

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5918

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WELLESLEY MA 02482

ZBA 2020-51

Petition of Peter Dalrymple  
19 Cushing Road

NOV 12 P 1:56

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, October 29, 2020 at 7:30 pm, on the petition of Peter Dalrymple requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that addition of a bay window with a balcony above on an existing nonconforming structure and demolition and reconstruction of a second story addition over an existing nonconforming structure with less than required front yard and right side yard setbacks, on a 10,000 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, at 19 Cushing Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 8, 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 29, 2020.

Present at the public hearing were David Himmelberger, Esq., and J.B. Clancy, Architect, representing Peter Dalrymple, the Petitioner.

Mr. Himmelberger said that the request is for a special permit for the reconstruction and remodeling of an existing addition on a nonconforming home. He said that the request for the special permit would allow for the razing and reconstruction of the existing right side addition. He said that it is unclear whether the original home had a sunroom on its right side or if it was added at some later time. He said that it sits on piers and does not have a basement or a frost wall. He said that at some time, a second story was added above the sunroom. He said that the right side wing has a right side yard setback of 19.3 feet and a front yard setback of 29.5 feet. He said that the main house structure is closer at 26.8 feet with a front porch at 21.5 feet.

Mr. Himmelberger said that this project grew out of his client's exploring the addition of a bay window bump out to the right side of the sunroom. He said that, as it was only to extend two feet, no special permit was required. He said that as they explored the bump out, it became clear to his client that it would be better to rebuild the entire first floor sunroom on the existing footprint on a frost wall. He said that it seemed apparent that the second story would benefit from reconstruction as well. He said that the second story is currently a rectangular box with a flat roof and balcony. He said that the photographs that were submitted show that the second floor addition does not blend with or compliment the home's Dutch Gambrel rooflines and appears to be out of context. He said that the proposed construction will be a similar Dutch Gambrel style as the rest of the house. He said that there will be a slight increase of 33 square feet to the second floor and 29 square feet in the bay bump out. He said that there will be no

increase in lot coverage. He said that the proposed work is not substantially more detrimental to the neighborhood than the pre-existing nonconformities and requested favorable action on granting a special permit.

The Chairman said that the nonconformities are lot area, front yard depth, and front yard width, none of which change with the proposed construction.

Vikas Kapoor, 9 Greenwood Road, said that he fully supports this addition. He said that initially there was a plan to convert the storage shed. He asked if that plan is still on the books. He said that the storage shed is approximately 2.5 to three feet from his lot. Mr. Himmelberger said that there is no plan to do that. He asked if the house that Mr. Kapoor was referring to is the project at 20 Cushing Road, which was a matter that he previously presented to the Board. He said that this project is on the opposite side of the street from 20 Cushing Road where Mr. Kapoor is a direct abutter.

Mr. Himmelberger said that there is a garage at 19 Cushing Road that was the subject of a prior special permit a couple of years ago. The Chairman said that the only thing that is in the current application is changes to the existing dwelling at 19 Cushing Road. He said that there is no shed or garage work in this proposal.

#### Statement of Facts

The subject property is located at 19 Cushing Road, on a 10,000 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, with a minimum front yard setback of 21.5 feet where 30 feet is required, and a minimum right side yard setback of 18.5 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 addition of a bay window with a balcony above on an existing nonconforming structure and demolition and reconstruction of a second story addition over an existing nonconforming structure with less than required front yard and right side yard setbacks, on a 10,000 square foot 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.

Letter to Zoning Board of Appeals, dated 7/15/20, from David J. Himmelberger, Esq., a Plot Plan, dated 7/15/20, stamped by John R. Hamel, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 7/9/20, prepared by ART Architects, and photographs were submitted.

On October 28, 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.

It is the opinion of this Authority that addition of a bay window with a balcony above on an existing nonconforming structure and demolition and reconstruction of a second story addition over an existing

nonconforming structure with less than required front yard and right side yard setbacks, on a 10,000 square foot lot in a Single Residence District in which the minimum lot size is 20,000 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 that addition of a bay window with a balcony above on an existing nonconforming structure and demolition and reconstruction of a second story addition over an existing nonconforming structure with less than required front yard and right side yard setbacks, on a 10,000 square foot lot in a Single Residence District in which the minimum lot size is 20,000 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 construction plans.

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

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Petition of Peter Dalrymple  
19 Cushing Road

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* lrm  
J. Randolph Becker, Chairman

*Walter B. Adams* lrm  
Walter B. Adams

*Richard L. Seigel* lrm  
Richard L. Seigel

ZBA 2020-51  
Applicant Peter Dalrymple  
Address 19 Cushing 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

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TOWN CLERK'S OFFICE  
WELLESLEY MA 02482

2020 NOV 12 PM 1:56

cc: Planning Board  
Inspector of Buildings  
lrm

PERMIT PLAN FOR BAY WINDOW

19 CUSHING ROAD

WELLESLEY, MASSACHUSETTS

1 INCH = 30 FEET JULY 15, 2020

SNELLING & HAMEL ASSOCIATES, INC.

PROFESSIONAL LAND SURVEYORS & ENGINEERS

10 LEWIS STREET P.O. BOX 102

LINCOLN, MASSACHUSETTS 01773

(781) 259-0071

1 INCH = 30 FEET

0 15 30 60 90

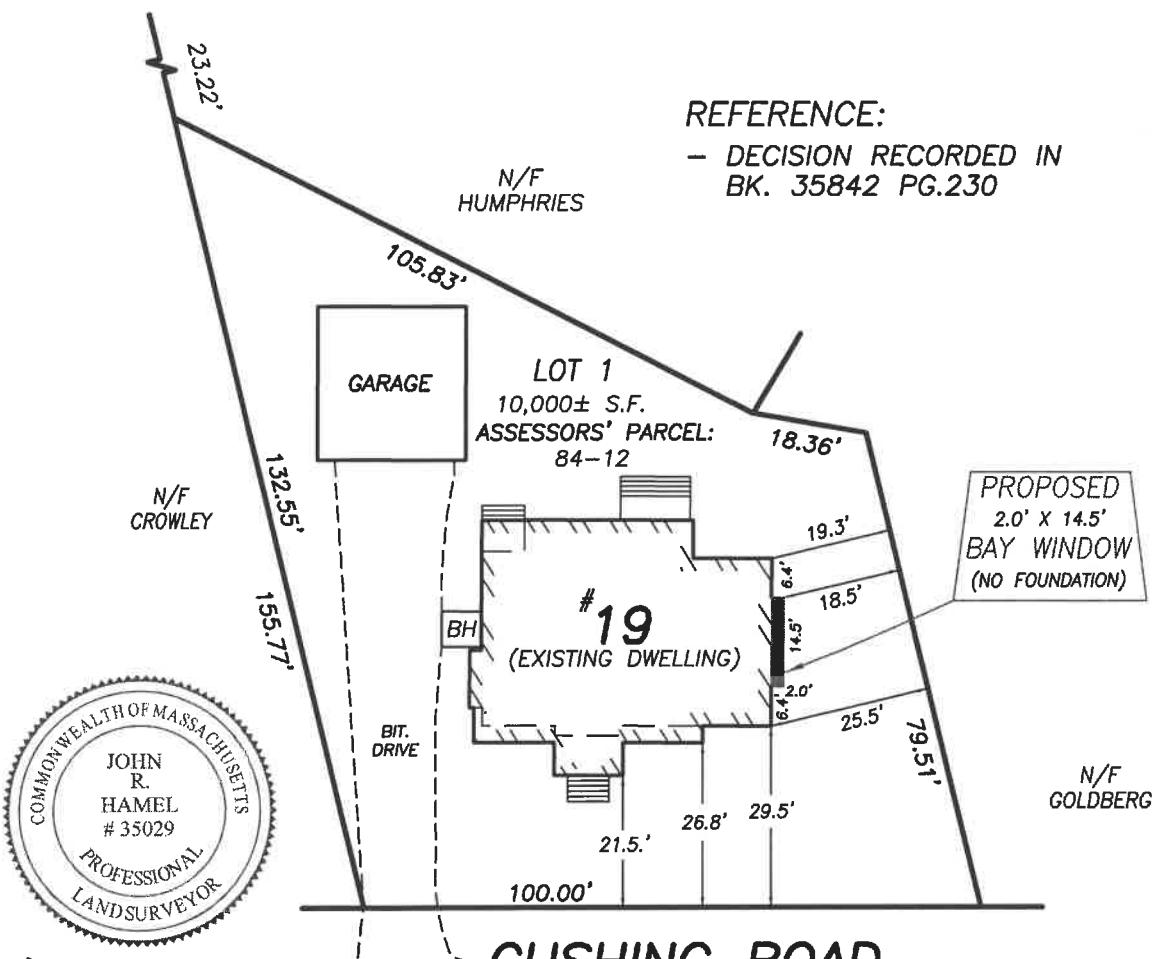
OWNERS OF RECORD:

PETER DALRYMPLE

&

NICOLE DALRYMPLE

BK.31916 PG.372



*John R. Hamel*  
JULY 15, 2020

- EXISTING LOT COVERAGE = 2,366 SF = 23.66%  
- PROPOSED LOT COVERAGE = 2,366 SF = 23.66% (NO PROPOSED CHANGE)

15945.DWG  
JULY 15, 2020