

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
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(781) 489-7450

WALTER B. ADAMS
DEREK B. REDGATE
PETER COVO

ZBA 2025-21

Petition of Amy & Sean Thompson
23 Pine Plain Road

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, March 6, 2025, on the petition of Amy & Sean Thompson 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 raising the ridgeline on an existing nonconforming attached garage with less than required right side yard setbacks, at 23 Pine Plain Road, in a 10,000 square foot Single Residence District, in 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 was Mike Bogart, builder, who said that the request is for a special permit. He said that they will not be expanding the property. He said that they remodeled the interior of the main house. He said that there is an accessible attic in the garage that they will turn into an office with a Nantucket dormer on the street side. He said that they realized that the roof line was a little low, so the proposal is to lift the ridge three feet for more exposed roof line above the Nantucket dormer to balance it architecturally. He said that the back side will be a shed dormer to add space. He said that they will be adding about 400 square feet of livable space. He said that the TLAG will be approximately 2,500 square feet.

A Board member said that the floor plan is labeled as storage but has seating, a desk and other things. Mr. Bogart said that his client will use the space as his office and as a sitting room where the daughter can hang out after school. The Chairman said that the proposed bathroom is allowed because the garage is attached.

Don McCauley, 7 Pine Plain Road, discussed concerns about creating a second story of living space above a garage that is within five feet of the property line where a 20 foot setback is required. He said that nonconforming garages are typical for the neighborhood. He said that this property got relief to expand and increase the garage about 30 years ago. He said that what is proposed is a bad example of

creep of nonconforming uses and will end up creating a template for many homes in the neighborhood to create two story living spaces within five feet of a property line. He said that would be a very bad precedent for the neighborhood. He said that this is not an appropriate change in terms of what it will do to change the neighborhood. He said that allowing detached garages on small lots to expand to two-story living spaces would be detrimental to the neighborhood.

Mr. Bogart said that if the roof line isn't raised, the project will be allowed by right. He said that raising the roof line is an aesthetic change for a better reveal around the Nantucket dormer. He said that otherwise, the homeowner will go with a standard permit with an awkward looking dormer instead of adding the extra height that will give it a more appealing look in the neighborhood.

The Board discussed the façade of the garage that is facing the adjacent property. Mr. Bogart said that there will be no window in the upper level facing the adjacent property for privacy of the homeowner and the neighbor.

Mr. McCauley said that Mr. Bogart said that the essence of the change is to raise the central ridge to make the dormers look more attractive, on the premise that the dormers could be done by right. He said that it's a troubling prospect that nonconforming garages can now start taking on dormers, which was not part of the approvals that were given for creating one-story garages as nonconforming uses in the past. He said that it's appropriate to look at this as the totality of creating a full second story. A Board member said that the Building Inspector's interpretation is that adding dormers to a roof is not something that requires a special permit.

Mr. Bogart said that the Petitioner spoke with the abutters at 21 Pine Plain Road, as they would be the ones who would be most affected by the project.

Statement of Facts

The subject property is located at 23 Pine Plain Road, in a 10,000 square foot Single Residence District, in a Water Supply Protection District, with a minimum right side yard setback of 5.4 feet where 20 feet is required.

The Petitioner is 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 raising the ridgeline on an existing nonconforming attached garage with less than required right side yard setbacks, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 1/26/25, stamped by James P. Horgan, Professional Land Surveyor, #50302, Floor Plans and Elevation Drawings, dated 1/24/25, prepared by Sampson Architects, Property Card 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 raising the ridgeline on an existing nonconforming attached garage with less than required right 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 raising the ridgeline on an existing nonconforming attached garage with less than required right side yard setbacks, 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.



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 (con)
Robert W. Levy, Acting Chairman

David G. Sheffield (hm)
David G. Sheffield

Walter B. Adams (km)
Walter B. Adams

ZBA 2025-21
Applicant Amy & Sean Thompson
Address 23 Pine Plain Road

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

2023 APR 20 PM12:17

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

PINE PLAIN ROAD
(40' WIDE)

LEGEND

CONCRETE BOUND FOUND, CENTER LOCATED

SCALED FROM WELLESLEY GS

JAMES P. HORGAN ~ P.L.S. No. 50302



NATICK, MASSACHUSETTS
www.horgansurveying.com
508.318.6200

ADDRESS OF PROPERTY
23 PINE PLAIN ROAD
WELLESLEY, MASSACHUSETTS

OWNER OF RECORD
SEAN K. THOMPSON &
AMY M. THOMPSON

DEED REFERENCE

PLAN REFERENCE

ASSESSORS REFERENCE
PARCEL ID 180-10

ZONING CLASSIFICATION
SR10 SINGLE RESIDENCE
WATER SUPPLY PROTECTION OVERLAY DISTRICT

ZONING TABLE		
DISTRICT: SR10 SINGLE RESIDENCE		
	REQUIRED	EXISTING
MIN. LOT AREA	10,000 S.F.	10,000 S.F.
MIN. LOT FRONTAGE	60 FT.	100 FT.
MIN. FRONT YARD	30 FT.	32.3 FT.
MIN. SIDE YARD	20 FT.	5.4 FT.
MIN. REAR YARD	10 FT.	11.5 FT.
MAX. BLDG. HEIGHT	45 FT.	28 ⁺ FT.
MAX. BLDG. STORIES	3 STORIES	2 STORIES
MAX. BUILDING AREA	2,500 S.F.	1,700 S.F.

THE DATA SHOWN ON THIS TABLE IS FROM
TABLE 1 WHICH APPLIES TO LOTS RECORDED OR
ENDORSED PRIOR TO JANUARY 19, 1989 IN THE
SR10 DISTRICT.

CERTIFIED PLOT PLAN
23 PINE PLAIN ROAD ~ WELLESLEY, MASSACHUSETTS

SCALE: 1'=20'				
FIELD: JPH	20'	10'	0	20'
DRAWN: JPH	CALCULATED: JPH		CHECKED: JPH	
FILE PATH (H:/PROJ): .../25-370 23 PINE PLAIN ROAD WELLESLEY CPP.DWG				
FIELD BOOK/PAGE: FB 14 PG 12	JOB NO.:	25-370		DATE: 01.26.2025

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