

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 2020-55  
Petition of Elizabeth O'Connor  
33 Damien Road

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 Elizabeth O'Connor requesting a Special Permit/Finding pursuant to the provisions of Section 14 E, Section 17 and Section 25 of the Zoning Bylaw that construction of a one-story addition with less than required left side yard setbacks, on an existing nonconforming structure with less than required left and right side yard setbacks, on a 14,250 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 33 Damien Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 30, 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 Matt O'Connor, representing Elizabeth O'Connor, the Petitioner. Mr. Himmelberger said that the request is for a special permit for the addition of a one room, one story addition to the existing nonconforming home. He said that the house is on a nonconforming lot of 14,250 square feet in a 15,000 square foot Single Residence District. He said that the property previously received a special permit for the addition of a rear garage. He said that the house was originally constructed before the enactment of side yard setbacks. He said that it has a right side yard setback of 11.5 feet and a left side yard setback of 16.8 feet. He said that this request will allow the addition of a one story, single room addition to the back of the existing left side wing of the house, with an improved setback of 17.1 feet. He said that this is an outgrowth of the Covid pandemic and working from home. He said that the owner wanted a very small room addition that will not be substantially more detrimental to the neighborhood than the pre-existing nonconformity. He said that it extends the house backwards, stepped in a little bit, with no living or storage space above it. He said that the roof comes into the existing house.

A Board member said that the Board usually needs to see plans of the whole building to get a full sense of it. He said that the nature of this project is small, is single story and elevation drawings were submitted.

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

### Statement of Facts

The subject property is located at 33 Damien Road, on a 14,250 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 left side yard setback of 16.8 feet and a minimum right side yard setback of 11.6 feet where 20 feet is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 14E, Section 17 and Section 25 of the Zoning Bylaw that construction of a one-story addition with less than required left side yard setbacks, on an existing nonconforming structure with less than required left and right side yard setbacks, on a 14,250 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.

Letter to Zoning Board of Appeals, dated 7/30/20, from David J. Himmelberger, Esq., a Plot Plan, dated 7/30/20, stamped by Terrence M. Ryan, Professional Land Surveyor, Existing Conditions, dated 7/29/20, Floor Plans and Elevation Drawings, dated 7/30/20, prepared by PMW Design, 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.

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 14 E of the Zoning Bylaw for Water Supply Protection Districts.

It is the opinion of this Authority that construction of a one-story addition with less than required left side yard setbacks, on an existing nonconforming structure with less than required left and right side yard setbacks, on a 14,250 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet 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 construction of a one-story addition with less than required left side yard setbacks, on an existing nonconforming structure with less than required left and right side yard setbacks, on a 14,250 square foot lot in a Single Residence District in which the minimum lot size is 15,000 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.

2020 NOV 12 PM 1:17  
RECEIVED  
JOHN GIER'S OFFICE  
WELLESLEY, MA 02481

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 2020-55  
Applicant Elizabeth O'Connor  
Address 33 Damien Road

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

1 2020 NOV 12 P 1:51  
RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02482

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

PROPOSED PLOT PLAN  
33 DAMIEN ROAD  
WELLESLEY, MASS.

**DATE: JULY 30, 2020**

**SCALE: 1° = 20'**

**PREPARED FOR:**

MATTHEW & ELIZABETH O'CONNOR  
33 DAMIEN ROAD  
WELLESLEY, MASS. 02481

### **ENGINEERS & SURVEYORS:**

APPLEWOOD SURVEY CO. LLC  
21 GREEN STREET  
HOLLISTON, MASS. 01746  
TERRENCE M. RYAN R.L.S. 37057

**ZONED: SINGLE RES.  
AREA: 15,000 SF  
FRONTAGE: 60 FT  
SETBACK: 30 FT\*  
SIDEYARD: 20 FT  
REARYARD: 15 FT  
COVERAGE: 2,850 SF**

\* SUBJECT TO 500' RULE

L.C. CERT. 188342  
ASSESSORS MAP 28 LOT 3  
EXISTING COVERAGE: 2,341 SF - 16.4%  
PROPOSED COVERAGE: 2,444 SF - 17.2%



I CERTIFY THAT THE LOT SHOWN AND EXISTING HOUSE SHOWN THEREON  
PREDATE THE DIMENSIONAL AND DIMENSIONAL OFFSET REGULATIONS OF THE  
WELLESLEY ZONING BYLAWS.

I CERTIFY THAT THE LOT SHOWN AND EXISTING HOUSE SHOWN THEREON ARE LOCATED IN A FEDERAL FLOOD HAZARD ZONE "X" - SUBJECT TO MINIMAL FLOODING (SOURCE: F.I.R.M. 25021C0008E).