

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

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2024 OCT 24 PM 1:12

ZBA 2024-70

Petition of James & Sharon Murray
45 Pine Plain Road

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, October 10, 2024, at 7:30 pm, on the petition of James & Sharon Murray requesting a Special Permit/Finding pursuant to the provisions of Section 3.8, Section 5.1 and Section 6.3 of the Zoning Bylaw that demolition of an existing nonconforming garage with less than required right side yard setbacks, and construction of an expanded one and half story garage with less than required right side yard setbacks, on a 6,975 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, at 45 Pine Plain Road, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On September 10, 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 James Murray, the Petitioner, who said that the existing garage is 90 years old and is not big enough to fit a car inside. He said that the setback on the west side of the garage is nonconforming. He said that the request is to replace the existing garage with a bigger one with access to a second floor for storage. He said that the existing nonconforming setback will be maintained.

A Board member said that the size of the garage will be doubled. Board members asked about access to the second story of the new garage and lighting in the garage. Mr. Murray said that there will be no plumbing, just electric lights and outlets.

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

Statement of Facts

The subject property is located at 45 Pine Plain Road, on a 6,975 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, with a minimum front yard setback of 29.8 feet where 30 feet is required, and a minimum left side yard setback

of 9.9 feet where 20 feet is required. The existing nonconforming detached garage has a minimum right side yard setback of 9.2 feet where 20 feet is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 3.8, Section 5.1 and Section 6.3 of the Zoning Bylaw that demolition of an existing nonconforming garage with less than required right side yard setbacks, and construction of an expanded one and half story garage with less than required right side yard setbacks, on a 6,975 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 7/27/23, stamped by Michael P. Clancy, Professional Land Surveyor #49621, Floor Plans and Elevation Drawings, dated 8/19/24, prepared by James Murray, and a photograph were submitted.

On October 8, 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.

The Board found that the Design and Operation Standards in Part F are adequately satisfied and not otherwise prohibited in Part D.1, of Section 3.8 of the Zoning Bylaw for Water Supply Protection Districts.

It is the opinion of this Authority that demolition of an existing nonconforming garage with less than required right side yard setbacks, and construction of an expanded one and half story garage with less than required right side yard setbacks, on a 6,975 square foot lot in a Single Residence District in which the minimum lot size is 10,000 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 demolition of an existing nonconforming garage with less than required right side yard setbacks, and construction of an expanded one and half story garage with less than required right side yard setbacks, on a 6,975 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in accordance with the submitted plans.

The Building Inspector 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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ZBA 2024-70
Petition of James & Sharon Murray
45 Pine Plain 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.

J. Randolph Becker (Lm)
J. Randolph Becker, Chairman

Walter B. Adams (Lm)
Walter B. Adams

Peter Covo (Lm)
Peter Covo

ZBA 2024-70
Applicant James & Sharon Murray
Address 45 Pine Plain Road

2024 OCT 24 PM 1:13
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NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

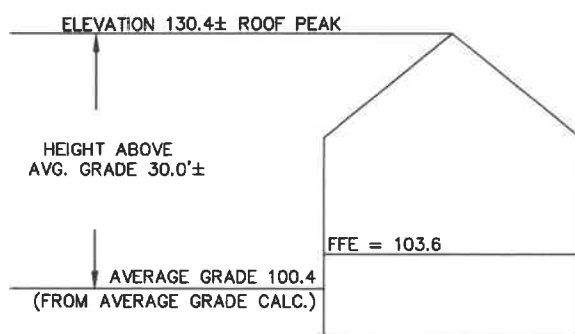
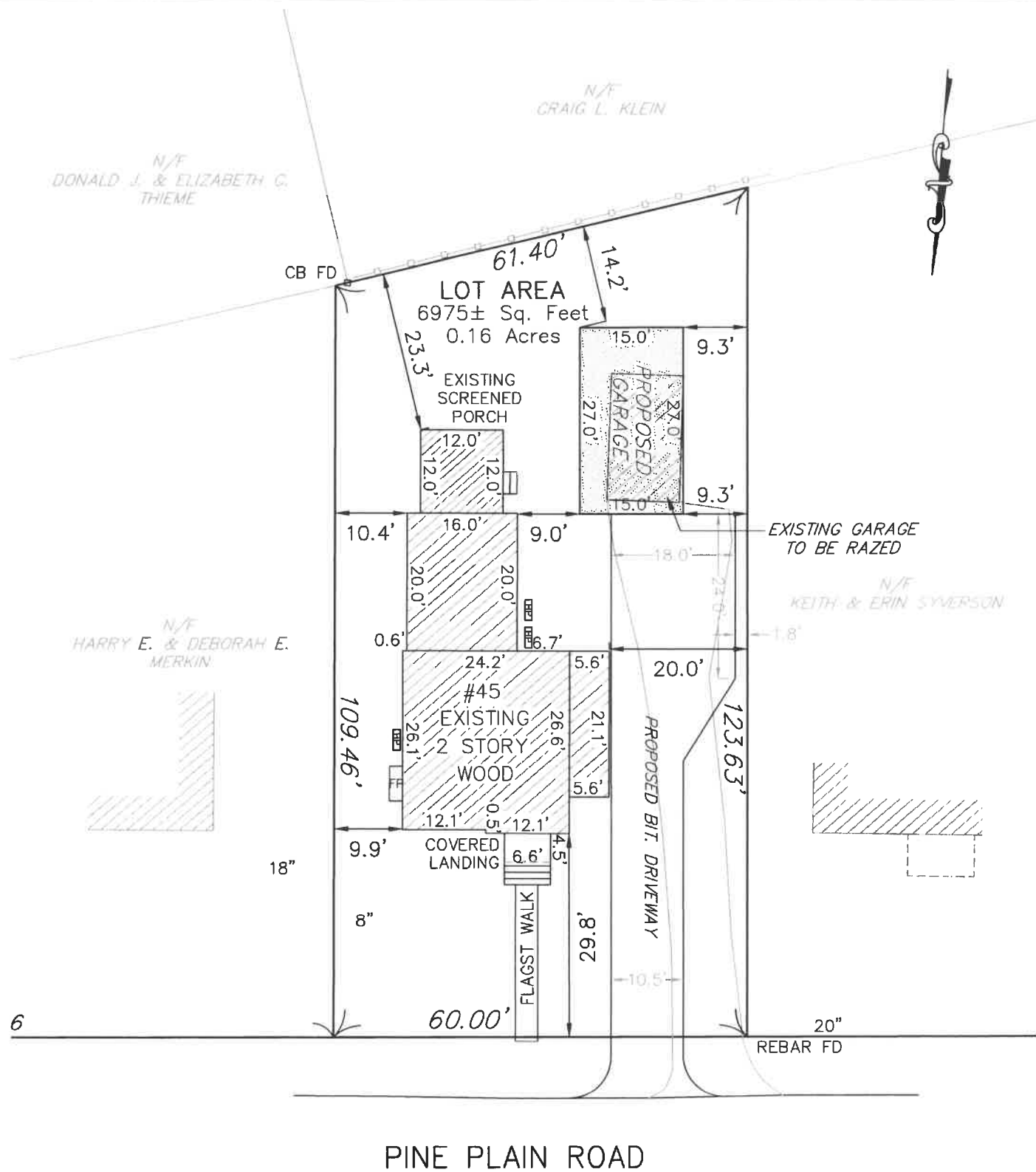
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Date:

Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm



ZONING DISTRICT

SR-10 (WATERSHED PROTECTION)

REQUIREMENTS:

	UNITS	REQUIRED	CURRENT	PROPOSED
MINIMUM LOT AREA	S.F.	10,000	6,975±	6,975±
MINIMUM LOT FRONTAGE	FT.	60.0	60.0	60.0
FRONT SETBACK	FT.	30.0	29.8	29.8
SIDE SETBACK	FT.	20.0	9.9	9.9
SIDE SETBACK (GARAGE)	FT.	20.0	9.2	9.3
REAR SETBACK	FT.	10.0	21.8	14.2
BUILDING HEIGHT	FT.	36.0	30.0	30.0
LOT COVERAGE	FT.	25.0	20.9	24.0

NOTES:

- ZONING CLASSIFICATION – SR10
- LOCUS DEED:
NORFOLK REGISTRY OF DEEDS BOOK 36266 PAGE 145
- PLAN REFERENCES:
NORFOLK REGISTRY OF DEEDS BOOK 1997 PAGE 258
- ASSESSORS PARCEL ID: 169-55

LOT COVERAGE
1458/6975=20.9%
1671/6975=24.0%

PREPARED FOR:
JAMES & SHARON MURRAY
45 PINE PLAIN ROAD
WELLESLEY, MA. 02481

PLOT PLAN
FOR
45 PINE PLAIN ROAD
IN
WELLESLEY, MA.

SCALE: 1"=20' JULY 27, 2023

C & G SURVEY COMPANY
37 JACKSON ROAD
SCITUATE, MA. 02066
1-877-302-8440

PROPOSED ADDED: AUGUST 7, 2024

