

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

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ROBERT W. LEVY, VICE CHAIRMAN  
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EXECUTIVE SECRETARY  
TELEPHONE  
(781) 489-7450

WALTER B. ADAMS  
DEREK B. REDGATE  
PETER COVO

ZBA 2024-30  
Petition of 9 Smith Street LLC  
9 Smith Street

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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 9 Smith St LLC 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 rear yard setbacks, on an existing nonconforming structure with less than required side yard and rear yard setbacks, on a lot with less than required frontage, at 9 Smith Street, 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 Marissa Marcoux, Charney Real Estate, and Paul Worthington, Architect.

Mr. Worthington said that the single family house was built in 1976. He said that the house is comprised of a two level first floor with additional mezzanine rooms above the garage. He said that the proposal is to add a second story over the main body of the house. He said that the setback at the rear corner of the house is 6.1 feet where 10 feet is required. He said that the request is for a special permit for relief to build a second floor addition.

The Chairman said that the proposal is to build a second story addition that does not change the existing setbacks. He said that the lot area is conforming.

A Board member confirmed that the larger size plans are the final plans. Mr. Worthington said that the plans were revised after the initial application was filed. He said that the proposed 32 foot by 39 foot addition will be over the main body of the house. He said that the rooms over the garage are existing. He said that they will pick up a little square footage in one of the bedrooms.

2024 APR 18 PM 12:39  
WELLESLEY MA 02482

Mr. Worthington said that they will be constructing a new central stair. He said that currently there is a mezzanine stair that goes up half a flight to the rooms. He said that the plan is to rebuild walls on the first floor and add the full second floor.

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

#### Statement of Facts

The subject property is located at 9 Smith Street, in a 10,000 square foot Single Residence District, with a minimum side yard setback of 19.7 feet where 20 feet is required, a minimum rear yard setback of 6.1 feet where 10 feet is required, and minimum frontage of 20 feet where 60 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 rear yard setbacks, on an existing nonconforming structure with less than required side yard and rear yard setbacks, on a lot with less than required frontage, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Existing Site and Proposed Site Plot Plans, dated 2/27/24, stamped by Bradley J. Simonelli, Professional Land Surveyor (MA PLS # 47581), and Floor Plans and Elevation Drawings, dated 1/4/24, revised 3/19/24, prepared by Paul Worthington Design & Restoration, were submitted.

On March 21, 2024, the Planning Board reviewed the petition and recommended that a Special Permit be approved.

On March 28, 2024, the Wetlands Protection Committee issued a Negative Determination of Applicability for the project.

#### 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 rear yard setbacks, on an existing nonconforming structure with less than required rear 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 rear yard setbacks, on an existing nonconforming structure with less than required rear 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.

ZBA 2024-30  
Petition of 9 Smith Street LLC  
9 Smith Street

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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 (L.M.)  
J. Randolph Becker, Chairman

David G. Sheffield (L.M.)  
David G. Sheffield

Walter B. Adams (L.M.)  
Walter B. Adams

ZBA            2024-30  
Applicant    9 Smith Street LLC  
Address      9 Smith Street

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

2024 APR 18 PM 12:59  
WELLESLEY MA 02461

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

SMITH STREET

N/F  
THOMAS H &  
PAULINE K. DIXON  
32 CLIFFORD STREET  
MAP 99 PARCEL 85

N/F  
LISA P MARKEY TRUST  
10 TWITCHELL STREET  
MAP 99 PARCEL 82

N/F  
XIAOLONG LIU &  
VAHIDEH NILFOROSHAN  
6 TWITCHELL STREET  
MAP 99 PARCEL 81A

N/F  
SAMANTHA &  
ETHAN MANELIN  
4 TWITCHELL STREET  
MAP 99 PARCEL 81

N/F  
ALBERT A &  
DOROTHY M. BARBIERI,  
2 TWITCHELL STREET  
MAP 99 PARCEL 80

N/F  
JASON MICHAEL &  
TOSHIE BROAD  
11 SMITH STREET  
MAP 99 PARCEL 87

N/F  
TOWN OF WELLESLEY  
NATURAL RESOURCES  
DEPARTMENT  
55 RICE STREET  
MAP 87 PARCEL 21

14,337 SF

EXISTING SITE



TOWN OF WELLESLEY  
MAP 99 PARCEL 87A

NORFOLK COUNTY  
REGISTRY OF DEEDS  
CERT OF TITLE# 210981  
LAND COURT CASE 16776C

OWNER/APPLICANT:  
MARK CHARNEY, MANAGER  
9 SMITH ST LLC  
310 WASHINGTON STREET  
SUITE 204  
WELLESLEY MA

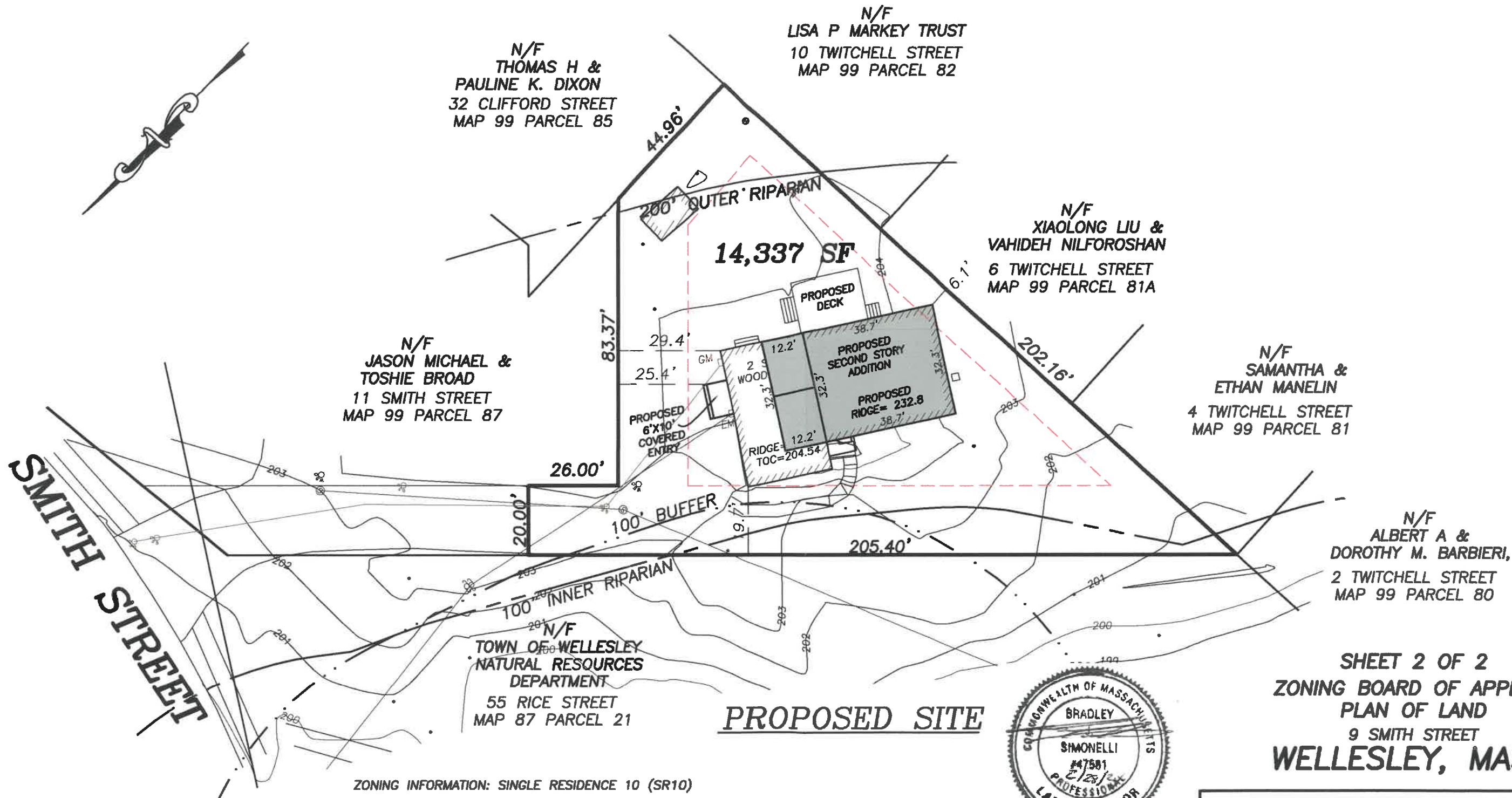
SHEET 1 OF 2  
ZONING BOARD OF APPEALS  
PLAN OF LAND  
9 SMITH STREET  
**WELLESLEY, MASS.**

Field Resources, Inc.  
LAND SURVEYORS

FEBRUARY 27, 2024 SCALE 1"=30'  
P.O. BOX 324 281 CHESTNUT ST.  
AUBURN, MA NEEDHAM, MA.  
781 444 5936

office@fieldresources.net





ZONING INFORMATION: SINGLE RESIDENCE 10 (SR10)

	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA	10,000 SF	14,337 SF	14,337 SF
MINIMUM LOT FRONTAGE	60 FEET	N/A	N/A
MINIMUM FRONT SETBACK	30.0 FEET*	N/A	N/A
MINIMUM SIDE YARD	20 FEET	19.7 FEET	22.8 FEET
MINIMUM REAR YARD	10 FEET	6.1 FEET	6.1 FEET
MAXIMUM BUILDING COVERAGE	20%(2867 SF)	15.8%(2271 SF)	18.4%(2631 SF)
MAXIMUM BUILDING HEIGHT	36 FEET**	22.1± FEET	28.8± FEET
MAXIMUM BUILDING HEIGHT	2 1/2 STORIES	2 STORIES	2 STORIES

\*\* HEIGHT DETERMINED FROM AVERAGE GRADE PLANE PER ZONING BYLAW SECTION 5.4



TOWN OF WELLESLEY  
MAP 99 PARCEL 87A  
  
NORFOLK COUNTY  
REGISTRY OF DEEDS  
CERT OF TITLE# 210981  
LAND COURT CASE 16776C  
  
OWNER/APPLICANT:  
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9 SMITH ST LLC  
310 WASHINGTON STREET  
SUITE 204  
WELLESLEY MA

SHEET 2 OF 2  
ZONING BOARD OF APPEALS  
PLAN OF LAND  
9 SMITH STREET  
WELLESLEY, MASS.

Field Resources, Inc.  
LAND SURVEYORS

FEBRUARY 27, 2024  
P.O. BOX 324  
AUBURN, MA  
  
SCALE 1"=30'  
281 CHESTNUT ST.  
NEEDHAM, MA.  
781 444 5936

office@fieldresources.net

Doc:1,535,819 05-09-2024 11:49

Ctf#:210981

Norfolk County Land Court

MEMORANDUM

...May...9,..... 2024

Norfolk Registry District of The Land Court  
DEDHAM, MASS.

To

TOWN / CITY OF Wellesley

DECISION OF: ☒ Board of Appeals

DOCUMENT NO.

1535819

☐ Planning Board

☐ Sign Review Board

RE:

ZBA - 2024-30

RECORDING FEE:

\$105.00