

**ZONING BOARD OF APPEALS**

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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web: [www.wellesleyma.gov](http://www.wellesleyma.gov)J. RANDOLPH BECKER, VICE CHAIRMAN  
ROBERT W. LEVY  
DAVID L. GRISSINO

ZBA 2011-39

Petition of Jonathan & Alexe Flood  
7 Cavanagh Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 7, 2011 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of JONATHAN & ALLEXE FLOOD requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 5 foot by 6.75 foot front landing and portico that will meet setback requirements, construction of a covered landing, a second story addition with a floor area of 798 square feet and a 7.5 foot by 8 foot second story deck with less than required left side yard setbacks, at 7 CAVANAGH ROAD, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 22, 2011 the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing were Jonathan and Alexe Flood (the "Petitioner"). Mr. Flood said that the existing house and garage sits within the 20 foot side yard setback. He said that they came before the Board in 2007 for a Special Permit (ZBA 2007-76) to raise the height of the roof. He said that the Special Permit was granted. He said that they pulled a Building Permit and started the work that was authorized in the 2007 Special Permit. He said that they are still working under that permit.

Mr. Flood said that they would like to make a change to the previously approved plan to raise the roof of the existing garage and put a flat roof over it. He said that they are now proposing to raise the height of the garage and construct a full second floor. He said that the proposed second floor area will not be accessible from the garage. He said that they would like to reconfigure the farmer's porch at the front of the garage. He said that they would like to expand the stoop at the front of the house and build a portico over it. He said that the renovations at the front of the house will conform to Zoning requirements.

The Board asked about changes to the front entryway. Mr. Flood said that the size will be increasing but it will be within the 50 square foot requirement.

The Board said that only the proposed plans were submitted. Mr. Flood said that he had photographs of the existing house. The Board said that a set of existing plans must be submitted.

The Board asked about the setback to the deck. Mr. Flood said that the second story deck will meet setback requirements. The Board confirmed that the changes in footprint will be the second story deck, the front porch and the farmer's porch.

The Board said that the 2007 plot plan shows the setback from the garage to the side property line at 14.5 feet. The Board said that dimension is shown as 15 feet on the 2011 plot plan. The Board said that there is also a discrepancy between the 18.5 feet and the 18.8 feet dimensions to the corner of the house on the 2007 and 2011 plot plans. The Board said that before the Special Permit would be effective, a report from the surveyor that explains the difference between the 2007 and 2011 plans must be submitted.

The Board said that the mass and design of the project was good.

There was no one present at the Public Hearing who wished to speak to the petition.

#### Statement of Facts

The subject property is located at 7 Cavanagh Road, in a 10,000 square foot Single Residence District, with a minimum left side yard setback of 15 feet and a minimum front yard setback of 25.5 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 5 foot by 6.75 foot front landing and portico that will meet setback requirements, construction of a covered landing, a second story addition with a floor area of 798 square feet and a 7.5 foot by 8 foot second story deck 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 5/11/11, stamped by Robert F. Drake, Professional Land Surveyor, Proposed Floor Plans and Elevation Drawings, dated 10/26/10, prepared by MTL, and photographs were submitted.

On July 5, 2011, the Planning Board reviewed the petition and recommended that the Special Permit be granted with a condition.

#### 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 although construction of a 5 foot by 6.75 foot front landing and portico that will meet setback requirements, construction of a covered landing, a second story addition with a floor area of 798 square feet and a 7.5 foot by 8 foot second story deck with less than required left side yard setbacks is increasing a nonconformity, such increase shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, a Special Permit is granted for construction of a 5 foot by 6.75 foot front landing and portico that will meet setback requirements, construction of a covered landing, a second story addition with a floor area of 798 square feet and a 7.5 foot by 8 foot second story deck with less than required left side yard setbacks, subject to the following conditions:

1. A Surveyor's Report that explains the discrepancies between the 2007 and the 2011 plot plans shall be submitted.

2. Existing Floor Plans and Elevation Drawings shall be submitted.

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.

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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Richard L. Seegel, Chairman

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Cynthia S. Hibbard

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Robert W. Levy

cc: Planning Board  
Inspector of Buildings  
lrm

75.00'

13.1'

19.7' Existing Shed

2.5'

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02482  
2011 JUN 22 A 8:54

12,640±sf

167.06'

Prop. Replacement Patio

Prop. 7.5'x8.0' 2nd Sty Deck

Patio

174.81'

20.8'

Area of 2nd Floor Addition

20' HVAC

22.6'

18.8'

9.75'

23.75'

18.5'

9.75'

29.0'

15.0'

15.0'

Prop. Landing

No. 7

3.6'

22.0'

22.0'

27.0'

20.0'

27.0'

5'x6.75' Landing

30.1'

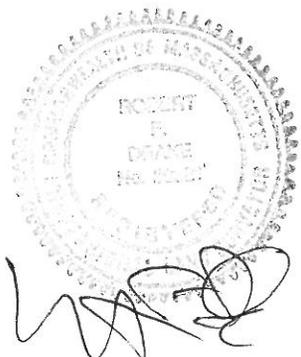
30.8'

25.5'

75.00'

Exist. lot Coverage  
1,539 sf 12.2 %  
Prop. lot Coverage  
1,654 sf 13.1 %

CAVANAGH ROAD



Zoning R10  
Ass Map 181 Lot 70

CERTIFIED PLOT PLAN  
No. 7 Cavanagh Road  
WELLESLEY MASS.  
SCALE 1"=20' MAY 11, 2011  
Drake Associates Inc.  
Civil Engineers Land Surveyors  
175 Millwood Street Framingham Mass.  
(508) 877-0848  
FAX (508) 877-6350

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ZBA 2011-39 - Modified  
Petition of Jonathan & Allexe Flood  
7 Cavanagh Road

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 13, 2011, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of JONATHAN & ALLEXE FLOOD requesting modification of a Special Permit that was granted by the Board of Appeals on July 21, 2011 for a 5± inch increase in the width of the finished walls (4 inches of rigid board insulation plus 1 inch of stock furring strips) with less than required left side yard setbacks, at 7 CAVANAGH ROAD, IN A 10,000 square foot Single Residence District.

On September 19, 2011 the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Lenore Mahoney, Executive Secretary, Zoning Board of Appeals, on behalf of Jonathan and Allexe Flood (the "Petitioner").

Ms. Mahoney read an email from Mr. Flood explaining why he was unable to attend the Public Hearing. She read an email from Mr. Flood explaining the request for modification of the Special Permit.

The Board said that it would treat this as a minor modification and deemed it di minimis.

The Board said that, under the Statute as it exists now, the Petitioner can proceed at his own risk during the Appeal period. The Board said that the Statute requires that the Building Inspector issue a Building Permit.

Statement of Facts

The subject property is located at 7 Cavanagh Road, in a 10,000 square foot Single Residence District, with a minimum left side yard setback of 15 feet and a minimum front yard setback of 25.5 feet.

The Petitioner is requesting modification of a Special Permit that was granted by the Board of Appeals on July 21, 2011 for a 5± inch increase in the width of the finished walls (4 inches of rigid board insulation plus 1 inch of stock furring strips) with less than required left side yard setbacks.

A Plot Plan, dated 7/22/11, stamped by Robert F. Drake, Professional Land Surveyor, Email Request for Modification with attachments, dated 9/19/11, from Jon Flood was submitted.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that modification of a Special Permit that was granted by the Board of Appeals on July 21, 2011 for a 5± inch increase in the width of the finished walls (4 inches of rigid board insulation plus 1 inch of stock furring strips) with less than required left side yard setbacks will be di minimis.

Therefore, modification of a Special Permit that was granted by the Board of Appeals on July 21, 2011 for a 5± inch increase in the width of the finished walls (4 inches of rigid board insulation plus 1 inch of stock furring strips) with less than required left side yard setbacks is granted.

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.

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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Richard L. Seegel, Chairman

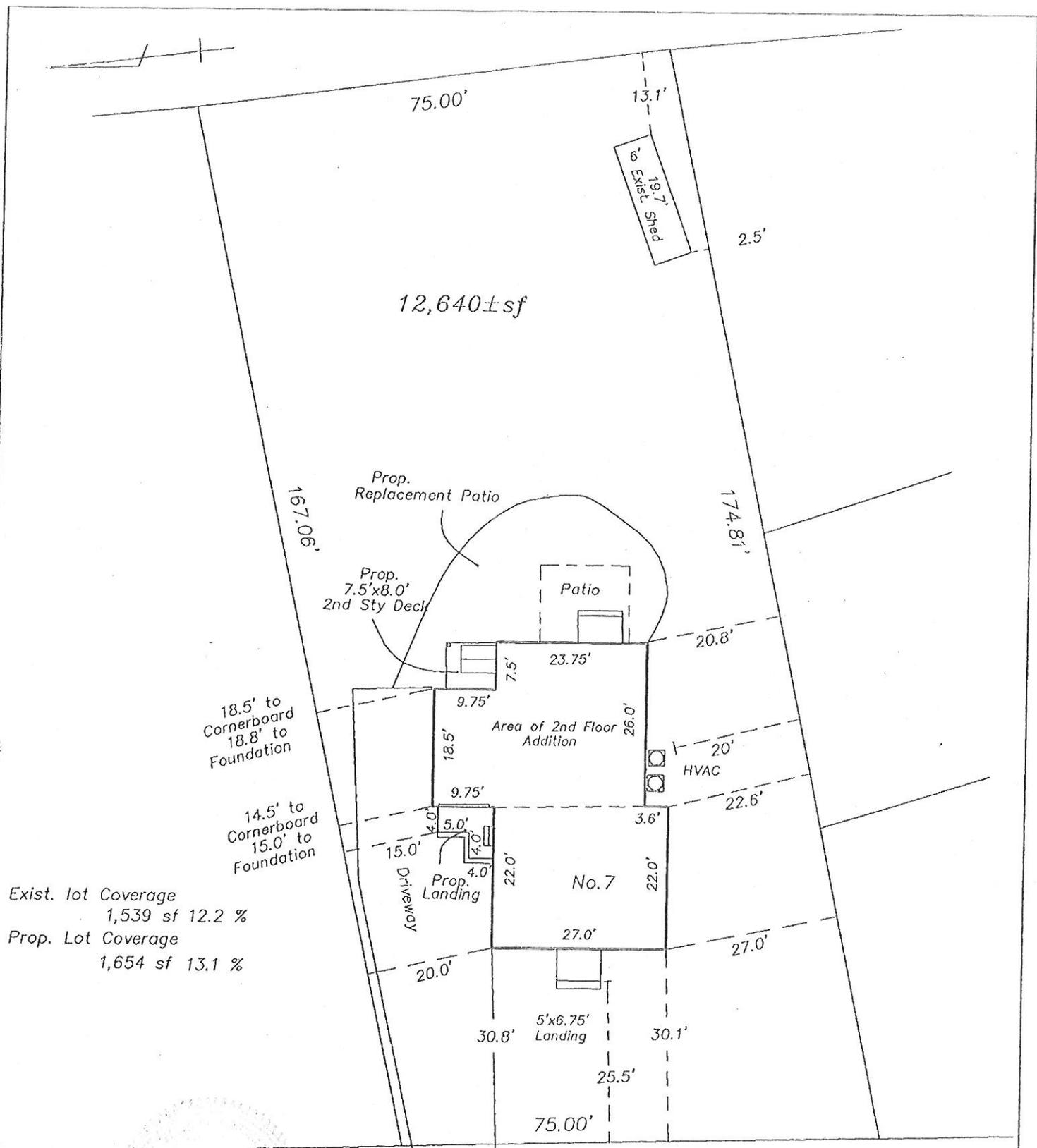
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Cynthia S. Hibbard

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Robert W. Levy

cc: Planning Board  
Inspector of Buildings  
lrm



Exist. lot Coverage  
1,539 sf 12.2 %

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Zoning R10  
Ass Map 181 Lot 70

CAVANAGH ROAD

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