

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

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ZBA 2024-62

Petition of Steven & Maryellen Maggiacomo

23 Abbott Road

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, September 12, 2024, at 7:30 pm, on the petition of Steven & Maryellen Maggiacomo requesting a Special Permit/Finding pursuant to the provisions of Section 5.1 and Section 6.3 of the Zoning Bylaw that reconstruction of an existing nonconforming deck on the same footprint with less than required side yard setbacks, on an existing nonconforming structure with less than required front yard and side yard setbacks, on a 9,807 square foot corner lot in a Single Residence District in which the minimum lot size is 10,000 square feet, at 23 Abbott Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On August 7, 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 Jason MacGregor, Contractor.

Mr. MacGregor said that the homeowner's existing deck has been there for years and is in dilapidated condition. He said that the plan is to reframe and rebuild the deck in the exact location as it currently exists.

The Chairman said that the plot plan for a special permit that was granted in 1990 shows the side yard setback for the deck at 11.1 feet. He said that the current plan shows the setback at 9 feet. He said that two feet seems to be significant. Mr. MacGregor said that the surveyor had a hard time finding existing markers. He said that it potentially could have been mismarked in 1990. The Chairman said that the technology for surveying has improved significantly since the time when the property was surveyed 34 years ago. He said that under State case law, it is within the Board's authority to grant relief for 9 feet if it deems it not substantially more detrimental to the neighborhood.

The Chairman said that the air conditioning condenser under the current deck appears to be nonconforming. Mr. MacGregor said that the condenser has been pre-existing for many years. The Chairman said that the Board would not be granting any relief for the air conditioning condenser at this hearing.

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

Statement of Facts

The subject property is located at 23 Abbott Road, on a 9,807 square foot corner lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with a 27.9 foot front yard setback to Abbott Road where 30 feet is required, and minimum side yard setbacks of 9 feet and 10.37 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 reconstruction of an existing nonconforming deck on the same footprint with less than required side yard setbacks, on an existing nonconforming structure with less than required front yard and side yard setbacks, on a 9,807 square foot corner lot in a Single Residence District in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 7/2/24, stamped by Terrence M. Ryan, Professional Land Surveyor #37057, Floor Plan and Elevation Drawing, dated 7/23/24, prepared by Jason MacGregor, and photographs were submitted.

On September 10, 2024, the Planning Staff 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 reconstruction of an existing nonconforming deck on the same footprint with less than required side yard setbacks will not 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 reconstruction of an existing nonconforming deck on the same footprint with less than required 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.

ZBA 2024-62
Petition of Steven & Maryellen Maggiacomo
23 Abbott 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.

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

David G. Sheffield (km)
David G. Sheffield

Derek B. Redgate (km)
Derek B. Redgate

ZBA 2024-62
Applicant Steven & Maryellen Maggiacomo
Address 23 Abbott Road

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

RECEIVED
TOWN CLERK
2024 SEP 26 PM 12:23

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

PROPOSED PLOT PLAN
23 ABBOTT ROAD
WELLESLEY, MASS.

DATE: JULY 2, 2024

SCALE: 1" = 20'

PREPARED FOR:

J. MacGREGOR CUSTOM CARPENTRY
13 GEORDIAN AVENUE
BELLINGHAM, MASS. 02019

ENGINEERS & SURVEYORS:

APPLEWOOD SURVEY CO. LLC
838 WASHINGTON STREET
HOLLISTON, MASS. 01746
TERRENCE M. RYAN R.L.S. 37057

ZONED: SINGLE RES.
AREA: 10,000 SF
FRONTAGE: 60 FT
SETBACK: 30 FT*
SIDEYARD: 20 FT
REARYARD: 10 FT
COVERAGE: 2,500 SF

DEED BOOK 24007 PAGE 99
ASSESSORS MAP 75 LOT 52
EXISTING COVERAGE: 1,951 SF = 19.9%

NOTE: THE DIMENSIONS OF THE EXISTING HOUSE
SHOWN WERE MEASURED ALONG THE SIDING.
NOTE: THE HOUSE SHOWN WAS BUILT IN 1895.



I CERTIFY THAT THE LOT SHOWN AND EXISTING HOUSE SHOWN THEREON
PRDATE THE DIMENSIONAL AND THE DIMENSIONAL OFFSET REGULATIONS OF
THE WELLESLEY ZONING BYLAWS.
I CERTIFY THAT THE LOT SHOWN AND EXISTING HOUSE SHOWN THEREON ARE
LOCATED IN A FEDERAL FLOOD HAZARD ZONE "X" - SUBJECT TO MINIMAL
FLOODING (SOURCE: F.I.R.M. 25021C0017E).

