



## ZONING BOARD OF APPEALS

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

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ZBA 2018-78  
Petition of Noel & Peter Gearhart  
23 Plymouth Road

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, December 6, 2018 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Noel & Peter Gearhart requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of a bay window and an existing nonconforming screened porch and construction of a two-story addition with less than required right side yard setbacks, on an existing nonconforming structure with less than required right side yard setbacks, at 23 Plymouth Road, in a 20,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On November 15, 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 Peter Gearhart, the Petitioner. He said that his application concerns a conforming lot with a nonconforming structure. He said that the plan is to build a two story addition at the rear of the house on top of an existing screened porch. He said that the side lot line angles and is not parallel to the side of the house. He said that the setback clips the corner of the existing screened porch. He said that the plan is to use the foundation under the screened porch and build on top of it. He said that the request is for a special permit for the encroachment in the side yard setback.

Mr. Gearhart said that the proposed bay window next to the family room will be cantilevered. He said that the full poured concrete foundation under the screened porch goes to frost. He said that the foundation will not be extended.

A Board member said that the proposed TLAG is slightly above the trigger for the zone but the lot size is significantly larger than the requirements for the zone, so the slight overage does not impact the large house aspect of the house on the lot.

A Board member identified the nonconformities on the property.

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 23 Plymouth Road, in a 20,000 square foot Single Residence District, with a minimum right side yard setback of 16.3 feet.

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The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of a bay window and an existing nonconforming screened porch and construction of a two-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 10/23/17, stamped by Verne T. Porter, Jr., Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 9/19/18 & 10/1/18, prepared by Peter Gearhart, and photographs were submitted.

On November 20, 2018, the Planning Board reviewed the petition and recommended that a 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 a bay window and an existing nonconforming screened porch and construction of a two-story addition with less than required right side yard setbacks, on an existing nonconforming structure with less than required right side yard setbacks is intensifying an existing nonconformity, the proposed alteration shall not result in additional nonconformities and 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 a bay window and an existing nonconforming screened porch and construction of a two-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 20,000 square foot Single Residence 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 Special Permit shall expire two years after the date time stamped on this decision.



ZBA 2018-78

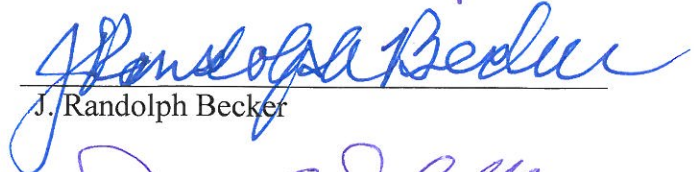
Petition of Noel & Peter Gearhart  
23 Plymouth Road

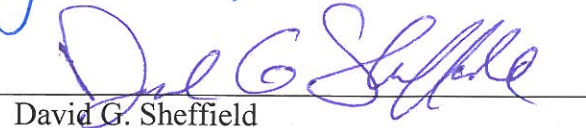
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2018 DEC 20 P 2:39

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

  
J. Randolph Becker

  
David G. Sheffield

ZBA 2018-78  
Applicant Noel & Peter Gearhart  
Address 23 Plymouth Road

**NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK**

In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Date:

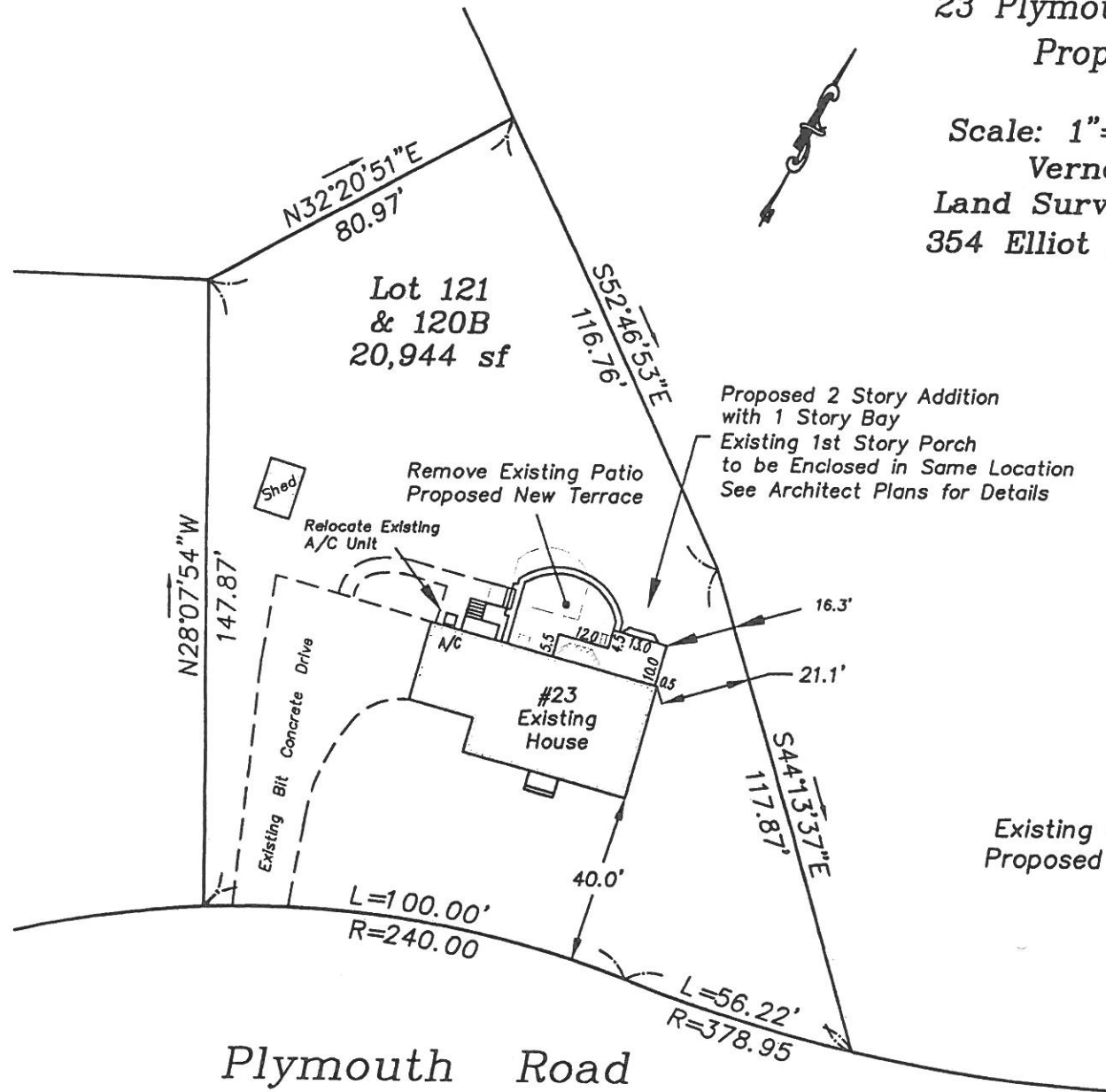
Attest:

\_\_\_\_\_  
Cathryn Jane Kato  
Town Clerk

cc: Planning Board  
Inspector of Buildings  
lrm

23 Plymouth Road, Wellesley MA  
Proposed Addition Plan

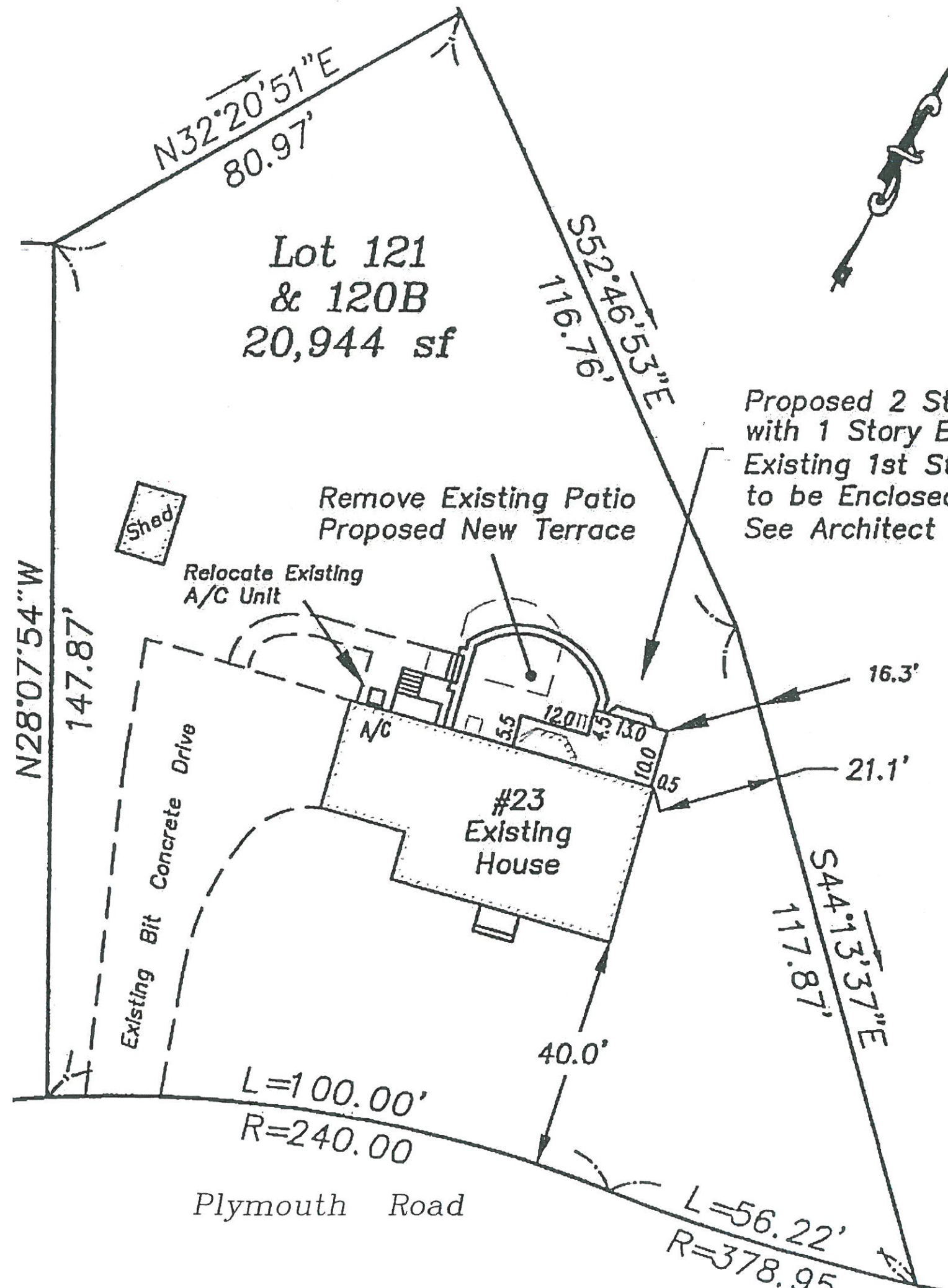
Scale: 1"=40'    October 23, 2017  
Verne T. Porter Jr., PLS  
Land Surveyors - Civil Engineers  
354 Elliot Street Newton, MA 02464



Existing Coverage= 8.29% (1737 sf)  
Proposed Coverage= 8.48% (1777 sf)

23 Plymouth Road, Wellesley MA  
Proposed Addition Plan

Scale: 1"=20'    October 23, 2017  
Verne T. Porter Jr., PLS  
Land Surveyors - Civil Engineers  
354 Elliot Street Newton, MA 02464



Existing Coverage= 8.29% (1737 sf)  
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NOTE: ORIGINAL PLAN AT 1:40 HAS BEEN ENLARGED TO 1:20