

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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

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ZBA 2019-64

Petition of Silky Jain & Vikram Malaiya  
661 Worcester Street

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02482  
1 2019 JUL 25 PM

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 11, 2019 at 7:30 pm in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Silky Jain & Vikram Malaiya requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming one-story garage with less than required side yard setbacks, construction of a two-story addition with less than required side yard setbacks, and construction of a one-story addition that will meet setback requirements, on an existing nonconforming structure with less than required front yard and side yard setbacks, on a corner lot, at 661 Worcester Street, on an 8,874 square foot corner lot in a Single Residence District in which the minimum lot size is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 10, 2019, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Present at the public hearing was Josh Kelly, Architect and General Contractor, representing the homeowners at 661 Worcester Street.

Mr. Kelly said that the request is for a special permit to build an addition to the existing structure. He said that the site is nonconforming for size and the structure is nonconforming for two front and one side yard setback on a corner lot. He said that the project involves demolition of an existing one-story sunroom and garage and construction of a one-story extension to the kitchen at the rear and a two-story addition in the garage space.

Mr. Kelly said that the encroachment on the side is currently 19 feet and the proposed encroachment will be 18.7 feet. He said that the only change will be the connection between the sunroom and the garage and extension of the garage one foot to the rear and three feet toward Worcester Street. He said that the front of the structure will be conforming. He said that the rear right corner of the garage will be nonconforming.

Mr. Kelly said that lot coverage will increase from 12 to 14.6 percent.

Mr. Kelly said that the plans do not currently show ac condensers on the site. He asked if they can place an ac condenser on the lower right hand corner of the structure in a conforming location. The Board said that would be allowed by right.

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 661 Worcester Street, on an 8,874 square foot corner lot in a Single Residence District in which the minimum lot size is 20,000 square feet, with a minimum front yard setback of 18.5 feet to Worcester Street where 30 feet is required, and a minimum side yard setback of 19 feet where 20 feet is required.

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 an existing nonconforming one-story garage with less than required side yard setbacks, construction of a two-story addition with less than required side yard setbacks, and construction of a one-story addition that will meet setback requirements, on an existing nonconforming structure with less than required front yard and side yard setbacks, on a corner lot, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 6/3/19, stamped by Neil J. Murphy, Registered Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 6/3/19, prepared by JK Development Group, Inc., and photographs were submitted.

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 demolition of an existing nonconforming one-story garage with less than required side yard setbacks, construction of a two-story addition with less than required side yard setbacks, and construction of a one-story addition that will meet setback requirements, on an existing nonconforming structure with less than required front yard and side yard setbacks, will result in the intensification of existing nonconformities, will not result in additional nonconformities, and will 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 nonconforming one-story garage with less than required side yard setbacks, and construction of a two-story addition with less than required side yard setbacks, on an existing nonconforming structure with less than required front yard and 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 construction plans.

If construction has not commenced, except for good cause, the Special Permit shall expire two years after the date time stamped on this decision.

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Petition of Silky Jain & Vikram Malaiya  
661 Worcester Street

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*  
J. Randolph Becker, Chairman

*Robert W. Levy*  
Robert W. Levy

*Derek B. Redgate*  
Derek B. Redgate

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TOWN CLERK'S OFFICE  
WELLESLEY MA 02482  
2019 JUL 25 P 3:01

ZBA 2019-64  
Applicant Silky Jain & Vikram Malaiya  
Address 661 Worcester Street

**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.

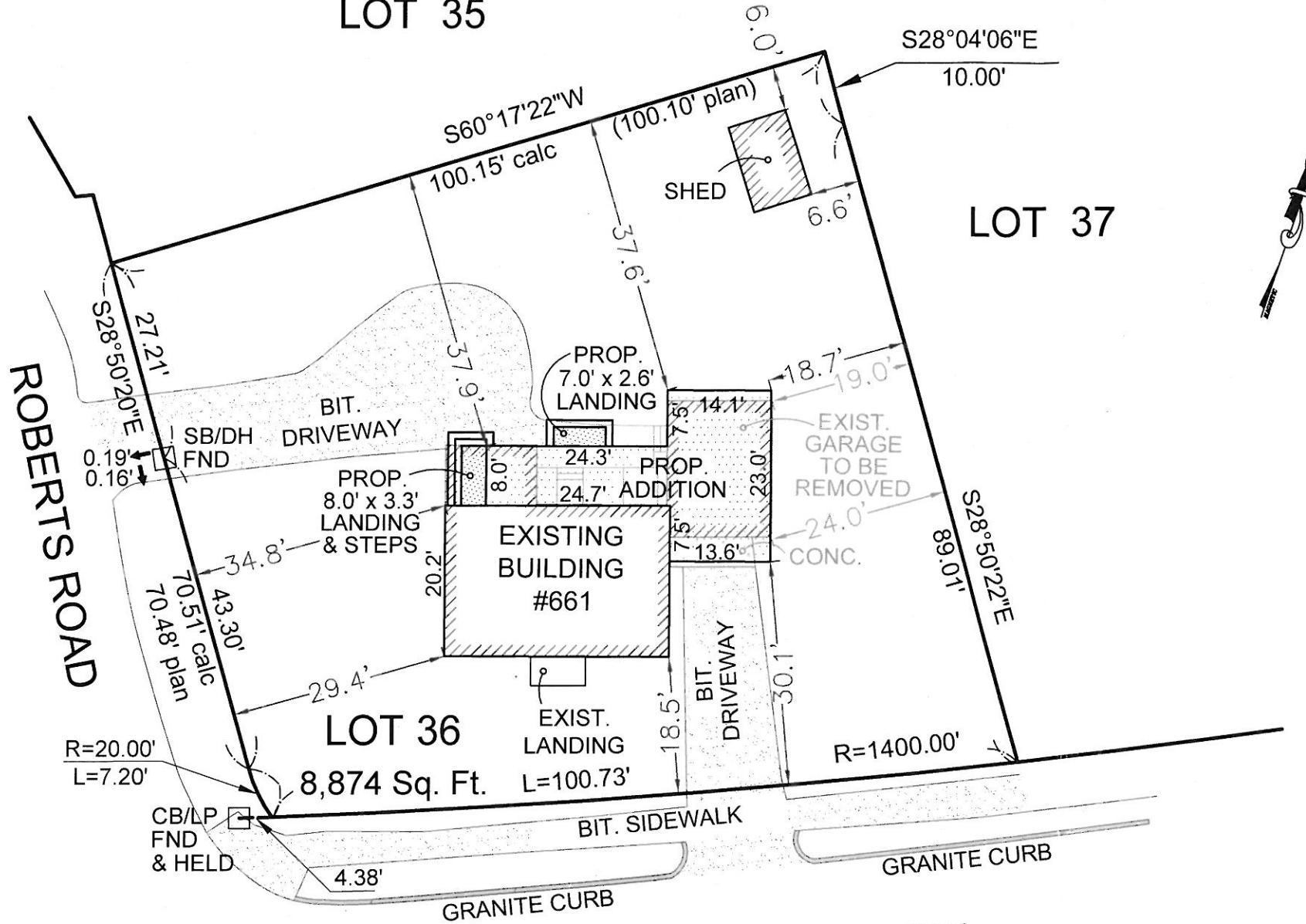
Date:

Attest:

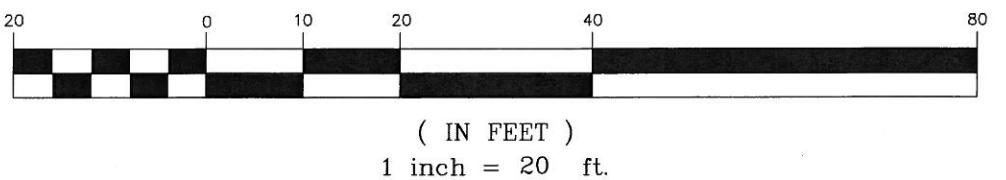
Cathryn Jane Kato  
Town Clerk

cc: Planning Board  
Inspector of Buildings  
lrm

LOT 35



GRAPHIC SCALE



**NOTES:**

- \* Registered Owner: Vikram Malaiya & Silky Jain
- \* Assessors Ref.: Map 121 Lot 36
- \* Legal Ref.: Cert.# 179942
- \* Plan Ref.: LC Plan 5882 I  
1932 State Layout #2888  
1902 Worcester St. County Layout
- \* Zone: SDR - 20
- \* Min. Setbacks Required:
  - Front = 30 ft.
  - Side = 20 ft.
  - Rear = 10 ft.
- \* Max. lot coverage: 25%
- Existing Lot Coverage = 12.0% (1,063 s.f.)
- Proposed Lot Coverage = 14.6% (1,295 s.f.)

**Proposed Addition**

661 Worcester Street  
Wellesley, MA 02481

Plan Prepared By:



10 Andrew Square, Suite 201  
South Boston, MA 02127  
Tel. 857-544-3061  
Date: June 3, 2019