

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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

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ZBA 2018-26

Petition of David & Carolyn Morris  
39 Avon Road

125-18-17  
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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 3, 2018, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of David & Carolyn Morris requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that construction of a two story addition that will meet all setback requirements on an existing nonconforming structure with less than required left side yard and right side yard setbacks, at 39 Avon Road, in a 10,000 square foot Single Residence District and a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On March 29, 2018, 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 Richard Curl, Architect. He said that also present at the hearing were Michael Lynch, Builder, and David and Carolyn Morris, the Petitioner.

Mr. Curl said that the request is for a finding for a proposed addition of a kitchen, family room and master suite on the back of a pre-existing nonconforming house with less than required side yard setbacks. He said that they worked hard to keep the addition in line with the size and detail of the existing house. He said that you will not see any change from the front of the house. He said that the roof of the addition will be slightly lower than the existing house on the side. He said that the upper story will be shingled and will have windows that are similar to the existing house. He said that the lower story will have painted wood siding and windows that are of a slightly more contemporary look.

A Board member asked about existing and proposed conditions for site drainage since this is located at the bottom of a hill. Mr. Curl said that the existing house drains into gutters which go to downspouts that appear to go into clay pipes. He said that the intent is for the upper roof to go into the same system. He said that there are a couple of flat pieces on the lower roof that will drip onto a stone border and be collected by a French drain. He said that they expect to know more when they start excavating. Mr. Lynch said that the goal will be to add an infiltration drywell toward the back of the property but they are unsure of what the ledge situation will be as they open up that part of the yard.

A Board member said that he was a little concerned about the north elevation. He said that it is a rather flat surface at the second floor that is somewhat mitigated with railings that come from the side of the house. He said that the addition continues the façade on the north side in a single plane, whereas on the other side it breaks the plane, which makes the house appear a little smaller. Mr. Curl said that the intent

was to try to minimize the bulk and the mass. He said that there are a couple of pieces of the first floor that step in and out. He said that the intention was that the second floor be more of a continuation of the house. The Board member said that he is not overly concerned because the two porches and railings are there.

A Board member asked if the Petitioners had spoken to any of the neighbors about the project and shown them the plans. Ms. Morris said that it is a very close knit neighborhood, so the neighbors have all known about the project since the beginning stages. She said that the neighbors know what is going on and are very much in favor of it.

The Chairman said that the lot size is larger than what is required by a significant amount. He said that the current house is about 75 percent of average for living space in the neighborhood. He said that it will jump up a bit with the proposed addition to just under 2,900 square feet, which is less than the trigger for Large House Review. He said that it will still be a decent size addition. He said that it fits nicely on the lot and does not look out of scale in the neighborhood.

There was no one present at the public hearing who wished to speak to the petition.

The Board discussed inserting a condition for an appropriate design by a civil engineer for the additional hard surface runoff related to the addition.

#### Statement of Facts

The subject property is located at 39 Avon Road, in a 10,000 square foot Single Residence District and a Water Supply Protection District, with a minimum left side yard setback of 5.0 feet, and a minimum right side yard setback of 16.8 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 construction of a two story addition that will meet all setback requirements on an existing nonconforming structure with less than required left side yard and right side yard setbacks, in a 10,000 square foot Single Residence District and a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 2/23/18, stamped by Bruce Bradford, Professional Land Surveyor, Existing & Proposed Floor Plans and Elevation Drawings, dated 3/5/18, prepared by Richard A. Curl, Architect, and photographs were submitted.

On April 25, 2018, the Planning Board reviewed the petition and recommended that a 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 construction of a two story addition that will meet all setback requirements on an existing nonconforming structure with less than required left side yard and right side yard setbacks, in a 10,000 square foot Single Residence District and a Water Supply Protection District, 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 construction of a two story addition that will meet all setback requirements on an existing nonconforming structure with less than required left side yard and right side yard setbacks, subject to the following condition:

- An appropriate design by a civil engineer for the additional hard surface runoff related to the addition shall be submitted.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction 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.

ZBA 2018-26  
Petition of David & Carolyn Morris  
39 Avon Road

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.

J. Randolph Becker, Acting Chairman

David G. Sheffield

Robert W. Levy

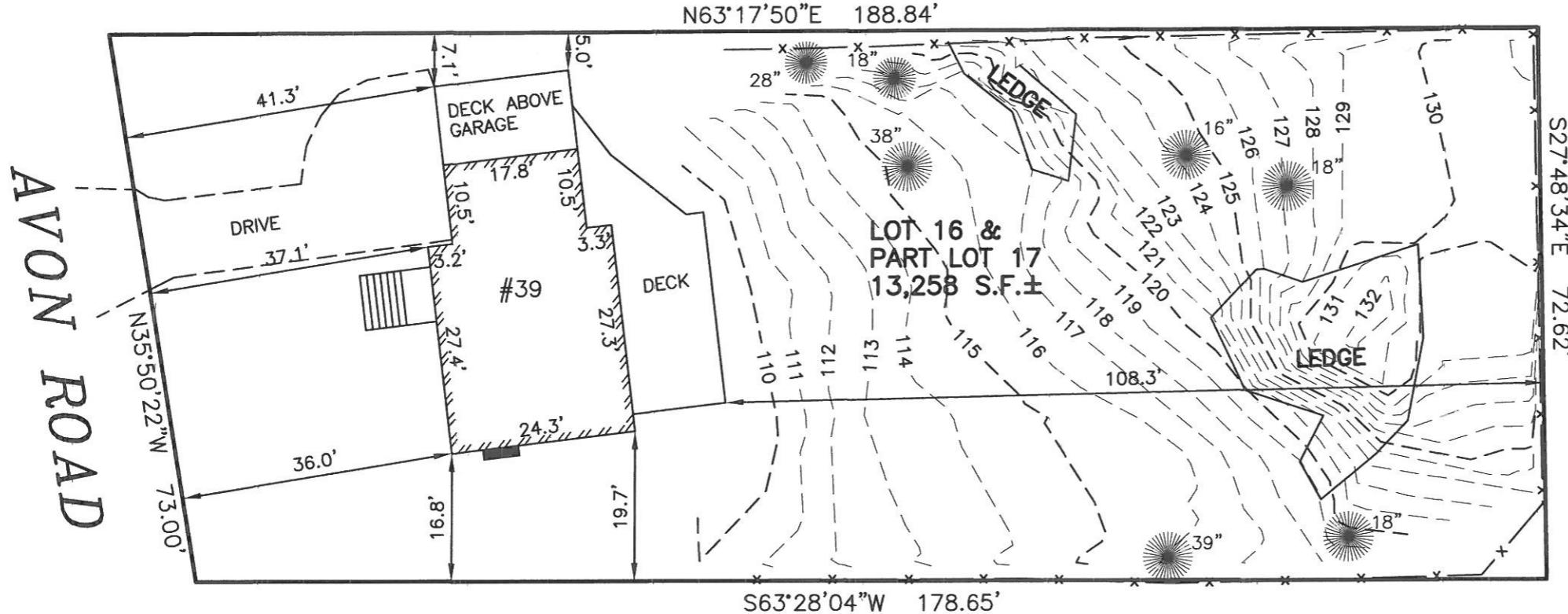
ESTABLISHED 1916

**EMB**

EVERETT M. BROOKS CO.  
SURVEYORS & ENGINEERS

49 LEXINGTON STREET  
WEST NEWTON, MA 02465

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STRUCTURES 1472 S.F.  
LOT COVERAGE 11.1%

DEED REFERENCE: BK 24800 PG 142  
PLAN REFERENCE: BK 1680 PG 563

## PLAN OF LAND IN WELLESLEY, MA

39 AVON ROAD  
EXISTING CONDITIONS

SCALE: 1 IN.= 20 FT.

DATE: AUGUST 23, 2017

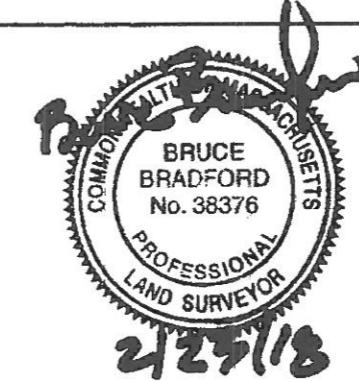
DRAWN: ER

CHECK: BB

REVISIONS:

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PROJECT NO. 24195



ESTABLISHED 1916

**EMB**

EVERETT M. BROOKS CO.

## SURVEYORS & ENGINEERS

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(617) 527-8750  
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[info@everettbrooks.com](mailto:info@everettbrooks.com)

ZONING DISTRICT: SR-10

DEED REFERENCE:  
BOOK 24800 PAGE 142

EXISTING  
STRUCTURES: 1,472 S.F.  
LOT COVERAGE: 11.1%

PROPOSED  
STRUCTURES: 1,608 S.F.  
LOT COVERAGE: 12.1%

DEED REFERENCE: BK 24800 PG 142  
PLAN REFERENCE: BK 1680 PG 563

PLAN OF LAND IN  
WELLESLEY, MA

39 AVON ROAD  
TREE PROTECTION AND  
MITIGATION PLAN

SCALE: 1 IN.= 20 FT.  
DATE: FEBRUARY 23, 2018  
DRAWN: ER  
CHECK: BB

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**REVISIONS:**

PROJECT NO. 24195

