

**ZONING BOARD OF APPEALS**

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ZBA 2008-06

Petition of Margaret Griffin & Charles Sabatier  
27 Columbia Street

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Petition of MARGARET GRIFFIN & CHARLES SABATIER requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 15.7 foot by 26 foot one-story addition with less than required left side yard setbacks, in a 10,000 square foot Single Residence District, at 27 COLUMBIA STREET, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On December 17, 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 Ray Urban, who said that he was the Architect representing Margaret Griffin and Charles Sabatier (the "Petitioner"). He said that also present at the hearing was Peggy Griffin.

Mr. Urban said that the Board had expressed concerns at a previous public hearing about the turning radius in the existing driveway and the neighbor's property line. He said that the turning radius has been added to the plan to show that it is possible to make the turn without going onto the neighbor's property.

Mr. Urban said that the existing structure is a historic home located on the Charles River. He said that Mr. Sabatier is a wheelchair bound Vietnam era paraplegic and that the house, in its present configuration, is not an accessible home.

Mr. Urban said that the proposed ground floor master suite will be located within the sideyard setback. He said that there is a six-foot drop in grade. A lift is proposed to provide direct access to the master suite. The patio will be raised up to ground floor level.

Mr. Urban said that there is an 18 inch dimension shown on the plan for the ramp access to the master suite where it lands at the door, in accordance with ADA and VA guidelines. He said that the plans show existing and proposed conditions.

Mr. Urban said that the historic front of the house will be preserved. He said that the homeowners had discussed access to the house and decided that, in the spirit of universal design, they would prefer a side entrance ramp that would accommodate everyone.

Mr. Urban said that the Board had expressed concerns at a previous public hearing regarding configuration of the side entrance ramp to allow for use of the ramp and for vehicular use of the driveway. He said that a bend was added to the ramp and it was tightened up to the property line. He said that wider landings were added to meet VA requirements.

Ms. Griffin said that emergency vehicles have been able to access the property.

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 27 Columbia Street, in a 10,000 square foot Single Residence District, with a minimum left side yard setback of 13 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 15.7 foot by 26 foot one-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 9/15/07, revised 11/16/07 & 2/3/08, stamped by Frank Iebba, Professional Land Surveyor, Existing and Proposed Floor Plans, dated 11/20/07, revised 1/23/08, drawn by Urban Design, Elevation Drawings, dated 11/20/07, drawn by Urban Design, and photographs were submitted.

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

On December 20, 2007 the Wetlands Protection Committee issued a Determination of Applicability.

#### 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 15.7 foot by 26 foot one-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 15.7 foot by 26 foot one-story addition, in accordance with the revised plot plan and revised floor plans.

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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Cynthia S. Hibbard, Acting Chairman

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David G. Sheffield

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Robert W. Levy

cc: Planning Board  
Inspector of Buildings  
lrm