

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

J. RANDOLPH BECKER, CHAIRMAN
ROBERT W. LEVY, VICE CHAIRMAN
DAVID G. SHEFFIELD

LENORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 2208

WALTER B. ADAMS
DEREK B. REDGATE
RICHARD L. SEESEL

ZBA 2021-52

Petition of Jennifer Hughes
68 Curve Street

2021 JUL 15 P 12:46 PM
WELLESLEY ZONING BOARD OF APPEALS

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 1, 2021 at 7:30 pm, on the petition of Jennifer Hughes requesting a Variance pursuant to the provisions of Section 19 and Section 24 of the Zoning Bylaw for construction of a one story garage addition with less than required left side yard setbacks, and a Special Permit/Finding pursuant to the provisions of Section 14E, Section 17 and Section 25 of the Zoning Bylaw that construction of two story addition and a bay window with less than required right side yard setbacks, on an existing nonconforming structure with less than required right side yard setbacks, at 68 Curve Street, 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.

On May 3, 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 on behalf of the petition were Carter Williams, Architect, and Jennifer Hughes, the Petitioner. Ms. Williams said that the request is for a special permit for the west side of the house where the side yard setback is 19.1 feet. She said that the proposal is for a small addition that maintains the line, not increasing the nonconformity. She said that it will be a two-story addition that is stepped back as it goes up to the second story.

The Chairman said that there will be no intensification of a nonconformity and there are no issues with TLAG.

Ms. Williams discussed the variance request. She said that the existing one car garage is very small and awkward. She said that a masonry chimney makes it hard for the homeowner to park her car inside. She said that the proposal is to expand the garage, which is partly below grade, approximately 6.5 feet to the east, maintaining the same depth of 21 feet. She said that the driveway is poorly graded and is dangerous. She said that the property is located at the apex of the curve on Curve Street, so it is important to have adequate off-street parking for safety issues. She said that the plan is to expand the driveway to make it safer and allow a car to pull straight into the expanded garage. She said that the Lindquists, who are neighbors on that side, wrote a letter of support. She said that there will be some landscaping and fencing along that side.

Ms. Williams said that it is an oddly shaped property that crests at a pinch point. She said that it rises steeply moving southward from Curve Street, crests and then the pork chop portion gently goes back down towards Howe Street. She said that it drops quite a bit at the back and there is ledge and retaining

walls. A Board member asked if it would be possible to put a garage in the area at the back. Ms. Williams said that they could not put it there because of the setbacks. She said that area is not buildable.

Ms. Williams said that they will seek to solve retaining wall issues through landscape design and changing the grade rather than a taller wall. The Board said that it would be granting no relief under the retaining wall bylaw.

Ms. Williams said that Ms. Hughes reviewed the plans with all three abutting neighbors.

No member of the public wished to speak to the petition.

Statement of Facts

The subject property is located at 68 Curve Street, in a 10,000 square foot Single Residence District, in a Water Supply Protection District, with a minimum right side yard setback of 19.1 feet where 20 feet is required.

The Petitioner is requesting a Variance pursuant to the provisions of Section 19 and Section 24 of the Zoning Bylaw for construction of a one story garage addition with less than required left side yard setbacks, and a Special Permit/Finding pursuant to the provisions of Section 14E, Section 17 and Section 25 of the Zoning Bylaw that construction of two story addition and a bay window with less than required right side yard setbacks, on an existing nonconforming structure with less than required right side yard setbacks, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Existing Condition, dated 5/8/18, Plan of Land, dated 2/17/21, stamped by Bruce Bradford, Professional Land Surveyor, Zoning Special Permit Application Draft, dated 3/10/21, Zoning Variance Application Draft, dated 3/18/21, & Floor Plans and Elevation Drawings, dated 4/28/21, prepared by LDA Architecture & Interiors, and photographs were submitted.

On June 30, 2021, the Planning Board reviewed the petition and recommended that a variance and a special permit be approved.

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 literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner owing to circumstances relating to the shape and topography of such land, which does not generally affect the zoning district in which it is located, the hardship has not been self-created, and desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested Variance from the terms of Section 19 and pursuant to the provisions of Section 24-D of the Zoning Bylaw is granted to allow for construction of a one story garage addition with less

than required left side yard setbacks, in accordance with the submitted plot plan and construction drawings.

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 two story addition and a bay window with less than required right side yard setbacks, on an existing nonconforming structure with less than required right side yard setbacks, 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 two story addition and a bay window with less than required right side yard setbacks, on an existing nonconforming structure with less than required right 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 JUL 15 P 12:56
BOSTON
MASSACHUSETTS
2021 JUL 15 P 12:56

ZBA 2021-52
Petition of Jennifer Hughes
68 Curve Street

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
J Randolph Becker, Chairman

Robert W. Levy
Robert W. Levy

Walter B. Adams
Walter B. Adams

WELLESLEY TOWN CLERK
JUL 15 P 12:56

ZBA 2021-52
Applicant Jennifer Hughes
Address 68 Curve Street

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

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

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EXECUTIVE SECRETARY
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(781) 431-1019 EXT. 2208

WALTER B. ADAMS
DEREK B. REDDICK
RICHARD L. SEPTEL

RECEIVED
JUL 21 AM 9:48
IN CLERK'S OFFICE
WELLESLEY MA 02482

ZBA 2021-52 - Extension
Petition of Jennifer Hughes
68 Curve Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 7, 2022, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Jennifer Hughes requesting Extension of a Variance, ZBA 2021-52, that was granted on July 15, 2021, pursuant to the provisions of Section 19 and Section 24 of the Zoning Bylaw that allowed for construction of a one story garage addition with less than required left side yard setbacks, at 68 Curve Street, in a 10,000 square foot Single Residence District and a Water Supply Protection District.

On June 9, 2022, 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 Robert Ellis, representing Jennifer Hughes, the Petitioner.

The Chairman said that the request is to extend a variance. He said that, per statute, the maximum extension that the Board can grant is six months. He read an excerpt from Chapter 40A, Section 10 of Massachusetts General Laws. He said that the six month extension will be from the date of expiration of the variance, July 15, 2022.

Mr. Ellis asked if being under construction with a building permit in place will satisfy acting on the variance. The Chairman said that it will be up to the Petitioner to convince the Building Inspector that they have exercised their rights under the variance. A Board member said that what typically constitutes commencing construction is actual work on starting to build the building, not grading or site preparation. He said that it should be completed as reasonably as possible, under the circumstances.

The Chairman said that if the variance lapses, the Petitioner will have to reapply. He said that it is a fairly irregularly shaped lot.

There was no one present at the Public Hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 68 Curve Street, in a 10,000 square foot Single Residence District and a Water Supply Protection District.

The Petitioner is requesting Extension of a Variance, ZBA 2021-52, that was granted on July 15, 2021, pursuant to the provisions of Section 19 and Section 24 of the Zoning Bylaw that allowed for construction of a one story garage addition with less than required left side yard setbacks.

On July 1, 2022, the Planning Board reviewed the petition and recommended that the ZBA deny extension of the variance.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing.

The subject Variance was granted by the Zoning Board of Appeals on July 15, 2021, pursuant to the provisions of Section 19 and Section 24 of the Zoning Bylaw, and was recorded with the Norfolk Registry of Deeds on August 11, 2021, Book 39727, Page 79.

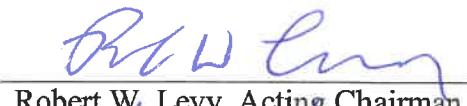
Extension of Variance, ZBA 2021-52 is granted, as voted unanimously by this Authority at the Public Hearing, subject to the following condition:

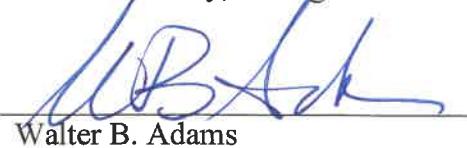
- Extension of Variance, ZBA 2021-52, shall be measured six months from July 15, 2022, which is the date time stamped on the original decision.

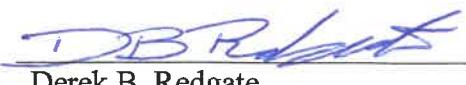
RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2022 JUL 21 AM 9:48

ZBA 2021-52 - Extension
Petition of Jennifer Hughes
68 Curve Street

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.


Robert W. Levy, Acting Chairman


Walter B. Adams


Derek B. Redgate

RECEIVED
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WELLESLEY MA 02482
2022 JUL 21 AM 9:49

ZBA 2021-52 - Extension
Applicant Jennifer Hughes
Address 68 Curve Street

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:

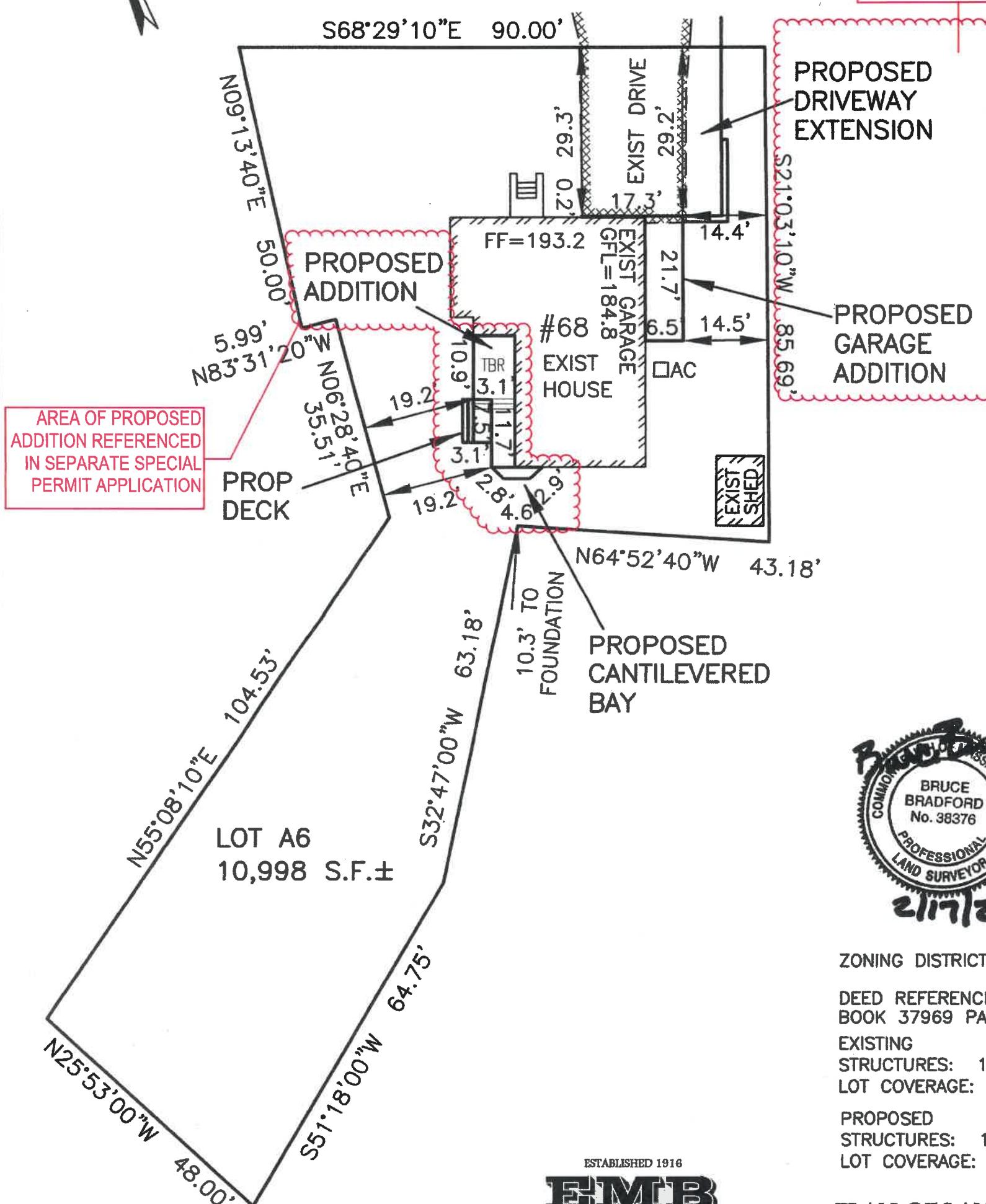

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm



CURVE STREET

**PROPOSED GARAGE IS
DESCRIBED IN THIS
ZONING VARIANCE
APPLICATION**



ESTABLISHED 1916
EMB
EVERETT M. BROOKS CO.
SURVEYORS & ENGINEERS

49 LEXINGTON STREET
WEST NEWTON, MA 02465
(617) 527-8750
info@everettbrooks.com

SURVEYORS & ENGINEERS
49 LEXINGTON STREET
WEST NEWTON, MA 02465
(617) 527-8750
info@everettbrooks.com

ZONING DISTRICT: SR10

DEED REFERENCE:
BOOK 37969 PAGE 385

EXISTING
STRUCTURES: 1,179 S.F.
LOT COVERAGE: 10.7%

PROPOSED
STRUCTURES: 1,460 S.F.
LOT COVERAGE: 13.2%

PLAN OF LAND IN WELLESLEY, MA

68 CURVE STREET

PROPOSED ADDITION

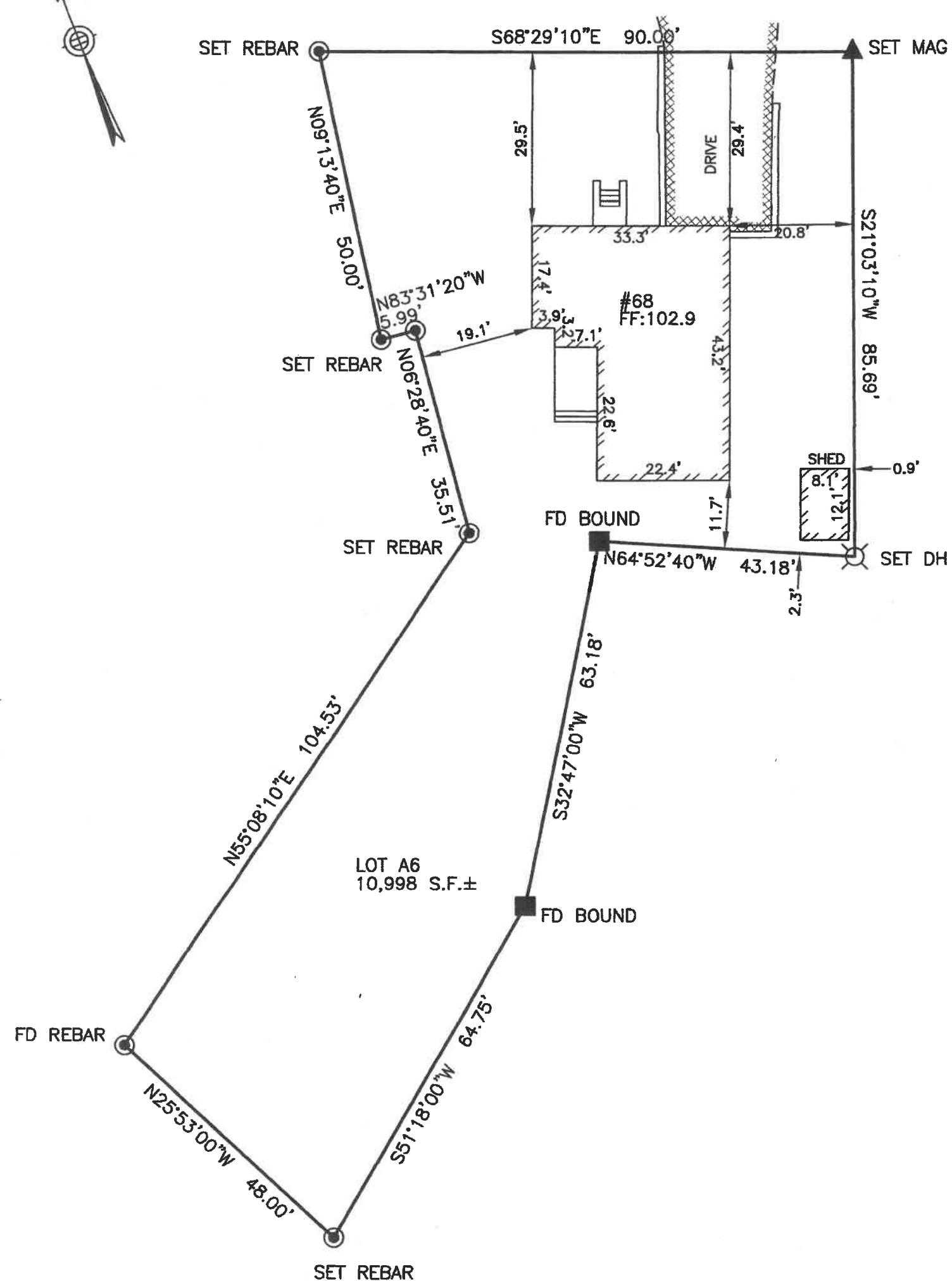
PREPARED FOR:
JENNIFER LIGUERS

JENNIFER HUGHES

SCALE: 1 IN.= 20 FT.

PROJECT NO. 26054

CURVE STREET



ESTABLISHED 1916
EMB
EVERETT M. BROOKS CO.
SURVEYORS & ENGINEERS

ESTABLISHED 1916

EMB

EVERETT M. BROOKS CO.
SURVEYORS & ENGINEERS

49 LEXINGTON STREET
WEST NEWTON, MA 02465

(617) 527-8750

info@everettbrooks.com

DEED REFERENCE:
BOOK 35267 PAGE 66

STRUCTURES: 1,354 S.F.[±]
LOT COVERAGE: 11.6%



PLAN OF LAND IN WELLESLEY, MA

68 CURVE STREET
EXISTING CONDITION

SCALE: 1 IN.= 20 FT.

DATE: MAY 8, 2018

DRAWN: GAR

CHECK: BB

REVISIONS:

PROJECT NO. 25533