



## ZONING BOARD OF APPEALS

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

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ZBA 2019-79  
Petition of Yvette Bjork  
38 Whittier Road

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02482  
2019 OCT 24 P 2:15

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 10, 2019 at 7:30 pm in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Yvette Bjork 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 second story addition over an existing nonconforming structure with less than required right side yard setbacks, on an existing nonconforming structure with less than required front and right side yard setbacks, on a 13,988 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District, at 38 Whittier Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On September 17, 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 were Yvette Bjork, the Petitioner, and Michael Hally, Architect.

Ms. Bjork said that she and her family moved to 38 Whittier Road two years ago. She said that they love where they live and they love their house but they need to make some slight modifications. She said that they spoke with the abutting neighbors about potential changes. She submitted letters of approval from the abutting neighbors.

Mr. Hally said that it is a nonconforming lot with a nonconforming structure. He said that the proposal is to build a modest second floor addition over an existing first floor bump out on the house. He said that on the second floor, they would like to add a bath and closet to bedroom #3 where it is close to the lot line. He said that the first floor has a 9.4 feet setback and they will pull the second floor back a bit more than that from the side lot line. He said that they will continue all of the exterior trim and siding details on the existing house.

A Board member said that there is significant screening of large evergreen trees on the property. He said that the neighbor will probably not be aware of the addition, even in the winter. He said that it was good that the second floor addition was set back a bit and not encroaching more than it has to.

The Chairman asked about the air conditioning units. He said that the units appear to be within the setback and he did not see any approvals for them. Ms. Bjork said that the units were existing when they moved into the house.

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 Whittier Road, on a 13,988 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District, with a minimum front yard setback of 26.1 feet where 30 feet is required, and a minimum right side yard setback of 9.4 feet where 20 feet is required.

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 second story addition over an existing nonconforming structure with less than required right side yard setbacks, on an existing nonconforming structure with less than required front and right side yard setbacks, on a 13,988 square foot lot in a Single Residence District in which the minimum lot size is 15,000 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 8/23/19, stamped by John R. Hamel, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 8/12/19, prepared by Michael Hally Design, Inc., and photographs were submitted.

On October 8, 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 for Water Supply Protection Districts.

It is the opinion of this Authority that construction of a second story addition over an existing nonconforming structure with less than required right side yard setbacks, on an existing nonconforming structure with less than required front and right side yard setbacks, on a 13,988 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District will not 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 construction of a second story addition over an existing nonconforming structure with less than required right 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 constructions 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.

ZBA 2019-79  
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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.

  
Robert W. Levy, Acting Chairman

  
Richard L. Seegel

  
Walter B. Adams

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TOWN CLERK'S OFFICE  
WELLESLEY MA 02482  
2019 OCT 24 P 2:45

ZBA 2019-79  
Applicant Yvette Bjork  
Address 38 Whittier 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.

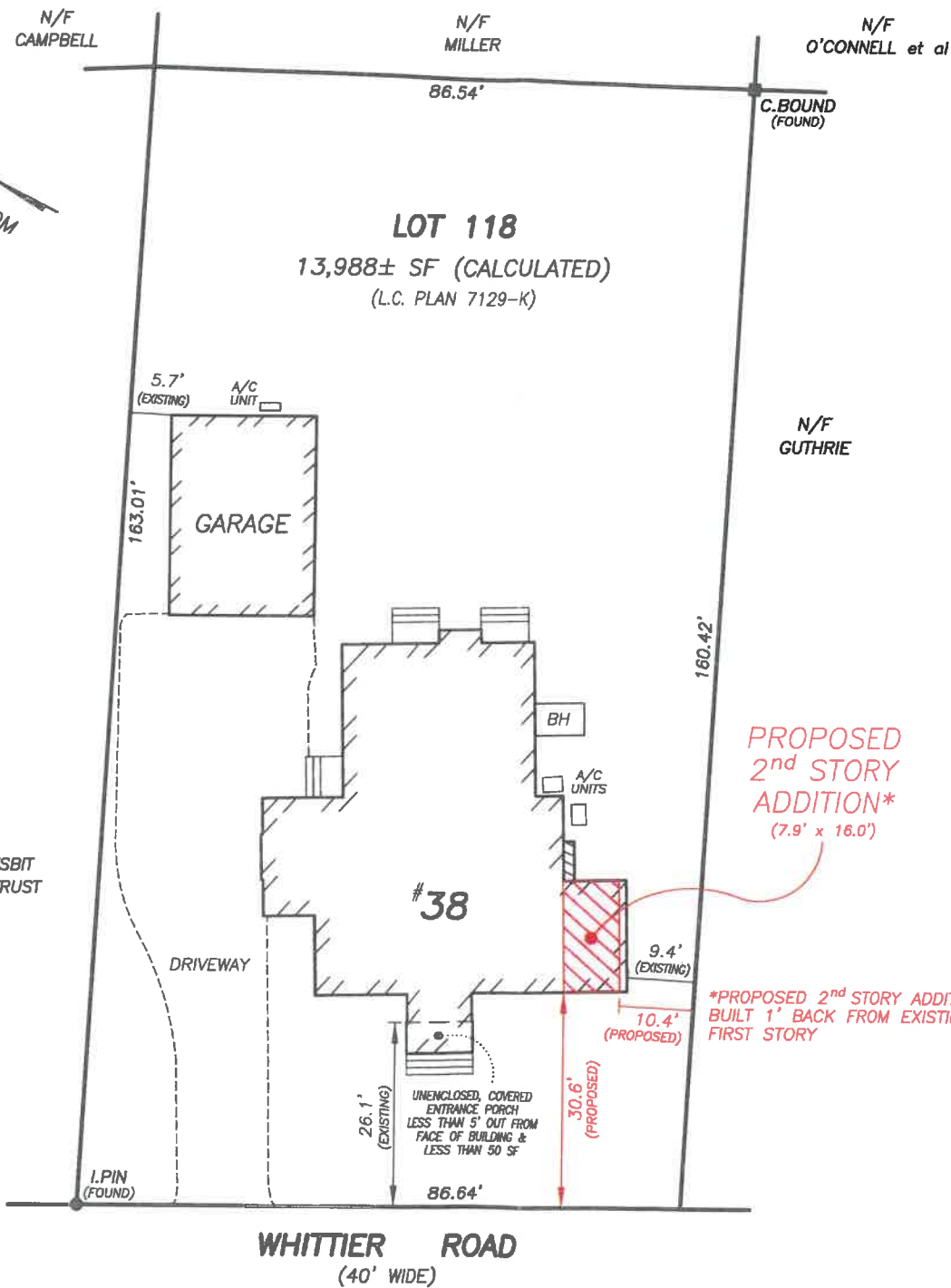
Date:

Attest:

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

cc: Planning Board  
Inspector of Buildings  
lrm

APPROXIMATE NORTH FROM  
PLAN 795 OF 1926



SITE PLAN  
38 WHITTIER ROAD  
**WELLESLEY, MASSACHUSETTS**  
1 INCH = 20 FEET AUGUST 23, 2019  
SNELLING & HAMEL ASSOCIATES, INC.  
PROFESSIONAL LAND SURVEYORS & ENGINEERS  
10 LEWIS STREET P.O. BOX 102  
LINCOLN, MASSACHUSETTS 01773  
(781) 259-0071

OWNERS OF RECORD:  
ANDERS O. BJORK  
&  
YVETTE V. BJORK  
BK.35240 PG.352

1 INCH = 20 FEET  
0 10 20 40 60

- NOTES:
- ZONING DISTRICT: RESIDENCE 15
  - SITE IS WITHIN THE TOWN OF WELLESLEY WATER SUPPLY PROTECTION DISTRICT
  - LOT 118 PERIMETER DIMENSIONS TAKEN FROM LAND COURT PLAN 7129-K
  - EXISTING & PROPOSED LOT COVERAGE = 2,681 SF OR 19.2%

- PLAN REFERENCES:
- PLAN NUMBER 795 OF 1926
  - LAND COURT PLAN 7129-K

I HEREBY STATE THAT THE LOCATION OF THE FEATURES SHOWN HEREON IS THE RESULT OF A FIELD SURVEY PERFORMED AS OF JULY 3, 2019, WITH THE USE OF A TOPCON TOTAL STATION.

John R. Hamel

JOHN R. HAMEL  
PROFESSIONAL  
LAND SURVEYOR



AUGUST 23, 2019  
DATE:

16537.DWG  
AUGUST 23, 2019