

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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2021 APR 15 P 143
ZONING BOARD OF APPEALS
TOWN OF WELLESLEY, MASSACHUSETTS

ZBA 2021-27

Petition of Matthew & Virginia Bowditch
4 Damien Road

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, April 1, 2021 at 7:30 pm, on the petition of Matthew & Virginia Bowditch 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 mudroom addition to replace existing deck space and construction of a second story addition over an existing garage that will meet setback requirements, and construction of a second story addition over an existing structure with less than required side yard setbacks, on a corner lot in a 10,000 square foot Single Residence District, at 4 Damien Road, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On February 19, 2021, 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 were Matt and Ginny Bowditch, the Petitioner. Mr. Bowditch said that the request is for a special permit for a nonconforming structure on a conforming lot. He said that the proposed construction will stay within the existing footprint. He said that one area of the construction will be nonconforming at the back right quadrant of the house where the existing setback is 17.3 feet. He said that construction involves an addition under a small portion of the existing porch, extension to the office on the second floor over the existing garage, and construction of a second floor addition over the existing kitchen.

Ms. Bowditch said that the property is located in a Water Supply Protection District. She said that no new impervious surfaces will be added. She said that new gutters will address drainage more effectively. She said that they reached out to the neighbors. She said that the Board received emailed letters from neighbors at 5 Damien, 6 Damien and 183 Walnut Street, who are across the street and on either side of the house. She said that she subsequently heard from the people who live in the Firehouse Condominium that is behind them at 182 Walnut Street, as well as the people across the street at 192 Walnut Street and 8 Damien Road. She said that they also spoke with a neighbor on Hunting Road. She said that they did not encounter any issues.

Ms. Bowditch said that the design is in keeping with the original part of the home that was built in 1920. She said that the addition was built in 1984. She said that there was a prior decision from 1987 to extend the porch. She said that there was a variance in the 1950's that related to a nursing home use.

Ms. Bowditch said that the plan is modest in scope, will make the house look nicer and will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

The Chairman said that it is a corner lot with two front and two side yard setbacks. He said that the front yard and right side yard from Damien Road are nonconforming, and the left side and the front yard from Walnut Street are compliant but the right side yard is not.

A Board member said that the massing of the house will be improved on the Walnut Street corner with the modest extension of the second floor that tends to anchor the elevation. He said that it is a good solution.

A Board member asked about drainage structures on the property. Ms. Bowditch said that one downspout at the patio seems to go to a drywell. She said that one of the downspouts flows onto the patio where there is sand and gravel, and the others go down the driveway or onto grass.

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

Statement of Facts

The subject property is located at 4 Damien Road, on a corner lot in a 10,000 square foot Single Residence District, in a Water Supply Protection District, with a minimum front yard setback of 19.5 feet to Damien Road where 30 feet is required, and a minimum side yard setback of 17.3 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 mudroom addition to replace existing deck space and construction of a second story addition over an existing garage that will meet setback requirements, and construction of a second story addition over an existing structure with less than required side yard setbacks, on a corner lot in a 10,000 square foot Single Residence District, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 2/2/21, stamped by Richard C. Nelson, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 2/12/21, prepared by Pegasus Design to Build, and photographs were submitted.

On March 30, 2021, 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 14E of the Zoning Bylaw for Water Supply Protection Districts.

It is the opinion of this Authority that construction of a one-story mudroom addition to replace existing deck space and construction of a second story addition over an existing garage that will meet setback

requirements, and construction of a second story addition over an existing structure with less than required side yard setbacks, 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 construction of a one-story mudroom addition to replace existing deck space and construction of a second story addition over an existing garage that will meet setback requirements, and construction of a second story addition over an existing structure with less than required side yard setbacks, 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 APR 15 P 1143

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4 Damien 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

Robert W. Levy (lrm.)
Robert W. Levy

David G. Sheffield (lrm.)
David G. Sheffield

2021 APR 15 PM 1:44
Wellesley Town Clerk
Massachusetts

ZBA 2021-27
Applicant Matthew & Virginia Bowditch
Address 4 Damien Road

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

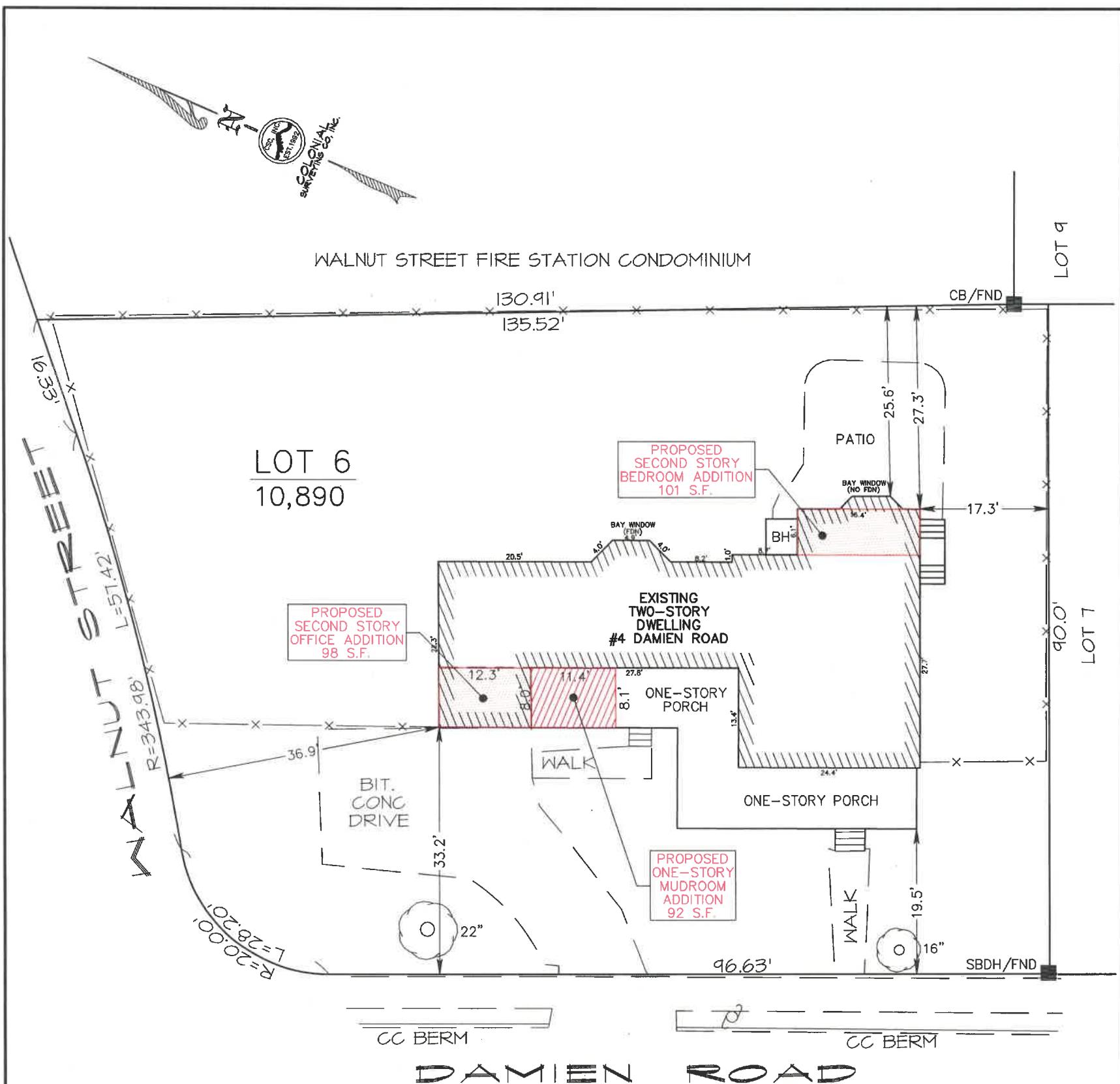
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed,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

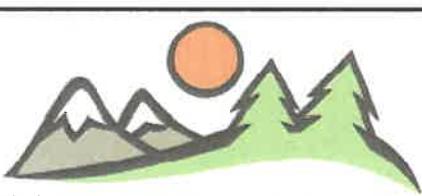
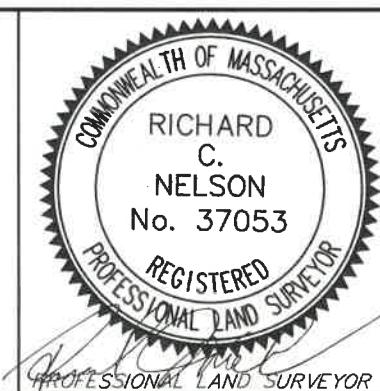
Date:

Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm



 <p>COLONIAL SURVEYING CO. 28 WOODLAND WAY STOW, MASS 01775 (978) 897-1700</p>	 <p>COMMONWEALTH OF MASSACHUSETTS RICHARD C. NELSON No. 37053 REGISTERED PROFESSIONAL LAND SURVEYOR PROFESSIONAL LAND SURVEYOR</p>	<p>CERTIFIED PLOT PLAN OF LAND IN WELLESLEY, MA</p> <p>OWNER: MATTHEW S. BOWDITCH AND VIRGINIA S. BOWDITCH #4 DAMIEN ROAD, WELLESLEY, MA</p> <p>DATE: Feb 2, 2021 SCALE: 1" = 20'</p>
DEED: BK 28927 PG 54	PLAN: PB 84 PLAN 4086	