



ZONING BOARD OF APPEALS

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ZBA 2016-70

Petition of Hui Jing (Jennifer Perron)

4 Martin Road

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 2016 SEP 22 12:25 PM

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 8, 2016, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Hui Jing (Jennifer Perron) requesting a Variance and a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII, Section XIX, Section XXIV-D and Section XXV of the Zoning Bylaw for construction of a one and one-half story addition with less than required front yard setbacks to Martin Road and Worcester Street, construction of a second story addition with less than required front yard setbacks to Worcester Street, and that construction of a second story addition over an existing nonconforming structure with less than required side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, on an 8,650 square foot corner lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, at 4 Martin Road.

On August 22, 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 Frank Perron, representing Jennifer Perron, the Petitioner, and Kevin Wong, Architect.

Mr. Perron said that the request is for a variance for a home extension. He said that the Board previously granted a special permit for this property. He said that they started to explore the options of executing on it and the cost to accommodate the ledge at the back caused them to rethink their approach. He said that his Architect drew up new plans for the property. He said that instead of going back and down into the ledge, they would build to the left toward Route 9 where there is no home abutter. He said that the proposed design will accommodate their growing family and allow them to stay there.

The Board asked if the big mound in the back yard is ledge. Mr. Perron said that it is \$40,000 to \$50,000 worth of rock that he would rather spend doing something else. Mr. Wong that it is 10 feet high when you walk behind the house.

The Board asked if the Petitioner discussed their plans with the neighbors. Mr. Perron said that they have. He said that a couple of the neighbors have recently sold their homes and there are renters in those homes. He said that other neighbors across Martin Road looked at the plans and had no objections.

A Board member said that the proposed plans will be a better use of the lot, particularly where it is Route 9. Mr. Perron said that it is an oddly shaped lot and it is difficult to put a home on it without going into the setbacks.

The Board confirmed that the space shown on elevation drawing below the second floor addition will be a screened porch.

The Board said that this meets the requirements for a variance. The Board said that a special permit was also requested to alter the existing nonconformity on the right side.

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 4 Martin Road, on an 8,650 square foot corner lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, with a minimum side yard setback of 10.8 feet, and a minimum front yard setback of 27.5 feet to Worcester Street.

The Petitioner is requesting a Variance and a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII, Section XIX, Section XXIV-D and Section XXV of the Zoning Bylaw for construction of a one and one-half story addition with less than required front yard setbacks to Martin Road and Worcester Street, construction of a second story addition with less than required front yard setbacks to Worcester Street, and that construction of a second story addition over an existing nonconforming structure with less than required side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, on an 8,650 square foot corner lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District.

Variance Request, from Frank & Hui Jing, a Plot Plan, dated 6/12/16, Photosimulations, Existing & Proposed Floor Plans & Elevation Drawings, dated 6/15/16, prepared by Kevin Wong & Associates, and photographs were submitted.

On September 7, 2016, the Planning Board reviewed the petition and recommended that the Variance and 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 literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner owing to circumstances relating to the shape, topography and soil condition of such land, which does not generally affect the zoning district

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in which it is located, the hardship has not been self-created, and desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested Variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw is granted for construction of a one and one-half story addition with less than required front yard setbacks to Martin Road and Worcester Street and construction of a second story addition with less than required front yard setbacks to Worcester Street, on an 8,650 square foot corner lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, in accordance with the submitted plot plan and construction drawings.

It is the opinion of this Authority that although construction of a second story addition over an existing nonconforming structure with less than required side yard setbacks, on an 8,650 square foot corner lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District 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 second story addition over an existing nonconforming structure with less than required side yard setbacks, on an 8,650 square foot corner lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, 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 Variance shall expire one year after the date time stamped on this decision.

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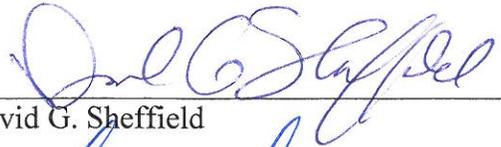
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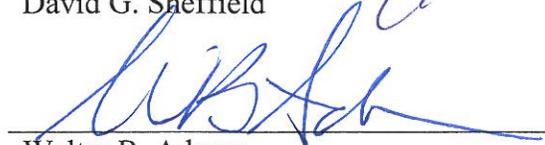
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



Richard L. Seegel, Chairman



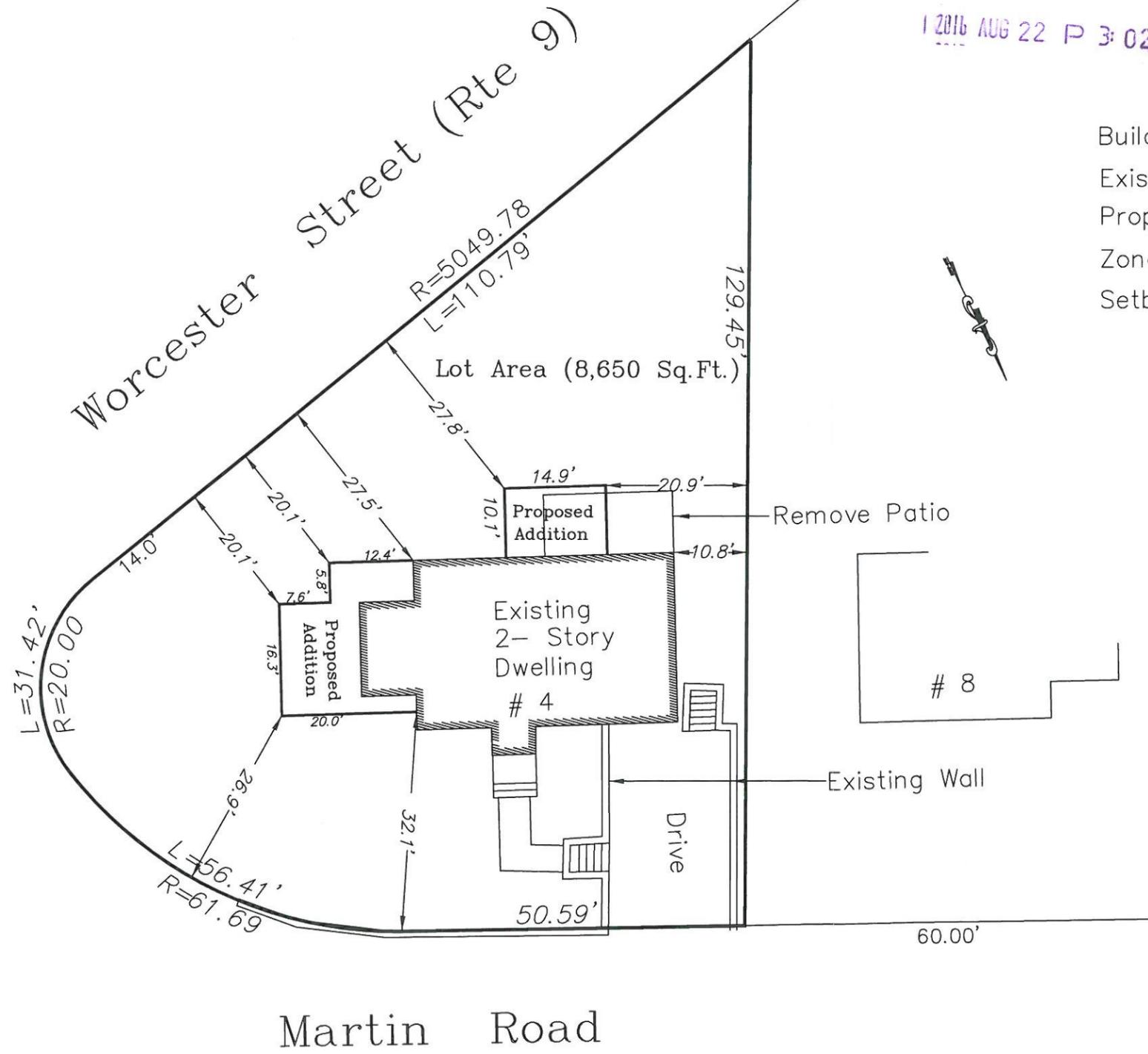
David G. Sheffield



Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm

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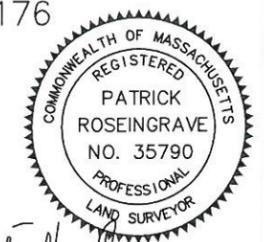


Building Height (Above 1st Floor) = 25.2'
 Existing Lot Coverage = 1,070 Sq.Ft (12.4%)
 Proposed Lot Coverage = 1,534 Sq.Ft (17.7%)
 Zone: - SR 10
 Setbacks Required: - Front - 30'
 Side - 20'

Proposed Additions,
 4 Martin Road,
 Wellesley, Ma.

© Civil Engineers & Land Surveyors
 40 Mears Avenue,
 Quincy, Ma.
 Phone 781-335-6176

June 12, 2016
 Scale: - 1" = 20'



Patrick Roseingrave