

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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ZBA 2005-64

Petition of John and Mary Tara  
9 Thackeray Road

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 11, 2005 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of JOHN AND MARY TARA requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 9.5 foot by 33.5 foot one story addition and construction of an 8 foot by 13.5 foot second story shed dormer with less than required right side yard setbacks, construction of a 9.7 foot by 16.6 foot second story addition with less than required left side yard setback, on a 14,143 square foot lot in a district in which the minimum lot size is 15,000 square feet, at 9 THACKERAY ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 25, 2005, the petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Tom Saltsman, Architect, who said that he was representing John and Mary Tara. He said that they are seeking relief for three side yard setbacks.

The Board asked about the proposed 5 foot by 8 foot covered porch with less than required right side yard setback. Mr. Saltsman said that is considered to be part of the first floor addition.

The Board said that the nonconformities are lot size at 14,143 square feet, the left side yard setback of 17.1 feet, and the right side yard setback of 7.2. The Board said that the proposal is for construction of a dormer at 9.2 feet from the right side property line, a rear yard addition at 15.6 feet from the right side property line, and a second floor addition at 17.1 feet from the left side property line.

The Board commented that there is a nice grade separation between the petitioners and the neighbors.

### Statement of Facts

The subject property is located at 9 Thackeray Road, on a 14,143 square foot lot in a district in which the minimum lot size is 15,000 square feet, and has a minimum left side yard setback of 17.1 feet, and a minimum right side yard setback of 7.2 feet.

The petitioner is requesting a Special Permit/Finding that construction of a 9.5 foot by 33.5 foot one story addition with a minimum right side yard setback of 15.6 feet, construction of an 8 foot by 13.5 foot second story shed dormer with a minimum right side yard setback of 9.2 feet, and construction of a 9.7

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foot by 16.6 foot second story addition with a minimum left side yard setback of 17.1 feet, on a 14,143 square foot lot in a 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 7/21/05, stamped by Rod Carter, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 7/19/05, drawn by Thomas Saltsman, and photographs were submitted.

On July 27, 2005 the Planning Department staff reviewed the petition and had no objection to granting the request.

### Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that although construction of a 9.5 foot by 33.5 foot one story addition with a minimum right side yard setback of 15.6 feet, construction of an 8 foot by 13.5 foot second story shed dormer with a minimum right side yard setback of 9.2 feet, and construction of a 9.7 foot by 16.6 foot second story addition with a minimum left side yard setback of 17.1 feet, on a 14,143 square foot lot in a district in which the minimum lot size is 15,000 square feet is increasing nonconformities, such increases shall 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 9.5 foot by 33.5 foot one story addition with a minimum right side yard setback of 15.6 feet, construction of an 8 foot by 13.5 foot second story shed dormer with a minimum right side yard setback of 9.2 feet, and construction of a 9.7 foot by 16.6 foot second story addition with a minimum left side yard setback of 17.1 feet.

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

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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.

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J. Randolph Becker, Acting Chairman

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Robert A. Bastille

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Cynthia S. Hibbard

cc: Planning Board  
Inspector of Buildings  
lrm