

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

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ZBA 2022-07

Petition of Jeffrey Long & Jennifer Macarchuk  
9 Cedar Street

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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 Jeffrey Long & Jennifer Macarchuk requesting a Special Permit/Finding pursuant to the provisions of Section 14 E, Section 17 and Section 25 of the Zoning Bylaw that demolition of an existing nonconforming deck, and construction of a two story addition and deck with less than required left side yard and right side yard setbacks, on an existing nonconforming structure with less than required front yard, left side and right side yard setbacks, on a lot with less than required frontage, at 9 Cedar Street, 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 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 were Jennifer Macarchuk, the Petitioner, and Kevin Conover, Land Surveyor.

Mr. Conover said that the request is for a special permit/finding for the construction of an addition. He said that there is a deck at the rear of the existing house. He said that the proposal is for a 22 foot by 22 foot addition with a deck off of the back. He said that the lot is located in a SR 10 district where 60 feet of frontage is required. He said that it is a pre-exist nonconforming lot with a nonconforming structure that does not meet setback requirements. He said that at the closest point, the existing house is 10 feet off of the property line. He said that the addition will be in excess of that and will not increase the nonconformity. He said that the addition will conform to lot coverage and land area regulations. He said that the Petitioner has letters from neighbors at 7 and 11 Cedar Street, who are in favor of the project.

The Chairman asked about the shed that is on town property. Ms. Macarchuk said that the shed was there when they bought the property. She said that a survey from 1999 shows that there shed was there at that time. A Board member said that the Planning Board recommended that the Board impose a condition that the shed be removed from the encroachment. Mr. Conover said that the shed does not have a permanent foundation and the Applicant is in favor of relocating it.

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

### Statement of Facts

The subject property is located at 9 Cedar Street, in a 10,000 square foot Single Residence District, in a Water Supply Protection District, with a minimum front yard setback of 9.6 feet where 30 feet is required, a minimum left side yard setback of 16.4 feet and a minimum right side yard setback of 10 feet where 20 feet is required, and 57.5 feet of frontage where 60 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 demolition of an existing nonconforming deck, and construction of a two story addition and deck with less than required left side yard and right side yard setbacks, on an existing nonconforming structure with less than required front yard, left side and right side yard setbacks, on a lot with less than required frontage, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 11/17/21, stamped by Robert T. Conway, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 11/12/21, prepared by Marc Monahan, AIA, and photographs were submitted.

On January 5, 2022, the Planning Board Staff reviewed the petition and recommended that a special permit be approved, subject to a condition.

### 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 demolition of an existing nonconforming deck, and construction of a two story addition and deck with less than required left side yard and right side yard setbacks, on an existing nonconforming structure with less than required front yard, left side and right side yard setbacks, 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 demolition of an existing nonconforming deck, and construction of a two story addition and deck with less than required left side yard and right side yard setbacks, on an existing nonconforming structure with less than required front yard, left side and right side yard setbacks, subject to the following condition:

- The shed that is located on town land be removed from town property.

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.

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            2022-07  
Applicant     Jeffrey Long & Jennifer Macarchuk  
Address       9 Cedar 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:

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Cathryn Jane Kato  
Town Clerk

cc: Planning Board  
Inspector of Buildings  
lrm