

TOWN OF WELLESLEY



MASSACHUSETTS

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

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2021 AUG 19 P 12 59

WELLESLEY
TOWN HALL
525 WASHINGTON STREET
WELLESLEY, MA 02482

ZBA 2021-55

Petition of Lorianne Sainsbury- & Wilkins Wong
4 Mansfield Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 1, 2021 at 7:30 pm, in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Lorianne Sainsbury- & Wilkins Wong requesting a Special Permit/Finding pursuant to the provisions of Section 14E, Section 17 and Section 25 of the Zoning Bylaw that demolition of an existing deck and a nonconforming garage with less than required side yard setbacks, and construction of two story addition that will meet setback requirements, construction of a one story one car garage with less than required side yard setbacks, and construction of a roof overhang connecting the house to the garage, on a corner lot at 4 Mansfield Road, 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 12, 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.

As a Board member asked to recuse himself from this project because of a previous connection to the Architect, the Board voted unanimously to open the public hearing and continue it to August 5, 2021 to be heard de novo.

August 5, 2021

Present on behalf of the petition were Lorianne Sainsbury-Wong, the Petitioner, and David Kinsella, Architect.

Ms. Sainsbury-Wong said that the request is for a special permit/finding to demolish a pre-existing nonconforming one car detached garage and rebuild a new garage with a smaller footprint. She said that the setback for the existing garage is 10.9 feet and it is located on a corner lot. She said that the proposal is to build the new garage within the setback, increasing the nonconformity by four feet. She said that they are also seeking to demolish the existing deck and build a new two story addition and attach a

breezeway from the proposed home expansion to the proposed garage. She said that the lot size is conforming. She said that the property is located in a Water Supply Protection District.

Ms. Sainsbury-Wong said that the property is located at the corner of Mansfield Road and Worcester Street, which is a State highway. She said that her Civil Engineer identified the location of the easement between the house and the existing garage. She said that the existing garage is partially located on the easement. She said that she worked extensively with the Town Engineer to get the garage off of the easement where there is a runoff pipe from the State highway. She said that the intent is to get the garage off of the easement and build the new garage in the setback area where the existing garage is currently noncompliant. She said that the nonconformity will be increased but the nearest houses on Earle Road are 100 feet away and there is a lot of screening in place. She said that a Building Permit, issued on June 26, 1951, shows the location of the existing garage. She said that it is a pre-existing nonconforming structure. She said that the proposed construction will not be substantially more detrimental to the neighborhood.

Ms. Sainsbury-Wong said that she outreached extensively to the neighbors, some of whom told her that they would oppose an alternative location of the garage at the intersection of Mansfield Road and Worcester Street because of safety issues.

The Chairman discussed additions to the fully conforming house and relocation of the garage as two distinct projects. He said that with the breezeway connection, the existing house and the proposed addition will become nonconforming, extending the nonconformity from the western side of the garage to the easternmost side of the house. A Board member said that by removing the breezeway, the Board only has to review the proposed garage. He said that moving the garage from the town's easement is an improvement that could warrant moving it closer to the side property line. Mr. Kinsella asked about dividing the project to consider the garage and the breezeway as one project and the house as a different element. The Board said that it would not allow the house to become nonconforming under a special permit. Ms. Sainsbury-Wong said that there are no barriers or restrictions for the easement in the property records and she could lawfully build on the easement as her predecessors did with a building permit. She said that she would then bear any risk for removing the breezeway, if the State or the town needed to access the runoff pipe. She said that, based on the Board's assertion that the connection of the breezeway from the garage to the house would make the house nonconforming, she asked to withdraw the proposal for the breezeway.

The Board said that review of the house project is not jurisdictional for the Zoning Board and the addition can be built by right. The Board said that the Building Inspector will make a determination regarding Large House Review (LHR).

David Himmelberger, Esq., discussed the Zoning Bylaw regarding LHR exemptions and Section 17 regarding nonconforming structures, lots and uses.

Ms. Sainsbury-Wong said that Mansfield Road is part of a subdivision that was approved by the Planning Board on June 28, 1949. She discussed exemptions under Section 18 of the Zoning Bylaw. The Chairman said that the tables in Section 19 of the Zoning Bylaw specify which set of dimensions applies.

The Chairman said that the extenuating circumstance for allowing the decrease in setback is to get the garage off of the easement. A Board member asked if any consideration was given to having a driveway

on the left side of the house, coming off of Mansfield Road. Mr. Kinsella said that would be too close to the corner and would create a safety issue.

Statement of Facts

The subject property is located on a corner lot at 4 Mansfield Road, in a 10,000 square foot Single Residence District, in a Water Supply Protection District, with a minimum side yard setback of 10.9 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 an existing deck and a nonconforming garage with less than required side yard setbacks, and construction of two story addition that will meet setback requirements, construction of a one story one car garage with less than required side yard setbacks, and construction of a roof overhang connecting the house to the garage, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Existing Conditions Plot Plan and a Proposed Addition Plan, dated 5/10/21, revised 7/20/21, stamped by Arthur F. Borden, Professional Land Surveyor, Site Plan, dated 7/26/21, Floor Plans and Elevation Drawings, dated 7/27/21 & 7/28/21, and TLAG Affidavit, dated 7/28/21, prepared by D.A. Kinsella Company were submitted.

On June 30, 2021, the Planning Board reviewed the petition and recommended that a special permit be denied. On August 4, 2021, the Planning Board recommended that the petition be continued.

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 demolition of an existing nonconforming garage and construction of a new one story one car garage with less than required 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 demolition of an existing nonconforming garage and construction of a new one story one car garage with less than required side yard setbacks, subject to the following conditions:

1. Construction of the garage shall be in accordance with the Proposed Addition Plot Plan, dated May 10, 2021, revised July 20, 2021.

2. The garage shall be removed from the town's existing drain easement.
3. There shall be no breezeway or other connection to the proposed addition or the existing house.
4. The Board makes no finding with regard to the house.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed constructions plans.

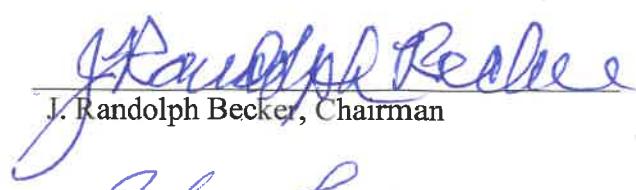
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

2021 AUG 19 P 11:00
MUNICIPALITY OF HALIFAX
CITY OF HALIFAX

ZBA 2021-55

Petition of Lorianne Sainsbury- & Wilkins Wong
4 Mansfield 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, Chairman


Robert W. Levy


Richard L. Seegel

2021 AUG 19 P 1:00

WELLESLEY TOWN CLERK
MASSACHUSETTS

ZBA 2021-55
Applicant Lorianne Sainsbury- & Wilkins Wong
Address 4 Mansfield 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

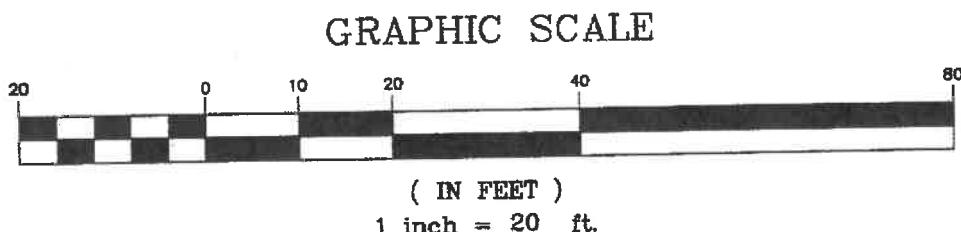
cc: Planning Board
Inspector of Buildings
lrm

NOTES:

EXISTING LOT COVERAGE:
DWELLING = 1,076 S.F.
SHED = 32 S.F.
GARAGE = 320 S.F.
DECK = 265 S.F.
TOTAL LOT COVERAGE: 1,698 S.F. (16.38%)

PROPOSED LOT COVERAGE:
DWELLING = 1,076 S.F.
SHED = 32 S.F.
NEW GARAGE = 216 S.F.
ADDITION = 598 S.F.
BREEZEWAY = 230 S.F.
NEW LOT COVERAGE: 2,152 S.F. (20.82%)
(+ 454 S.F. / 4.44%)

ZONING DISTRICT: SR-10 (SINGLE RESIDENCE)
MINIMUM AREA = 10,000 SQ.FT.
MINIMUM FRONTAGE = 60 FT.
MINIMUM FRONT YARD WIDTH = 60 FT.
MIN. FRONT YARD SETBACK = 30 FT.
MIN. SIDE YARD SETBACK = 20 FT.
MIN. REAR YARD SETBACK = 20 FT. (CORNER LOT)



MAP 23

NOTE: SEE ARCHITECTURAL PLANS FOR LOCATIONS OF ROOF LEADERS.

PARCEL 158-2

N/F
JOHN F. & DENISE L. TOMAYKO
#8 MANSFIELD ROAD

PARCEL 158-82
N/F
ROBERT C. & PAULA INGLE
#5 EARLE ROAD

PARCEL 158-83
N/F
IRVIN J. RICH & MARILYN LASKY
#1 EARLE ROAD

EXISTING DRAIN EASEMENT
(10 FT. WIDE)

N84°15'38"E

105.00

EXISTING DRIVEWAY

EXISTING BRICK WALKS

MANSFIELD ROAD

EXISTING SIDEWALK

505°44'22"E

79.76'

30.3'

PARCEL 158-1
AREA = 10,338 S.F.
(0.2378 Ac)
DEED BK. 25201, PG. 246

L=40.57
R=25.00
Δ=92°59'08"
Tan=26.34

EXISTING VINYL FENCE

78.84'

587°43'19"W

EXISTING SIDEWALK

WORCESTER STREET

PROFESSIONAL LAND SURVEYOR

JULY 20, 2021

DATE

JN. 3001

PROPOSED ADDITION
#4 MANSFIELD ROAD
WELLESLEY, MASS.

PREPARED FOR

LORIANNE SAINTSBURY

SCALE: 1" = 20'

MAY 10, 2021
REV: JULY 20, 2021



Arthur F. Borden & Associates, Inc.

Professional Land Surveyors & Civil Engineers
302 Broadway - Unit #4 - Raynham, Massachusetts 02767
(508) 880-3439 WWW.AFBSURVEY.COM

SHEET 2 OF 2

NOTES:

EXISTING LOT COVERAGE:

DWELLING = 1,076 S.F.

DECK = 265 S.F.

GARAGE = 320 S.F.

SHED = 32 S.F.

TOTAL LOT COVERAGE: 1,693 S.F. (16.38%)

ZONING DISTRICT: SR-10 (SINGLE RESIDENCE)

MINIMUM AREA = 10,000 SQ.FT.

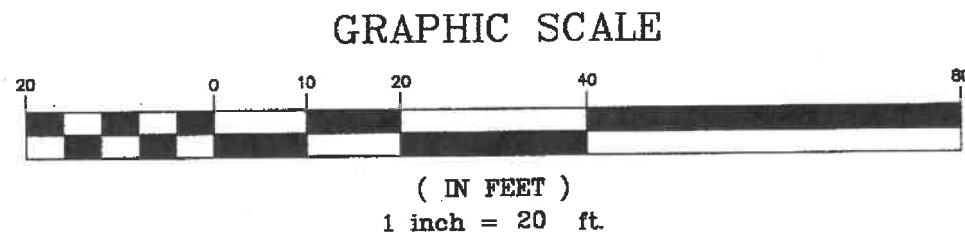
MINIMUM FRONTAGE = 60 FT.

MINIMUM FRONT YARD WIDTH = 60 FT.

MIN. FRONT YARD SETBACK = 30 FT.

MIN. SIDE YARD SETBACK = 20 FT.

MIN. REAR YARD SETBACK = 20 FT. (CORNER LOT)



N.A.D. 88

PARCEL 158-2

N/F

JOHN F. & DENISE L. TOMAYKO
#8 MANSFIELD ROAD

PARCEL 158-82

N/F

ROBERT C. & PAULA INGLE
#5 EARLE ROAD

PARCEL 158-83

N/F

IRVIN J. RICH & MARILYN LASKY
#1 EARLE ROAD

EXISTING DRAIN EASEMENT
(10 FT. WIDE)

N84°15'38"E

105.00

22.3'

EXISTING DRIVEWAY

No. 4
EXISTING
DWELLING

EXISTING DECK

EXISTING GARAGE
EXISTING GAR. DOORS
EXISTING GARAGE
EXISTING DRAIN EASEMENT
(10 FT. WIDE)
EXISTING DRAIN EASEMENT
(10 FT. WIDE)

PARCEL 158-1
AREA = 10,338 S.F.

(0.2378 Ac)

DEED BK. 25201, PG. 246

L=40.57
R=25.00
Δ=92°59'08"
Tan=26.34

EXISTING VINYL FENCE

42.4'

EXISTING SIDEWALK

78.84'

587°43'19"W

U.P. #183

MANSFIELD ROAD

WORCESTER STREET

"EXISTING CONDITIONS"
PLOT PLAN
#4 MANSFIELD ROAD
WELLESLEY, MASS.
PREPARED FOR
LORIANNE SAINSBURY

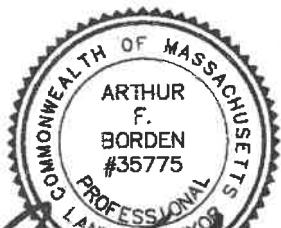
SCALE: 1" = 20'

MAY 10, 2021

REV: JULY 20, 2021



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PROFESSIONAL LAND SURVEYOR

JULY 20, 2021

DATE