



## ZONING BOARD OF APPEALS

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

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ZBA 2015-88  
 Petition of Ryan Hunt  
 36 Jackson Road

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 WELLESLEY, MA 02482  
 2015 NOV 19 P 3:04

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 5, 2015, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Ryan Hunt 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 garage and construction of a two-story addition and deck that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard setbacks, on a 14,025 square foot lot in a Water Supply Protection District and a Single Residence District in which the minimum lot size is 15,000 square feet, at 36 Jackson Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On October 20, 2015, 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 were Ryan Hunt, the Petitioner and Timothy Lund, Architect.

Mr. Hunt said that it is an existing nonconforming structure on a lot that is less than 15,000 square feet. He said that the back corner of the house is in the side yard setback. He said that the proposal is for a rear addition and reconstruction of the garage with a master suite above.

The Board said that it appears that all of the proposed work will comply and the only nonconformities will be the pre-existing side yard setback at 19.5 feet and the lot size.

The Board asked about the height from average grade. The Board asked about the grades and how the average height was calculated. Mr. Lund said that he took measurements to the ridge at 10 foot intervals around the house.

The Chairman read the Planning Board recommendation. He said that the Board did receive the TLAG information. Michael Zehner, Planning Director, said that the Planning Board had reviewed the petition earlier and had not seen the TLAG Affidavit. He said that the TLAG is less than a proportional reduction based on the size of the lot. He said that he presumed that the Planning Board would find that acceptable. A Board member asked about the proportional reduction that Mr. Zehner referred to. Mr. Zehner said that it is a nonconforming lot. He said that the Planning Board has been looking at the percent that the lot is under the minimum required lot size and then reducing the TLAG by the same percentage.

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 36 Jackson Road, on a 14,025 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District, with a minimum left side yard setback of 19.5 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 garage and construction of a two-story addition and deck that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard setbacks, on a 14,025 square foot lot in a Water Supply Protection District and a Single Residence 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 10/12/15, stamped by William R. Dentremont, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 10/13/15, revised 11/3/15, prepared by Timothy E. Lund, Architect, and photographs were submitted.

On November 5, 2015, the Planning Board reviewed the petition and recommended that the Board defer action on the application until the TLAG for the altered home was presented.

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 demolition of an existing garage and construction of a two-story addition and deck that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard setbacks, on a 14,025 square foot lot in a Water Supply Protection District and a Single Residence 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, as it shall neither increase an existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of an existing garage and construction of a two-story addition and deck that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard setbacks, on a 14,025 square foot lot in a Water Supply Protection District and a Single Residence District in which the minimum lot size is 15,000 square feet, 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 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.

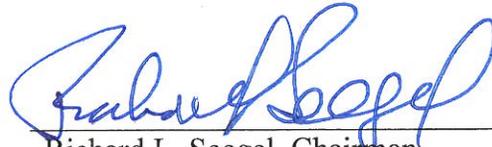
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ZBA 2015-88  
Petition of Ryan Hunt  
36 Jackson Road

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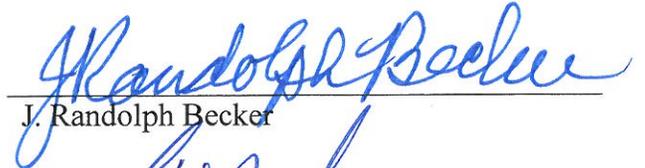
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APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.



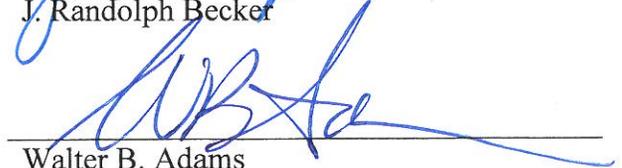
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Richard L. Seegel, Chairman



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J. Randolph Becker



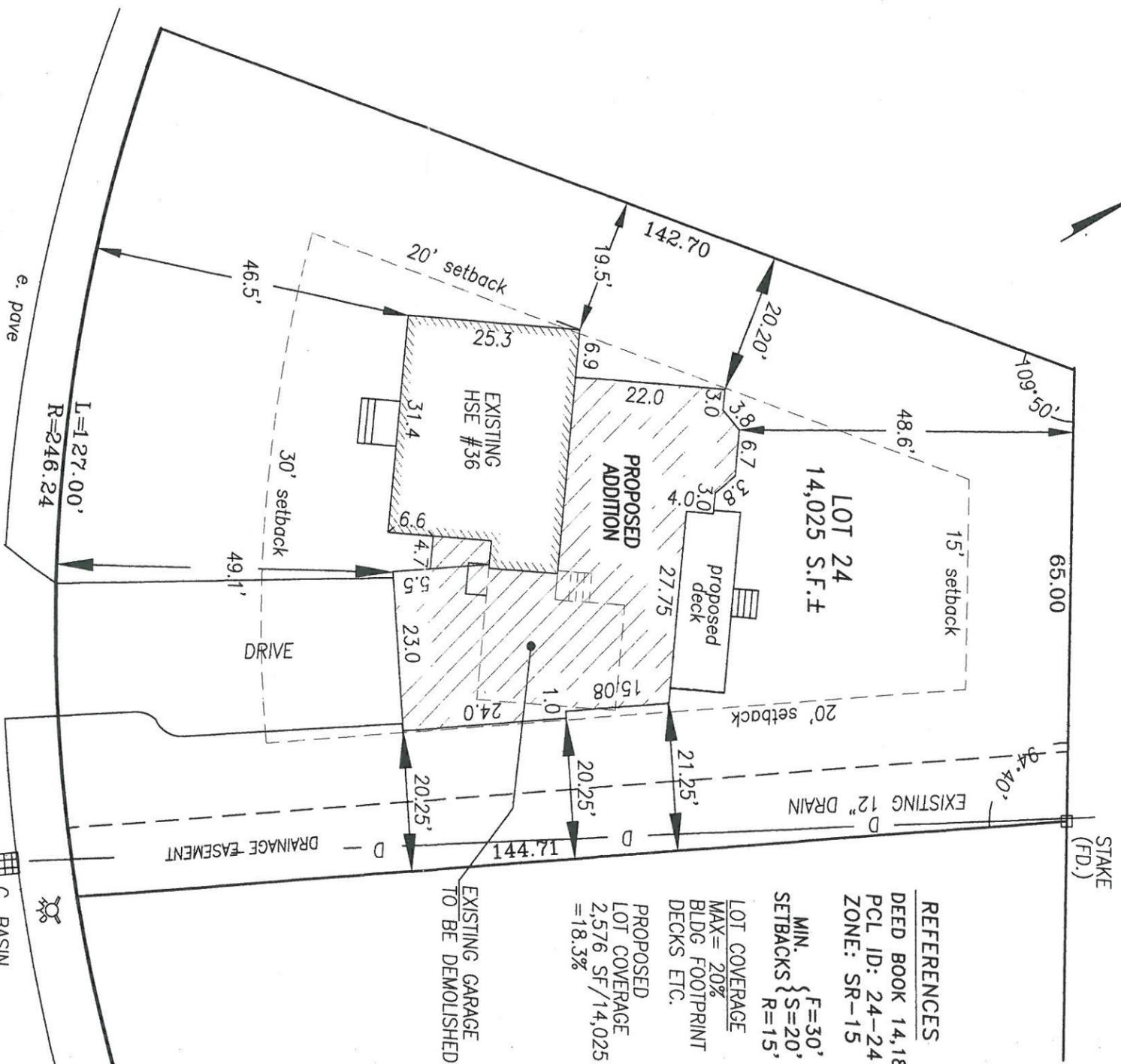
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Walter B. Adams

cc: Planning Board  
Inspector of Buildings  
lrm

DIMENSIONAL TABLE

	LOT AREA	FRONTAGE	FRONT YARD	SIDE YARD	REAR YARD	% LOT COVERAGE
EXISTING	14,025 S.F.	127.0	46.5	19.5	65.0	1,251/14,025 = 8.9%
PROPOSED	14,025 S.F.	127.0	49.1	20.2	48.6	2,576/14,025 = 18.3%



**REFERENCES**  
 DEED BOOK 14,180 PG. 468  
 PCL ID: 24-24  
 ZONE: SR-15

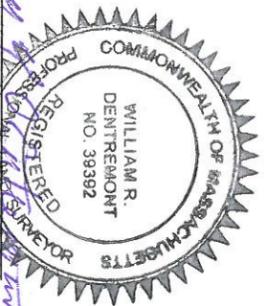
MIN. SETBACKS { F=30', S=20', R=15'

LOT COVERAGE  
 MAX= 20%  
 BLDG. FOOTPRINT  
 DECKS ETC.

PROPOSED  
 LOT COVERAGE  
 2,576 SF/14,025 SF  
 =18.3%



I HEREBY CERTIFY THAT THE PROPOSED STRUCTURE'S SETBACKS SHOWN HAS BEEN CALCULATED FROM INSTRUMENT SURVEY AND THAT PROPERTY LINES HAVE BEEN DETERMINED FROM DEEDS AND PLANS OF RECORD.



WILLIAM R. D'ENTREMONT P.L.S.

10-12-15

**CERTIFIED PLOT PLAN**  
 for  
**HUNT RESIDENCE**  
 at  
**36 JACKSON RD.**  
**WELLESLEY, MA**

Land Surveyors C.I.G. ASSOCIATES Field Engineers  
**3 BOSTON ST. SALEM, MA 01970 (978) 744-0748**

SHEET NO: 1 OF 1  
 DATE: 10-12-2015 JOB #640  
 DRAWN BY: W.R.D./T.F.S.

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