

**ZONING BOARD OF APPEALS**

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ZBA 2007-32  
Petition of William Gaughan  
16 Laurel Terrace

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Petition of WILLIAM GAUGHAN (the "Petitioner") requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 22 foot by 38.8 foot two-story addition with less than required left side yard setbacks, on a 5,923 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 16 LAUREL TERRACE, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On May 23, 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 William Gaughan, who said that the left side yard setback and the lot size are nonconforming. He said that Laurel Terrace is a short unpaved dead end street. All five homes on one side of Laurel Terrace are on small nonconforming lots. He said that the house at 16 Laurel Terrace, with the proposed addition, would be in scale with other houses in the neighborhood.

The Board said that Commonwealth of Massachusetts land abuts the property on the right side. Mr. Gaughan said that although there is more than 20 feet on the right side of the property, that area slopes steeply down to the aqueduct. He said that the foundation contractor was concerned about getting a truck in to the rear of 16 Laurel Terrace on that right-hand side.

Mr. Gaughan said that the existing house is very close to the left side property line. He said that the proposed addition will expand the existing 9 foot kitchen to 13 feet.

Mr. Gaughan said that he is the abutter on the left side of the property. He said that he has owned the property at 16 Laurel Terrace since the mid-1970's.

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

Statement of Facts

The subject property is located at 16 Laurel Terrace, with a minimum left side yard setback of 5.5 feet and a minimum front yard setback of 19.2 feet, on a 5,923 square foot lot in a district in which the minimum lot size is 10,000 square feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 22 foot by 38.8 foot two-story addition 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 3/26/07, stamped by Peter M. Ditto, Registered Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 4/17/07, drawn by Griffin Works Architects, and photographs were submitted.

On June 4, 2007, the Planning Board reviewed the petition and did not oppose 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 although construction of a 22 foot by 38.8 foot two-story addition 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, as voted unanimously by this Authority at the Public Hearing, for construction of a 22 foot by 38.8 foot two-story addition, in accordance with the submitted plot plan and construction drawings.

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.

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Richard L. Seegel, Chairman

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David G. Sheffield

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J. Randolph Becker

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