



## ZONING BOARD OF APPEALS

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

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ZBA 2016-50  
 Petition of John & Lorraine Wilkins  
 36 Amherst Road

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 2016 JUL 28 P 3:04

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 14, 2016, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of John & Lorraine Wilkins requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a one-story addition with less than required right side yard setbacks, on an existing nonconforming structure with less than required right side yard setbacks, in a 10,000 square foot Single Residence District, at 36 Amherst Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 28, 2016, 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 Michael Collins, Architect, John Wilkins, the Petitioner, and Peter Bachman, Builder.

Mr. Collins said that the request is for a special permit/finding for a nonconforming house with an existing setback of 15.8 feet on the northern side of the property. He said that the proposed 150 square foot addition will be set back at 16.3 feet, which is less detrimental. He said that all other dimensions will conform. He said that lot coverage will increase by one percent and will be well under the 20 percent that is allowed. He said that there will be no use change, height, or further encroachments. He said that there will be no additional nonconformities or detrimental uses.

A Board member said that he is usually concerned when the Petitioner has not tried to reduce the encroachment. He said that, in this case, it is a modest addition that could not effectively be cut back to the setback line and give the space that the Petitioner is looking to achieve. He said that the proposed addition is reasonable.

Mr. Wilkins said that he discussed the plans with the neighbors.

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 Amherst Road, in a 10,000 square foot Single Residence District, with a minimum right side yard setback of 15.8 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a one-story addition with less than required right side yard setbacks, 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 6/21/16, stamped by Rod D. Carter, Professional Land Surveyor, Existing & Proposed Floor Plans and Elevation Drawings, dated 5/10/16, prepared by S. Michael Collins Architects, and photographs were submitted.

On July 11, 2016, the Planning Department Staff 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 opinion of this Authority that although construction of a one-story addition with less than required right side yard setbacks, 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, as voted unanimously by this Authority at the Public Hearing, for construction of a one-story addition with less than required right side yard setbacks, on an existing nonconforming structure with less than required right side yard setbacks, 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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36 Amherst Road

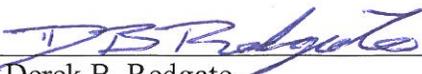
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APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.

  
\_\_\_\_\_  
Robert W. Levy, Acting Chairman

  
\_\_\_\_\_  
Walter B. Adams

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

cc: Planning Board  
Inspector of Buildings  
lrm

**CERTIFIED PLOT PLAN  
36 AMHERST ROAD  
IN  
WELLESLEY, MASSACHUSETTS**

JUNE 21, 2016

SCALE 1 INCH = 20 FEET

PREPARED FOR  
**JOHN P. WILKINS & LORRAINE W. WILKINS**

DB 10098 PG 102  
PLAN D1925 PG 147

ASSESSORS 100-43  
ZONING SR 10

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JUN 28 P 3:03

DWELLING 1772 SF  
(INCLUDING STEPS)  
GARAGE 373 SF  
SHED 83 SF  
DRIVE 1687 SF

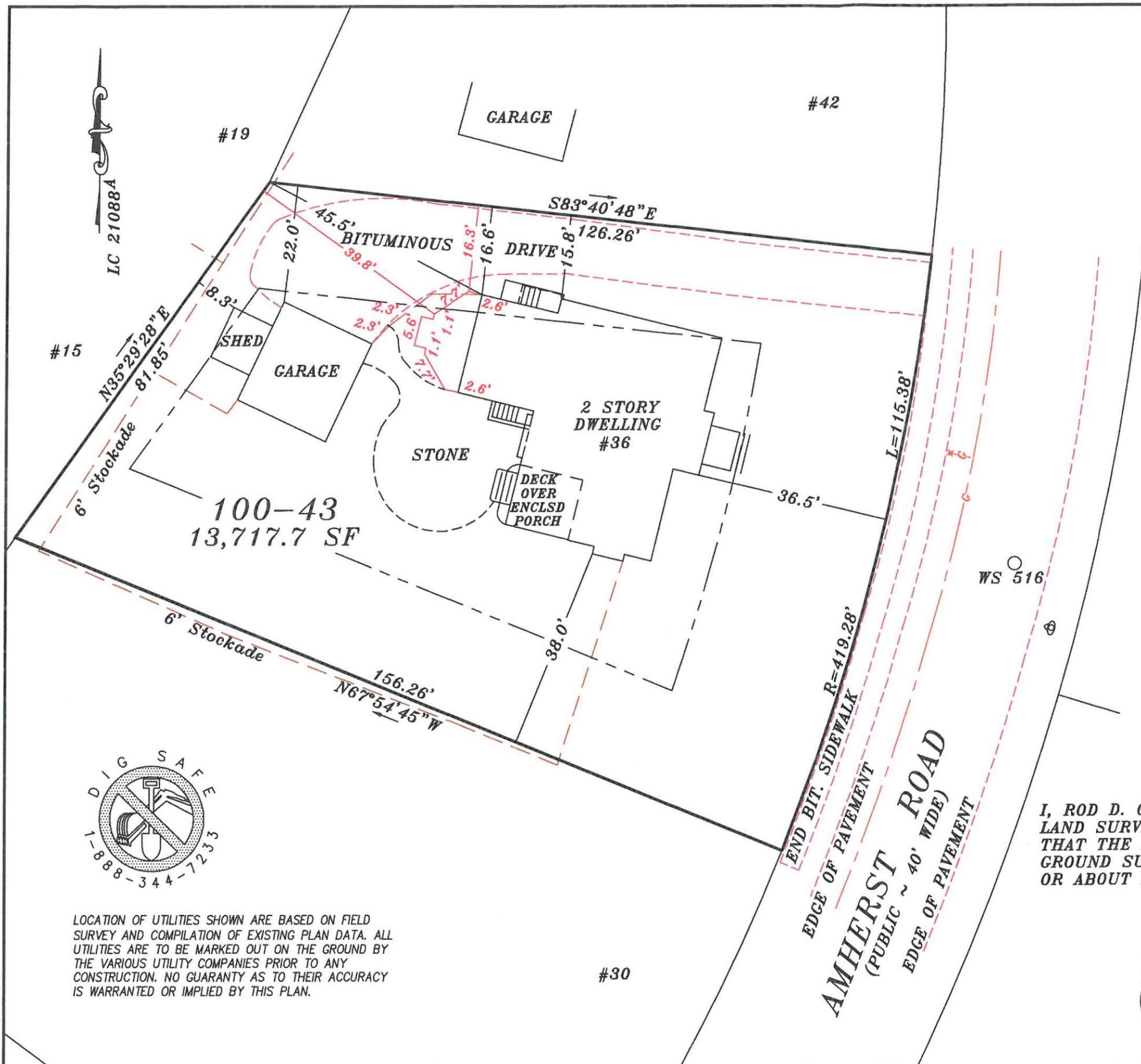
LOT COVERAGE EXISTING 16%  
LOT COVERAGE WITH ADDITION 17%

I, ROD D. CARTER, A PROFESSIONAL  
LAND SURVEYOR, DO HEREBY CERTIFY  
THAT THE ABOVE REPRESENTS AN ON  
GROUND SURVEY BY INSTRUMENT ON,  
OR ABOUT DECEMBER 24, 2015.



**ROD CARTER ASSOCIATES  
LAND SURVEYORS**  
15 PLEASANT STREET  
UPTON, MA 01568  
508-529-7632  
rod.d.carter@verizon.net

33220A



LOCATION OF UTILITIES SHOWN ARE BASED ON FIELD SURVEY AND COMPILATION OF EXISTING PLAN DATA. ALL UTILITIES ARE TO BE MARKED OUT ON THE GROUND BY THE VARIOUS UTILITY COMPANIES PRIOR TO ANY CONSTRUCTION. NO GUARANTY AS TO THEIR ACCURACY IS WARRANTED OR IMPLIED BY THIS PLAN.