

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

LENORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 489-7450

WALTER B. ADAMS
DEREK B. REDGATE
PETER COVO

ZBA 2025-04
Petition of 6 Intervale Road LLC
6 Intervale Road

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, January 9, 2025, at 7:30 pm, on the petition of 6 Intervale Road LLC requesting a Special Permit/Finding and/or Modification of a Variance pursuant to the provisions of Section 5.1, Section 5.3, Section 6.2 and Section 6.3 of the Zoning Bylaw that construction of a two story addition at the front with less than required right side yard setbacks and construction of a two story addition at the back with less than required left side yard and right side yard setbacks, on a 5,640 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 6 Intervale Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On December 9, 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 Charles Malafaia, representing 6 Intervale Road LLC, the Petitioner.

Mr. Malafaia said that there is no second floor on the house. He said that the proposal is to add a second floor to make the house livable for a small family.

A Board member said that it is a very small lot.

A Board member asked access to the attic. Mr. Malafaia said that there will be a pull down access to the HVAC unit in the attic.

Mr. Malafaia said that the front of the house will be extended forward seven feet on the right side, at a setback that is compliant with the 500 Foot Rule. He said that the porch will be a platform with steps to the first level with crawl space underneath. He said that they will eliminate a small deck on the side of the house and put one on the back with a stairway to the patio.

A Board member said that two different plot plans were submitted. He said that one plan listed lot coverage at 18.7 percent. He said that the second plot plan, dated January 6, 2025, showed revised lot coverage of 21.1 percent, which is still compliant.

The Chairman read an email from Town Counsel, dated December 10, 2024, regarding modification of a variance and a special permit/finding.

Chris Guido said that he is an abutting neighbor. He asked if the plans are public. The Chairman said that the plans are available on the Town's website and at the Zoning Office at 888 Worcester Street.

Statement of Facts

The subject property is located at 6 Intervale Road, on a 5,640 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with a minimum front yard setback of 39.3 feet where 30 feet is required, a minimum left side yard setback of 10 feet and a minimum right side yard setback of 10.2 feet where 20 feet is required, and a minimum frontage of 51.62 feet where 60 feet is required.

The Petitioner is requesting a Special Permit/Finding and/or Modification of a Variance pursuant to the provisions of Section 5.1, Section 5.3, Section 6.2 and Section 6.3 of the Zoning Bylaw that construction of a two story addition at the front with less than required right side yard setbacks and construction of a two story addition at the back with less than required left side yard and right side yard setbacks, on a 5,640 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, and less than required frontage, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 1/6/25, stamped by David Philip Terenzoni, Professional Land Surveyor #38720, A Plot Plan, dated 12/5/24 and a 500 Foot Rule Letter, stamped by John Karavolas, PE, #38495, Floor Plans and Elevation Drawings, dated 8/27/23, prepared by Matnah Studios, and photographs were submitted.

On January 7, 2025, the Planning Department 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 is of the opinion that in granting modification of previously granted Variance, ZBA 53-39, it was determined by a previous Board in 1953 that a hardship existed.

Therefore, in reliance on the prior findings of that Board, this Board modifies the Variance to permit construction of a two story addition at the front with less than required right side yard setbacks and construction of a two story addition at the back with less than required left side yard and right side yard setbacks, in accordance with the submitted plans.

It is the opinion of this Authority that that construction of a two story addition at the front with less than required right side yard setbacks and construction of a two story addition at the back with less than required left side yard and right side yard setbacks, on a 5,640 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 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 that construction of a two story addition at the front with less than required right side yard setbacks and construction of a two story addition at the back with less than required left side yard and right side yard setbacks, on a 5,640 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, modification of the Variance shall expire one year after the date time stamped on this decision and this Special Permit shall expire two years after the date time stamped on this decision.

2025 JAN 23 PM 12:37
RECEIVED
ZBA 6/1/25

ZBA 2025-04
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6 Intervale 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 (cm)
Robert W. Levy, Acting Chairman

Walter B. Adams (cm)
Walter B. Adams

Derek B. Redgate (cm)
Derek B. Redgate

ZBA 2025-04
Applicant 6 Intervale Road LLC
Address 6 Intervale Road

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

2025 JAN 23 PM 12:37
TOWN CLERK
MA 02460

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

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ZBA 2025-04
Petition of 6 Intervale Road LLC
6 Intervale Road

2025 JAN 23 PM 12:38
RECEIVED
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MA 02482

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