



ZONING BOARD OF APPEALS

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

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ZBA 2014-87  
Petition of Matthew & Kathryn Graber  
19 Princeton Road

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2014 OCT 23 P 3:10

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 9, 2014, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of MATTHEW & KATHRYN GRABER 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 one-story porch and construction of a two-story addition that will meet all setback requirements, on an existing nonconforming structure with less than required right side yard setbacks, in a 10,000 square foot Single Residence and Water Supply Protection District, at 19 PRINCETON ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On September 23, 2014, 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 Kathryn Graber, (the Petitioner), who said that the request is for a special permit to build an addition at the back of the house. She said that garage on the side of the house encroaches into the side yard setback by three feet. She said that the addition will not touch the garage.

The Board said that there is an air conditioning condenser shown on the plan at the left side of the property. The Board asked when it was installed. Ms. Graber said that she thought that it may have been installed around 2006. She said that they moved in eight years ago and installed it a year after that.

The Board asked about the existing dimension to the corner of the house on the left side. The Board said that it appears to be less than 21.4 feet, which is the dimension to the back of the house. Ms. Graber said that it is her understanding that the corner does meet the 20 foot side yard setback requirement.

The Board said that there are a couple of dimensions missing from the plans. The Board said that one is the existing distance to the side lot line and the other is the distance from the rear corner to the property line. The Board said that it is obvious on the plan that the 21.4 foot dimension is the closest part of the addition and other corner is a little larger. The Board said that it would be good for the record to have a survey with those dimensions because the existing house is angled toward the property line. The Board said that the record should show if the existing house encroaches into the left side yard setback.

Ms. Graber said that they will not be changing the height of the house.

The Board said that no front elevation drawing was submitted but the front elevation will not be changed.

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 19 Princeton Road, in a 10,000 square foot Single Residence District and a Water Supply Protection District, with a minimum right side yard setback of 17.9 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 one-story porch and construction of a two-story addition that will meet all setback requirements, on an existing nonconforming structure with less than required right side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 7/7/14, stamped by Bryan Parmenter, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevations, dated 7/26/14, prepared by Joel David Silverwatch, AIA, and photographs were submitted.

On 8/19/14, the Wetlands Protection Committee issued an Order of Conditions, MassDEP File #: 324-0756.

On October 9, 2014, the Planning Board reviewed the petition and recommended that the petition be deferred.

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 one-story porch and construction of a two-story addition that will meet all setback requirements, on an existing nonconforming structure with less than required right side 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 for demolition of an existing one-story porch and construction of a two-story addition that will meet all setback requirements, on an existing nonconforming structure with less than required right side yard setbacks, subject to the following conditions:

1. A revised plot plan with dimensions on the south side of the building shall be submitted.
2. Zoning information shall be revised on the plot plan to show the correct 10, 000 square foot Single Residence District.

The Board noted for the record, although it was not before the Board, that the bylaw prohibiting air conditioning units in the setback area was enacted in 2002. The Board said that is an issue that the Zoning Enforcement Officer could raise.

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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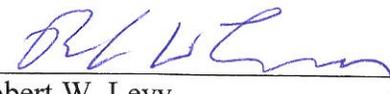
ZBA 2014-87  
Petition of Matthew & Kathryn Graber  
19 Princeton Road

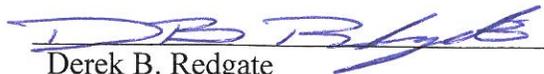
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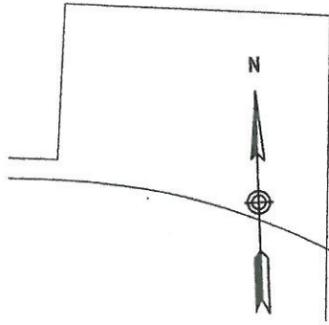
APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.

  
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David G. Sheffield, Acting Chairman

  
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Robert W. Levy

  
\_\_\_\_\_  
Derek B. Redgate

cc: Planning Board  
Inspector of Buildings  
lrm



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N/F  
SHAWN W. LISA G.  
HUMPHREY  
BK.26666 PG.204

N/F  
BRUCE J. WONG &  
SHIRLEY SENG YEE  
BK.32110 PG.480

N/F  
JAMES C. & HEATHER  
M. MCGRODDY  
BK.25807 PG.437

N/F  
JEREMY D &  
LORIN M.  
SEIDMAN  
BK.26894 PG.116

PROPOSED  
ADDITION  
368 S.F.

LOT AREA  
10,357 S.F.

SWING SET

PATIO

#23

#15

N/F  
ANTHONY J. &  
MARY C. BENT  
BK.4961 PG.291

GARAGE  
199 S.F.

BIT. DRIVE

#19  
33' HGT = 26.0'  
989.5 S.F.

AC  
UNIT  
CHIMNEY

BIT. WALK.

BIT. WALK.

DIGSAFE DRAIN

DIGSAFE WATER

DIGSAFE SEWER

PRINCETON ROAD



SCALE IN FEET



PLOT PLAN  
IN  
WELLESLEY, MASS.

MAP 198, LOT 99  
SURVEY BY:  
PFS LAND SURVEYING, INC.

SCALE: 1"=20' DATE: 7/7/2014

*Bryan G. Plummer* 8/12/14

General Notes  
THE EXISTING CONDITIONS SHOWN ARE FROM AN ACTUAL  
SURVEY CONDUCTED IN JUNE 2014.

Zoning  
SINGLE RESIDENCE (30)  
FRONT YARD SETBACK ..... 50 FEET  
SIDE YARD SETBACK ..... 25 FEET  
REAR YARD SETBACK ..... 25 FEET  
EXISTING LOT COVERAGE IS 11.5%  
PROPOSED LOT COVERAGE IS 15.0%