

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

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WALTER B. ADAMS
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PETER COVO

ZBA 2024-64
Petition of LYX Wellesley Investment LLC
140 Weston 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 LYX Wellesley Investment LLC 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 front porch with less than required front yard setbacks, at 140 Weston Road, in a General Residence District, 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 Ken Chase, who said that the plan to convert the single family house at 140 Weston Road to two affordable town house style units is part of a Project of Significant Impact (PSI) for 140 to 148 Weston Road. He said that the request is for relief to reconstruct an existing front porch with a 24 foot front yard setback where 30 feet is required. He said that the Select Board recently reviewed plans for a different porch. He said that they asked the Applicant to come back before the Zoning Board to request relief to rebuild the porch.

The Chairman said that when the Applicant was before the Board for the adjacent building in July, issues with maintenance of the property at 140 Weston Road were discussed. He said that photographs submitted show that the property is in a state of disrepair. Mr. Chase said that once the special permit for 140 Weston Road is approved, they can move on to construction and cleaning the property up.

The Chairman confirmed that the Historical Commission's waiting period for a preferably preserved structure has passed.

Board members confirmed that the plan for two affordable condominium units meets the requirements for the adjacent project.

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

Statement of Facts

The subject property is located at 140 Weston Road, in a General Residence District, with a minimum front yard setback of 24.4 feet where 30 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 front porch with less than required front yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 7/26/24, stamped by Richard J. Hood, Professional Land Surveyor #35031, Floor Plans and Elevation Drawings, dated 11/16/22, stamped by Timothy Mulligan, Registered Architect, 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 front porch with less than required front 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 front porch with less than required front 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 (km)
Robert W. Levy, Acting Chairman

David G. Sheffield (km)
David G. Sheffield

Derek B. Redgate (km)
Derek B. Redgate

ZBA 2024-64
Applicant LYX Wellesley Investment LLC
Address 140 Weston 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.

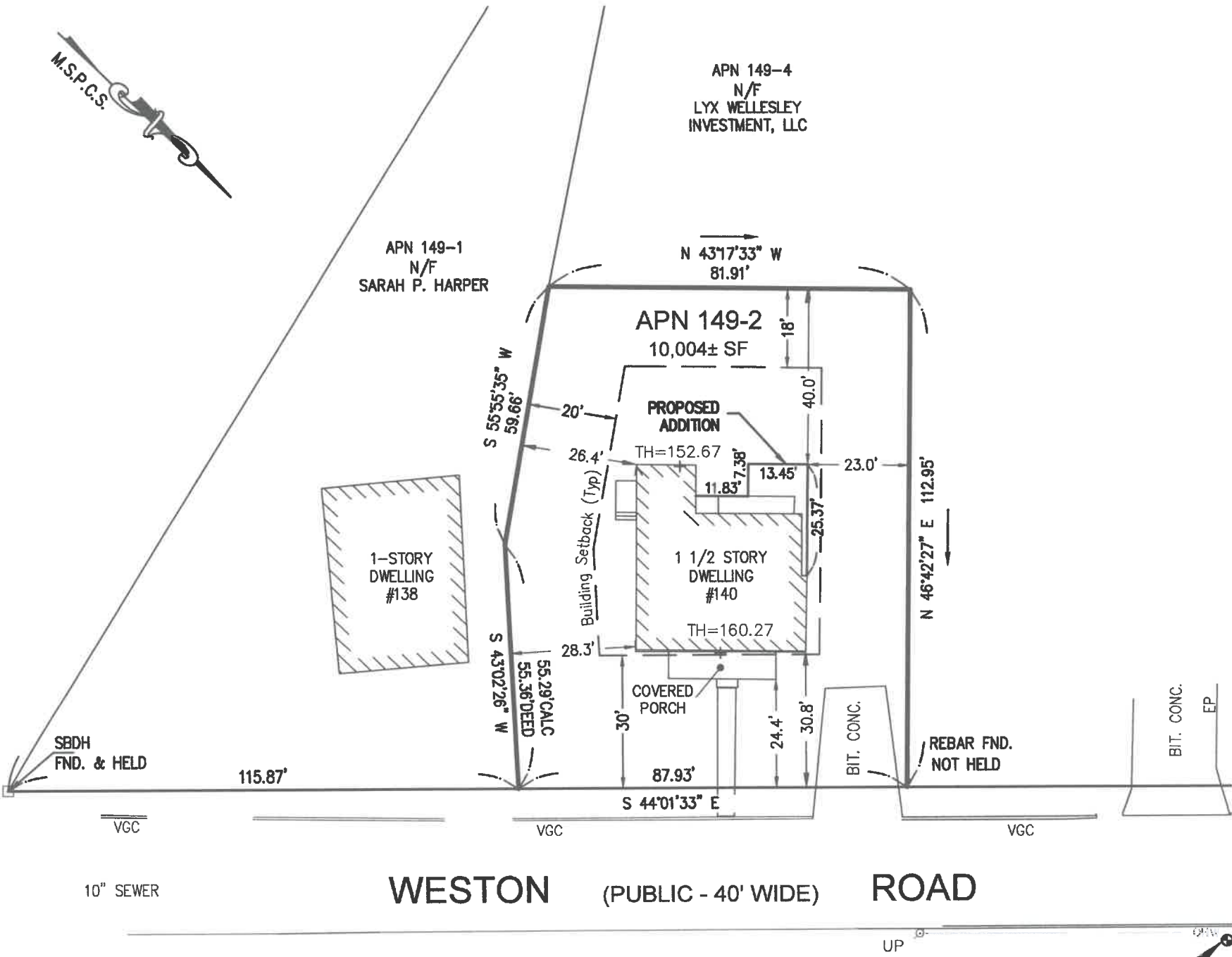
Date:

Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm

BUILDING PERMIT PLAN



SURVEY NOTES:

- LOCUS IS ZONED: GENERAL RESIDENCE / RESIDENTIAL INCENTIVE OVERLAY DISTRICT. DIMENSIONAL REQUIREMENTS FOR LOT RECORDED AND ENDORSED ON OR AFTER APRIL 8, 1997 AND LOCATED IN GENERAL RESIDENCE ZONE:
MIN. AREA : 10,000 SF.
FRONT YARD: 30 FT.
SIDE YARD: 20 FT.
REAR YARD: 18 FT.
* PER ARTICLE 5, SPECIAL TOWN MEETING. 5/13/19, MOTION 1, THE FRONTAGE REQUIREMENTS OF THIS SECTION SHALL NOT APPLY TO LOTS LOCATED IN A RESIDENTIAL INCENTIVE OVERLAY DISTRICT, REGARDLESS OF WHETHER OR NOT THE LOT IS DEVELOPED UNDER THE PROVISIONS OF 14F.
- LOCUS IS SITUATED IN ZONE X, AS SHOWN ON F.I.R.M. No. 25021C0016E, EFFECTIVE 7/17/2012.
- LOCUS IS SITUATED WITHIN A ZONE II WELLHEAD PROTECTION ZONE.
- THIS SURVEY WAS MADE ON THE GROUND IN JUNE 2019 BY MCKENZIE ENGINEERING GROUP, INC.
- WETLAND RESOURCE AREAS WERE NOT ENCOUNTERED DURING THE FIELD SURVEY.

OWNER:
APN 149-2
N/F
LYX WELLESLEY INVESTMENT, LLC
220 RESERVOIR STREET, SUITE 4
NEEDHAM, MA 02494
DEED BOOK 39476, PAGE 401.

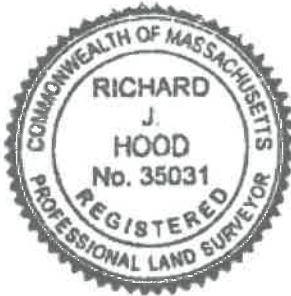
140 WESTON ROAD
WELLESLEY, MASSACHUSETTS

MEG
MCKENZIE
ENGINEERING GROUP

Assinippi Office Park
150 Longwater Drive, Suite 101
Norwell, MA 02061
P: 781.792.3900
F: 781.792.0333
www.mckeng.com

I HEREBY CERTIFY THAT THE PROPOSED
FOUNDATION SHOWN HEREON CONFORMS TO THE
TOWN OF WELLESLEY ZONING SETBACK
REQUIREMENTS EFFECTIVE AT THE TIME THE
BUILDING PERMIT PLAN WAS FILED.

Richard J. Hood 26 JULY 2024
PROFESSIONAL LAND SURVEYOR DATE



DRAWN BY:	SBS
DESIGNED BY:	--
CHECKED BY:	RTLS
APPROVED BY:	RJH
DATE:	JULY 26, 2024
SCALE:	1"=30'
PROJECT NO.:	221-145
DWG. NO.	BPP-1