

**ZONING BOARD OF APPEALS**

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ZBA 2010-02

Petition of James & Margaret Gallerani  
2 Willow Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 7, 2010, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of JAMES & MARGARET GALLERANI requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 7.3 foot by 7.5 foot one-story addition and change of roofline to an existing nonconforming shed with less than required right side yard and rear yard setbacks, in a 10,000 square foot Single Residence District, at 2 WILLOW ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On December 21, 2009 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 James Gallerani (the "Petitioner").

Mr. Gallerani said that the shed will be used for storage and a workbench. He said that the patio by the door will remain. He said that they want the garage to fit in better with the house.

The Board asked about the lines shown on the right side of the proposed elevation drawings. Mr. Gallerani said that there will be flush clapboard doors.

Mr. Gallerani said that the plan is to take the roof off and then align it. He said that the overall height of the garage will stay the same. He said that there will be skylights on the rear elevation to get more light into the garage.

The Board asked if there will be any active use in the garage that will generate noise. Mr. Gallerani said that it will only be used for storage and a workbench.

The Board said that there will be a condition that there will be no plumbing allowed in the garage.

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 2 Willow Road, on a 10,311 square foot lot, with a minimum right side yard setback of 8.9 feet and a minimum rear yard setback of 9.6 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 7.3 foot by 7.5 foot one-story addition and change of roofline to an existing nonconforming shed with less than required right side yard and rear yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, stamped on 11/25/09 by Robert A Gemma, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 11/5/09, drawn by L. Corda, and photographs were submitted.

On January 5, 2010, the Planning Board reviewed the petition and recommended that the Special Permit be approved.

#### 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 7.3 foot by 7.5 foot one-story addition and change of roofline to an existing nonconforming shed 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 7.3 foot by 7.5 foot one-story addition and change of roofline to an existing nonconforming shed, subject to the following condition:

- There shall be no plumbing allowed in the garage/shed.

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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J. Randolph Becker

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David L. Grissino

cc: Planning Board  
Inspector of Buildings  
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