



## ZONING BOARD OF APPEALS

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

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ZBA 2012-83  
 Petition of Susan McCormack & R. Kendall Marra  
 18 Thackeray Road

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 2012 DEC 12 P 1:30

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, December 6, 2012, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of SUSAN MCCORMACK & R. KENDALL MARRA requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing deck and construction of a two-story addition with less than required left side yard setbacks on an existing nonconforming structure with less than required left side yard and right side yard setbacks, on a 13,998 square foot lot in a Water Supply Protection District in which the minimum lot size is 15,000 square feet, at 18 THACKERAY ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On November 19, 2012, 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 Ken Marra (the "Petitioner"). Also present were Susan McCormack and Leah McGavern, Architect. Mr. Marra said that Ms. McGavern has worked on a number of houses in the Poets Area of Wellesley.

Mr. Marra said that the house was built in the 1930's. He said that existing house is nonconforming with respect to side yard setbacks. He said that they bought the house 17 years ago before they had children.

Mr. Marra said that they tried to focus on a design that will be consistent with the neighborhood. He said that, seen from the front, the house with the addition will look almost identical to the way that it currently looks. He said that new construction will meet setback requirements. He said that there are many similar houses in the neighborhood.

The Board asked if the back stairway can be pulled back so that it will meet the 20 foot side yard setback. The Board asked if the 19.3 foot measurement goes to the edge of the porch or to the edge of the stairs. Ms. McGavern said that the measurement goes to the column on the porch.

The Board said that all of the nonconformities except for the proposed one at 19.3 feet are on the existing structure. Ms. McGavern said that it was her understanding that a certain amount of covered porch is allowed in the setback area.

The Board said that it is not clear on the survey what the 19.3 feet is measured to. The Board said that, on Plan A-4, it appears that the corner of the porch and the column are at the same location.

Mr. Marra said that they pinned the corner of the foundation for the mudroom at 20 feet. He said that the property line is not parallel to the house.

Ms. McGavern said that the porch can easily be moved to 20 feet. The Board said that a new survey should be submitted showing the corner of the proposed porch 20 feet from the left side lot line.

The Board asked if the large tree that is located on the right side of the property will be saved. Ms. McCormack said that it will be saved.

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 18 Thackeray Road, on a 13,998 square foot lot in a Water Supply Protection District in which the minimum lot size is 15,000 square feet, with a minimum left side yard setback of 11.6 feet and a minimum right side yard setback of 17.6 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing deck and construction of a two-story addition with less than required left side yard setbacks on an existing nonconforming structure with less than required left side yard and right side yard setbacks, on a 13,998 square foot lot in a Water Supply Protection 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 10/25/12, stamped by Bruce Bradford, Professional Land Surveyor, and Existing and Proposed Floor Plans and Elevations Drawings, dated 10/26/12, prepared by McGavern Design, Inc. were submitted.

On December 6, 2012, the Planning Board reviewed the petition and recommended that the Special Permit be granted.

#### 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 opinion of this Authority that although demolition of an existing deck and construction of a two-story addition with less than required left side yard setbacks on an existing nonconforming structure with less than required left side yard and right side yard setbacks, on a 13,998 square foot lot in a Water Supply Protection District in which the minimum lot size is 15,000 square feet is increasing a nonconformity, such increase shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of an existing deck and construction of a two-story addition with less than required left side yard setbacks on an existing nonconforming structure with less than required left side yard and right side yard setbacks, on a 13,998 square foot lot in a Water Supply Protection District in which the minimum lot size is 15,000 square feet, subject to the condition that:

A revised Plot Plan shall be submitted showing a dimension of 20 feet from the corner of the proposed porch to the left side lot line.

The Inspector of Buildings 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.

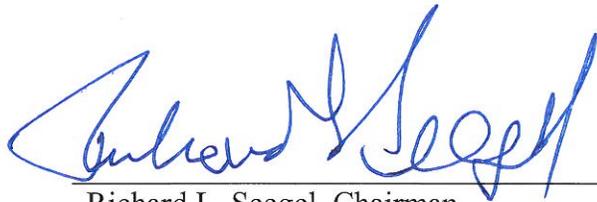
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APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.



Richard L. Seegel, Chairman



J. Randolph Becker



David G. Sheffield

cc: Planning Board  
Inspector of Buildings  
lrm

# PLAN OF LAND IN WELLESLEY, MA

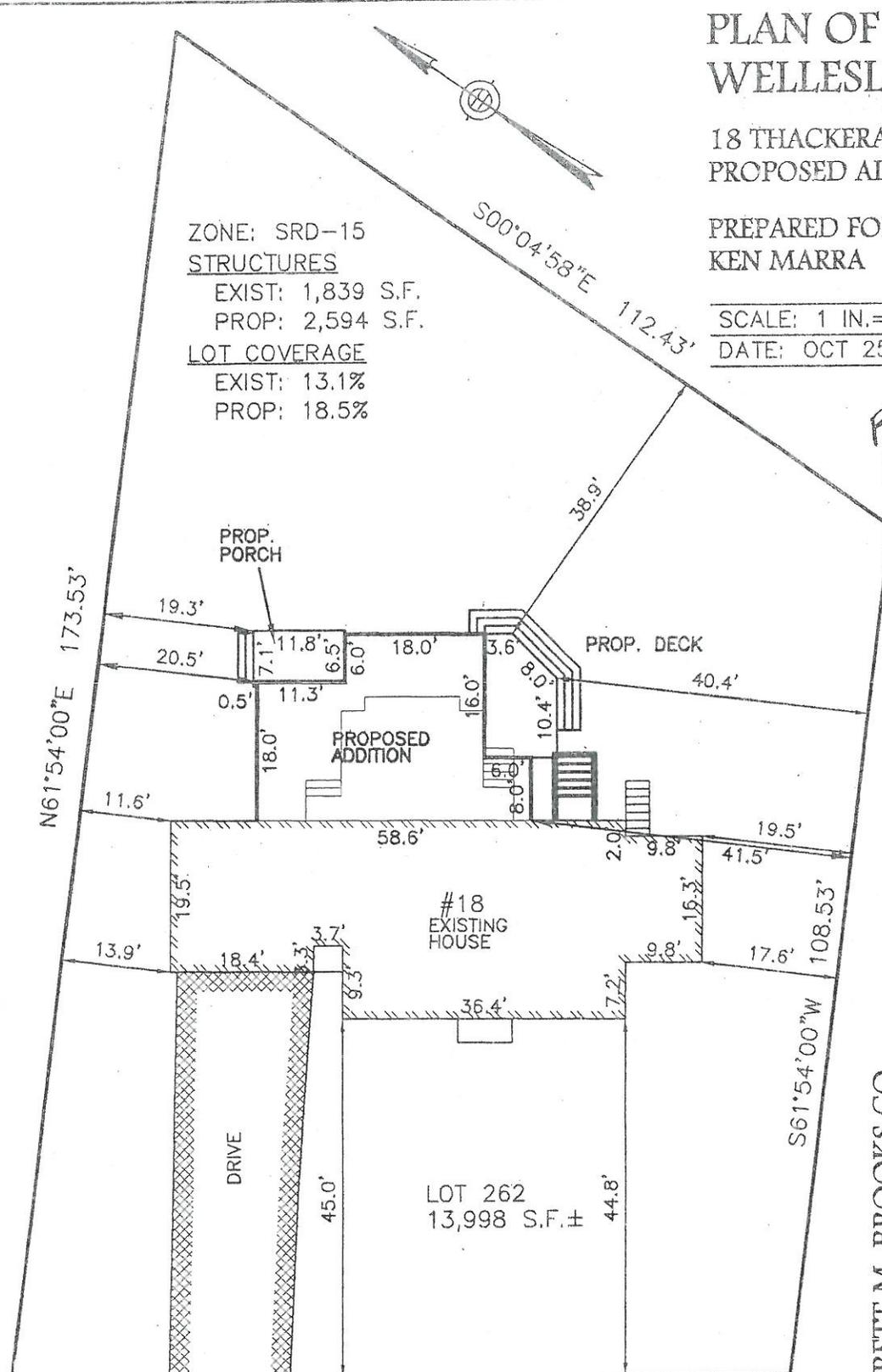
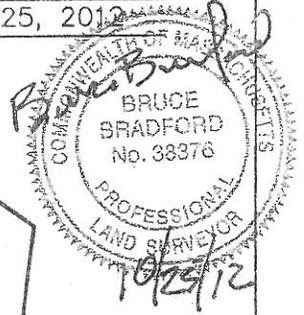
18 THACKERAY ROAD  
PROPOSED ADDITIONS

PREPARED FOR:  
KEN MARRA

SCALE: 1 IN. = 20 FT.

DATE: OCT 25, 2012

ZONE: SRD-15  
STRUCTURES  
EXIST: 1,839 S.F.  
PROP: 2,594 S.F.  
LOT COVERAGE  
EXIST: 13.1%  
PROP: 18.5%



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LCC 71291  
16212 CCL  
2012 NOV 19  
BK 727 PC 191  
CTF # 144391

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PROJECT NO. 23194