

**ZONING BOARD OF APPEALS**

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ZBA 2010-01

Petition of James & Ingrid Bergquist  
26 Kingsbury Street

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 7, 2010, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of JAMES & INGRID BERGQUIST requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 16 foot by 24.5 foot one-story addition, construction of a 10.8 foot by 14.5 foot second story addition, and construction of an 8 foot by 16.4 foot deck, that will meet all setback requirements, on an existing nonconforming structure, in a 10,000 square foot Single Residence District, at 26 KINGSBURY STREET, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On December 21, 2009 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 James Bergquist (the "Petitioner"), who said that they looked for an architect who could come up with a plan that would fit in well with the neighborhood. The Board said it appeared that great care was taken when designing the addition.

The Board said that there is no dimension on the basement floor plan shown on Sheet 1 that shows how far out the retaining wall coming off to the left hand side will be from the building wall. Mr. Bergquist said that the slope is shown on Sheet 4. He said that the retaining wall is shown at grade.

There was no one present at the Public Hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 26 Kingsbury Street, on a 13,071 square foot lot, with a minimum right side yard setback of 15.2 feet and a minimum front yard setback of 27.3 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 16 foot by 24.5 foot one-story addition, construction of a 10.8 foot by 14.5 foot second story addition, and construction of an 8 foot by 16.4 foot deck, that will meet all setback requirements, on an existing nonconforming structure, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 10/23/09, stamped by Bruce Bradford, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 6/4/09, prepared by Paul Worthington Design and Restoration Inc., and photographs were submitted.

On January 5, 2010, the Planning Board reviewed the petition and recommended that the Special Permit be approved.

### 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 construction of a 16 foot by 24.5 foot one-story addition, construction of a 10.8 foot by 14.5 foot second story addition, and construction of an 8 foot by 16.4 foot deck, that will meet all setback requirements, on an existing nonconforming structure, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it shall neither increase an existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted for construction of a 16 foot by 24.5 foot one-story addition, construction of a 10.8 foot by 14.5 foot second story addition, and construction of an 8 foot by 16.4 foot deck, in accordance with the submitted plot plan and construction drawings.

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.

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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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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Richard L. Seegel, Chairman

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J. Randolph Becker

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David L. Grissino

cc: Planning Board  
Inspector of Buildings  
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