

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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

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ZBA 2019-76  
Petition of Sami & Stephanie Juma  
38 College Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 12, 2019 at 7:30 pm in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Sami & Stephanie Juma requesting a Special Permit/Finding pursuant to the provisions of Section XIV, Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing front entry and construction of a new covered porch and entry vestibule addition with less than required front yard setbacks, on an existing nonconforming structure with less than required front yard setbacks, at 38 College Road, in a 15,000 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 August 14, 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 Michael Collins, Architect, representing Sami and Stephanie Juma, the Petitioner. Mr. Collins said that the proposal is for a modest 130 square foot entry vestibule and covered porch. He said that the existing house is pre-existing nonconforming with a 22 foot front yard setback. He said that the proposed entry vestibule and covered porch will have a 24 foot setback that will not be more nonconforming. He said that the request is for approval of a special permit.

A Board member said that the proposed construction will be an improvement to the house. He confirmed that the trees in front of the house will not be affected. Mr. Collins said that a walkway will be reconfigured slightly.

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 38 College Road, in a 15,000 square foot Single Residence District and a Water Supply Protection District, with a minimum front yard setback of 22.1 feet where 30 feet is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XIV, Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing front entry and construction of a new covered porch and entry vestibule addition with less than required front yard setbacks, on an existing nonconforming structure with less than required front yard setbacks, in a Water Supply

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Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 7/31/19, stamped by Joseph R. Porter, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 7/22/19, and Explanation of Request, prepared by D. Michael Collins Architects, and photographs were submitted.

On September 11, 2019, 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.

The Board found that the Design and Operation Standards in Part F are adequately satisfied and not otherwise prohibited in Part D.1, of Section XIVE of the Zoning Bylaw in a Water Supply Protection Districts.

It is the opinion of this Authority that demolition of an existing front entry and construction of a new covered porch and entry vestibule addition with less than required front yard setbacks, on an existing nonconforming structure with less than required front 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 front entry and construction of a new covered porch and entry vestibule addition with less than required front 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.

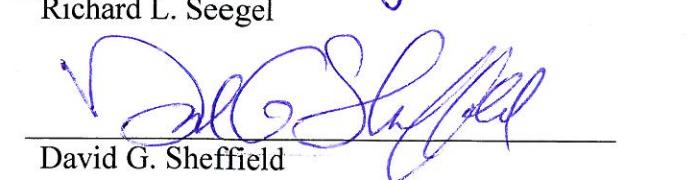
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APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.

  
J. Randolph Becker, Chairman

  
Richard L. Seegel

  
David G. Sheffield

ZBA 2019-76  
Applicant Sami & Stephanie Juma  
Address 38 College Road

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**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:

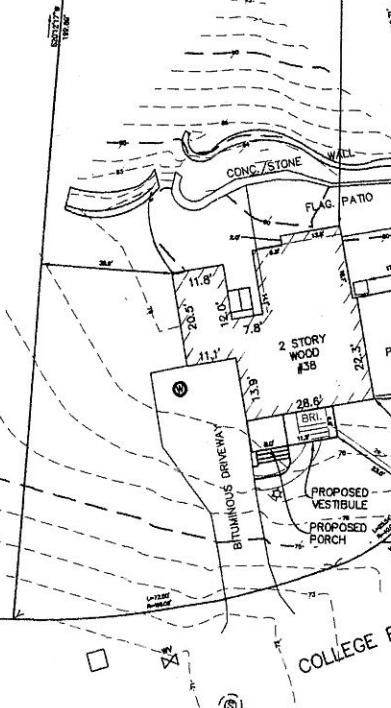
Cathryn Jane Kato  
Town Clerk

cc: Planning Board  
Inspector of Buildings  
lrm

|                                   |            |
|-----------------------------------|------------|
| BUILDING                          | SB15634°E  |
| PROPERTY LINE W/ BEARING DISTANCE | 116.23'    |
| CONTOUR                           | 70         |
| STOCKADE FENCE                    | □          |
| CHAINLINK FENCE                   | ○          |
| PICKET FENCE                      | —          |
| SEWER LINE                        | S          |
| DRAIN LINE                        | D          |
| WATER LINE                        | W          |
| GAS LINE                          | G          |
| TELEPHONE LINE                    | T          |
| ELECTRICAL LINE                   | E          |
| GAS VALVE                         | ☒          |
| WATER VALVE                       | ☒          |
| DRAIN MANHOLE                     | ◎          |
| SEWER MANHOLE                     | ◎          |
| CATCH BASIN                       | □          |
| TELEPHONE MANHOLE                 | ◎          |
| ELECTRICAL MANHOLE                | ◎          |
| UTILITY POLE                      | ◐          |
| LIGHT POLE                        | ★          |
| DECIDUOUS TREE                    | ● DEC. 22" |
| CONIFEROUS TREE                   | ● CON. 12" |

COLLEGE ROAD

LOT AREA:  
15,408±s.f.



COLLEGE ROAD

| HOUSE NO. | SETBACK |
|-----------|---------|
| #32       | 35.8'   |
| #34       | 30.0'   |
| #36       | 27.2'   |
| #40       | 46.2'   |
| #42       | 190.6   |
|           |         |
| AVERAGE   | 65.9'   |

| ZONING CHART             |            |                      |          |
|--------------------------|------------|----------------------|----------|
| WELLESLEY, MASSACHUSETTS |            |                      |          |
| DISTRICT: SF-A-15        |            | SUBMISSION: PROPOSED |          |
| REGULATION               | REQUIRED   | EXISTING             | PROPOSED |
| LOT AREA                 | 15,000s.f. | 15,408±s.f.          | N/C      |
| LOT FRONTAGE             | 60.0'      | 115.4'               | N/C      |
| FRONT SETBACK            | 30.0'*     | 22.1**               | N/C      |
| SIDE SETBACK             | 20.0'      | 20.6'                | N/C      |
| REAR SETBACK             | 10.0'      | 113.3'               | N/C      |
| LOT COVERAGE             | 20% (MAX.) | 7.7%                 | 8.6%     |
| OPEN SPACE               | 65% (MIN.) | 87.1%                | 86.5%    |

\* WHERE ON A FRONTAGE OF 500 FEET INCLUDING THE LOT TO BE AFFECTED, OR ON A FRONTAGE BETWEEN TWO INTERSECTING OR ENTERING STREETS IF SUCH FRONTAGE IS LESS THAN 500 FEET, THE REQUIRED FRONT SETBACK IS 20 FEET.

\*\* EXISTING BUILDINGS (IF THEY ARE NOT LESS THAN THREE IN NUMBER) HAVE FRONT YARDS OF A DEPTH GREATER THAN 30 FEET, THE MINIMUM DEPTH THEREOF SHALL BE THE DEPTH REQUIRED.

\*\*\* DOES NOT MEET REQUIREMENTS

TOPOGRAPHIC SITE PLAN  
WELLESLEY, MASSACHUSETTS  
SHOWING PROPOSED CONDITIONS AT  
#38 COLLEGE ROAD

SCALE: 1in.=20ft. DATE: JULY 31, 2019

PROJECT: 207129



VTP  
ASSOCIATES  
INC.

LAND SURVEYORS - CIVIL ENGINEERS, 132  
ADAMS STREET 2ND FLOOR SUITE 3  
NEWTON, MA 02458  
(617) 332-8271

SHEET 1 OF 1