

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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ZBA 2022-04  
Petition of William & Jenna Dickson  
47 Avon Road

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 6, 2022 at 7:30 pm, in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of William & Jenna Dickson requesting a Special Permit/Finding pursuant to the provisions of Section 14 E, Section 17 and Section 25 of the Zoning Bylaw that construction of a two story addition with less than required right side yard setbacks, on an existing nonconforming structure with less than required right side yard and front yard setbacks, on an 8,457 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, at 47 Avon Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On December 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 was William Dickson, the Petitioner, who said that the request is for a special permit/finding to build an addition on an existing nonconforming lot with nonconforming front and side yard setbacks. He said that he and his wife bought the house in 2018 and came to the Board seeking similar approval to expand up without expanding the footprint. He said that with jobs going remote, the house feels a lot smaller when they are there all day. He said that they have significant ledge issues, which is common in the neighborhood on that side of Avon Road. He said that there is no way to expand further back on the property past the 17 feet, as there is a six foot solid piece of rock that stretches the entire width of the property. He said that the plan is to continue the house back with the same side yard setbacks. A Board member confirmed that the relocated ac condensers will not be in the setback area.

A Board member asked about basement work. He said that drawing #4 shows what will probably not be a full basement. Mr. Dickson said that they will have to scrape back some of the rock. He said that they already removed a substantial amount of ledge when they put the patio in. He said that the ledge towards the back left side of the house encroaches much closer to the house and pulls further away towards the other side. He said that the goal is to dig and put as much crawl space as they can. He said that they have

a markup plan that shows a couple of interior changes and a four foot crawl space. He said that the crawl space may get smaller.

A Board member asked about water runoff from the slope to the house. Mr. Dickson said that underneath the whole yard is ledge. He said that they regraded the backyard by stripping land away from a large hill. He said that water sheds fairly quickly because of the slopes on either side and the backyard retains most of the moisture. He said that the goal is that when they backfill, it will slope more towards the yard portion and keep more of the water up top. He said that they expect to have to put in an exterior perimeter French drain around the entire structure. He said that there is an existing drywell in the side yard that the French drain can connect to. He said that they are looking to hire a geo technical engineer to deal with the foundation drainage. He said that they will put in a new drywell, if needed.

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

#### Statement of Facts

The subject property is located at 47 Avon Road, on an 8,457 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, with a minimum front yard setback of 26 feet where 30 feet is required, and a minimum right side yard setback of 12.3 feet where 20 feet is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 14 E, Section 17 and Section 25 of the Zoning Bylaw that construction of a two story addition with less than required right side yard setbacks, on an existing nonconforming structure with less than required right side yard and front yard setbacks, on an 8,457 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 11/10/21, stamped by Terrence M. Ryan, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 11/10/21, prepared by Nicholas Paolucci, AIA, and photographs were submitted.

On January 5, 2022, the Planning Board Staff 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 14 E of the Zoning Bylaw for Water Supply Protection Districts.

It is the opinion of this Authority that construction of a two story addition with less than required right side yard setbacks, on an existing nonconforming structure with less than required right side yard and

front yard setbacks, on an 8,457 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 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 construction of a two story addition with less than required right side yard setbacks, on an existing nonconforming structure with less than required right side yard and front yard setbacks, on an 8,457 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in accordance with the submitted plans.

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.

Draft

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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.

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J. Randolph Becker, Chairman

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Robert W. Levy

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David G. Sheffield

ZBA            2022-04  
Applicant     William & Jenna Dickson  
Address       47 Avon 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:

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Cathryn Jane Kato  
Town Clerk

cc: Planning Board  
Inspector of Buildings  
lrm