

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 2025-23

Petition of Daniel & Kimberly Hall  
31 Kingsbury Street

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, April 3, 2025, on the petition of Daniel & Kimberly Hall requesting a Special Permit/Finding and 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 with less than required left side yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, demolition of an existing nonconforming detached one-car garage with less than required right side yard setbacks, and construction of a new two-car garage with less than required right side yard and left side yard setbacks, at 31 Kingsbury Street, on an 8,262 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.

On March 3, 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 Kimberly Arditte Hall and Daniel Hall, the Petitioner, and Bob Williamson, Architect.

Mr. Williamson said that the request is for a special permit for an addition to the primary dwelling and for a variance for a side yard setback for a proposed two car garage. He said that it is a nonconforming lot with an existing nonconforming structure that has less than required side yard and front yard setbacks. He said that the property is located on a densely populated, fast-moving street.

Mr. Williamson said that the proposed two story addition will infill the existing L shaped building at the rear of the house. He said other improvements include work with window wells, bulkheads, and ac units. He said that there will be no change to the front view of the home.

Board members discussed the proposed location of the bulkhead. Mr. Williamson said that the proposed bulkhead is in the only realistic location for it. He said that putting it off the family room would create

issues with the patio and backyard, putting it where the stairs are would require relocation of mechanical equipment in the basement, and moving it to the other side would put it very close to the driveway. He said that the existing six foot high fence on that side will block the view of the bulkhead from the neighbor.

Mr. Williamson said that the existing one-car garage is really just a glorified shed. He said that the proposed one story two-car garage will improve the right side yard setback from 12.6 feet to 12.7 feet. He said that in order to have a proper width for the two car garage, the Petitioner is seeking a variance for a 16.6 foot setback on the left side. He said that the shape of the lot has a slight angle and it gets narrow as you go to the rear of the yard.

A Board member discussed a recent request for a variance that was withdrawn because the Board questioned the hardship associated with not having a two-car garage. He said that the Board thought that approval would not survive an appeal. He said that the Board had concerns about hardship that is self-created.

The Chairman said that the Applicant referred to the shape of the lot as a hardship. He said that the frontage and the front yard width are undersized. He said that the two 20 foot side yard setback requirements leave little room to put much of anything back there. He said that moving the wall of the garage to 16.6 feet is a self-created nonconformance. A Board member said that a one car garage could be built.

Board members discussed the possibility of attaching the garage to the house to change the required relief to a special permit. Mr. Williamson asked for clarification of what type of connection would qualify.

The Chairman discussed splitting the request in two, where there will be one decision for a special permit for the house and another decision for a variance for the garage. He said that the Board needs additional time to talk to Town Counsel about the garage. He discussed options for moving forward. Ms. Hall asked that the Board split the requests to a special permit for the house and a variance for the garage. She said that rather than re-submitting a revised proposal, they would withdraw the request for the variance and wait to hear something from the Board about Town Counsel's opinion about allowing the proposed garage.

A Board member said that the Board received a letter of support from a neighbor, who understands that it is a difficult lot and made it clear that he doesn't object to the project.

#### Statement of Facts

The subject property is located at 31 Kingsbury Street, on an 8,262 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with minimum frontage of 58 feet where 60 feet is required, a minimum front yard setback of 10.7 feet where 30 feet is required, a minimum left side yard setback of 9.2 feet and a minimum right side yard setback of 17.5 feet where 20 feet is required. The existing garage has a minimum right side yard setback of 12.6 feet where 20 feet is required.

At the public hearing, the Petitioner requested that the original request be bifurcated to the following:

1. A request for a Special Permit/Finding pursuant to the provisions of Section 5.1 and Section 6.3 of the Zoning Bylaw that construction of a two-story addition with less than required left side yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks on an 8,262 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.
2. A request for a Variance pursuant to the provisions of Section 5.3 and Section 6.2 of the Zoning Bylaw for demolition of an existing nonconforming detached one-car garage with less than required right side yard setbacks, and construction of a new two-car garage with less than required right side yard and left side yard setbacks, on an 8,262 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with less than required frontage.

A Plot Plan, dated 1/7/25, stamped by John R. Hamel, Professional Land Surveyor, #35029, Letter to Zoning Board of Appeals, dated 2/5/25, TLAG Affidavit, dated 1/23/25, and Floor Plans and Elevation Drawings, dated 1/23/25, prepared by RHWA, and photographs were submitted.

On March 20, 2025, the Planning Board reviewed the petition and recommended that a special permit and a variance 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 two-story addition with less than required left side yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, on an 8,262 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 construction of a two-story addition with less than required left side yard setbacks, on an 8,262 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with less than required frontage, subject to the following conditions:

1. A plot plan shall be submitted that shows the proposed construction to the house, without the proposed garage.
2. The Board takes no action on the variance for the garage.

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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31 Kingsbury Street

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 (Am)*  
J. Randolph Becker, Chairman

*Walter B. Adams (Am)*  
Walter B. Adams

*Peter Covo (Am)*  
Peter Covo

ZBA 2025-23  
Applicant Daniel & Kimberly Hall  
Address 31 Kingsbury Street

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

1 INCH = 20 FEET

0 10 20 40 60

NOTES:

- ZONING DISTRICT: "SR10-SINGLE RESIDENCE"
- EXISTING LOT COVERAGE:  
1269 S.F./8242 S.F.=0.1539 or 15.4%
- PROPOSED LOT COVERAGE:  
2023 S.F./8242 S.F.=0.2454 or 24.5%

NOT INCLUDED FOR LOT COVERAGE CALCULATION:  
PATIO, DRIVEWAY, A/C CONDENSERS, WINDOW WELL,  
STEPS, STOOPS & WALKWAYS.

PROPOSED SITE PLAN

31 KINGSBURY STREET

WELLESLEY, MASSACHUSETTS

1 INCH = 20 FEET JANUARY 7, 2025

SNELLING & HAMEL ASSOCIATES, INC.  
PROFESSIONAL LAND SURVEYORS & ENGINEERS  
P.O. BOX 102  
LINCOLN, MASSACHUSETTS 01773  
(781) 259-0071

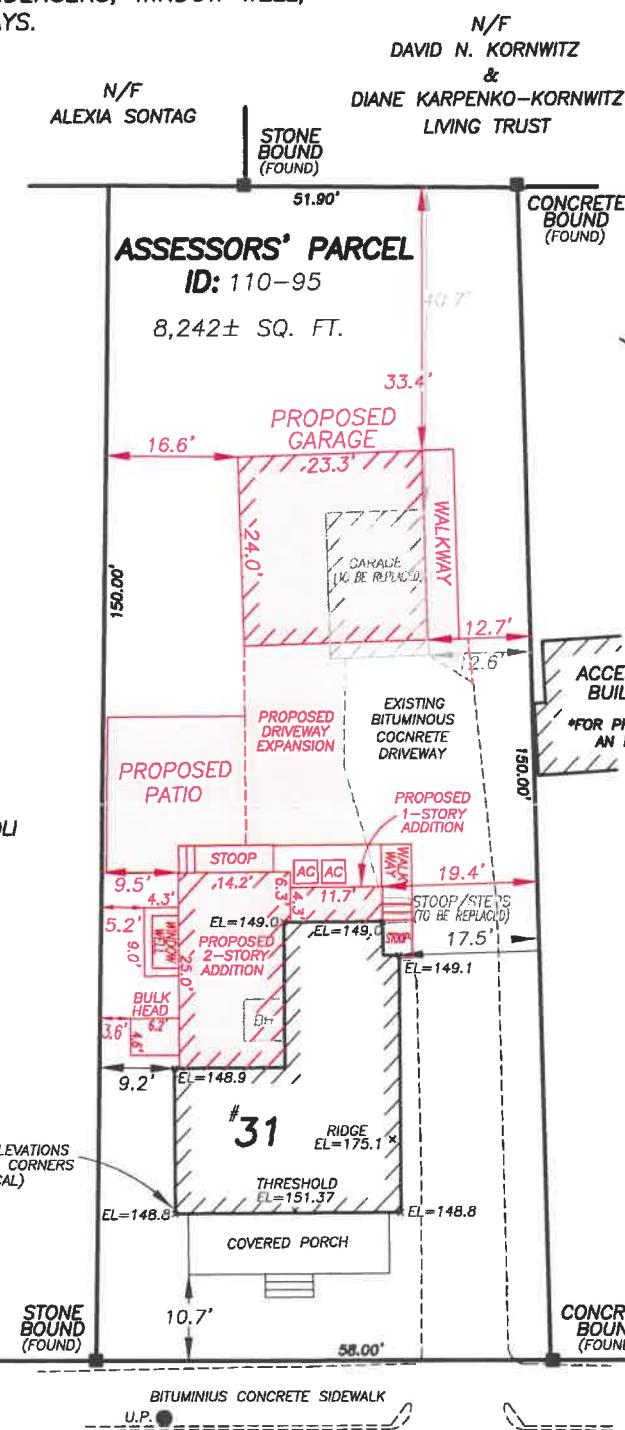
OWNERS OF RECORD:

DANIEL L. HALL

&

KIMBERLY HALL

BK.34748 PG.544



PLAN REFERENCES:

- PLAN NUMBER 434 OF 1923
- PLAN NUMBER 886 OF 1972
- LAND COURT PLAN 14464-B
- PLAN BOOK 2, PLAN 45

- NO DETERMINATION REGARDING ZONING COMPLIANCE  
IS PROVIDED BY THE PROFESSIONAL LAND SURVEYOR.

I HEREBY STATE THAT THE LOCATION OF THE FEATURES  
SHOWN HEREON IS THE RESULT OF A FIELD SURVEY  
PERFORMED AS OF AUGUST 22, 2022 AND UPDATED ON  
NOVEMBER 18, 2024.

BENCHMARK (N.A.V.D. 88')  
SPIKE ELEVATION: 148.44

JOHN R. HAMEL  
PROFESSIONAL  
LAND SURVEYOR



1 - 7 - 2025

DATE:

16903.DWG  
JANUARY 7, 2025

TOWN OF WELLESLEY



MASSACHUSETTS

10/PM  
151  
FM

## ZONING BOARD OF APPEALS

888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

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R E C E I P T

Printed: June 5, 2025 @ 10:04:21  
Norfolk Registry of Deeds  
William P O'Donnell  
Register

Trans#: 37695

Oper:VOGEL

=====

Book: 42441 Page: 297 Inst#: 35784  
Ctl#: 157 Rec:6-05-2025 @ 10:04:21a  
WELL 31 KINGSBURY STREET

DOC	DESCRIPTION	TRANS AMT
DECISION		
10.00	rec fee	10.00
50.00	Surcharge	50.00
5.00	Tech. Surcharge	5.00
	Postage/Handling Fee	1.00
	State Fee \$40.00	40.00
Total fees:		106.00
*** Total charges:		106.00
CASH PMT PAYMENT -CASH		110.00
Overpayment amount:		4.00
REF CASH REFUND -CASH		4.00