

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

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EXECUTIVE SECRETARY
TELEPHONE
(781) 489-7450

WALTER B. ADAMS
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PETER COVO

ZBA 2025-56

Petition of Nancy Joyce & Rene Jarquin
24 Lawrence Road

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, October 9, 2025, on the petition of Nancy Joyce & Rene Jarquin 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 demolition of an existing nonconforming front porch landing and construction of a new front porch landing and front porch with less than required front yard setbacks, and construction of a two-story addition with less than required front yard and side yard setbacks, on an existing nonconforming structure with less than required front yard and side yard setbacks, on a 7,670 square foot corner lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, at 24 Lawrence Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On September 4, 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., and Charles Kraus, Architect.

Mr. Himmelberger said that the request is for a special permit to build an addition on a pre-existing nonconforming home with less than required front yard and side yard setbacks, on a 7,670 square foot corner lot in a Single Residence District in which the minimum lot size is 10,000 square feet. He said that it is a corner lot, which has two front yard setbacks and two side yard setbacks. He said that the setback at the rear is conforming, as are the Mellon Road setbacks, which only left the two other sides of the home for expansion. He said that the Planning Board recommended denial of a special permit because the setback on the right side will be decreased. He said that the project has the support of the neighbor on the right side, as well as the neighbor to the rear.

The Chairman said that the lot line is not parallel to the facade of the building. He said that under the Bellalta decision, the Board can allow an increase in the nonconformity so long as the increased nonconformity is not substantially more detrimental to the neighborhood than the existing nonconforming structure.

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Board members asked about the proposed material and plantings for the patio at the back and the side. Mr. Kraus said that they are looking at a bluestone patio or concrete pavers. He said that they have not discussed specific plantings yet but the intent is to have some screening. He said that they can pull the patio in if they want to get more plantings next to the property line.

Steve Peretti, 15 Lawrence Road, said that he lives on a very similar-sized lot with a lot of the same constraints. He said that he supports this plan. He said that it will really add to the value and the beauty of the town.

A Board member said that the property is located in a Water Supply Protection District. Mr. Himmelberger said the Board can place a condition that stormwater from the gutters be piped to an underground infiltration system. Mr. Kraus said that the condition should be for collection of all of the additional runoff created. The Chairman said that it is a requirement of the bylaw but the Board can make reference to it.

Statement of Facts

The subject property is located at 24 Lawrence Road, on a 7,670 square foot corner lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, with a minimum front yard setback of 23.9 feet to Lawrence Road where 30 feet is required, and a minimum side yard setback of 15.9 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 demolition of an existing nonconforming front porch landing and construction of a new front porch landing and front porch with less than required front yard setbacks, and construction of a two-story addition with less than required front yard and side yard setbacks, on an existing nonconforming structure with less than required front yard and side yard setbacks, on a 7,670 square foot corner lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Letter to Zoning Board of Appeals, dated 9/2/25, from David Himmelberger, Esq., Existing Conditions Plan, 5/13/25 and Plan of Land, dated 6/26/25, stamped by Bruce Bradford, Professional Land Surveyor, #38376, Existing Floor Plans and Elevation Drawings, dated 3/27/25, Floor Plans and Elevation Drawings, dated 6/20/25 and TLAG Affidavit, dated 9/2/25, prepared by Kraus Associates, and photographs were submitted.

On October 7, 2025, the Planning Board reviewed the petition and recommended that a special permit be denied.

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 demolition of an existing nonconforming front porch landing and construction of a new front porch landing and front porch with less than required front yard setbacks, and construction of a two-story addition with less than required front yard and side yard setbacks, on an existing nonconforming structure with less than required front yard and side yard setbacks, on a 7,670 square foot corner lot in a Single Residence District in which the minimum lot size is 10,000 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.

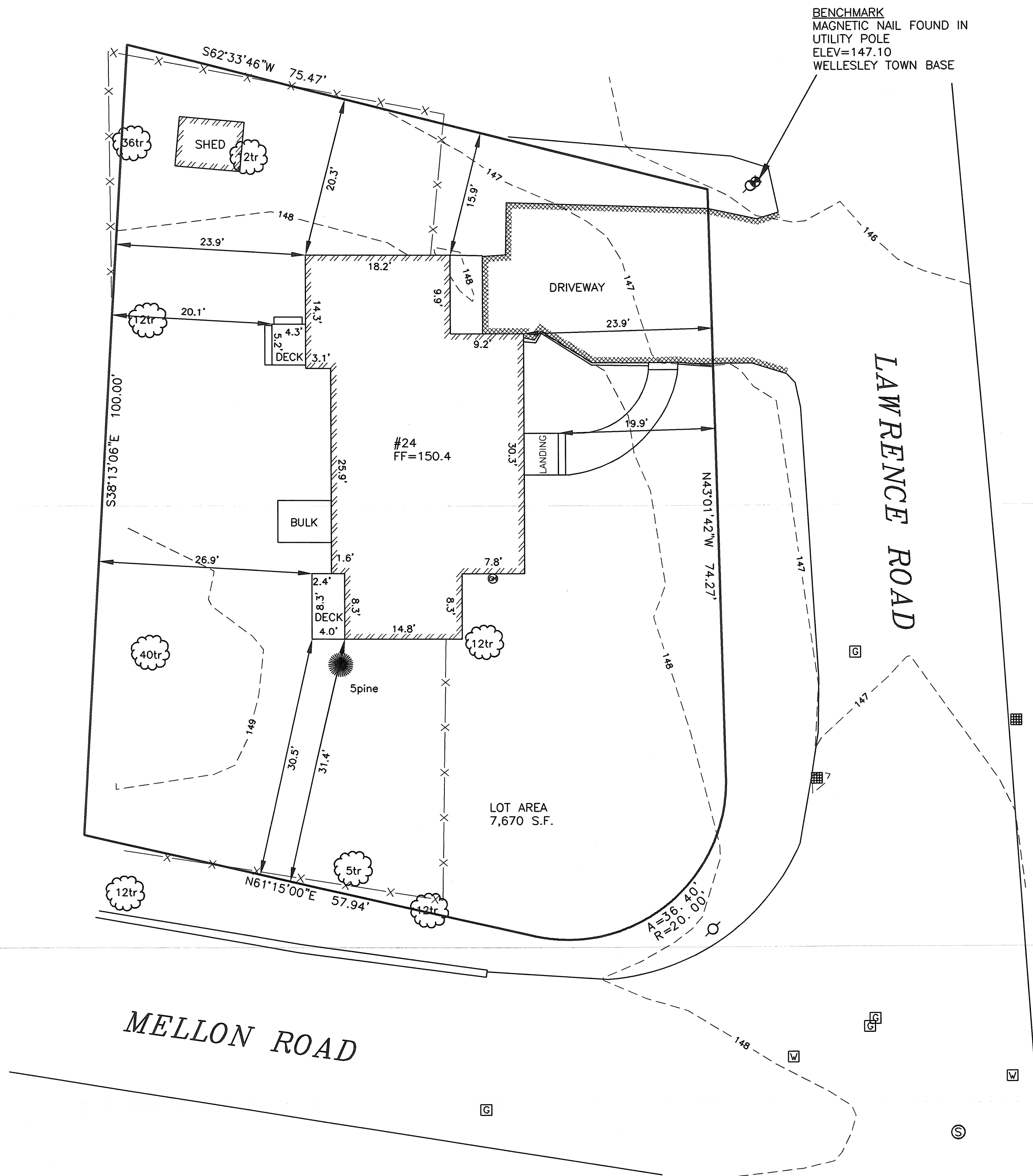
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of an existing nonconforming front porch landing and construction of a new front porch landing and front porch with less than required front yard setbacks, and construction of a two-story addition with less than required front yard and side yard setbacks, subject to the following condition:

- Stormwater runoff from the house or grounds shall be in compliance with the requirements of Section 3.8 of the Zoning Bylaw for a Water Supply Protection District.

The Building Inspector is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed constructions 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.

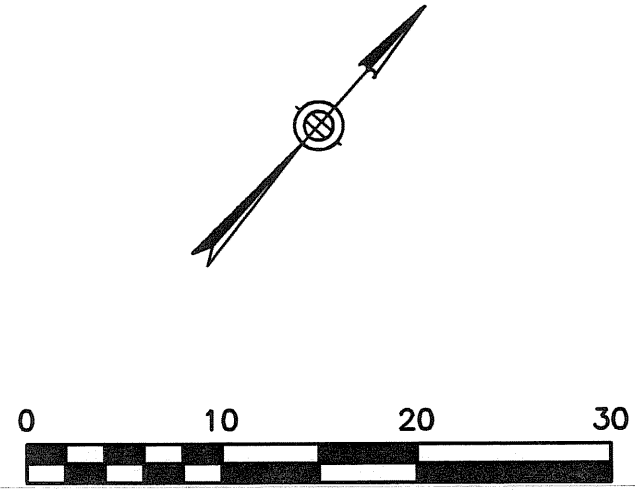
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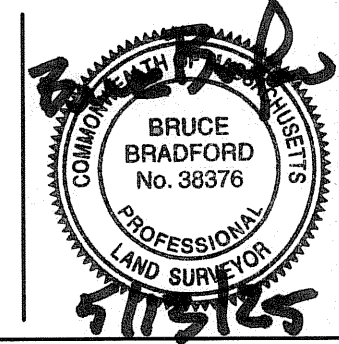
ESTABLISHED 1916
EMB
EVERETT M. BROOKS CO.
SURVEYORS & ENGINEERS
49 LEXINGTON STREET
WEST NEWTON, MA 02465

(617) 527-8750
info@everettbrooks.com

ZONE: SR-10
DEED REFERENCE:
BOOK 21470 PAGE 128



THIS SURVEY SHOWS EXISTING
CONDITIONS ONLY AND DOES NOT
SHOW ANY PROPOSED CONSTRUCTION



PLAN OF LAND IN WELLESLEY, MA

24 LAWRENCE ROAD
EXISTING CONDITIONS

SCALE: 1 IN. = 10 FT.
DATE: MAY 13, 2025
DRAWN: LNS
CHECK: BB

REVISIONS:		

PROJECT NO. 27066

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Property Address: 24 Lawrence Rd., Wellesley
Deed Book 31470, Page 128