveyor (MA PLS # 49624), Floor Plans and Elevation Drawings, and TLAG Affidavit, dated 2/12/24, prepared by Duckham Architecture & Interiors, 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 left side yard setbacks, on an existing nonconforming structure with less than required front yard and 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 with less than required left side yard setbacks, on an existing nonconforming structure with less than required front yard and 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 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.

2024 APR 18 PM 12:57  
RIVERDALE ROAD  
BOSTON, MASSACHUSETTS

ZBA 2024-28  
Petition of William Neeley  
26 Riverdale Road

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 (cm)  
J. Randolph Becker, Chairman

David G. Sheffield (cm)  
David G. Sheffield

Walter B. Adams (cm)  
Walter B. Adams

2024 APR 18 PM12:57  
WELLESLEY MA 02481

ZBA 2024-28  
Applicant William Neeley  
Address 26 Riverdale 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

| SINGLE RESIDENCE DISTRICT          |            |            |            |            |            |
|------------------------------------|------------|------------|------------|------------|------------|
| Area Regulation District           | 10,000 SF. | 15,000 SF. | 20,000 SF. | 30,000 SF. | 40,000 SF. |
| Minimum Lot Size                   | 7,500 SF.  | 7,500 SF.  | 10,000 SF. | 10,000 SF. | 10,000 SF. |
| Minimum Frontage                   | 50 ft.     |
| Minimum Front Yard Setback         | 10 ft.     |
| Area Regulation District           | 10,000 SF. | 15,000 SF. | 20,000 SF. | 30,000 SF. | 40,000 SF. |
| Minimum Front Yard Depth (setback) | 30 ft.     | 30 ft.     | 35 ft.     | 40 ft.     | 40 ft.     |
| Minimum Side Yard Width (setback)  | 20 ft.     | 20 ft.     | 20 ft.     | 30 ft.     | 40 ft.     |
| Minimum Rear Yard Depth (setback)  | 10 ft.     | 20 ft.     | 20 ft.     | 30 ft.     | 40 ft.     |

WELLESLEY, MASSACHUSETTS  
N.T.S.

ZONING DISTRICT - SINGLE RESIDENCE-10

| LOT COVERAGE | REQUIRED<br>20.0% | EXISTING<br>21.9% | PROPOSED<br>21.9% |
|--------------|-------------------|-------------------|-------------------|
|              |                   |                   |                   |

LEGEND

|                |                          |
|----------------|--------------------------|
| CB             | CATCH BASIN              |
| UP             | UTILITY POLE             |
| — — — 59 — — — | CONTOUR - MAJOR INTERVAL |
| — — — 58 — — — | CONTOUR - MINOR INTERVAL |
| IPF            | IRON PIPE FOUND          |
| RRSPK          | RAILROAD SPIKE FOUND     |

NOTES

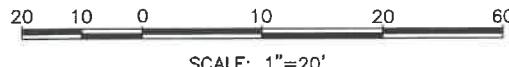
1. THIS DOCUMENT IS AN INSTRUMENT OF SERVICE OF JG LAND SERVICES LLC. IT IS ISSUED TO WILLIAM NEELEY, FOR PURPOSES RELATED DIRECTLY AND SOLELY TO JG LAND SERVICES LLC'S SCOPE OF SERVICES UNDER CONTRACT WITH WILLIAM NEELEY, FOR PROJECT No. 5304. ANY USE OR REUSE OF THIS DOCUMENT FOR ANY REASON BY ANY PARTY FOR PURPOSES UNRELATED DIRECTLY AND SOLELY TO SAID CONTRACT AND PROJECT SHALL BE AT THE USER'S SOLE AND EXCLUSIVE RISK AND LIABILITY, INCLUDING LIABILITY FOR VIOLATION OF COPYRIGHT LAWS, UNLESS WRITTEN AUTHORIZATION IS GIVEN THEREFOR BY JG LAND SERVICES LLC.

2. THE PURPOSE OF THIS PLAN IS TO SHOW SITE IMPROVEMENTS AND PROPERTY LINE AS THE RESULT OF AN ON-THE-GROUND INSTRUMENT SURVEY WHICH OCCURRED IN FEBRUARY OF 2024.

3. HORIZONTAL AND VERTICAL DATUM ARE RELATED TO THE NORTH AMERICAN DATUM OR 1983(NAD83) AND THE NORTH AMERICAN VERTICAL DATUM ON 1988(NAVD88) AND ARE THE RESULT OF JG LAND SERVICES GPS OBSERVATIONS, TOTAL STATION NETWORK TRAVERSING AND DIFFERENTIAL LEVELING RELATIVE TO THE SMART NET, A NETWORK OF CONSTANT OPERATING REFERENCE STATIONS.

6. LINES SHOWING DIVISION OF PRIVATE OWNERSHIP OF ABUTTING PROPERTIES ARE APPROXIMATE.

GRAPHIC SCALE



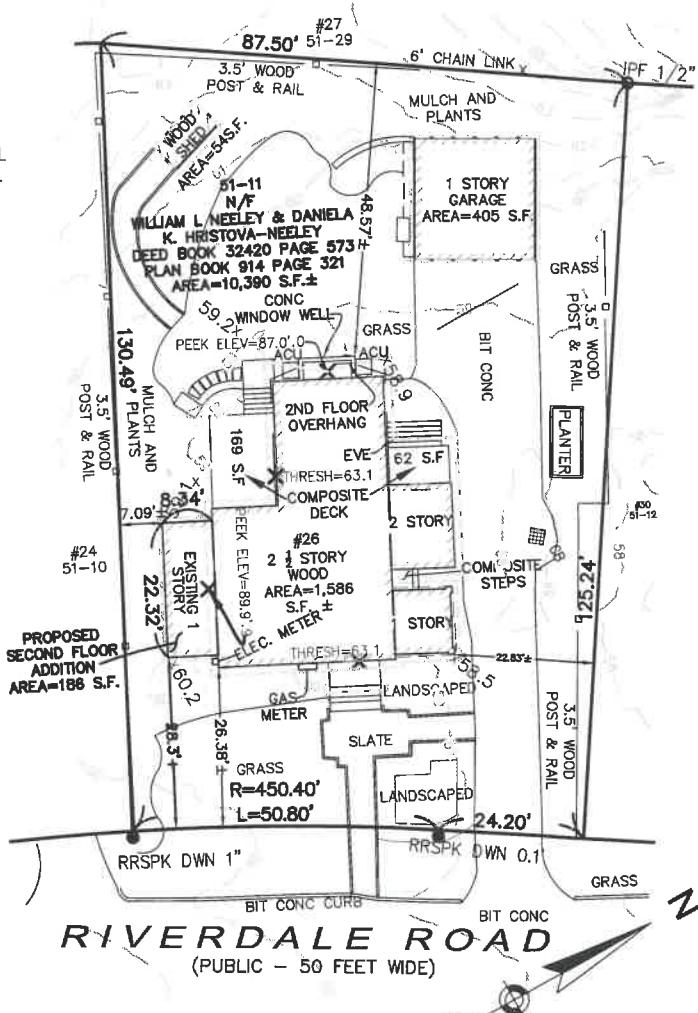
SCALE: 1"=20'

I CERTIFY TO WILLIAM L NEELEY & DANIELA K. Hristova-Neely and the Town of Wellesley Building Inspector that the building and property lines shown hereon are the result of a survey made on the ground to the normal standard of care of professional land surveyors practicing in Massachusetts.



APRIL 3, 2024

JAMIE G. GAYTON, PLS No. 49624



PLAN OF LAND

26 RIVERDALE ROAD  
WELLESLEY, MASSACHUSETTS  
PREPARED FOR  
DANIELA K. Hristova-Neely  
& WILLIAM L NEELEY  
26 RIVERDALE ROAD, WELLESLEY, MASSACHUSETTS 02481

## R E C E I P T

Printed: July 26, 2024 @ 15:28:22  
Norfolk Registry of Deeds  
William P O'Donnell  
Register

Trans#: 50276

Oper:VOGEL

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Book: 41910 Page: 331 Inst#: 48201  
Ctl#: 599 Rec:7-26-2024 @ 3:28:22p  
WELL 26 RIVERDALE 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    |
|          | CASH PMT PAYMENT -CASH | 120.00    |
|          | Overpayment amount:    | 14.00     |
|          | REF CASH REFUND -CASH  | 14.00     |

ZBA 2024-28  
26 RIVERDALE RD