

TOWN OF WELLESLEY



MASSACHUSETTS

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

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DEC 16 P 12:12

ZBA 2021-98  
Petition of Dana Chaffee  
34 Brook Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, December 2, 2021 at 7:30 pm, in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Dana Chaffee requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that enclosure of an existing nonconforming covered porch with less than required left side yard setbacks, at 34 Brook Street, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On November 1, 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 Ryan Lekites, Boatmeadow Builders; and Dana Chaffee, the Petitioner.

Mr. Lekites said that the proposal is to convert an existing nonconforming covered porch to a 182 square foot eat in kitchen.

A Board member said that this will be an improvement to the house. He said that the survey shows that side yard dimensions facing Fuller Brook Park were taken from the property boundary to the northeast corner of the porch, which is not the closest point. He said that the dimension on the survey should be shown to the closest point, which is the greatest encroachment in the side yard setback.

Ms. Chaffee said that the house was built in 1910. She said that the lady who previously owned the house used to host string quartet concerts on the porch.

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

Statement of Facts

The subject property is located at 34 Brook Street, in a 10,000 square foot Single Residence District, with a minimum left side yard setback of 19.1 feet where 20 feet is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that enclosure of an existing nonconforming covered porch with less than required left side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 1/13/21, stamped by William E. Tirrell, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 10/31/20, prepared by McGavern Design, and TLAG Affidavit, prepared by Ryan Lekites, Boat Meadow Builders, and photographs were submitted.

On June 7, 2021, the Wetlands Protection Committee issued a Negative Determination of Applicability.

On November 30, 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.

It is the opinion of this Authority that enclosure of an existing nonconforming covered porch with less than required left side yard setbacks will not result in the intensification of an existing nonconformity, 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 enclosure of an existing nonconforming covered porch with less than required left side yard setbacks, subject to the following condition:

- The plot plan shall be updated to show the dimension from the left side property line to the closest point on the porch.

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.

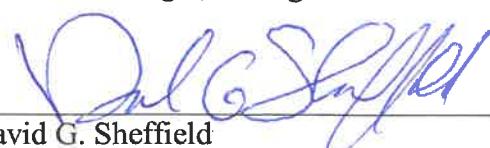
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

ZBA 2021-98  
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34 Brook 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.



Richard L. Seegel, Acting Chairman



David G. Sheffield



Derek B. Redgate

ZBA 2021-98  
Applicant Dana Chaffee  
Address 34 Brook 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

7021 DEC 16 2021  
12:12 PM

cc: Planning Board  
Inspector of Buildings  
lrm

