



TOWN OF WELLESLEY

MASSACHUSETTS

ZONING BOARD OF APPEALS

888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

J. RANDOLPH BECKER, CHAIRMAN
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WALTER B. ADAMS
DEREK B. REDGATE
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**ZBA 2025-05
Petition of Jefferson Shaw
38 Riverdale 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 Jefferson Shaw 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 second story addition over an existing nonconforming structure with less than required left side yard setbacks, and construction of a deck and porch with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard, and right side yard setbacks, at 38 Riverdale Road, on a 9,375 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, 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 Caitlin Struble, representing Jefferson Shaw, the Petitioner.

Ms. Struble said that the requested relief is for a second story addition above an existing one-story space. She said that the rest of the building is a two-story structure. She said that the proposed addition will be too close to the side lot line. She said that the request is also for a proposed deck in the backyard that will not get closer to the side lot line than the current structure.

A Board member asked about the plot plan revision. Ms. Struble said that the surveyor thought that the proposed pergola over the deck was going to be full coverage. She said that it is an open pergola, so it is not considered as lot coverage.

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

Statement of Facts

The subject property is located at 38 Riverdale Road, on a 9,375 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 25.9 feet where 30 feet is required, a minimum left side yard of 18.5 feet and a minimum right side yard setback of 7.5 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 second story addition over an existing nonconforming structure with less than required left side yard setbacks, and construction of a deck and porch with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard, and right side yard setbacks, on a 9,375 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 12/3/24, revised 1/6/25, stamped by Dennis O'Brien, Professional Land Surveyor #40046, Existing Floor Plans and Elevation Drawings, dated 9/12/24, and Proposed Floor Plans and Elevation Drawings, dated 11/18/24, prepared by Winslow Design 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.

It is the opinion of this Authority that construction of a second story addition over an existing nonconforming structure with less than required left side yard setbacks, and construction of a deck and porch with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard, and right side yard setbacks, on a 9,375 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 construction of a second story addition over an existing nonconforming structure with less than required left side yard setbacks, and construction of a deck and porch with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard, and right side yard setbacks, on a 9,375 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 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.

Robert W. Levy (am)
Robert W. Levy, Acting Chairman

Walter B. Adams (am)
Walter B. Adams

Derek B. Redgate (am)
Derek B. Redgate

ZBA 2025-05
Applicant Jefferson Shaw
Address 38 Riverdale 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:

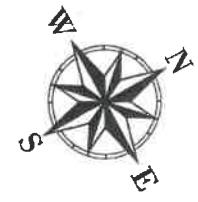
Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm

ZONE: SINGLE RESIDENCE 10		REQUIRED
AREA (MIN.)		10,000 SQ. FT.
FRONTAGE (MIN.)	60'	
FRONT SETBACK (MIN.)	00'	
SIDE SETBACK (MIN.)	30'	
REAR YARD SETBACK (MIN.)	20'	
LOT COVERAGE (MAX)	10%	

LEGEND:

The legend consists of a horizontal line with various symbols and their corresponding labels. From left to right, the symbols are: a red line segment labeled 'PROPERTY LINE'; a dashed line segment labeled 'EDGE OF PAVEMENT'; a solid line segment labeled 'FENCE LINE'; a blue circle labeled 'IRON PIPE FOUND'; a blue circle with a diagonal line labeled 'WATER SHUT OFF'; a red circle with a diagonal line labeled 'GAS METER'; and a circle with a 'W' inside labeled 'MAN HOLE'.

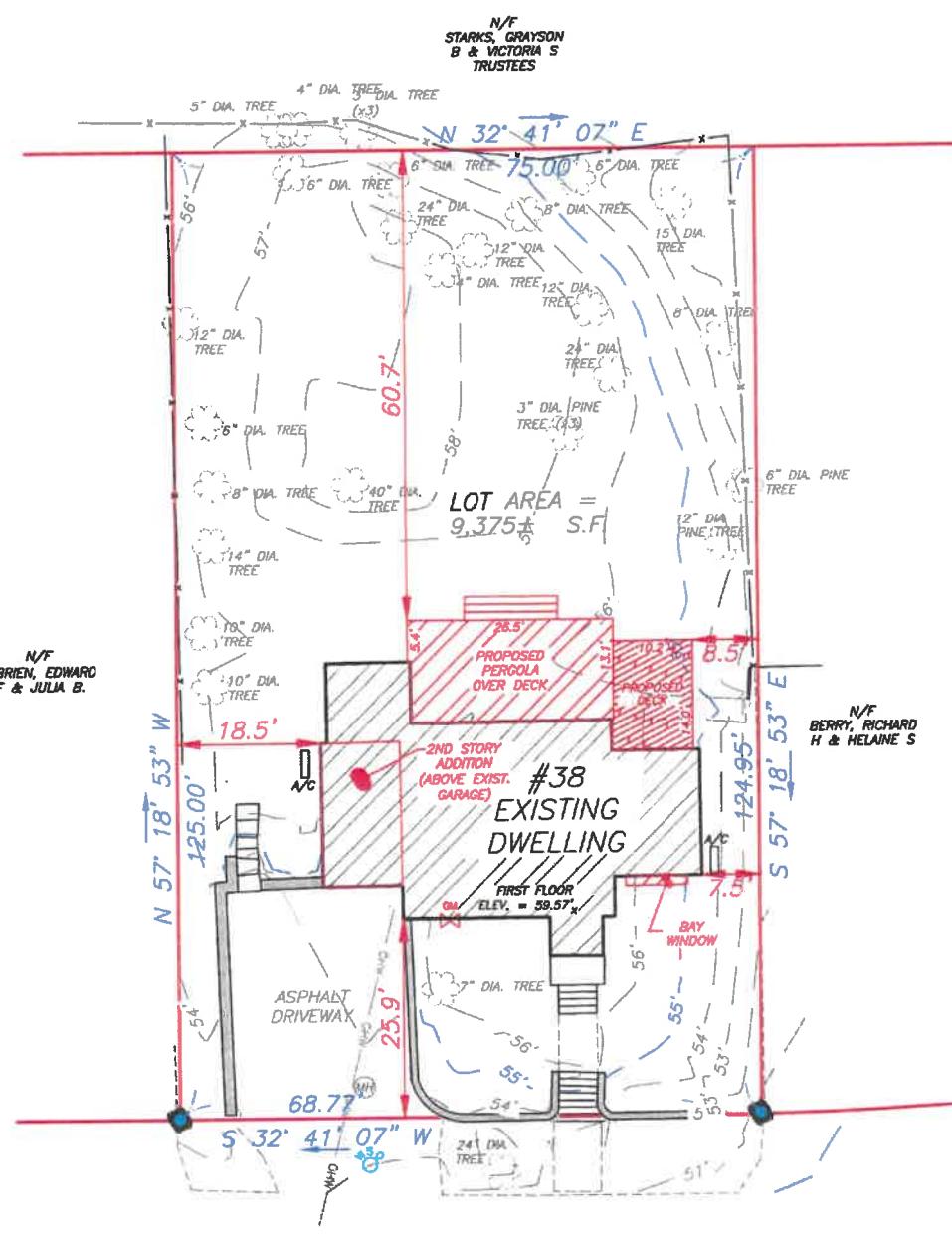


EXISTING BUILDING COVERAGE = (12.8%) 1202.3 S.F.
PROPOSED BUILDING COVERAGE = (12.8%) 1202.3 S.F.

NOTES:

ALL CONFORMITY REQUIREMENTS TO BE
VERIFIED WITH TOWN.

ALL ELEVATIONS ARE ON THE NAVD 88
DATUM.



RIVERDALE ROAD



PLAN SHOWING PROPOSED ADDITIONS

38 RIVERDALE ROAD
WELLESLEY, MA NORFOLK COUNTY
OWNER: SHA

OWNER:

SHAW

SCALE: 1:20'	DATE: 1/6/2025	REVISED: ---	DRAWN BY: A.R.M.	CHECKED BY: D.O.
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SCALE: DATE: REVISED: DRAWN BY: CHECKED BY:

1:20' 1/6/2025 --- A.R.M. D.O.

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JAN 23 2025
1 PM: 40

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