

TOWN OF WELLESLEY



MASSACHUSETTS

**ZONING BOARD OF APPEALS**  
888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

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2024 JUL 24 PM 12:11  
TOWN OF WELLESLEY  
ZONING BOARD OF APPEALS  
WELLESLEY, MA 02482

**ZBA 2024-49**  
Petition of Luke Miller  
71 Fuller Brook Road

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, July 11, 2024, at 7:30 pm, on the petition of Luke Miller 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 porch with less than required left side yard setbacks, at 71 Fuller Brook Road, on a 15,360 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 5, 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 Tom Flachbart, JM Construction, who said that the existing setback infringes on the setback at 19.1 feet where 20 feet is required. He said that the plan is to add a 6 foot by 18 foot porch. He said that the homeowner would prefer to not move the porch in. He said that the owners think that having the porch come out to the end will be more symmetrical and appealing. He said that there is a piece of roof that continues the pitch.

The Chairman said that there are two nonconformities. He said that, in addition to the side yard setback, the lot is undersized.

A Board member said that the proposed addition will be de minimis.

The Chairman said that the Board would not be granting relief for air conditioning condensers shown on a plan that Mr. Flachbart displayed at the public hearing. He said that the plot plan that was submitted will be the one that the Board approves.

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

Statement of Facts

The subject property is located at 71 Fuller Brook Road, on a 15,360 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, with a minimum left side yard setback of 19.1 feet where 20 feet is required.

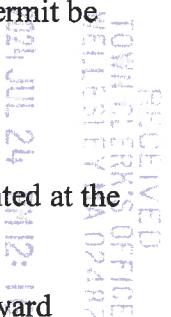
The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 5.1 and Section 6.3 of the Zoning Bylaw that construction of a porch with less than required left side yard setbacks, on a 15,360 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 2/28/24, stamped by Christopher C. Charlton, Professional Land Surveyor #48649, Floor Plans and Elevation Drawings, dated 5/7/24, prepared by JM Construction, and photographs were submitted.

On July 2, 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 porch with less than required left side yard setbacks, on a 15,360 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet will result in the intensification of existing nonconformities, 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 porch with less than required left side yard setbacks, on a 15,360 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, 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.

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 (l.m.)*  
Robert W. Levy, Acting Chairman

*Walter B. Adams (a.m.)*  
Walter B. Adams

*Derek B. Redgate (l.m.)*  
Derek B. Redgate

ZBA 2024-49  
Applicant Luke Miller  
Address 71 Fuller Brook 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.

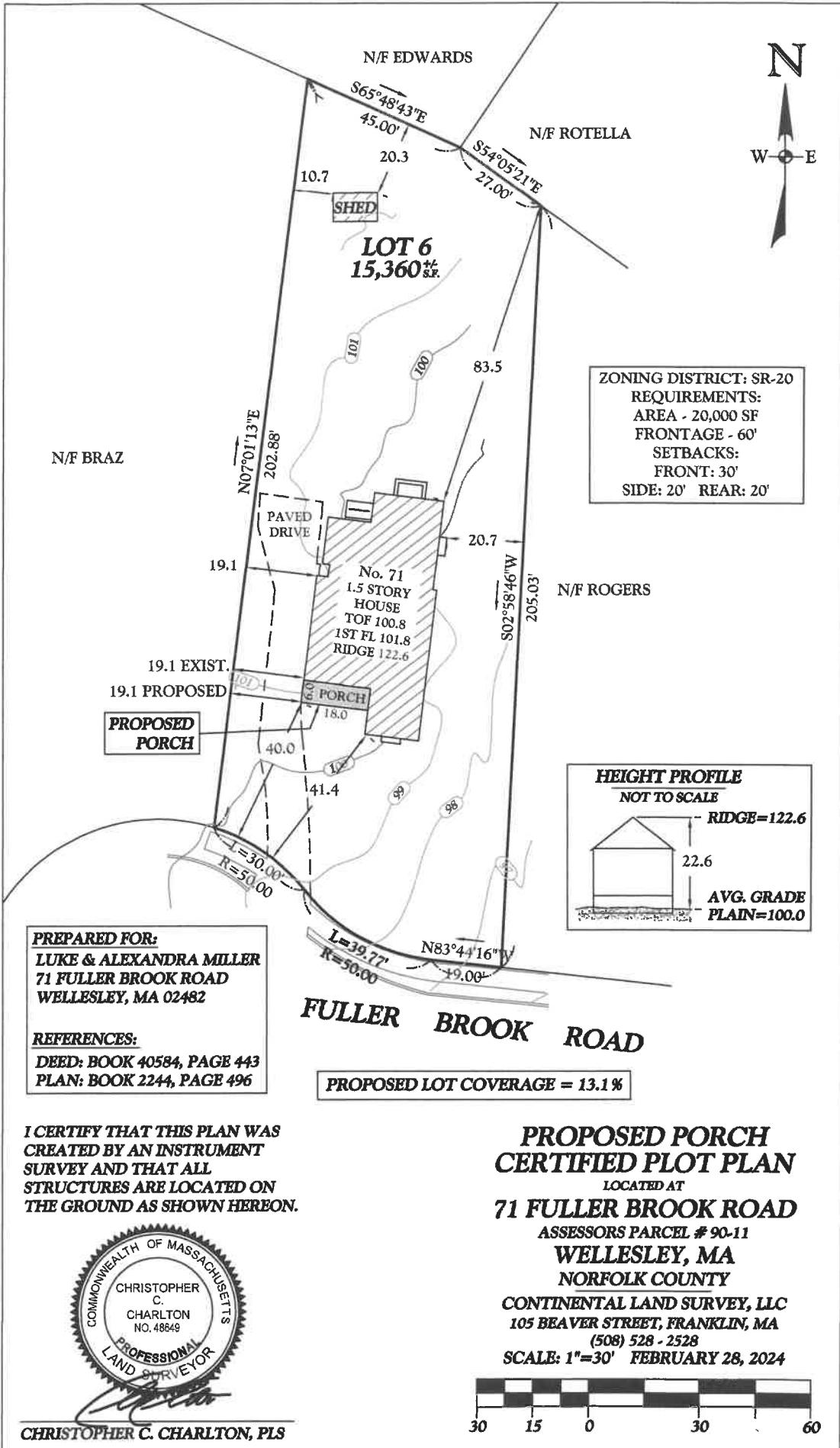
Date:

Attest:

Cathryn Jane Kato  
Town Clerk

cc: Planning Board  
Inspector of Buildings  
lrm

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY, MASS.  
JULY 24, 2024



## RECEIPT

Printed: August 14, 2024 @ 11:22:50

Norfolk Registry of Deeds

William P O'Donnell

Register

Trans#: 54638

Oper:YSANCHEZ

Book: 41942 Page: 177 Inst#: 52696

Ctl#: 197 Rec:8-14-2024 @ 11:22:43a

WELL 71 FULLER BROOK ROAD

G BOARD OF A  
REET • SUITE 160 • W

DOC	DESCRIPTION	TRANS AMT
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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
		106.00

LENORE R. MAHONEY  
EXECUTIVE SECRETARY  
TELEPHONE  
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On August 14, 2024, the Petitioner filed a request for a hearing before the Norfolk Board of Appeals. The Petitioner is requesting a variance for a nonconforming structure located at 71 Fuller Brook Road, which has a footprint of 20,000 square feet where 20 feet is required. The public hearing was held on August 14, 2024, at the Norfolk Registry of Deeds. The public hearing was Tom Flachbart, JM Construction, and the Petitioner prefers to not be named.