

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

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DAVID G. SHEFFIELD

LENORE R. MAHONEY
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WALTER B. ADAMS
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ZBA 2025-27

Petition of Melissa & Ryan Mahoney
10 Orchard Street

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, May 8, 2025, on the petition of Melissa & Ryan Mahoney requesting a Special Permit/Finding pursuant to the provisions of Section 5.1 and Section 6.3 of the Zoning Bylaw that demolition of an existing nonconforming garage and construction of an enlarged nonconforming garage with less than required right side yard setbacks, on an 11,149 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, at 10 Orchard Street, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On April 7, 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 Melissa Mahoney, the Petitioner, who said that a series of improvements were made since the home was purchased in 2019. She said that the plan is to replace a dilapidated one-car garage that was built in 1915 with a slightly larger structure that will extend further into the yard while maintaining the existing nonconforming side yard setback. She said that the neighbors on the right side are very much in support of the change and have no objections to the plans.

A Board member confirmed that the second floor of the garage will be for storage and that access will be by ladder, not stairs. Ms. Mahoney said that a shed dormer will be built within the roof on the back side of the garage for loft space to store boxes. She said that there will not be a full second floor.

The Chairman said that the Board typically conditions approval of projects like this with no water connections allowed, to prevent the second floor of the garage being completed and turned into habitable space,. Ms. Mahoney said that there are no plans for water. She said that they currently have electricity and would like to keep that.

A Board member discussed omissions and inconsistencies in the plot plan that should be corrected for the files. He said that the plot plan does not have any directional dimensions. He said that plot plans typically show the distance and what is called northing and easting to define the plot. He said that in the Existing and Proposed tables on the plot plan, under Existing, the setback should be the one that is most limiting on both sides, including the garage. He said that the right side should be 11.5 feet, not the 21.9

feet that is shown. He said that the left side is correct. He said that under Proposed, the 11.5 foot setback on the right side to the garage is correct but the left side should remain the same at 20.1 feet.

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

Statement of Facts

The subject property is located at 10 Orchard Street, on an 11,149 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet. The existing nonconforming garage has a minimum right side yard setback of 11.5 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 demolition of an existing nonconforming garage and construction of an enlarged nonconforming garage with less than required right side yard setbacks, on an 11,149 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 1/13/25, stamped by Todd P. Chapin, Professional Land Surveyor, #37558, Floor Plans and Elevation Drawings, dated 2/26/25, prepared by CadQ Design Services, LLC, and photographs were submitted.

On April 24, 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.

It is the opinion of this Authority that demolition of an existing nonconforming garage and construction of an enlarged nonconforming garage with less than required right side yard setbacks, on an 11,149 square foot lot in a Single Residence District in which the minimum lot size is 15,000 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 demolition of an existing nonconforming garage and construction of an enlarged nonconforming garage with less than required right side yard setbacks, on an 11,149 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, subject to the following condition:

- A revised plot plan shall be submitted that shows directional dimensions, a right side yard setback of 11.5 feet in the Existing Table and a left side yard setback of 20.1 feet in the Proposed Table.

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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10 Orchard 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.

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

Walter B. Adams (lm)
Walter B. Adams

Derek B. Redgate (lm)
Derek B. Redgate

ZBA 2025-27
Applicant Melissa & Ryan Mahoney
Address 10 Orchard 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.

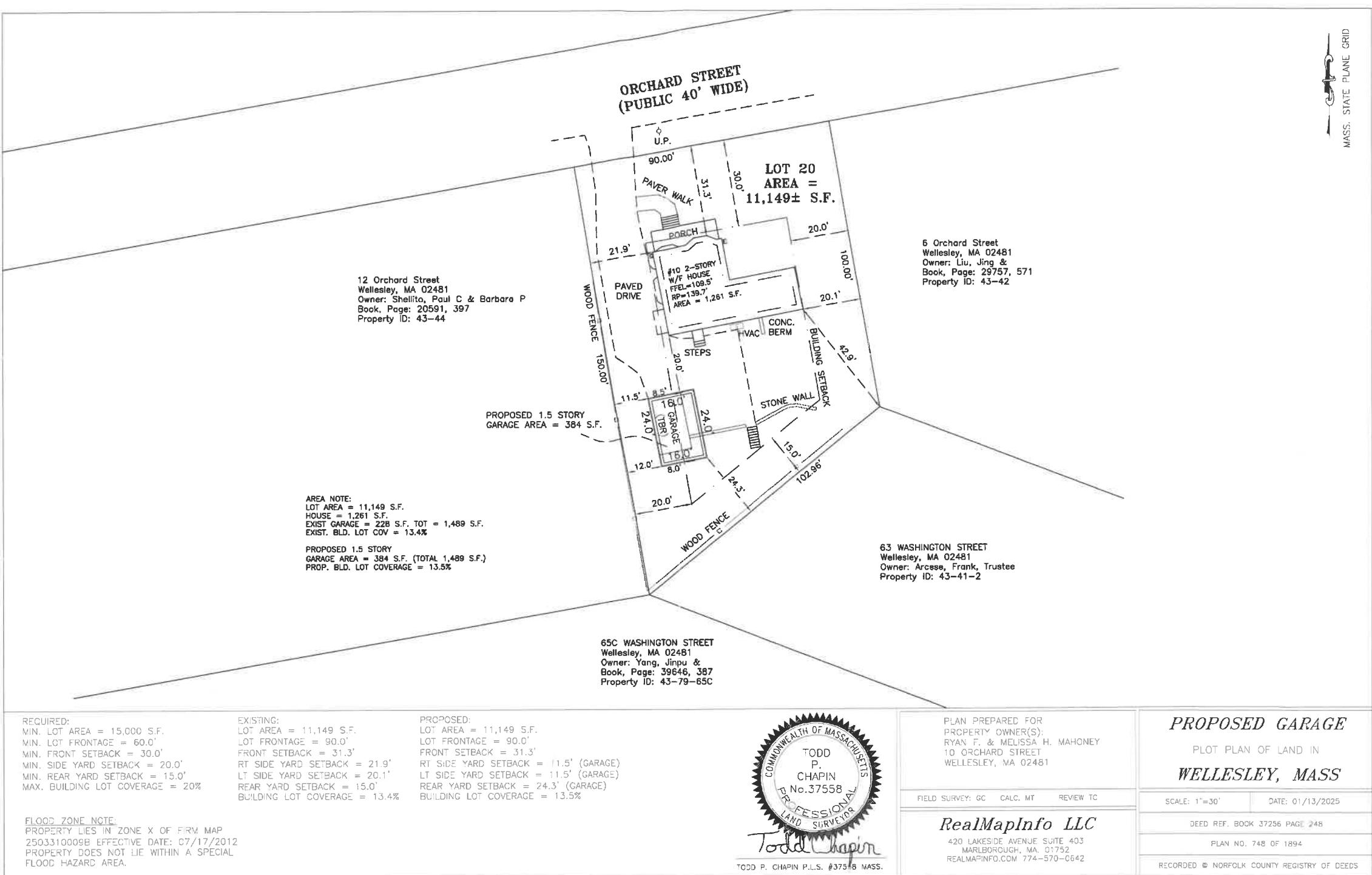
Date:

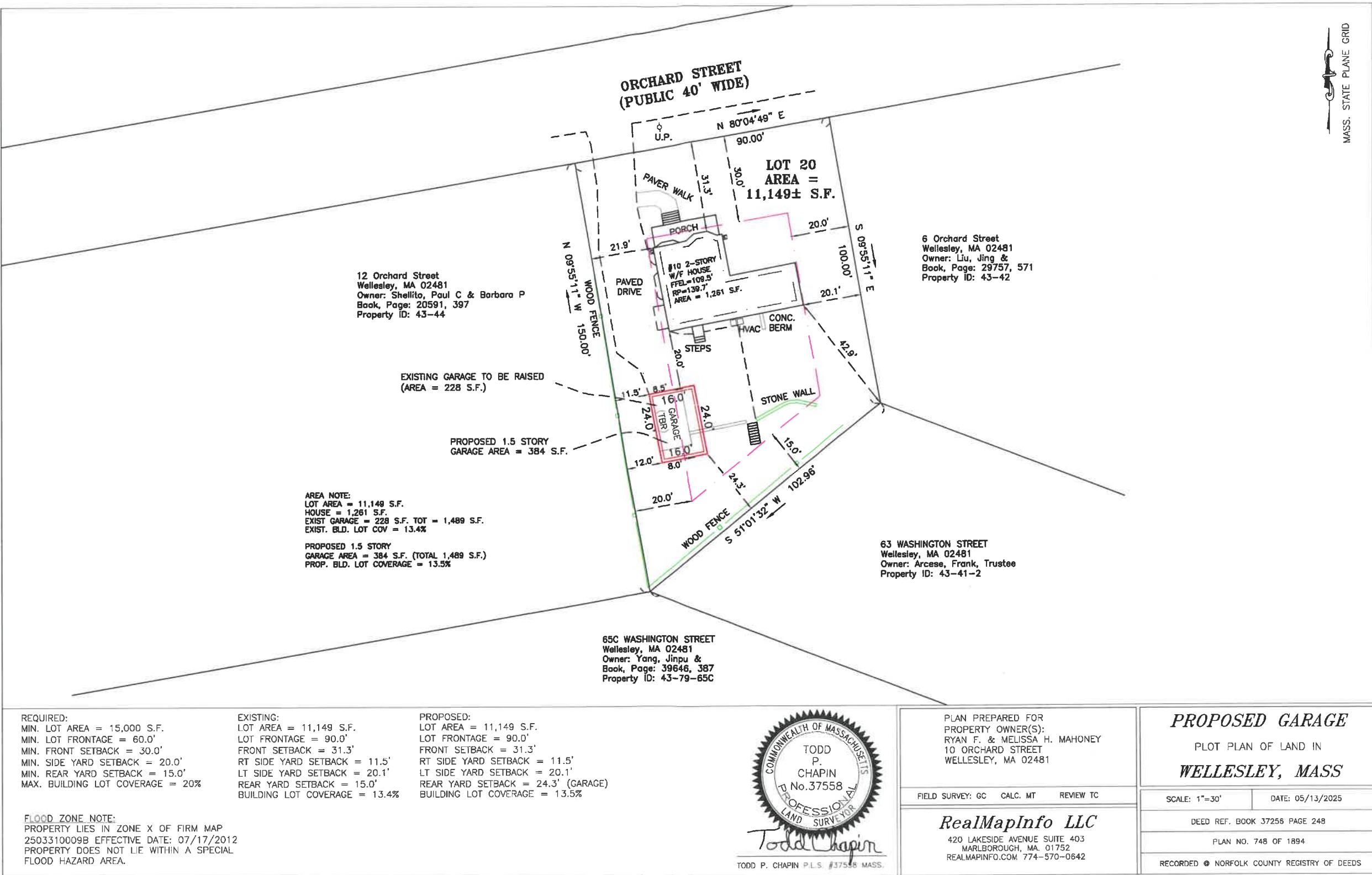
Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm

MASS. STATE PLANE GRID





RECEIPT

Printed: June 16, 2025 @ 12:37:20
Norfolk Registry of Deeds
William P O'Donnell
Register

Trans#: 40363 Oper:LEAH

Book: 42462 Page: 153 Inst#: 38718
Ctl#: 367 Rec:6-16-2025 @ 12:37:20p
WELL 10 ORCHARD 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	106.00

ZBA 2025-27

10 Orchard st.