

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ZBA 2020-43

Petition of Ann Carter Jameson
9 Wilson Street

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, October 1, 2020 at 7:30 pm, on the petition of Ann Carter Jameson requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that demolition of an existing nonconforming detached garage with less than required side yard setbacks, and construction of a one and two-story addition with an attached two car garage to an existing nonconforming structure with less than required front yard and side yard setbacks, on a corner lot at 9 Wilson Street, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On May 28, 2020, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication. In accordance with Chapter 53 of the Acts of 2020, the hearing was scheduled for October 1, 2020.

Present at the public hearing was David Himmelberger, Esq., representing Phil and Ann Carter Jameson, the Petitioner. Mr. Himmelberger said that the request is to raze a pre-existing nonconforming garage and construct an addition to an existing nonconforming single family residence with less than required front and side yard setbacks on a corner lot with 9.9 feet to the porch and 13.1 feet to the house on the front and side yard setbacks of 11 feet and 17 feet. He said that the existing garage is set back 2.5 from the rear property line. He said that the lot size is conforming but is constrained because it is only 61 feet deep. He said that the proposed new addition will have a slightly improved front setback of 8.2 feet and a rear/side yard setback of 8.9 feet. He said that the new attached garage will have a setback of 19.4 feet. He said that the existing height of 21 feet will increase to 24.5 feet. He said that lot coverage of 1,661 square feet or 13.77 percent will increase to 2,461 square feet, which is less than the permissible 2,500 square feet. He said that TLAG of 2,206 square feet will increase to 3,245 square feet, which is below the threshold for the district. He said that the project was previously deemed to be preferably preserved by the Historical Commission and subsequently a waiver application was submitted. He said that waiver received glowing accolades from the Historical Commission as they felt that the design complemented the existing house while removing the nonconforming detached garage. He asked that the Board find that the proposed structure will not be substantially more detrimental to the neighborhood than the existing nonconformities.

A Board member said that attaching the garage to the house does not create a new nonconformity. He asked that a door from the garage at the back right corner to get outside and onto the steps leading into the mudroom be considered. The Chairman said that the minutes will reflect the conversation regarding the possible change without requiring further action from the Board.

There was no member of the public who wished to speak to the petition.

Statement of Facts

The subject property is located on a corner lot at 9 Wilson Street, in a 10,000 square foot Single Residence District, with a minimum front yard setback of 13.1 feet to Wilson Street where 30 feet is required and minimum side yard setbacks of 11 feet and 17 feet where 20 feet is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that demolition of an existing nonconforming detached garage with less than required side yard setbacks, and construction of a one and two-story addition with an attached two car garage to 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.

An Existing Conditions Plan and a Proposed Addition Location Plan, dated 5/22/20, stamped by Verne T. Porter, Jr., Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings and Existing Landscape Plan, dated 5/22/20, prepared by D. Michael Collins Architects, and photographs were submitted.

On September 23, 2020, 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 demolition of an existing nonconforming detached garage with less than required rear yard setbacks, and construction of a one and two-story addition with an attached two car garage to an existing nonconforming structure with less than required front yard and side yard setbacks on a corner lot 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 demolition of an existing nonconforming detached garage with less than required rear yard setbacks, and construction of a one and two-story addition with an attached two car garage to an existing nonconforming structure with less than required front yard and side yard setbacks on a corner lot, 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.

ZBA 2020-43
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9 Wilson 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.

Robert W. Levy (l.m.)
Robert W. Levy, Acting Chairman

David G. Sheffield (l.m.)
David G. Sheffield

Derek B. Redgate (l.m.)
Derek B. Redgate

ZBA 2020-43
Applicant Ann Carter Jameson
Address 9 Wilson Street

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

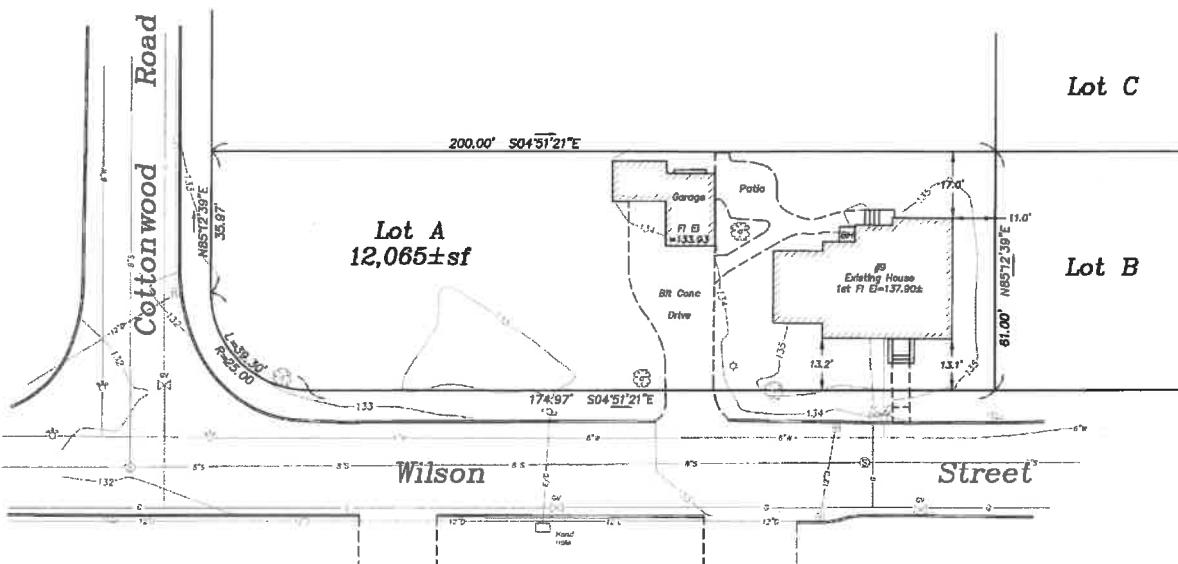
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed,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

Date:

Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm



Existing utilities shown are from field
locations and available plans of record and
may or may not be correct. Field verify all
locations prior to any excavation.

9 Wilson Street	
Wellesley, Massachusetts	
Existing Conditions Plan	
Scale: 1"=20'	January 20, 2020
VERNE T. PORTER Jr., PLS	
Land Surveyors - Civil Engineers	
354 Elliot Street Newton, Massachusetts 02464	
Project 20002	
0 20 40 60 80	Checked By: V. Porter Jr.
Sheet 1 of 1	
Drawn By: R. Jardine Jr.	



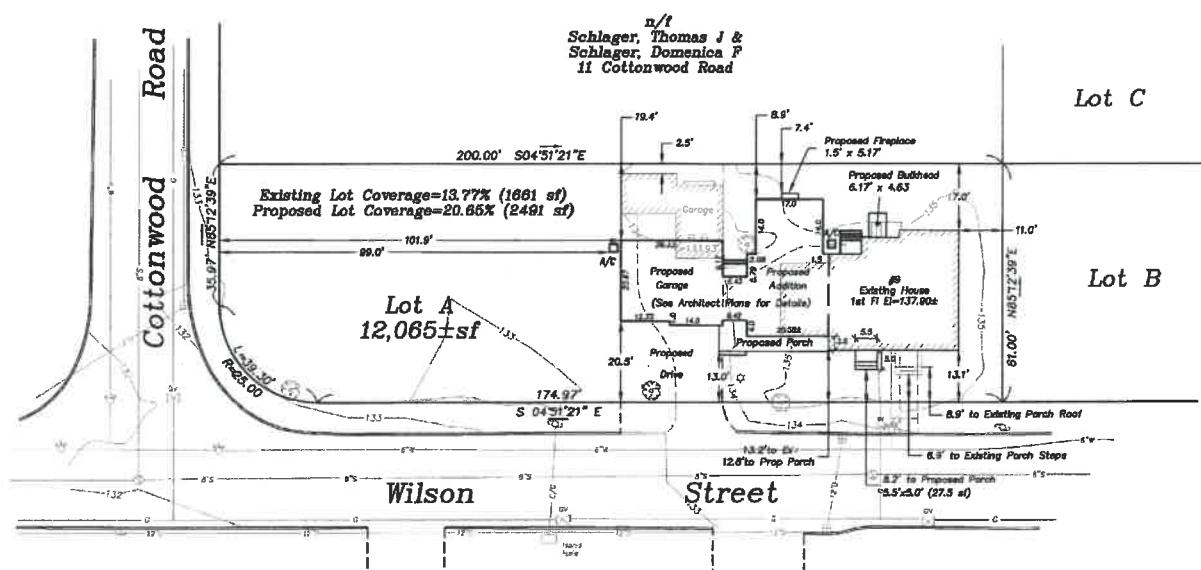
Existing Conditions Plan

Jameson / Carter Residence

9 Wilson Street Wellesley, MA

May 22, 2020

D. MICHAEL
COLLINS
ARCHITECTS



Existing utilities shown are from field locations and available plans of record and may or may not be correct. Field verify all locations prior to any excavation.



<p style="text-align: center;">9 Wilson Street Wellesley, Massachusetts Proposed Addition Location</p> <p style="text-align: center;">Scale: 1"=20' April 15, 2020</p> <p style="text-align: center;">VERNE T. PORTER Jr., PLS Land Surveyors - Civil Engineers 354 Elliot Street Newton, Massachusetts 02464</p>	
 0 20 40 60 80 100	<p>Project: 20002</p> <p>Checked By: V. Porter Jr.</p> <p>Drawn By: R. Jardine Jr.</p>
Sheet <u>1</u> of <u>1</u>	

Proposed Addition Location

Jameson / Carter Residence

9 Wilson Street Wellesley, MA May 22, 2020

D. MICHAEL
COLLINS
ARCHITECTS