

**ZONING BOARD OF APPEALS**

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

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ZBA 2007-17
Petition of Melanie Milde
7 Cottage Street

Petition of MELANIE MILDE requesting a Special Permit/Finding pursuant to the provisions of Section XVII, Section XIVD and Section XXV of the Zoning Bylaw that demolition of an existing deck and construction of a 5 foot by 8 foot deck with less than required left side yard setbacks, at 7 COTTAGE STREET, in a 10,000 square foot Single Residence District and an Historic District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On March 19, 2007, 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 Russell Santoro, who said that he is the contractor representing Melanie Milde (the "Petitioner"). Mr. Santoro said that there is an existing structure and an existing deck with a side yard setback of 17.9 feet. He said that the Petitioner would like to replace the pre-existing deck. He said that there is a section at the back of the house that needs to be repaired and replaced.

Mr. Santoro said that the existing lot coverage is 20.5%. He said that lot coverage would be increased to 20.8% with the proposed addition.

Mr. Santoro said that the project has been approved by the Historic District Commission.

The Board said that the plot plan should show existing and proposed setbacks. The 17.9 foot setback of the existing deck is not defined on the plot plan as an existing setback. The existing setback should also be shown for the existing structure at the back of the house.

The Board said that the increase in lot coverage from 20.5% to 20.8% is diminimus and does not require a Special Permit.

There was no member of the public present who wished to speak to the petition.

Statement of Facts

The subject property is located at 7 Cottage Street, on a 13,375 square foot lot, in a 10,000 square foot Single Residence District, with a minimum left side yard setback of 17.9 feet. The subject property is located within an Historic District.

The Petitioner is requesting a Special Permit/Finding that demolition of an existing deck and construction of a 5 foot by 8 foot 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 1/30/07, stamped by Wayne S. Carlson, Registered Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 1/15/07, drawn by Addvantage Construction Co, and photographs were submitted.

On March 27, 2007, the Planning Board reviewed the petition and had no objection to granting the request.

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 demolition of an existing deck and construction of a 5 foot by 8 foot deck with less than required left side yard setbacks shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure as the construction shall neither intensify an existing nonconformity, nor shall it create a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition and reconstruction of an existing deck, subject to the following conditions:

1. A Site Plan shall be submitted that shows the existing footprint and all relevant setbacks.
2. All conditions contained in the Historic District Commission approval shall become part of this decision.

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.

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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.

Richard L. Seegel, Chairman

Cynthia S. Hibbard

David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm
cc: Planning Board