

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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

RICHARD L. SEEDEL, CHAIRMAN  
CYNTHIA S. HIBBARD  
DAVID G. SHEFFIELD

LENORE R. MAHONEY  
EXECUTIVE SECRETARY  
TELEPHONE  
(781) 431-1019 EXT. 208

ROBERT A BASTILLE  
J. RANDOLPH BECKER, VICE CHAIRMAN  
ROBERT W. LEVY

ZBA 2006-61

Petition of Samuel and Jennifer Frank  
27 Chesterton Road

---

Petition of SAMUEL AND JENNIFER FRANK (collectively the "Petitioner") requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 5 foot by 11 foot 11 ¼ inch two story addition, construction of a 9 foot 9 inch by 6.5 foot one story addition with less than required front yard setbacks, and construction of an 11 foot 11 ¼ inch by 28.5 foot two story addition with less than required left side and front yard setbacks, at 27 CHESTERTON ROAD, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 25, 2006, the petitioners 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 the hearing were Samuel and Jennifer Frank. Ms. Frank said that the Petitioner had come before the Board previously for a special permit for the same footprint of the house. She said that their house is nonconforming. The Petitioner would like to change the inside of the house by moving the garage and adding the triangles of space shown on the plot plan for a basement, a dining room and study on the first floor and bedroom space on the second floor.

The Board said that the nonconformances relate to the front and side yard setbacks. Because the house is located on a corner lot, the front yard setbacks apply on both the Chesterton and Richland Road lot lines. The setbacks on three sides of the house are nonconforming.

The Board said that although the changes are small, the dimensions are different from the previous submittal. Ms. Frank said that they had the property re-surveyed. She said that the surveyor had submitted a letter explaining the discrepancies between the plot plan submitted with the current application and the prior plot plan. The surveyor stated in his letter that the correct offset from the Richland Road lot line continues to be 29.4 feet.

The Board said that the shed shown on the plot plan had been discussed at the prior hearing. Ms. Frank said that the Petitioner plans to demolish the shed without reconstruction. The Board said that was not indicated on the plan.

The Board asked about the distance of the house at the garage to the property line on Richland Road. The Board said that dimension should be shown on the plot plan from the garage to the curved part of the lot line in order to document that the 29.4 feet shown to the corner of the garage is, in fact, the minimum distance to the lot line on the Richland Road side.

### Statement of Facts

The subject property is located at 27 Chesterton Road, on an 11,014 square foot lot, with a minimum left side yard setback of 14 feet 9 and  $\frac{3}{4}$  inches, a minimum front yard setback of 28 feet 6 and  $\frac{5}{8}$  inches from Chesterton Road and a minimum front yard setback of 29.4 feet from Richland Road, in a 10,000 square foot Single Residence District.

The Petitioner is requesting a Special Permit/Finding that construction of a 5 foot by 11 foot 11  $\frac{1}{4}$  inch two story addition, construction of a 9 foot 9 inch by 6.5 foot one story addition with less than required front yard setbacks, and construction of an 11 foot 11  $\frac{1}{4}$  inch by 28.5 foot two story addition with less than required left side and front yard setbacks shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 6/21/06, stamped by James P. Troupes, Registered Professional Land Surveyor, a letter dated 6/21/06, stamped by James P. Troupes, Registered Professional Land Surveyor, Existing Floor Plans and Elevation Drawings, dated 1/26/06 and Proposed Floor Plans and Elevation Drawings, dated 4/21/06, drawn by Berg/Howland Associates, and photographs were submitted.

On August 8, 2006, the Planning Board reviewed the petition and had no objection to the granting of 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 5 foot by 11 foot 11  $\frac{1}{4}$  inch two story addition, construction of a 9 foot 9 inch by 6.5 foot one story addition with less than required front yard setbacks, and construction of an 11 foot 11  $\frac{1}{4}$  inch by 28.5 foot two story addition with less than required left side and front yard setbacks is increasing a nonconformity, such increase 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 5 foot by 11 foot 11  $\frac{1}{4}$  inch two story addition, construction of a 9 foot 9 inch by 6.5 foot one story addition, and construction of an 11 foot 11  $\frac{1}{4}$  inch by 28.5 foot two story addition, subject to the following conditions:

1. The shed shall be removed.
2. A plot plan shall be submitted showing the setback from the garage to the property line at 30 feet or greater.

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.

ZBA 2006-61  
Petition of Samuel and Jennifer Frank  
27 Chesterton Road

---

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, Acting Chairman

---

David G. Sheffield

---

Robert W. Levy

cc: Planning Board  
Inspector of Buildings  
lrm