

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ZBA 2020-57
Petition of Lorrin Tuxbury
15 Thackeray 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 Lorrin Tuxbury requesting a Special Permit/Finding pursuant to the provisions of Section 14 E, Section 17 and Section 25 of the Zoning Bylaw that demolition of existing one and two-story additions and construction of a one-story addition with less than required right side yard setbacks and construction of a two-story addition that will meet setback requirements, on a 14,589 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 15 Thackeray Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On August 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 was Leah McGavern, Architect, representing Lorrin Tuxbury, the Petitioner. Ms. McGavern said that the request is for a special permit to build an addition to the rear of the house. She said that the left and right side yard setbacks and the lot size are nonconforming. She said that the proposed construction will extend the existing nonconformity on one side where the existing setback is 11.4 feet and they are proposing a setback of 16.4 feet. She said that on the other side where the setback is 17 feet, they are proposing to hold the setback to 28 feet. She said that the proposed construction will clean up a series of messy 1990's additions in the back that will be removed and reconstructed to be a little bit bigger with some second story addition.

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

Statement of Facts

The subject property is located at 15 Thackeray Road, on a 14,589 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 17 feet and a minimum right side yard setback of 11.4 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 demolition of existing one and two-story additions and construction of a one-story addition with less than required right side yard setbacks and construction of a two-story addition that will meet setback requirements, on a 14,589 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 8/3/20, stamped by Bruce Bradford, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 8/4/20, prepared by McGavern 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 demolition of existing one and two-story additions and construction of a one-story addition with less than required right side yard setbacks and construction of a two-story addition that will meet setback requirements, on a 14,589 square foot lot in a Single Residence District in which the minimum lot size is 15,000 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 demolition of existing one and two-story additions and construction of a one-story addition with less than required right side yard setbacks and construction of a two-story addition that will meet setback requirements, on a 14,589 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.

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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 lrm
J. Randolph Becker, Chairman

Walter B. Adams lrm
Walter B. Adams

Richard L. Seegel lrm
Richard L. Seegel

ZBA 2020-57
Applicant Lorin Tuxbury
Address 15 Thackeray Road

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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

