

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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

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ZBA 2019-83

Petition of Matthew & Janelle Werger  
18 Aberdeen Road

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 7, 2019 at 7:30 pm in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Matthew & Janelle Werger requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that construction of a deck with less than required right side yard setbacks, on an existing nonconforming structure with less than required right side yard setbacks, on a 7,800 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, at 18 Aberdeen Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On October 11, 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 Matthew and Janelle Werger, the Petitioner. Mr. Werger said that the request is for relief for four inches for an existing deck that was built a few months ago. He said that the lot is nonconforming and the deck is less than four inches into the setback, eight feet less nonconforming than the existing house that was built in 1935.

Mr. Werger said that the deck was built on part of an existing footing. He said that they have pictures that show that the railing was put back in almost the same spot. He said that when the final survey was done, it was discovered that the deck had been moved four to six inches from the original plan.

The Chairman said that the architectural plan has different dimensions than the original plan that was part of the building permit. He asked what changed as part of that process. Mr. Werger said that there was no change in the plan but how it was executed by the builder was changed. Ms. Werger said that there was an existing landing off of the kitchen and the builder worked off of those lines but may not have measured. She said that they were surprised when the final survey was done and it was a couple of inches off.

A Board member said that the request is de minimis.

There was no one present at the public hearing who wished to speak to the petition.

2019 NOV 21 12:34 PM  
TOWN CLERK'S OFFICE  
WELLESLEY, MA 02482

### Statement of Facts

The subject property is located at 18 Aberdeen Road, on a 7,800 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with a minimum right side yard setback of 12.5 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that construction of a deck with less than required right side yard setbacks, on an existing nonconforming structure with less than required right side yard setbacks, on a 7,800 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 6/22/18, stamped by Michael P. Clancy, Professional Land Surveyor, an As Built Plan, dated 6/14/18, revised 8/14/18, Floor Plans and Elevation Drawings, dated 9/17/19, prepared by Janelle Werger, and photographs were submitted.

On November 5, 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.

It is the opinion of this Authority that construction of a deck with less than required right side yard setbacks, on an existing nonconforming structure with less than required right side yard setbacks, on a 7,800 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet 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 deck with less than required right side yard setbacks, on an existing nonconforming structure with less than required right side yard setbacks, on a 7,800 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in accordance with the submitted plot plan and construction drawings.

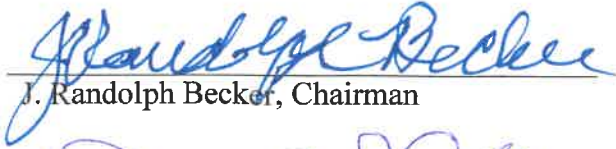
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed constructions plans.


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 2019-83  
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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

  
David G. Sheffield

  
Robert W. Levy

ZBA                    2019-83  
Applicant        Matthew & Janelle Werger  
Address         18 Aberdeen 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

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WELLESLEY MA 02468  
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