

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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ZBA 2021-28

Petition of 22 Wilson Street LLC
22 Wilson Street

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 22 Wilson Street LLC requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that construction of a second story addition over an existing nonconforming structure with less than required left side yard setbacks, construction of a deck with less than required rear yard setbacks, and construction of a second story addition and bays with less than required front and rear yard setbacks, on an existing nonconforming structure with less than required front, left side and rear yard setbacks, on a 4,833.5 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, at 22 Wilson Street, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On February 22, 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.

WITHDRAWN WITHOUT PREJUDICE

Present at the public hearing were Marc Charney, 22 Wilson Street LLC, Paul Worthington, Architect, and Lisl Charney.

Mr. Worthington said that the request is to add a modest 419 square foot addition to the house for Mr. Charney's mother. He said that by expanding the upstairs over the footprint, they will create enough space for bedrooms to accommodate grandkids, etc. without much impact to the site. He said that they will only place one post beyond the footprint, a few bays and a bedroom where the existing garage is for Mr. Charney's mother. He said that they will rebuild the roof to reorient it better for solar panels to face south.

Ms. Charney said that she has four children. She said that she is 83 years old and has increasing mobility issues. She said that Mr. Charney bought the house so that she could have a first floor bedroom in a home that is closer to Mr. Charney's family. She said that the upstairs bedrooms will be for her other children and grandchildren to use when they visit. She said that the bedroom in the basement will accommodate live in help, if needed. She said that the Senior Center and shopping are close by and she will be able to have a garden. She said that there is talk that the townhouse where she currently lives in Brookline may be torn down to make way for a new high rise building.

A Board member said that he could not think of another five bedroom house in the neighborhood on a 5,000 square foot lot.

The Chairman said that the proposed house looks very different from other houses in neighborhood. He said that it is located at a strategic intersection where the Fuller Brook Path is behind the house and you cannot come down Wilson or Twitchell Streets without looking right at the house. Mr. Charney said that 6 and 20 Wilson Street are being rebuilt and 9 Wilson Street is getting a full renovation. He said that currently there is a lot of activity on Wilson Street. The Chairman said that none of those houses are located on 4,800 square foot lots.

Mr. Charney said that there is green space on the south side and the Brook Path is behind. He said that the open space around the house lends to an uncrowded feeling. He said that the existing 1,100 square foot house has two bedrooms. He said that the challenge was to put the needs of his mother on the first level by converting the garage into a bedroom and adding another bedroom on the second floor to provide space for visiting family to stay.

Mr. Worthington said that because they reoriented the roof for solar, there will be a gable facing the street. He said that the appearance from the street will be a little greater but the overall mass will not be increased that much. He said that the south elevation will be increased because of the solar panels.

A Board member said that it appears to be an orphan lot, stuck into Fuller Brook Path and the only house on that side of the street. He discussed Section 19C of the Zoning Bylaw regarding the setback from public land. He questioned whether the Board could grant relief for that without a variance. Mr. Charney said that the previous owner came before the Board in the early 1990's to expand the garage by 10 feet under a special permit.

The Chairman discussed concerns about the south elevation and making a determination that it would not be detrimental to the neighborhood. He said that although the neighborhood is changing, it does not mean that it is a good thing. He said that there could be some changes made to the plans to make it workable but the currently proposed house does not fit. He said that there is too much proposed on too small a lot.

Mr. Charney said that a huge stand of pine trees blocks the rear of the house from the Brook Path. He said that he spoke with all of the neighbors on Twitchell and Wilson Streets and showed them the plans. He said that everyone was supportive. He said that it is a small lot. He said that in 1901 a huge section of land behind the house was deeded to the town as part of the Brook Path.

Ann Jameson, 9 Wilson Street, said that she will be living across the street in the house that she grew up in. She said that she did not see the plans. She said that she tried hard to make revisions to her house to stay true to the original structure in terms of height and other things. She said that she agreed with some of the Board members' comments and concerns about the blockiness of the property. She said that she was sympathetic to Mr. Charney trying to create a place for his mother to age in place close by but it seems like a lot of house for an older woman and for that lot. She said that she hoped that they can design something appropriate that is not five bedrooms on 4,000 square foot lot.

Mr. Charney said that a challenge is adding a first floor bedroom. He said that they want to add a bedroom in the basement for a health care worker and add 400 square feet to the second floor for a third bedroom on that level. He said that it was difficult to get the plans to Ms. Jameson because she is not yet living in the house.

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The Chairman said that not every lot or house can be accommodated with a special permit. He said that the comments that he heard are that it does not fit in well with the neighborhood and it is too much house on too small a lot. He commended Mr. Charney for trying to incorporate solar but noted its effect on the design. Mr. Charney said that the TLAG threshold in this district is 3,600 square feet and the proposal is for 1,800 square feet.

Mr. Charney asked to withdraw the petition without prejudice. The Board voted unanimously to allow the petition to be withdrawn without prejudice.