

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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

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2021 JAN 21 A 11:05

ZBA 2021-06  
Petition of Geoffrey Watts  
21 Aberdeen Road

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, January 7, 2021 at 7:30 pm, on the petition of Geoffrey Watts requesting a Special Permit/Finding pursuant to the provisions of Section 14B, Section 17 and Section 25 of the Zoning Bylaw that construction of a deck with less than required rear yard setbacks, on an existing nonconforming structure with less than required rear yard and right side yard setbacks, on a 6,735 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Flood Plain or Watershed Protection District, at 21 Aberdeen Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On December 9, 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.

Present at the public hearing was David Himmelberger, Esq., representing Geoffrey Watts, the Petitioner. Mr. Himmelberger said that the request is for a special permit to enlarge an existing nonconforming deck on a nonconforming house with less than required rear and side yard setbacks, on a 6,735 square foot lot in a 10,000 square foot Single Residence District. He said that the increase in deck size is 132 square feet. He said that the property abuts Fuller Brook Park. He said that the Wetlands Protection Committee (WPC) issued a Negative Determination of Applicability. He said that this is a triangular shaped lot with its closest rear yard setback at 3.3 feet at the back left corner of the house. He said that the setback will be better than 4.7 feet to the corner of the deck. He requested that the Board make a finding that the proposed structure will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Board member said that the driveway goes significantly onto town land. He asked if there is a way to correct that. Mr. Himmelberger said that the preference is to keep it as a turnaround area for cars. He said that the WPC had no issues with it. The Board member said that he did not object to keeping it as is.

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

### Statement of Facts

The subject property is located at 21 Aberdeen Road, on a 6,735 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Flood Plain or Watershed Protection District, with a minimum rear yard setback of 3.3 feet where 10 feet is required, and a minimum right side yard setback of 8.7 feet where 20 feet is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 14B, Section 17 and Section 25 of the Zoning Bylaw that construction of a deck with less than required rear yard setbacks, on an existing nonconforming structure with less than required rear yard and right side yard setbacks, on a 6,735 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Flood Plain or Watershed Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Letter to Zoning Board of Appeals, dated 12/2/20, from David J. Himmelberger, Esq., a Plot Plan, dated 9/17/20, stamped by Christopher C. Charlton, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 6/18/20, prepared by Wheelock Associates Architects, and photographs were submitted.

On August 20, 2020, the Wetlands Protection Committee issued a Negative Determination of Applicability.

On January 6, 2021, the Planning Board reviewed the petition and recommended that a special permit be approved.

On January 7, 2021, Jason Tobin, Civil Engineer, Town of Wellesley, submitted comments.

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 construction of a deck with less than required rear yard setbacks, on an existing nonconforming structure with less than required rear yard and right side yard setbacks, on a 6,735 square foot lot in a Single Residence District in which the minimum lot size is 10,000 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 deck with less than required rear yard setbacks, on an existing nonconforming structure with less than required rear yard and right side yard setbacks, on a 6,735 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 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.

2021 JAN 21 AM 11:20  
WELLESLEY  
CITY OF  
MASSACHUSETTS  
ZONING BOARD OF APPEALS

ZBA 2021-06  
Petition of Geoffrey Watts  
21 Aberdeen 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 (l.m.)*  
J. Randolph Becker, Chairman

*Walter B. Adams (l.m.)*  
Walter B. Adams

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

ZBA 2021-06  
Applicant Geoffrey Watts  
Address 21 Aberdeen Road

2021 JAN 21 A II: 22  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02481

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

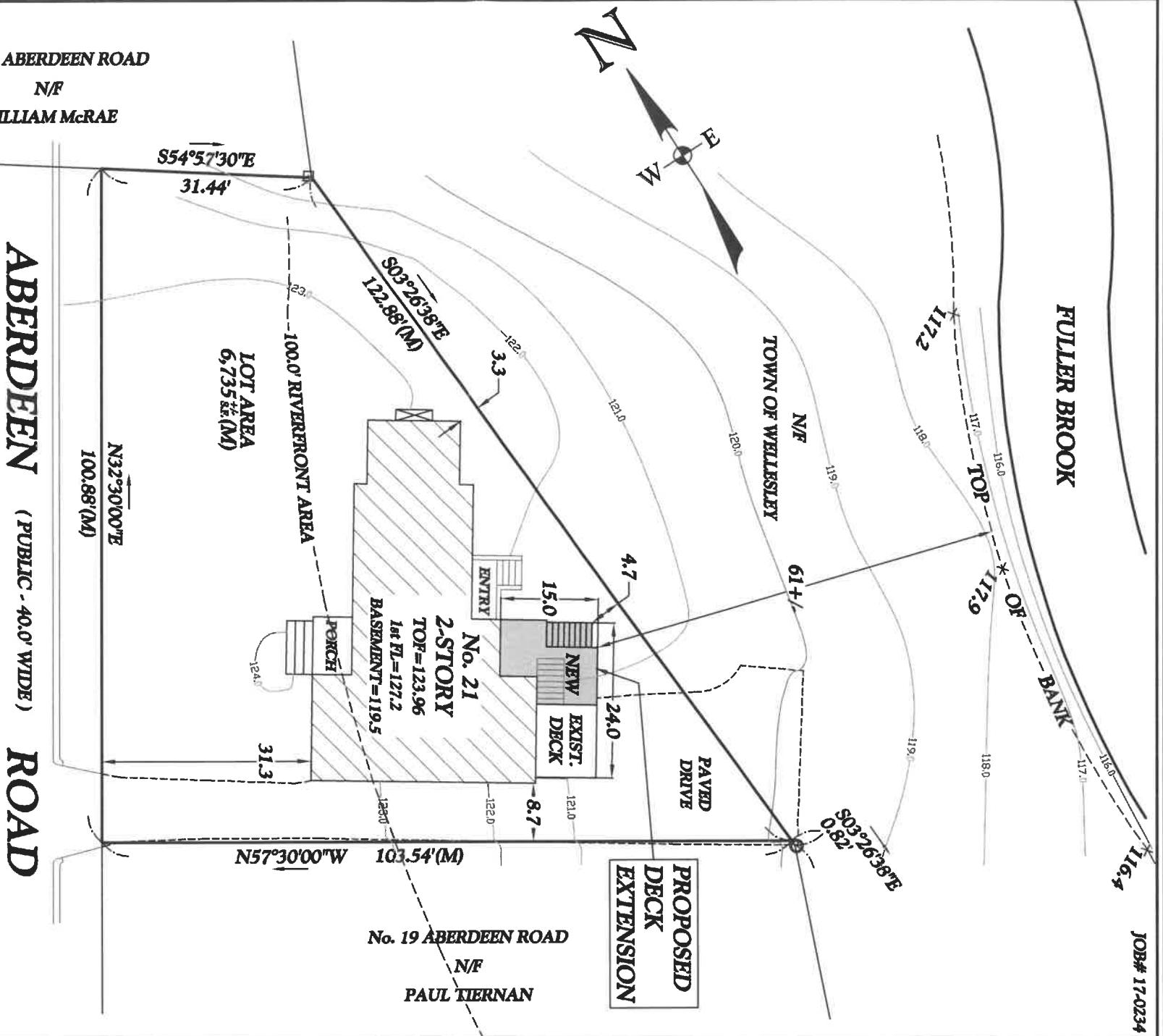
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed,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

Date:

Attest:

Cathryn Jane Kato  
Town Clerk

cc: Planning Board  
Inspector of Buildings  
lrm



PRE-EXISTING LOT COVERAGE s.f. 1,386  
PRE-EXISTING LOT COVERAGE # 20.6

PROPOSED LOT COVERAGE s.f. 1,518  
PROPOSED LOT COVERAGE # 22.5

**Datum: NAVD 88**

**PREPARED FOR:**  
GEOFFREY WATTS & AMY MORAN  
21 ABERDEEN ROAD  
WELLESLEY, MA 02482

**REFERENCES:**  
DEED: BOOK 33913, PAGE 355  
PLAN: BOOK 1812, PAGE 43

I CERTIFY THAT THIS PLAN  
WAS CREATED BY AN  
INSTRUMENT SURVEY ON THE  
GROUND AND THAT ALL  
STRUCTURES ARE LOCATED  
AS SHOWN HEREON.

CHRISTOPHER C. CHARLTON, PLS  
20 10 0 20 40

