

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

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ZBA 2025-18
Petition of Leah & Michael Ryan
8 Earle Road

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, March 6, 2025, on the petition of Leah & Michael Ryan 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 construction of a two-story structure and a one-story structure with less than required left side yard setbacks, on an existing nonconforming structure with less than required left side yard setbacks, at 8 Earle Road, in a 10,000 square foot Single Residence District and a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On January 30, 2025, 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 Bob Williamson, Architect, Michael and Leah Ryan, the Petitioner.

Mr. Ryan said that they have lived at 8 Earle Road since 2017. He said that they have two small children and are looking to expand their space. He said that he spoke with neighbors and abutters and they all approved of the project.

Mr. Williamson said that the project involves a nonconforming structure on a conforming lot in an SR10 district. He said that the existing home has what appears to be a garage that was converted to finished space. He said that it is a one-story structure that is adjacent to the primary body of the two-story colonial home. He said that the proposed addition will be two stories in the front and one story at the rear. He said that the existing side yard setback at the rear corner of the garage is 14.4 feet. He said that the new structure will come no closer than 14.7 feet at the rear. He said that the existing TLAG is 1,863 square feet and proposed TLAG is 3,211 square feet. He said that existing lot coverage is 12 percent and proposed lot coverage will be 17 percent. He said that the project will be just under the 50 percent threshold for demolition delay under Article 46C regulations. He said that there is a drainage easement on the site that does not affect the project because it is not in the buildable area. He said that the new foundation will not interfere with the existing sewer manhole in the back yard.

Mr. Williamson said that the proposal is for a new two car garage with a primary bedroom suite above and a mudroom entrance at the front, and a one story addition with a kitchen and family room with access to the rear yard. He said that the existing roof ridge height is 25 feet and the proposed roof ridge height will be 24.4 feet.

The Chairman said that the proposed construction will create a significant amount of impervious surface. He asked how excess runoff will be handled. Mr. Williamson said that the existing driveway will remain intact, with a slight adjustment in the edge. He said that they will have to find a place to put a cultec infiltration system underground but they have not done any calculations for that yet. He said that they can pursue it prior to applying for a building permit.

Ms. Ryan said that the plan is to remove the shed in the back yard to maximize their space.

The Chairman said that Department of Public Works submitted a comment about the location of the fire pit and the existing stone path. Mr. Ryan said that those conditions have existed since the house was built in 1938. He said that the neighbors behind them where the fire pit encroaches have spoken to them about it and are not concerned about its location.

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

Statement of Facts

The subject property is located at 8 Earle Road, in a 10,000 square foot Single Residence District and a Water Supply Protection District, with a minimum left side yard setback of 14.4 feet and a minimum right side yard setback of 15.3 feet where 20 feet is required.

The Petitioner is requesting Special Permit/Finding pursuant to the provisions of Section 3.8, Section 5.1 and Section 6.3 of the Zoning Bylaw that construction of a two-story structure and a one-story structure with less than required left side yard setbacks, on an existing nonconforming structure with less than required left side yard setbacks, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Existing Conditions Plan, dated 10/15/24 and Certified Plot Plan, dated 1/21/25, stamped by Alfred M. Berry, Professional Land Surveyor, #36857, Floor Plans and Elevation Drawings and TLAG Affidavit, dated 1/25/25, prepared by Robert H. Williamson, Architect, and photographs were submitted.

On March 4, 2025, the Planning Board 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.

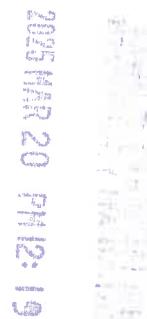
It is the opinion of this Authority that construction of a two-story structure and a one-story structure with less than required left side yard setbacks, on an existing nonconforming structure with less than required left side yard setbacks will result in the intensification of existing nonconformities, 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 two-story structure and a one-story structure with less than required left side yard setbacks, subject to the following condition:

- A drainage plan that is stamped by an engineer shall be reviewed and approved by the Town's Department of Public Works.

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.



ZBA 2025-18
Petition of Leah & Michael Ryan
8 Earle 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 (Am)
Robert W. Levy, Acting Chairman

David G. Sheffield (Am)
David G. Sheffield

Walter B. Adams (Am)
Walter B. Adams

ZBA 2025-18
Applicant Leah & Michael Ryan
Address 8 Earle Road

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

2025 MAR 20 PM 12:15

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 INFORMATION

District: Single Residence 10 (SR 10)

Minimum Lot Area: 10,000 Sq. Ft.

Minimum Lot Frontage: 60

Minimum Front Setback: 30.2

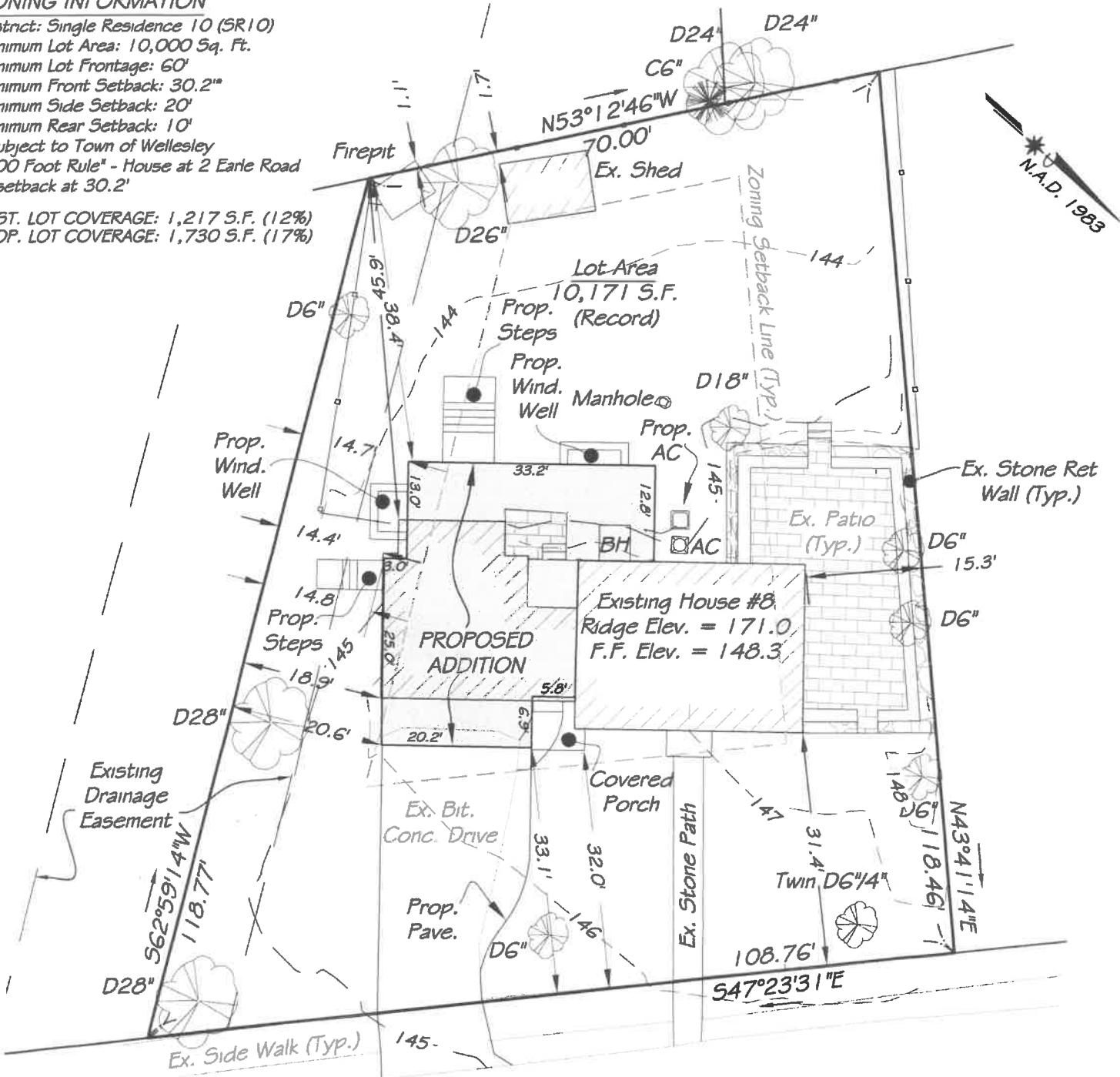
Minimum Side Setback: 20'

Minimum Rear Setback: 10"

**Subject to Town of Wellesley*

"500 Foot Rule" - House at 2 Earle Road
is setback at 30.2'

EXIST. LOT COVERAGE: 1,217 S.F. (12%)
PROP. LOT COVERAGE: 1,730 S.F. (17%)



EARLE

(Public ~ 40' Wide)

ROAD

Notes

1.) LOCUS DOES NOT LIE WITHIN ANY FEDERALLY DESIGNATED FLOOD ZONE AS SHOWN ON FIRM MAP 25021 COO 16E WITH AN EFFECTIVE DATE OF JULY 17, 2012.

2.) LOCUS PARCEL WAS CREATED IN 1938 AND IS SHOWN AS LOT 41 ON PLAN 29 OF 1939.

Alfred M. Berry, P.L.S.
Professional Land Surveyor
29 South Main Street, P.O. Box 188
Athol, Massachusetts 01331
(508) 277-1161

OWNER INFORMATION

Parcel ID: 158-87
Michael P. & Leah Z. Ryan
Box 35147, Page 203

Certified Plot Plan
8 EARLE ROAD
WELLESLEY, MASSACHUSETTS
1/21/2025
1" = 20'

ZONING INFORMATION

District: Single Residence 10 (SR10)

Existing Building Coverage: 1,2175.F. / 12%±

Minimum Lot Area: 10,000 Sq. Ft.

Minimum Lot Frontage: 60'

Minimum Front Setback: XXX

Minimum Side Setback: 20'

Minimum Rear Setback: 10'

*Subject to Town

Subject to Town of Wenatchee
"500 Foot Rule"

300 / 300 KBS

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Professional Land Surveyor
29 South Main Street, P.O. Box 188
thol, Massachusetts 01331
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Michael P. & Leah Z. Ryan

Michael T. + Leah Z. Ryan
Book 35147, Page 203

Existing Conditions Plan
8 EARLE ROAD
WELLESLEY, MASSACHUSETTS
10/15/2024
1" = 20'