

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

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NOV 18 P 12:55 PM '21

ZBA 2021-86

Petition of Josh & Megan Kramer
78 Whittier Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 4, 2021 at 7:30 pm, in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Josh & Megan Kramer 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 addition with less than required left side yard setbacks and construction of a second story addition with less than required right side yard setbacks, on an existing nonconforming structure with less than required left side and right side yard setbacks, at 78 Whittier Road, in a 15,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On October 4, 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 was Josh Kramer, the Petitioner, who said that he bought the house along with his wife and their 10 month old son in July. He said that the house has been in the same family for about 70 years and has not been updated. He said that the garage has an existing nonconforming side yard setback. He said that the proposal is to add a small 400 square foot addition off the back of the existing kitchen that will connect the back of the house. He said that the rest of the work will be interior, HVAC and a new roof.

The Chairman said that the nonconformities are the left and right side yard setbacks. He said that the house is located in a Water Supply Protection District (WSPD). He asked what will happen to stormwater from the roof on the addition. Mr. Kramer said that the architect designed new gutter and drainage systems to comply with the WSPD. He said that they will be flattening the back yard. He said that there is currently a gutter from the front of the house and at the back side that pipes to the right for drainage. A Board member said that there is a lot of surface on the lot where the water can drain to.

A Board member said that the proposed construction is modest and appropriate.

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

Statement of Facts

The subject property is located at 78 Whittier Road, in a 15,000 square foot Single Residence District, with a minimum left side yard setback of 10.7 feet and a minimum right 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 addition with less than required left side yard setbacks and construction of a second story addition with less than required right side yard setbacks, on an existing nonconforming structure with less than required left side and right side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 9/21/21, stamped by Bruce Bradford, Professional Land Surveyor, Floor Plans, Elevation Drawings and TLAG Affidavit, dated 9/21/21, prepared by McGavern Design, and photographs were submitted.

On October 21, 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 addition with less than required left side yard setbacks and construction of a second story addition with less than required right side yard setbacks, on an existing nonconforming structure with less than required left side and 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.

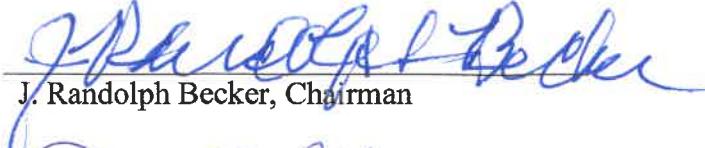
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of a one story addition with less than required left side yard setbacks and construction of a second story addition with less than required right side yard setbacks, on an existing nonconforming structure with less than required left side and right side yard setbacks, in accordance with the submitted plot plan and construction drawings.

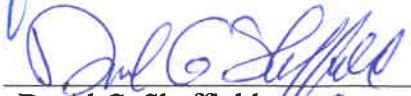
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

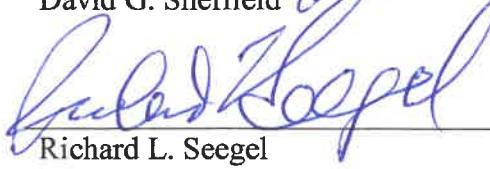
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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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


David G. Sheffield


Richard L. Seegel

2021 MAY 18 PM 2:52

ZBA 2021-86
Applicant Josh & Megan Kramer
Address 78 Whittier 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.

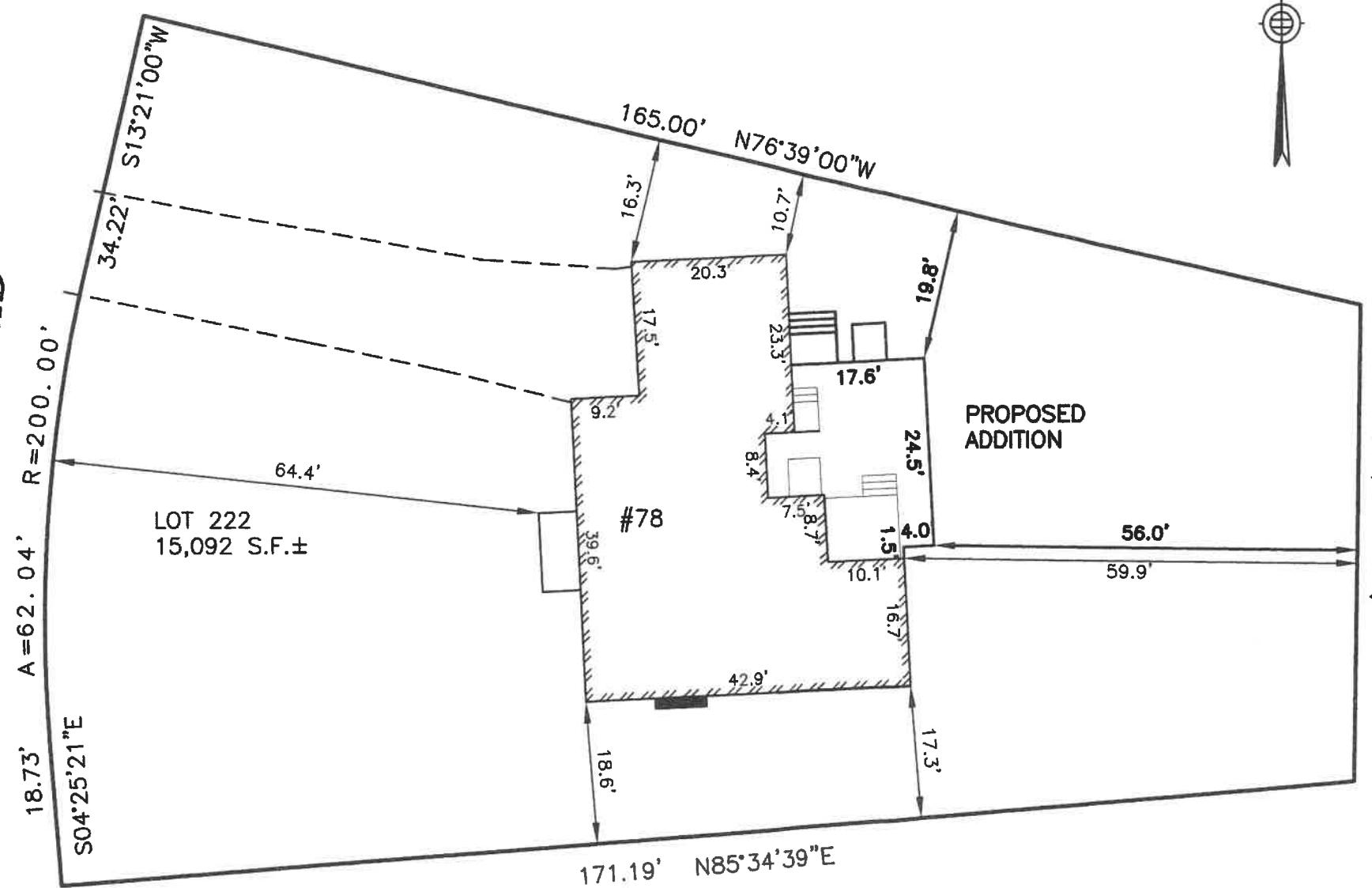
Date:

Attest:


Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm

WHITTIER ROAD



ESTABLISHED 1916
EMB
EVERETT M. BROOKS CO.
SURVEYORS & ENGINEERS
49 LEXINGTON STREET
WEST NEWTON, MA 02465
(617) 527-8750
info@everettbrooks.com

ZONING DISTRICT: SR-15

EXISTING
STRUCTURES: 1912 S.F.
LOT COVERAGE: 12.7%

PROPOSED
STRUCTURES: 2309 S.F.
LOT COVERAGE: 15.3%

**PLAN OF LAND IN
WELLESLEY, MA**

78 WHITTIER ROAD
PROPOSED ADDITION

SCALE: 1 IN. = 20 FT.

DATE: SEPTEMBER 21, 2021

DRAWN: ER

CHECK: BB

REVISIONS:

PROJECT NO. 26460