

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
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(781) 489-7450

WALTER B. ADAMS
DEREK B. REDGATE
PETER COVO

ZBA 2024-59
Petition of Ambika & Bruno Hoguet
21 Paine Street

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, August 8, 2024, at 7:30 pm, on the petition of Ambika & Bruno Hoguet 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 with less than required right side yard setbacks, on an existing nonconforming structure with less than required right side yard setbacks, at 21 Paine 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 July 3, 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 David Himmelberger, Esq., Charles Kraus, Architect, Ambika and Bruno Hoguet, the Petitioners.

Mr. Himmelberger said that the request is for a special permit to construct an addition to a pre-existing nonconforming single family home with less than required right side yard setbacks, on an oversized conforming lot of 25,044 square feet. He said that a bump out on the right side will slightly increase the nonconformity from 18 feet to 17.4 feet, but the remainder of the construction, consisting of a two-story rear addition, will be otherwise compliant with the Zoning Bylaws.

The Chairman said that it is a narrow lot.

Mr. Kraus said that the existing side entrance is small. He said that they need 4.5 feet to get a full size door in there. He said that they tried to maintain the integrity of the existing house with similar details on the addition. He said that the addition will not be very noticeable from the street. He said that the existing garage and shed will remain.

The Chairman said that the proposed structure appears to be a third bigger. He asked how stormwater runoff will be handled. Mr. Himmelberger said that the Applicant would accept a condition that roof runoff be piped to underground culverts.

The Chairman asked if there are any provisions for ac condensers. Mr. Kraus said that they will install air source heat pumps that are allowed in the setbacks.

The Chairman said that the Board received letters of support.

A Board member said that Paine Street has a strong sense of neighborhood. He said that many houses in the neighborhood have additions to the rear, similar to what is requested here.

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

Statement of Facts

The subject property is located at 21 Paine Street, in a 10,000 square foot Single Residence District, with a minimum right side yard setback of 18 feet where 20 feet is required. The existing garage has a minimum left side yard setback of 13.3 feet, and the existing shed has a minimum right side yard setback of 2.9 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 with less than required right side yard setbacks, on an existing nonconforming structure with less than required right side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Letter to Zoning Board of Appeals, dated 7/1/24, from David J. Himmelberger, Esq., an Existing Conditions Plot Plan, dated 4/10/23, revised 7/1/24, and a Proposed Additions Plot Plan, dated 4/17/24, revised 7/1/24, stamped by Bruce Bradford, Professional Land Surveyor #38376, Existing Floor Plans and Elevation Drawings, dated 3/9/22, Proposed Floor Plans and Elevation Drawings, 3D Model Views, and TLAG Affidavit, dated 6/1/24, prepared by Kraus Associates, and photographs were submitted.

On July 30, 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 two-story addition with less than required right side yard setbacks 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 two-story addition with less than required right side yard setbacks, subject to the following condition:

- A stormwater management plan, stamped by a registered engineer, that concludes that all stormwater runoff will be maintained on site, shall be submitted with the application for a building permit.

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.

20240921 01:08:50
Wellesley MA 02482
Planning & Zoning Office
Town of Wellesley

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21 Paine Street

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

Peter Covo (lm.)
Peter Covo

ZBA 2024-59
Applicant Ambika & Bruno Hoguet
Address 21 Paine Street

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:

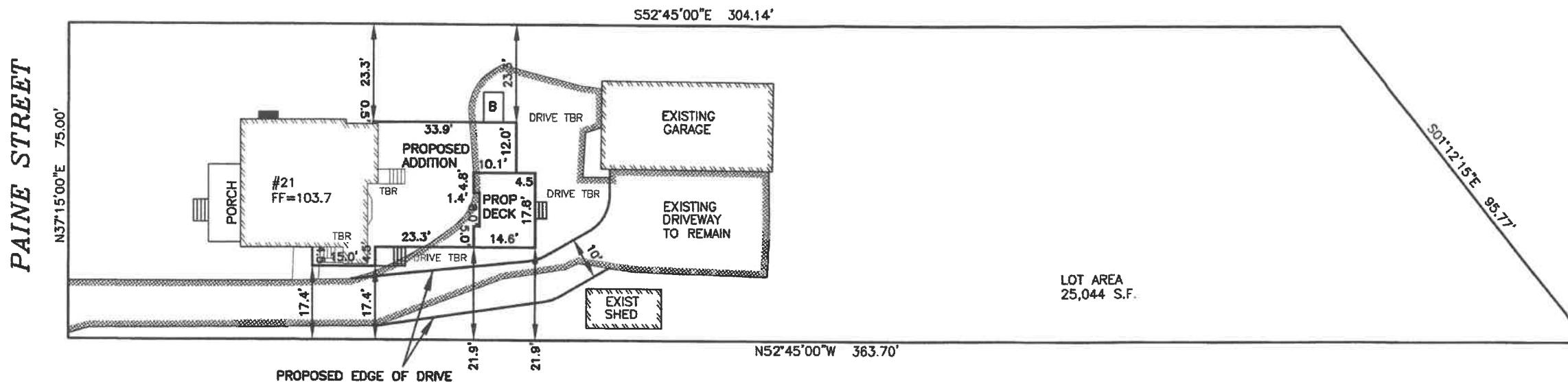
Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm

ESTABLISHED 1916
EMB
 EVERETT M. BROOKS CO.
 SURVEYORS & ENGINEERS
 49 LEXINGTON STREET
 WEST NEWTON, MA 02465

(617) 527-8750
 info@everetmbrooks.com



**PLAN OF LAND IN
WELLESLEY, MA**

**21 PAINÉ STREET
PROPOSED ADDITIONS**

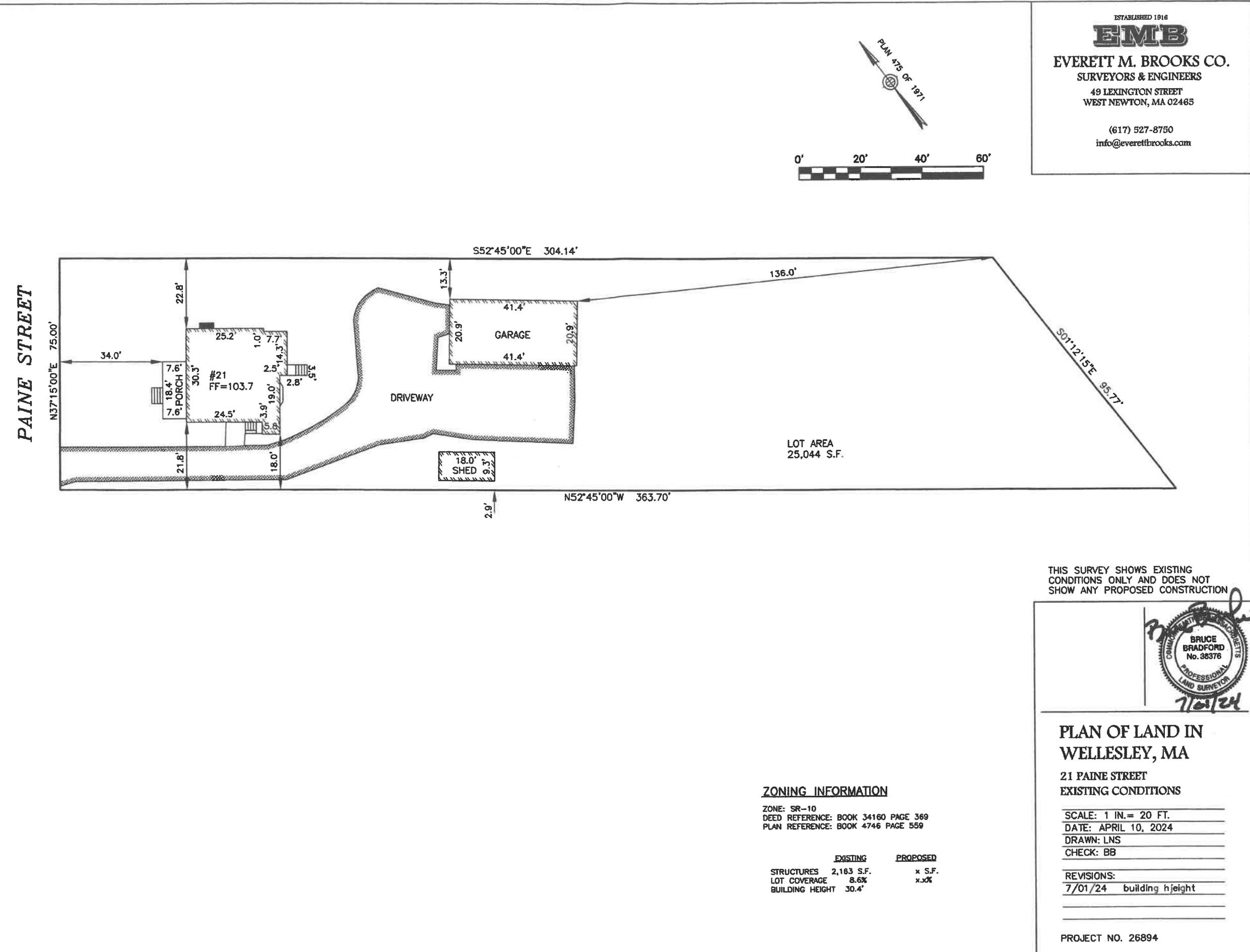
SCALE: 1 IN.= 20 FT.
 DATE: APRIL 17, 2024
 DRAWN: LNS
 CHECK: BB
 REVISIONS:
 7/01/24 building height

EXISTING	PROPOSED
STRUCTURES 2,163 S.F.	3,282 S.F.
LOT COVERAGE 8.6%	13.1%
BUILDING HEIGHT 30.3'	

PROJECT NO. 26894

ZONING INFORMATION

ZONE: SR-10
 DEED REFERENCE: BOOK 34160 PAGE 369
 PLAN REFERENCE: BOOK 4746 PAGE 559



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Property Address: 21 Paine Street, Wellesley
Deed Book 34160, Page 369