

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 2024-31  
Petition of Jonathan Consalvo  
8 Tappan Road

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02482  
2024 MAY 22 PM 12:15

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, May 9, 2024, at 7:30 pm, on the petition of Jonathan Consalvo 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 two-story addition on top of an existing nonconforming foundation with less than required right side yard setbacks, demolition of an existing nonconforming garage and construction of a new garage with less than required left side yard setbacks, at 8 Tappan 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 April 4, 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 Jonathan Consalvo, the Petitioner, who said that the request is for a special permit to construct a two-story addition on top of an existing nonconforming foundation with less than required right side yard setbacks, and for demolition of an existing nonconforming garage and construction of new nonconforming garage with less than required left side yard setbacks.

Mr. Consalvo said that the original foundation on the right side of the house is from the 1920's and has a full basement under it. The Chairman said that the foundation appears to be three or four feet off the ground. He said that given its size and height, the Board could conclude that it is a structure.

Mr. Consalvo said that the plan is to build an office on the first floor and a bath/closet extension on the second floor over the foundation. He said that the addition will be the same Dutch colonial style as the existing house.

Mr. Consalvo said that the garage is in bad shape and needs to come down. He said that 19.5 feet is a minimal width for a two car garage but is manageable. He said that the footprint of the existing garage will be expanded by 4.5 feet. He said that they will keep the height low, with no storage on the top. He said that the garage will have one door.

The Chairman said that the existing garage is almost conforming at 19.7 feet off the lot line. He said that the proposed garage will go more than four feet further into the setback. He said that although the Board could grant relief pursuant to recent case law, it is generally the Board's intention to not exacerbate nonconformities. He discussed concerns about a six-inch nonconformity morphing into a five foot one.

Mr. Consalvo said that they originally considered pulling the garage over and in to build a taller garage attached to the house but that would block sunlight into the kitchen area. He said that with the placement of the driveway, they have to drive around the house to pull into the garage. He said that there are some decent size oaks and a radon pipe that would be affected. He said that there is a pitch to the yard that they will be leveling. He said that the base of the garage may go down about six inches. He said that a tandem garage would not fit in with the neighborhood.

Mr. Consalvo said that the neighbor at 4 Tappan Road told him that he would prefer to have a garage of minimum height closer to his house than a taller garage with room for storage. He said that the neighbor said that 15 feet high was acceptable.

A Board member asked about plans for the mature trees on the property line. Mr. Consalvo said that he has been discussing plans with the neighbors about a fence. He said that they will probably take one to two trees at the rear down, leave a few in the middle or towards the front and replace some with thicker shrubs. He said that some of the existing trees block sunlight on the neighbor's side.

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

#### Statement of Facts

The subject property is located at 8 Tappan Road, in a 10,000 square foot Single Residence District, with a minimum right side yard setback of 13.3 feet where 20 feet is required. The existing nonconforming garage has a minimum left side yard setback of 19.6 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 two-story addition on top of an existing nonconforming foundation with less than required right side yard setbacks, demolition of an existing nonconforming garage and construction of a new garage with less than required left side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Letter to Zoning Board of Appeals, from Jonathan Consalvo and Laura Maytorena, a Plot Plan, dated 9/25/23, revised 1/16/24 and 3/15/24, stamped by Michael R. Dahlberg, Professional Land Surveyor #35024, Floor Plans and Elevation Drawings, dated 12/15/23, prepared by Lighthouse Architecture, and photographs were submitted.

On April 30, 2024, the Planning Board reviewed the petition and recommended that a Special Permit be approved.



On May 9, 2024, Rafi Razzaque, Department of Public Works Engineering Division, submitted comments.

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 two-story addition on top of an existing nonconforming foundation with less than required right side yard setbacks will not result in the intensification of an existing nonconformity, demolition of an existing nonconforming garage and construction of a new garage with less than required left 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 two-story addition on top of an existing nonconforming foundation with less than required right side yard setbacks, demolition of an existing nonconforming garage and construction of a new garage 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.

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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.

Robert W. Levy (Lm)  
Robert W. Levy, Acting Chairman

David G. Sheffield (Lm)  
David G. Sheffield

Derek B. Redgate (Lm)  
Derek B. Redgate

ZBA            2024-31  
Applicant     Jonathan Consalvo  
Address       8 Tappan Road

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

RECEIVED  
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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:

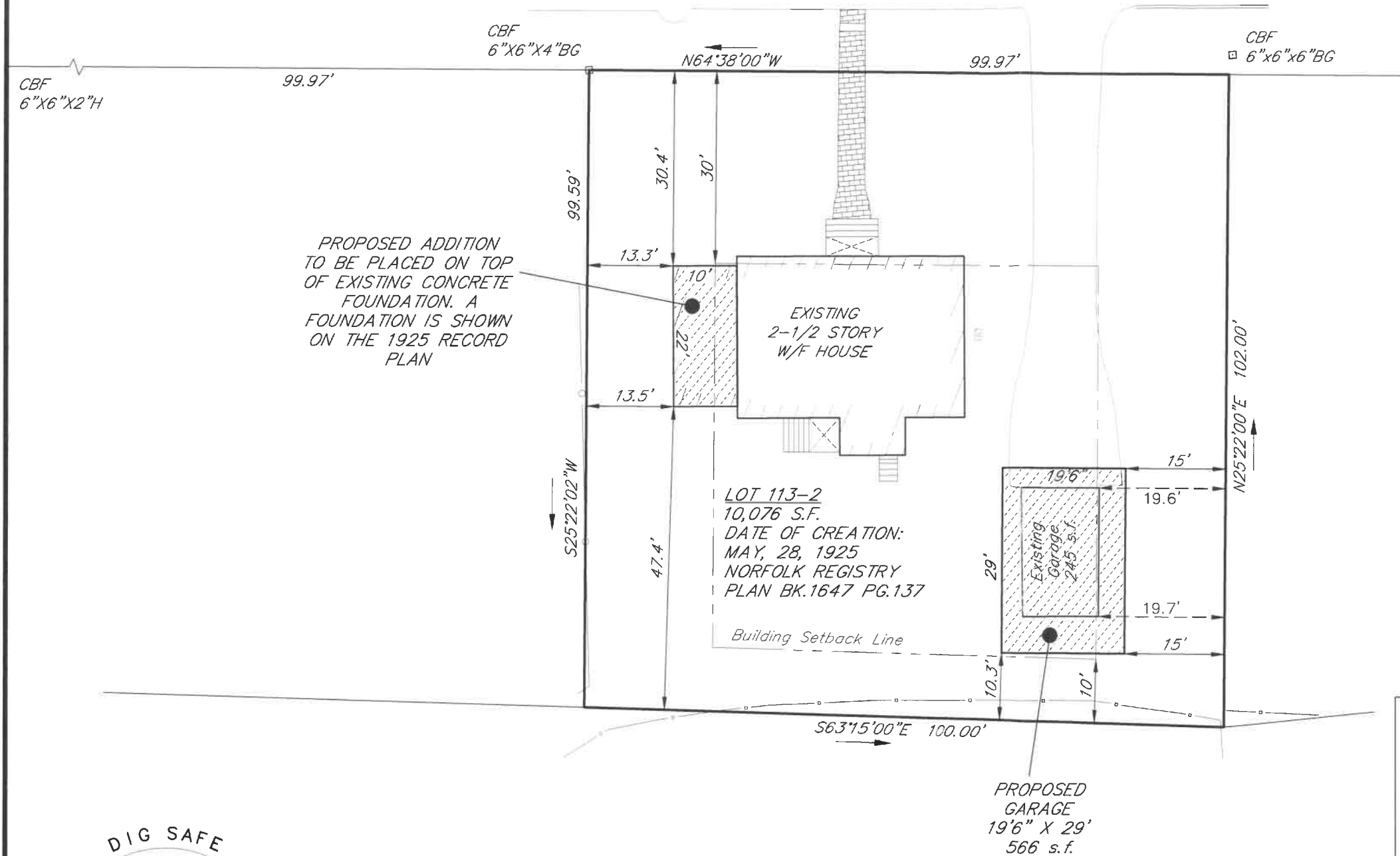
Attest:

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

cc: Planning Board  
Inspector of Buildings  
lrm

Mar 15, 2024 - 8:53am  
F:\TFM Projects\32161 Tappan Rd - Wellesley, MA\Carlson Survey\Drawings\32161-00 Survey.dwg

TAPPAN ROAD



Reference Plan

PLAN OF LAND IN WELLESLEY, MASS. OWNED BY WALLACE A.R. TEMPLE,  
DATED: MAY 1925. NORFOLK COUNTY PLAN BOOK 1647 PAGE 137.

Deed Reference

BOOK 40183 PAGE 348

Lot Coverage Note

EXISTING FOOTPRINT COVERAGE: 1,374.5' (13.6% OF LOT)  
PROPOSED FOOTPRINT COVERAGE: 1,695.3' (16.8% OF LOT)

SURVEYOR'S CERTIFICATION

I CERTIFY THAT THIS PLAN SHOWS THE PROPERTY LINES THAT ARE THE LINES OF EXISTING OWNERSHIPS, AND THE LINES OF STREETS OR WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

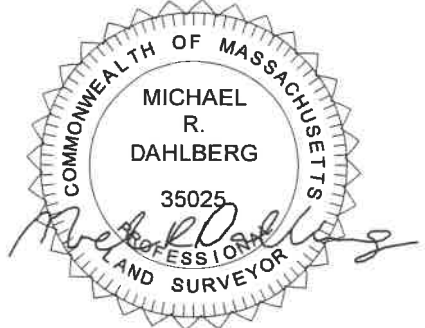
FURTHER, I CERTIFY THAT THE PREPARATION OF THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

*Michael R. Dahlberg*

JANUARY 16, 2024

PROFESSIONAL LAND SURVEYOR

DATE



CONTACT DIG SAFE 72 BUSINESS HOURS PRIOR TO CONSTRUCTION

REVISION: CHANGE PROPOSED GARAGE SIZE & LOCATION 1-16-24 MRD, (2) REV GARAGE SIZE, ADD COVERAGE NOTE, NORTH ARROW 3-15-24 MRD

PARCEL ID: 113-2  
**PROPOSED CERTIFIED PLOT PLAN**

Jonathan Consalvo & Laura Maytorena  
8 Tappan Road  
WELLESLEY, MASSACHUSETTS

PREPARED FOR:  
Jonathan Consalvo & Laura Maytorena

SCALE: 1" = 20'

SEPTEMBER 25, 2023



Civil Engineers  
Structural Engineers  
Traffic Engineers  
Land Surveyors  
Landscape Architects  
Scientists

48 Constitution Drive  
Bedford, NH 03110  
Phone (603) 472-4488  
Fax (603) 472-9747  
www.tfmoran.com

FILE	32161.00	DR	XX	FB	-	SHEET 1 OF 1
		CK	XX	GADFILE	32161 Survey	

RECEIPT  
Printed: June 13, 2024 @ 10:03:14  
Norfolk Registry of Deeds  
William P O'Donnell  
Register

Bk 41826 Pg 580 #36157  
06-13-2024 @ 10:03a

Trans#: 39305 Oper: LEAH

Book: 41826 Page: 580 Inst#: 36157  
Ct1#: 105 Rec: 6-13-2024 @ 10:03:12a  
WELL 8 TAPPAN ROAD

LEY



MASSACHUSETTS

DOC	DESCRIPTION	TRANS AMT
DECISION		
10.00	rec fee	10.00

**ZONING BOARD OF APPEALS**

TER STREET • SUITE 160 • WELLESLEY, MA 02482

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MARGINAL REFERENCE

BOOK 40183 PAGE 313