

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

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WELLESLEY, MA 02482

ZBA 2024-72

Petition of Ryan & Rebecca Flanagan
56 Fuller Brook 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 Ryan & Rebecca Flanagan 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 at the front of the house with less than required left side yard setbacks and construction of a two story addition at the back of the house with less than required left side yard setbacks, on an existing nonconforming structure with less than required left side yard setbacks, on a 14,404 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, at 56 Fuller Brook Road, 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 were Rebecca Flanagan, the Petitioner, and Ivan Hernandez, Architect.

Ms. Flanagan said that her family moved to the neighborhood in 2015. She said that they bought property with the intention of expanding it as their family grew. She said that at the time they had two children and they now have four. She said that they love their neighborhood and want to stay there. She said that they are trying to make the house function better as their kids get older.

Ms. Flanagan said that they came before the Board in October of 2016 and were granted a special permit to construct a two story addition on the right rear side that ran approximately half the length of the back yard. She said that the proposed plan is to extend back and square off the existing addition. She said that they currently have a nonfunctioning one car garage at the front of the house that they can't fit a car in. She said that the plan is to reconfigure the front of the house with a two car garage and a front porch. She said that the new construction will maintain the existing nonconforming left side yard setback of 19.2 feet.

Ms. Flanagan said that the lot size is nonconforming at 14,404 square feet in an SR 20 district. She said that the proposed design will be in keeping with the neighborhood where there are a lot of older homes and many additions. She said that the house sits lower than the neighbor's on the side where the construction will be.

The Chairman discussed the front yard setback. He questioned whether the 31.0 foot dimension should be 30.1 feet. He said that the surveyor may have flipped the last two digits. Ms. Flanagan said that she can have the surveyor check the dimensions. She said that the street slants and is not straight across. She said that a 30.1 foot front yard setback will still be compliant with the 500 Foot Rule.

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

Statement of Facts

The subject property is located at 56 Fuller Brook Road, on a 14,404 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 19.2 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 at the front of the house with less than required left side yard setbacks and construction of a two story addition at the back of the house with less than required left side yard setbacks, on an existing nonconforming structure with less than required left side yard setbacks, on a 14,404 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 8/27/24, and a 500 Foot Rule Letter, dated 9/5/24, stamped by Stephen M. Melescuic, Professional Land Surveyor #39049, Floor Plans and Elevation Drawings, dated 8/28/24, prepared by I.S. Hernandez Services Inc, and photographs 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.

It is the opinion of this Authority that construction of a two story addition at the front of the house with less than required left side yard setbacks and construction of a two story addition at the back of the house with less than required left side yard setbacks, on an existing nonconforming structure with less than required left side yard setbacks, on a 14,404 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.

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Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of a two story addition at the front of the house with less than required left side yard setbacks and construction of a two story addition at the back of the house with less than required left side yard setbacks, on an existing nonconforming structure with less than required left side yard setbacks, on a 14,404 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, subject to the following condition:

- A revised plot plan that shows the correct setbacks, or in the alternative, an explanation from the surveyor regarding the front yard setback calculations shall be submitted.

The Building Inspector 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.

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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.

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

Walter B. Adams (Am)
Walter B. Adams

Peter Covo (Am)
Peter Covo

ZBA 2024-72
Applicant Ryan & Rebecca Flanagan
Address 56 Fuller Brook Road

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

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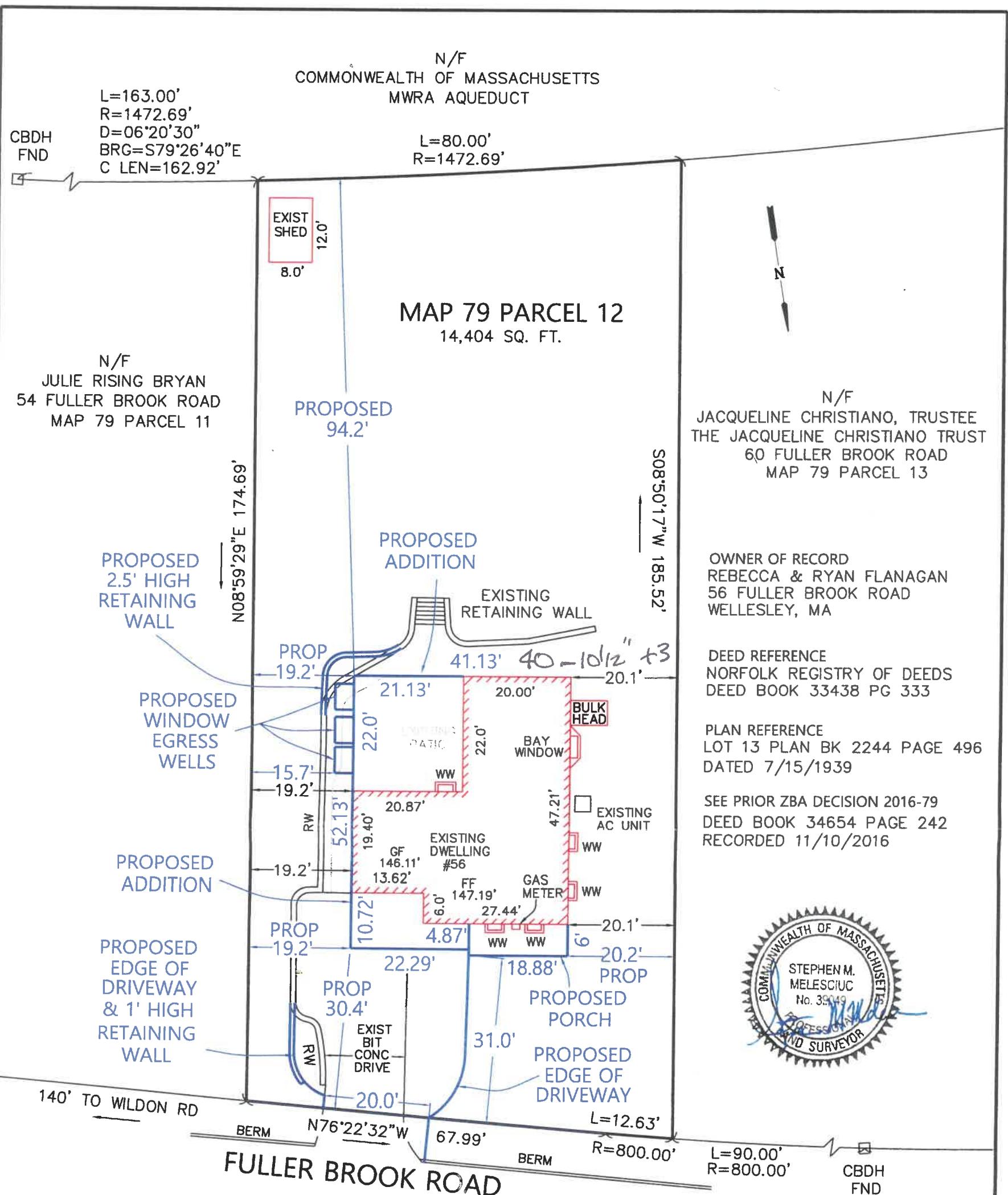
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed,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

Date:

Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm



SRD 20-SINGLE RESIDENCE

REQUIRED

LOT AREA: 20,000
FRONTAGE: 60'
FRONT YARD SETBACK: 30'
SIDE YARD SETBACK: 20'
REAR YARD SETBACK: 20'
BUILDING COVERAGE:
20% = 2,880 S.F.
BUILDING HEIGHT: 45'

EXISTING

EXISTING
LOT AREA: 14,404 S.F.
FRONTAGE: 80.62'
FRONT YARD SETBACK: 36.3'
SIDE YARD SETBACK: 19.2'
REAR YARD SETBACK: 110.6'
BUILDING COVERAGE: 1,200 S.F.=8%
BUILDING HEIGHT: 23 g'

PROPOSED

PROPOSED

FRONT YARD SETBACK: 30.4' ADDITION
FRONT YARD SETBACK: 31.0' PORCH
SIDE YARD SETBACK: 19.2' ADDITION
SIDE YARD SETBACK: 20.1' PORCH
SIDE YARD SETBACK: 15.7' WINDOW EGRESS WELLS
REAR YARD SETBACK: 94.2' ADDITION
BUILDING COVERAGE: 2,360 S.F. = 16.4%
BUILDING HEIGHT: 23.9'

PROPOSED PLOT PLAN

56 FULLER BROOK ROAD
ASSESSORS MAP 79 PARCEL 12
WELLESLEY, MA
PREPARED FOR
RYAN & REBECCA FLANAGAN
56 FULLER BROOK ROAD
WELLESLEY, MA

STEPHEN M. MELESCIUC
PROFESSIONAL LAND SURVEYOR #39049
514 GAZEBO CIRCLE
READING, MA 01867
781-844-7108

SCALE: 1"=20'

DATE: AUGUST 27, 2024

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R E C E I P T
Printed: November 15, 2024 @ 10:45:1
Norfolk Registry of Deeds
William P O'Donnell
Register

Trans#: 78907 Oper: YSANCHEZ

Book: 42108 Page: 522 Inst#: 75988
Ct#: 204 Rec: 11-15-2024 @ 10:45:08a
WELL 56 FULLER BROOK ROAD

DOC	DESCRIPTION	TRANS AMT
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
CHECK PM 300		106.00

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