

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

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

10/18 P 12:50

ZBA 2021-91
Petition of Victoria Scott
49 Leighton 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 Victoria Scott requesting Amendment to a Variance and/or and a Special Permit/Finding pursuant to the provisions of Section 17, Section 19, Section 24 and Section 25 of the Zoning Bylaw for construction of second story additions with less than required right side yard setbacks, demolition of an existing nonconforming deck and construction of a one story addition, and relocation of an air conditioning unit with less than required left side yard setbacks, on an existing nonconforming structure with less than required front yard, left side and right side yard setbacks, on a 6,675 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, at 49 Leighton Road, 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 were Martha Bedell, Architect, and Victoria Scott, the Petitioner.

Ms. Bedell said that the request is for relief for side yard setbacks. She said that the property was granted a variance in the 1990's that allowed the addition that the Petitioner is now asking to add a second floor to. She said that it is a nonconforming lot with a nonconforming front yard setback. She said that because the lot is 60 feet wide, they can only build to the back. She said that Ms. Scott spoke with all of the neighbors, one of whom called Ms. Scott to express support. She said that the project will be architecturally in keeping with the neighborhood. She said that nothing will be seen from the street. She said that the major glazing faces the back. She said that the impact will be for the two side abutting neighbors. She said that the one story addition on top of the existing deck will only have high clerestory windows facing the neighbors. She said that the proposed roofline will be no higher than the existing. She said that the project will have a minimal impact and will be consistent with the feeling of the neighborhood.

The Chairman discussed the Zoning Bylaw and granting relief for this project. He said that the proposed work will not make the existing side yard nonconformities worse. He questioned whether a special permit would apply on the right side as the variance that was granted is 30 years old and the terms variance and special permit were used differently at the time the variance was granted. The Board members agreed to review the project in terms of a special permit/finding.

Ms. Bedell said that one air conditioner condenser is shown on the plot plan near the narrower setback. She said that the neighbor who supported the plan was concerned about the location of the condenser. She said that the condenser can be moved.

Robert McGowan, 22 Birch Road, said that his house is diagonal to 49 Leighton Road. He said that he was not spoken to about the project. He confirmed that the proposed location of the condenser is on the left side of the property at the back, which is close to his property line. He said that he has a deck and a patio at the back of his property that he likes to use. He said that it is very noisy in the neighborhood from condensers on other properties. A Board member said that this condenser will be 45 feet from the property line. Ms. Bedell said that it will be a newer unit and will be quieter. Mr. McGowan said that currently there is an empty lot behind the property that will not be empty for much longer. He asked if that makes any difference. The Chairman said that the rules do not require anything to be around or not be around the property in question.

The Chairman discussed the definition of an abutter, as defined in State and local bylaws.

Statement of Facts

The subject property is located at 49 Leighton Road, on a 6,675 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with a minimum front yard setback of 22.2 feet where 30 feet is required, a minimum left side yard setback of 10.1 feet and a minimum right side yard setback of 16.1 feet where 20 feet is required.

The Petitioner is requesting Amendment to a Variance and/or and a Special Permit/Finding pursuant to the provisions of Section 17, Section 19, Section 24 and Section 25 of the Zoning Bylaw for construction of second story additions with less than required right side yard setbacks, demolition of an existing nonconforming deck and construction of a one story addition, and relocation of an air conditioning unit with less than required left side yard setbacks, on an existing nonconforming structure with less than required front yard, left side and right side yard setbacks, on a 6,675 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 9/28/21, stamped by Joseph R. Porter, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 9/22/21, prepared by Martha Bedell, and photographs were submitted.

On October 21, 2021, the Planning Board reviewed the petition and recommended that a variance 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 construction of second story additions with less than required right side yard setbacks, demolition of an existing nonconforming deck and construction of a one story addition, and relocation of an air conditioning unit with less than required left side yard setbacks, on an existing nonconforming structure with less than required front yard, left side and right side yard setbacks, on a 6,675 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet 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 second story additions with less than required right side yard setbacks, demolition of an existing nonconforming deck and construction of a one story addition, and relocation of an air conditioning unit with less than required left side yard setbacks, on an existing nonconforming structure with less than required front yard, left side and right side yard setbacks, on a 6,675 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, 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.

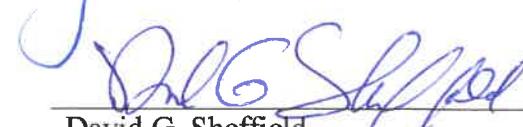
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

2021 NOV 18 PM 12:50

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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


David G. Sheffield


Richard L. Seegel

2021 NOV 18 PM 12:50

ZBA 2021-91
Applicant Victoria Scott
Address 49 Leighton 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:

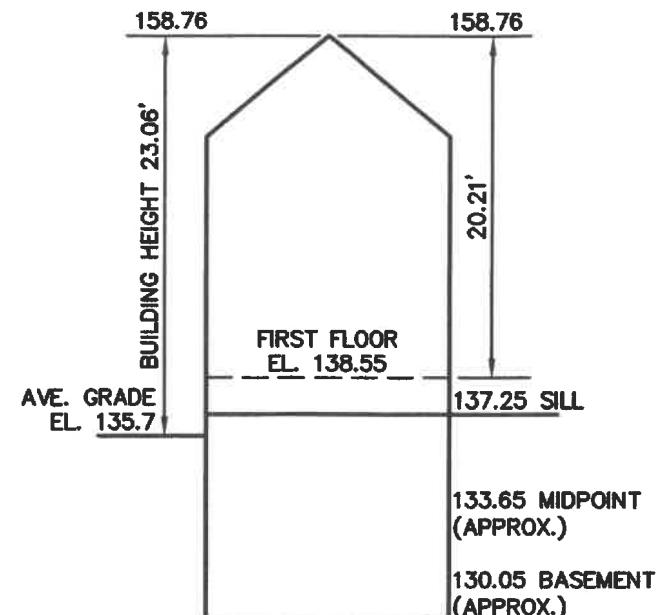
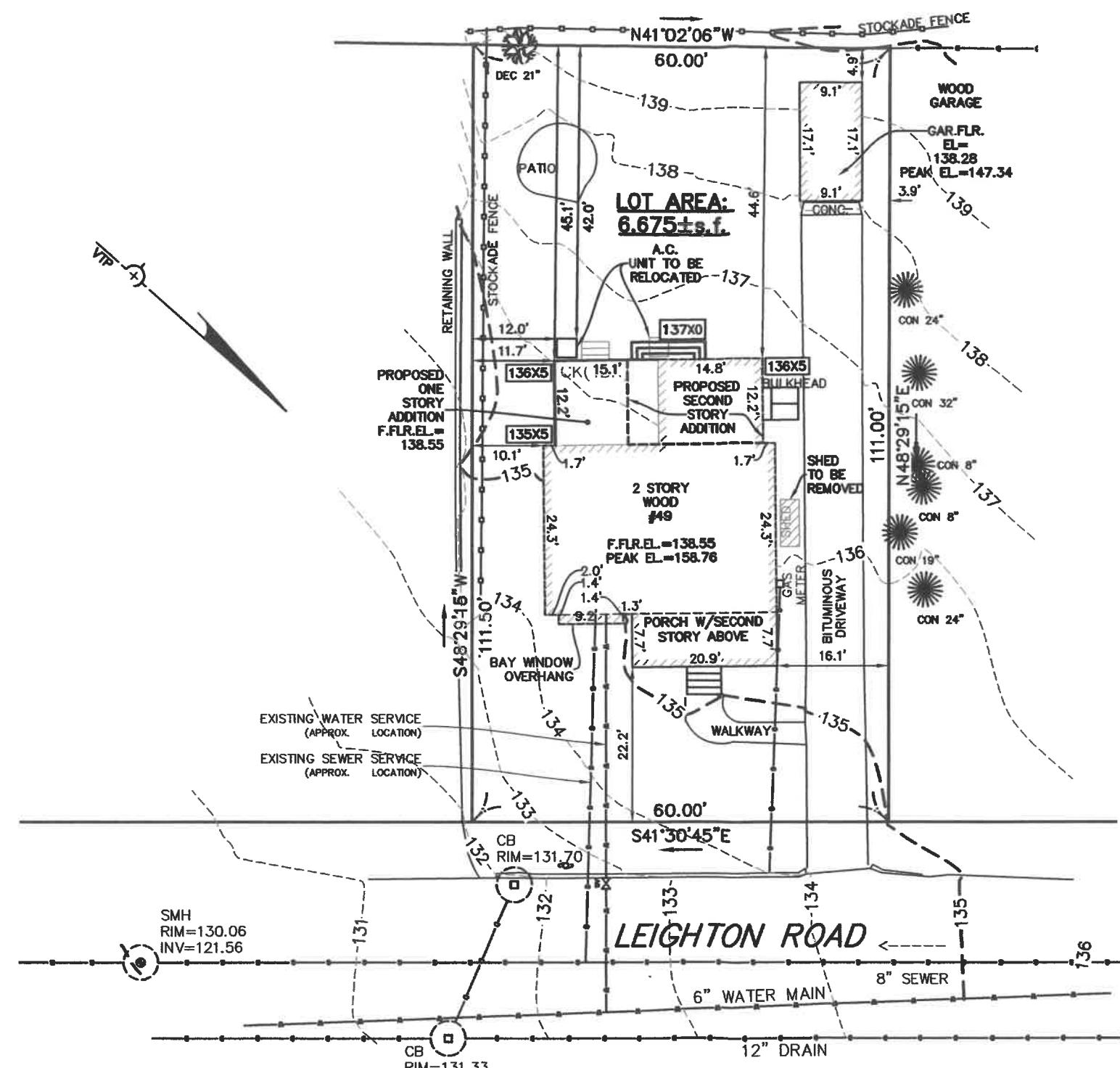
Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm

LEGEND

BUILDING	
PROPERTY LINE W/ BEARING DISTANCE	S81°36'34"E 116.23'
CONTOUR	— — — 70 — —
STOCKADE FENCE	— — — — —
CHAINLINK FENCE	— — — — —
PICKET FENCE	— — — — —
SEWER LINE	— — — — —
DRAIN LINE	— — — — —
WATER LINE	— — — — —
GAS LINE	— — — — —
GAS VALVE	gv
WATER VALVE	vw
DRAIN MANHOLE	①
SEWER MANHOLE	⑤
CATCH BASIN	□
UTILITY POLE	④
LIGHT POLE	⑥
DECIDUOUS TREE	⑦ DEC. 22"
CONIFEROUS TREE	⑧ CON. 12"
FIRE HYDRANT	⑨



BUILDING HEIGHT
NOT TO SCALE

$$(134.24+135.5+136.5+137.0+136.5+136.4+135.59+135.23+135.08+135.06)/10 = 1357.1/10 = 135.7$$

ZONING CHART

ELLESLEY, MASSACHUSETTS

ZONE: SR-10		SUBMISSION: BUILDING PERMIT	
REGULATION	REQUIRED	EXISTING	PROPOSED
LOT AREA	10,000s.f.	6,675±s.f.	N/C
LOT FRONTAGE	60.0'	60.0'	N/C
FRONT SETBACK	30.0'	22.2*	N/C
SIDE SETBACK	20.0'	10.1**	N/C
REAR SETBACK	10.0'	44.6'	N/C
BUILDING HEIGHT	36.0'	23.10'	23.06'
AVERAGE GRADE	—	135.66	135.7
LOT COVERAGE	25.0%	22.7%	22.5%
OPEN SPACE	—	65.7%	65.9%

*DOES NOT MEET REQUIREMENTS

TOPOGRAPHIC SITE PLAN
WELLESLEY, MASSACHUSETTS

SHOWING PROPOSED CONDITIONS AT
#49 LEIGHTON ROAD

SCALE: 1in.=10ft. DATE: SEPTEMBER 28, 2021

PROJECT: 221143

VTP

ASSOCIATES
INC.

INC.
SURVEYORS - CIVIL ENGINEERS
144 SAMS STREET 2ND FLOOR SUITE 3
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SHEET 1 OF 1

