

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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

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ZBA 2017-16  
Petition of Jonathan & Katherine Gerbode-Grant  
239 Weston Road

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WELLESLEY CLERK'S OFFICE  
16 JAN 2017

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 2, 2017, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Jonathan & Katherine Gerbode-Grant 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 with a two-car garage on the first level and living space on the second level, with less than required side yard setbacks, on an existing nonconforming structure with less than required side yard setbacks, on a 9,651 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 239 Weston Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On January 24, 2017, 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 that the hearing was Jonathan Gerbode-Grant, property owner and Petitioner. Also present was Renée Mierzejewski, Architect.

A Board member said that there is a lot of information on the plot plan. He confirmed that the property is located in a 10,000 square foot district. Ms. Mierzejewski said that the side yard setback is nonconforming. The Board member said that the two nonconformities are the size of the lot and the side yard setback. The Chairman said that the survey shows 34.2 feet to the new work from Avon Road. He said that the bump out on the existing property on the corner is closer than that. Mr. Gerbode-Grant said that it is 28.5 feet. The Chairman said that should be noted on the survey. He said that it is an existing nonconformity. A Board member said that it would be considered a front yard. He said that it is a corner lot. The Board said that the 500 Foot Rule is not implicated because the existing structure is closer to the street.

The Chairman said that the porch shown on the survey is called steps but is actually a porch with a cover. He confirmed that the size is approximately 48 square feet. He said that the old driveway is shown on the survey but not the new driveway. He said that should be corrected. He asked if they will be leaving the brick. Ms. Mierzejewski said that they will not. The Chairman said that should be removed from the plot plan. He said that the existing dimension and the dimension from the steps to Avon Street, the new driveway and removal of the bricks should be shown on the survey.

A Board member asked how much of the proposed addition will be in the side yard setback. He said that the existing condition at its closest to the lot line and the dimensions to the proposed addition appear to be

close. Mr. Gerbode-Grant said that the existing house is 11 feet from the side lot line. He said that the closest dimension to the side lot line for the proposed addition will be 13 feet. The Board member asked if any consideration was given to minimizing the amount of addition in the side yard setback. Mr. Gerbode-Grant said that they wanted to maintain a look that the addition was meant to be there at the front of the house instead of bumping it more towards Avon Road. He said that to achieve the side yard setback and be able to get a car into the garage they would have to bump the garage and the face of the house towards Avon Road. He said that he and his wife recently moved there with their two-year old. He said that they drove around the neighborhood to look at houses with additions. He said that their intent is to live here for a long time. He said that they wanted to have a place that looked like a home that was built with the architecture of the original house in mind. He said that to achieve that, this was the best option. He said that it does not look like a chopped up house. Ms. Mierzejewski said that they did not want to push the garage forward. The Board member asked if the dimension of 30 feet width is driven by the size of the garage. Ms. Mierzejewski said that it is. She said that they were trying to keep it within the edges of the existing house.

Mr. Gerbode-Grant said that they discussed the plans with the neighbors.

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16 P 34

The Chairman said that it struck him that the addition has a much different character from the rest of the house in terms of its roof configuration. He said that the elevation of the house that is closest to the side property line is all in a single plane. He said that the rectilinear shape and the gable configuration directly abuts into the hip roof without a break in plane. He said that there is some detail to try to break up the façade a little bit but it is still one single plane. Mr. Gerbode-Grant said that if you stand in the neighbor's yard, there is a set of trees past the house where the sun comes up over them. He said that they looked at extending the hip roof but it would go up so high that the sun would be blocked. He said that they wanted to have a roofline with full dormers without overshadowing their neighbor's property.

Ms. Mierzejewski said that they gave a lot of consideration to the character of the neighborhood. She said that they were trying to be friendly neighbors without being egregious and maximizing everything. A Board member said that the Total Living Area plus Garage (TLAG) threshold was exceeded by seven square feet. Mr. Gerbode-Grant said that the existing attic space will be filled with a heating unit and will be unusable space. The Board member said that it will be a significant house. The Chairman said that they do have enough room on the Avon Road side to make a shift in the plan to cause a break. He said that it would create a shadow line between the existing and the new. He said that nothing would be harmed in the floor plan. He said that the proposed façade would be long and flat. Mr. Gerbode-Grant said that they can achieve the break on the side façade using an aesthetic piece of trim that breaks up the existing house from the addition.

Martha Cunningham, 243 Weston Road, said that she lives one house away, next to the McAdams. She said that she has lived there since 1963. She said that the Petitioner would like to demolish the existing garage and construct a new addition on their property, consisting of a two-garage, a master suite and an office. She said that the project is much too large, tall and dense. She said that the existing house has less than required side yard setbacks. She said that she is opposed to the Zoning Board granting a special permit/finding for a project of this size on a small lot.

A Board member said that the First Floor Plan shows a room behind the garage. He said that it is not labeled. He asked what makes up the difference between the back wall of the garage and the wall that is

closest to the setback on Plan A101. He said that there is a note that points to the garage door openers. Ms. Mierzejewski said that it is part of the garage. Mr. Gerbode-Grant said that he plans to have a cycling workshop. The Board confirmed that it will be for extra storage space.

The Chairman asked about the length of the façade that faces the adjacent property. He said that it appears to be 62 to 63 feet long. Ms. Mierzejewski said that it is 59 to 60 feet long. Mr. Gerbode-Grant said that there is a side entrance on that wall that they will keep on the original structure.

A Board member said that he would like to see more effort to minimize the side yard setback but he also thinks that the addition is situated nicely in the yard. The Chairman said that he would be a little happier architecturally if there was an offset on the north side but does not want to design the addition for the Petitioner.

The Board made findings that the lot is nonconforming as to size at 9,761 square feet where 10,000 square feet is required, has less than required left side yard setbacks at 11 feet where 20 feet are required, has less than required front yard setback on the Avon Road side at 28.5 feet where 30 feet is required, and that the proposed addition shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Statement of Facts

The subject property is located at 239 Weston Road, on a 9,651 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 less than required front yard setback to Avon Road and a minimum side yard setback of 11 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 with a two-car garage on the first level and living space on the second level, with less than required side yard setbacks, on an existing nonconforming structure with less than required side yard and front yard setbacks, on a 9,651 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, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 1/20/17, stamped by Elliott J. Paturzo, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 1/20/17, prepared by Chestnut Street Studios, and photographs were submitted.

On March 1, 2017, the Planning Board 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 demolition of an existing garage and construction of a two-story addition with a two-car garage on the first level and living space on the second level, with less than required side yard setbacks, on an existing nonconforming structure with less than required side yard and front yard setbacks, on a 9,651 square foot corner lot in a Single Residence District in which the minimum lot size is 10,000 square feet 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 demolition of an existing garage and construction of a two-story addition with a two-car garage on the first level and living space on the second level, with less than required side yard setbacks, on an existing nonconforming structure with less than required side yard and front yard setbacks, on a 9,651 square foot corner lot in a Single Residence District in which the minimum lot size is 10,000 square feet, subject to the following condition:

- A revised plot plan shall be submitted that shows the dimension to the existing structure from Avon Road, the dimension from the steps to Avon Road, the new driveway and removal of the bricks.

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.

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Gerbode-Grant  
239 Weston Road

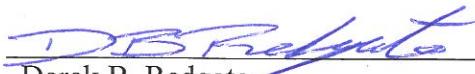
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WELLESLEY MA 02482

1/11/16 P 3-241

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.

  
\_\_\_\_\_  
David G. Sheffield

  
\_\_\_\_\_  
Robert W. Levy (signed by Victor Panek  
with authorization by Robert Levy)

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

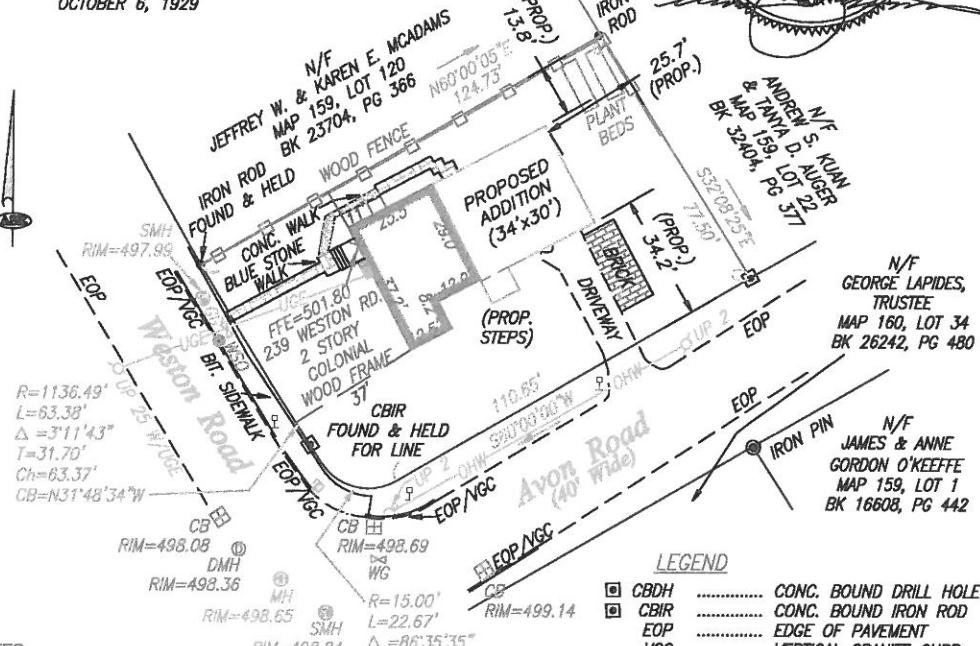
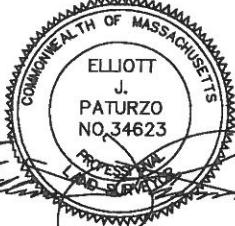
cc: Planning Board  
Inspector of Buildings  
lrm

## NOTES

DEED REF: NORFOLK COUNTY REGISTRY OF DEEDS  
BOOK 33195, PAGE 303

PLAN REF: PLAN ENTITLED "PLAN OF LAND IN WELLESLEY, MASS. OWNED BY ALFRED ANDERSON," PREPARED BY GLEASON ENGINEERING, DATED MARCH 1928, BOOK 1786, PAGE END

PLAN ENTITLED "LAYOUT OF AVON ROAD, WELLESLEY MASS."  
PREPARED BY A. STEWART CASSIDY, ENGINEER, DATED  
OCTOBER 6, 1929



## NOTES

1. SUBJECT TO ANY STATEMENT OF FACT AN UP-TO-DATE ABSTRACT OF TITLE WOULD DISCLOSE.
2. SUBJECT TO ALL RIGHTS, EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD.
3. UNDERGROUND UTILITIES, STRUCTURES AND FACILITIES, IF ANY, HAVE BEEN SHOWN FROM SURFACE LOCATIONS AND MEASUREMENTS OBTAINED FROM A FIELD SURVEY AND RECORD LOCATIONS, THEREFORE THEIR LOCATIONS MUST BE CONSIDERED APPROXIMATE ONLY. THERE MAY BE OTHER UTILITIES WHICH THE EXISTENCE OF ARE NOT KNOWN. SIZE, TYPE AND LOCATION OF ALL UTILITIES AND STRUCTURES MUST BE VERIFIED BY PROPER AUTHORITIES PRIOR TO ANY AND ALL CONSTRUCTION. CALL, TOLL FREE, DIG SAFE CALL CENTER AT 1-888-344-7233 SEVENTY-TWO HOURS PRIOR TO ANY EXCAVATION.
4. ELEVATIONS SHOWN ON THIS PLAN REFERENCE AN ASSUMED DATUM

#### LEGEND

□	CBDH	CONC. BOUND DRILL HOLE
□	CBIR	CONC. BOUND IRON ROD
	EOP	EDGE OF PAVEMENT
	VGC	VERTICAL GRANITE CURB
□	CB	CATCH BASIN
①	DMH	DRAINAGE MANHOLE
⑤	UP	UTILITY POLE
—	OHW	OVERHEAD WIRES
	UGE	UNDERGROUND ELECTRIC
□		ELECTRIC HANDHOLE
□		ELECTRIC METER
□		PEDESTRIAN SIGNAL
③	SMH	SEWER MANHOLE
④	MH	MANHOLE
►	WG	WATER GATE
⑤	WSO	WATER SHUTOFF
□		WATER METER
	GC	GAS GATE
□		GAS METER
□		SIGN

TOWN OF WELLESLEY, MASSACHUSETTS

#### INTENSITY REGULATIONS:

ZONING DISTRICT - SINGLE RESIDENCE 10 (SR10)

	<u>REQUIRED</u>	<u>EXISTING</u>	<u>PROPOSED</u>
MINIMUM LOT AREA	10,000 S.F.	9,651 S.F.	N/A
RATIO OF BUILDING TO LOT AREA	25%	11%	19%
MINIMUM FRONTAGE	60'	197'	N/A
MINIMUM FRONT YARD WIDTH	60'	77'	N/A
MINIMUM FRONT YARD	30'	37'	N/A
MINIMUM SIDE YARD	20'	11'	13.8'
MINIMUM REAR YARD	10'	60'	25.7'
MAXIMUM BUILDING HEIGHT	45'/3 STORIES	20'/2 STORIES	1 STORY

FEET & METERS      SCALE      MAXIMUM BUILDING HEIGHT      45'3 STORIES      29'2 STORIES      1 STORY

**A.S. Elliott & Associates**  
Professional Land Surveyors  
P.O. BOX 85 ~ HOPEDALE, MA 01747  
(508) 451-0256

I CERTIFY THAT THE SUBJECT DWELLING LINES IN ZONE  
"X" AS SHOWN ON THE FLOOD INSURANCE RATE MAP  
NORFOLK COUNTY, MASSACHUSETTS, PANEL 16 OF 430,  
MAP NUMBER 25021C0016E, HAVING AN EFFECTIVE DATE  
OF JULY 17, 2012.

I CERTIFY THAT THIS PLAN IS THE  
RESULT OF AN INSTRUMENT SURVEY  
PERFORMED ON THE GROUND ON  
MAY 11, 2016.

*Certified Plot Plan Showing Proposed Addition*

PREPARED FOR: JONATHAN GERBODE-GRANT  
LOCATION: 239 WESTON ROAD  
WELLESLEY, MASSACHUSETTS

SCALE: 1"=40' DRAWN BY: SMI DATE: 1/20/17  
ASSESSORS REF. MAP 159, LOT 121 JOB # 161426