

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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WALTER B. ADAMS
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20250723 12:21 PM
WELLESLEY, MA 02482
ZONING BOARD OF APPEALS

ZBA 2025-52
Petition of Vikram & Poorvi Somaiya Dutt
39 River Ridge

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, September 11, 2025, on the petition of Vikram & Poorvi Somaiya Dutt 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 addition with less than required front yard setbacks, and construction of a one-story addition that will meet setback requirements, on an existing nonconforming structure with less than required front yard setbacks, at 39 River Ridge, 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 August 12, 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 David Himmelberger, Esq., Vikram and Poorvi Somaiya Dutt, the Petitioner, and Lisa Hoang, Architect.

Mr. Himmelberger said that the request is for a special permit to build additions on a pre-existing nonconforming home on a conforming lot. He said that 10 letters of support from neighbors, including the direct abutters, were submitted.

Ms. Hoang said that the property is located on a corner lot where River Ridge wraps around and is surrounded by single family residences. She said that her client would like to build additions at the front and at the rear of the house. She said that they will extend an existing porch and push the garage forward. She said that an existing shed will be removed.

Mr. Dutt said that his family moved to Wellesley in 2019 and since then their family has grown. He said that their family needs more space to accommodate themselves and visiting family. He said that they love their neighborhood.

The Chairman said that the proposed construction will not exacerbate the existing nonconformities. He said that the property is located in an SR10 District, where the TLAG threshold is 3,600 square feet. He said that the proposal is to almost double the TLAG. Mr. Himmelberger said that 1,418 square feet is in the basement. He said that the yard slopes off from left to right. He said that the TLAG without the basement is 4,298 square feet. He said that lot coverage will increase from 19.2 percent, or 2,101 square feet, to 22.4 percent, or 2,456 square feet, which is close to the maximum. He said that they believe that the proposed house will fit in with the neighborhood.

The Chairman asked about mitigation for water runoff. Mr. Himmelberger said that the water is currently piped through underground perforated pipes. He said that this area of Wellesley has sandy glacial soil that drains well. He said that his clients have never had any issues with water runoff from the site.

Board members said that because of the size and impact of the proposed structure, existing and proposed landscape plans that include information about walls, materials and plantings should be submitted.

The Board voted unanimously to continue the matter to October 9, 2025.

October 9, 2025

Mr. Himmelberger said that existing and proposed landscaping plans were submitted. He said that two 4 inch trees located in the interior of the lot, and one interior bush will be removed as a result of the construction. He said that no trees in the tree yard will be removed.

Mr. Himmelberger said that an affidavit was submitted that significantly dropped the TLAG calculation down to 4,891 square feet.

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

Statement of Facts

The subject property is located at 39 River Ridge, on a corner lot in a 10,000 square foot Single Residence District and a Water Supply Protection District, with a minimum front yard setback of 20.9 feet where 30 feet is required, and a minimum side yard setback of 4.7 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 construction of a two-story addition with less than required front yard setbacks, and construction of a one-story addition that will meet setback requirements, on an existing nonconforming structure with less than required front 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 8/8/25, revised 8/28/25, Current Landscape, dated 9/22/25, Proposed Landscape, dated 9/25/25, stamped by Patrick Roseingrave, Professional Land Surveyor #35790, Floor Plans & Elevation Drawings, dated 7/30/25, prepared by LH Design, TLAG Affidavit, dated 9/18/25, prepared by Amir Khan, and photographs were submitted.

On October 7, 2025, the Planning Board 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 addition with less than required front yard setbacks, and construction of a one-story addition that will meet setback requirements, on an existing nonconforming structure with less than required front 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 addition with less than required front yard setbacks, and construction of a one-story addition that will meet setback requirements, on an existing nonconforming structure with less than required front 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.

20250723 11:12:29
Planning Board
Water Supply Protection District
Nonconforming Structure
Vikram & Poorvi Somaia Dutt
39 River Ridge

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 (rm)
Robert W. Levy, Acting Chairman

Derek B. Redgate (rm)
Derek B. Redgate

Peter Covo (pc)
Peter Covo

ZBA 2025-52
Applicant Vikram & Poorvi Somaiya Dutt
Address 39 River Ridge

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

2025 OCT 23 PM 12:30
TOWN CLERK'S OFFICE
WELLESLEY, MA 02481

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

Deed Book 36919 Page 239

Property Address: 39 River Ridge, Wellesley

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