

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

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ZBA 2024-73  
Petition of William Parmentier  
407 Linden Street

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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 William Parmentier requesting a Special Permit Finding pursuant to the provisions of Section 5.1 and Section 6.3 of the Zoning Bylaw that demolition and reconstruction of an existing nonconforming front porch with less than required front yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, on an 8,829 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with less than required frontage, at 407 Linden Street, 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 Bill Parmentier, the Petitioner, and Vahe Ohannessian, Construction Manager.

Mr. Parmentier said that he is trying to do an extensive interior and exterior renovation of a 1907 two family. He said that the plan is to demolish and rebuild the existing nonconforming front porch on the exact same footprint. He said that the requested relief is for the front yard setback and the size of the porch at 173 square feet.

The Chairman discussed the Zoning Bylaw definition of a front yard. He said that if the porch is 50 square feet or less, the front yard setback is measured to the wall of the house, and if it is more than 50 square feet, the front yard setback is measured to the porch.

A Board member asked about the square footage of the lot. He said that there are two numbers shown on the plot plan. Mr. Parmentier said that the difference is the deed versus the surveyor. He said that rather than reconcile the difference, the surveyor put both numbers on the plot plan.

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The Chairman said that under the Zoning Bylaw, if there are no new nonconformities, and if the nonconformity that is of concern is not intensified, the Applicant is entitled to a permit. He said that because the matter is before the Board, the Board will take action. Mr. Ohannessian said that if the Board can conclude that this can be done by right, it would be easier to proceed with construction because they have a demolition permit ready for the interior portion but will have to wait for the appeal period to lapse if they go forward with the special permit process.

Mr. Ohannessian said that in the course of reviewing the scope of work, they noticed that the two small back porches on either side of the bulkhead are in structural disrepair. He said that it would be easier to rebuild them but they did not apply for that. He said that they are within the side yard setbacks. The Chairman said that, had it been included in the legal ad, the Board could handle it in the same way as the front porch. He said that his opinion is that under Section 5.1 of the Zoning Bylaw, the Applicant doesn't have to come to the Board, but the person to decide that is the Building Inspector, Mr. Grant. He said that if the Applicant does not agree with Mr. Grant's opinion, he can file an appeal and bring it to the Board.

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

#### Statement of Facts

The subject property is located at 407 Linden Street, on an 8,829 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet,

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 demolition and reconstruction of an existing nonconforming front porch with less than required front yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, on an 8,829 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with less than required frontage, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 11/23/22, stamped by William E. Tirrell , Professional Land Surveyor #49930, Floor Plans and Elevation Drawings, dated 12/13/21, revised 6/22/22 & 7/5/22, prepared by SO Design Collective, 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.

It is the opinion of this Authority that demolition and reconstruction of an existing nonconforming front porch with less than required front yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, on an 8,829 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with less than required frontage

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 demolition and reconstruction of an existing nonconforming front porch with less than required front yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, on an 8,829 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with less than required frontage, 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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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 (km)  
J. Randolph Becker, Chairman

Walter B. Adams (km)  
Walter B. Adams

Peter Covo (km)  
Peter Covo

ZBA                    2024-73  
Applicant        William Parmentier  
Address           407 Linden Street

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NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

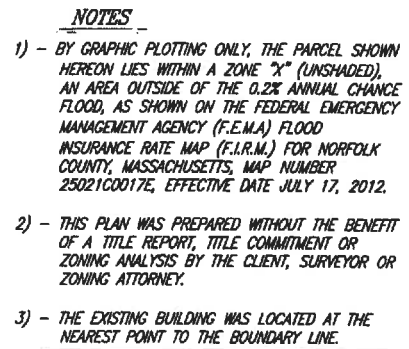
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed,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

Date:

Attest:

\_\_\_\_\_  
Cathryn Jane Kato  
Town Clerk

cc: Planning Board  
Inspector of Buildings  
lrm



I CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY PLANS AND DEEDS OF RECORD.



1	AUGUST 19, 2024	CLIENT COMMENTS
 <div style="text-align: center;"> <b>PLOT PLAN</b>  <b>407 LINDEN STREET</b>  <b>WELLESLEY, MASSACHUSETTS</b> </div>		
<b>FRAMINGHAM SURVEY CONSULTANTS INC.</b> P.O. BOX 1190 FRAMINGHAM, MA 01701 PH: 508-628-1444 FAX: 508-879-9282 <a href="http://WWW.FRAMINGHAMSURVEY.COM">WWW.FRAMINGHAMSURVEY.COM</a>		
SCALE: 1"=10'	DRAWN BY: RDN	DWG: 11388_21 EXPD
DATE: MAY 31, 2021	CHECKED BY: NET	JOB NO: 11388_21
GRAPHIC SCALE (IN FEET) 