

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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

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ROBERT W. LEVY  
WALTER B. ADAMS  
DEREK B. REDGATE

Thursday, May 7, 2015, 7:30 p.m.

Juliani Meeting Room  
Town Hall

Zoning Board of Appeals Members Present: Richard L. Seegel, Chairman  
Robert W. Levy  
Walter B. Adams

Excerpt from Minutes

### ZBA 2015-40, KIMBERLY & DAVID GIANGRASSO, 11 CHESTNUT STREET

Presenting the case at the hearing were Greg Jones, Architect, and Kim and David Giangrasso, (the Petitioner).

Mr. Jones said that the owners purchased the house about a year ago. He said that the request is for relief from the lot coverage requirement in the Zoning Bylaw. He said that the property is located in a 20,000 square foot Single Residence District. He said that the lot is 13,500 square feet. He said that the existing house and detached garage are approximately 2,613 square feet or 19.3 percent lot coverage. He said that up to 20 percent or a maximum of 2,700 square feet of lot coverage is allowed by right.

Mr. Jones said that it became clear this past winter that access between the rear door and the detached garage is a substantial hardship during snowstorms. He said that the existing driveway runs parallel with the length of the northern property line and is between one to three feet of the property line. He said that a landscape buffer screens the property between the neighbors.

Mr. Jones said that, owing to the shape of the lot and the location of the existing garage, there is very limited place to put snow when it's plowed. He said that the two places that are available are at the end of the lot at the back and on the right side. He said that a problem is that when the snow is plowed, it goes into the area behind the rear door and the shoveled path to the garage becomes blocked. He said that the owners and their children must walk in the driveway to and from the house with tall snow banks obscuring their view.

Mr. Jones said that the proposal is to relocate the rear door to provide access across a protected path to the garage. He said that they are proposing a one story mudroom addition, an entry landing platform, a one story addition to the family room, and relocation of the existing bulkhead.

Mr. Jones said that all of the work will be on the back side of the house and on the side the house that is away from the driveway. He said that lot coverage will increase from 19.3 to 21 percent. He said that they worked hard to minimize the work while maximizing the ability to get to the garage when there is snow. He said that the proposed construction will be in keeping with the historic context of the house and the neighborhood. He said that it will be largely unseen from any public way or neighboring property and does not nullify or substantially derogate from the intent of the Zoning Bylaw. He said that it will eliminate a substantial hardship that is sure to repeat in the coming years.

Mr. Seegel said that he is familiar with the property. He said that a problem is that the project does not meet the State or Zoning Bylaw requirements for a variance. He said that it is a rectangular lot, so shape is not a factor. He said that there is no basis on which the Zoning Board can grant a variance. He said that variances are very difficult to obtain. He said that each year the Board may grant one or two because the property meets all of the requirements of the State Statute.

Mr. Seegel read the Planning Board recommendation.

Mr. Levy said the hardship has to be related to the shape, topography or soil conditions of the lot. He said that he did not see any of those conditions here. He said that the structure on the lot may make it difficult to maneuver but the lot is a typical rectangle.

Mr. Adams said that it is a tasteful design and not seen but it does not reach the standards for granting a variance. He asked if the size of the deck could be reduced to get the lot coverage to 20 percent.

Mr. Levy said that the Board has a lot more flexibility in granting special permits. He said that the size of the lot and the left side yard setback are also nonconforming.

Mr. Adams said that the wraparound porch at the front could be reduced. He said that there has to be a basis for the Board to grant a variance. He said that although the design is good and nobody will see it, the State Law creates a framework that the Zoning Board has to make its decisions within the context of.

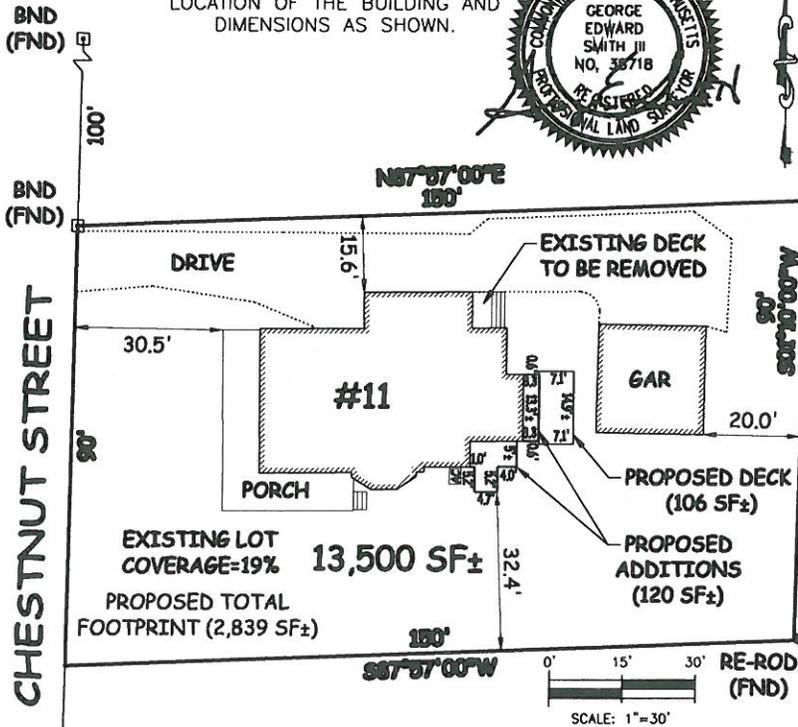
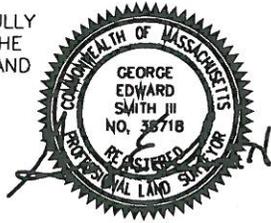
Mr. Jones said that the location of the existing structures and the driveway on the lot limit where they can put snow. Mr. Levy said that is a self-imposed hardship. Mr. Jones said that this past winter was hardship. Mr. Seegel said that it was a hardship for everyone in Wellesley.

Mr. Seegel discussed allowing the petition to be withdrawn without prejudice. Mr. Jones asked that the petition be allowed to be withdrawn without prejudice. Mr. Levy moved and Mr. Adams seconded the motion to allow the petition to be withdrawn without prejudice. The Board voted unanimously to allow the petition to be withdrawn without prejudice.

**SECTION 5 - ZONING COMPLIANCE / CERTIFIED PLOT PLAN**

**5.1 Certified Plot Plan**

I CERTIFY THAT THIS PLAN FULLY AND ACCURATELY DEPICTS THE LOCATION OF THE BUILDING AND DIMENSIONS AS SHOWN.



**NOTE:** By sealing / stamping this plot plan, the Registered Land Surveyor certifies that the proposed construction is in accordance with the Town of Wellesley Zoning By-Laws.

Land Surveyor Signature *George Edward Smith III*

710 MAIN STREET, NORTH OXFORD MA, 01537  
Address

4-16-2015  
Date

508-987-0025  
Telephone

**FOR ALL BUILDINGS ON THE PROPERTY**

**5.2 Lot Area / Coverage**

Lot Area (SF)	13,500
Proposed Lot Coverage (SF)	2,839
Proposed Lot Coverage (%)	21

**FOR THE BUILDING TO BE CONSTRUCTED OR ALTERED UNDER THIS PERMIT**

**5.3 Building Height & Area**

Footprint New Construction (SF)	
Proposed Total Footprint (SF)	
Height of Building (FT)	

**5.4 Living Area**

Gross SF	
Finished	
Unfinished	

**5.5 Rooms**

Total # Rooms	
# Bedrooms	
# Full Bathrooms	
# Half Bathrooms	

For Office Use Only

APPLICATION #



**RESIDENTIAL BUILDING PERMIT**

Property (Number and Street)

Date Permit Granted

Reviewed By

**Fees Collected:**

- Permit
- Microfilming
- Advertising
- Cert. of Occ.

**TOTAL** \$