



## ZONING BOARD OF APPEALS

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

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 AUG 21 P 4:37  
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ZBA 2014-66  
 Petition of Vita Melignano  
 32 Cottage Street

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 7, 2014, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of VITA MELIGNANO requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw for enclosure of an existing nonconforming stair landing and construction of a new stair landing and steps with less than required right side yard setbacks and construction of a second story addition with less than required left side yard and right side yard setbacks, on a 6,822 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in an Historic District, at 32 COTTAGE STREET, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 21, 2014, 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 were Brian Alim, Architect and Vita Melignano, (the "Petitioner"). Mr. Alim said that the lot is nonconforming. He said that there is a covered porch on the first floor that they will be filling in for a mudroom. He said that they will be extending the stairs further out into the lot.

The Board said that the lot size, left side yard, right side yard and front yard setbacks are nonconforming.

Mr. Alim said that they went before the Historic District Commission and were given approval for the project.

The Board said that it appears on the plans that the existing setback on the right side is 11.8 feet and the proposed setback is 11.3 feet. Mr. Alim said that the existing setback is 11.3 feet at the covered porch.

The Board said that the plane of the right hand side of the house and the lot line are converging. The Board said that the farther back you go, the narrower that dimension gets. Mr. Alim said that the 11.3 foot dimension is existing and they will not be going any closer to the side lot line than that. He said that the Existing First Floor Plan shows the stoop connection which is covered. He said that is 11.3 feet at the far corner. He said that the stairs jogs in one inch so that it continues to stay at 11.3 feet.

The Board said that the new 8.9 square foot stoop on the plot plan is where it appears to be at 11.3 feet. Mr. Alim said that there are two 11.3 foot dimensions. He said that one is at the new stoop that has been

jogged in one inch and the other is at the existing covered porch. He said that the master suite on the second floor will align with the first floor. He said that it stacks over and forms a new dormer.

The Board asked if the driveway is shared. Mr. Alim said that the property line divides the middle of the driveway. He said that to the right hand side is an apartment complex that has 9 to 12 units. He said that they have a large parking lot on the back right side. He said that there is parking in front of the garage that can fit two cars.

Mr. Alim said that they presented a fence proposal to the Historic District Commission. He said that the existing fence is in disrepair. He said that the fence will be removed during construction. He said that parking for construction vehicles and space for a dumpster will be in the back yard to minimize disruption to the neighbor.

The Board confirmed that the tree at the back of the property will remain.

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 32 Cottage Street, on a 6,822 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in an Historic District, with a minimum front yard setback of 16.3 feet, a minimum left side yard setback of 13 feet, a minimum right side yard setback of 11.3 feet, and 51.50 feet of frontage.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw for enclosure of an existing nonconforming stair landing and construction of a new stair landing and steps with less than required right side yard setbacks and construction of a second story addition with less than required left side yard and right side yard setbacks, on a 6,822 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in an Historic District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 7/14/14, stamped by Bruce Bradford, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 7/14/14, revised 7/31/14, prepared by BC Alim, and photographs were submitted.

On August 6, 2014, the Planning Board reviewed the petition and recommended that the Special Permit be granted.

#### 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 opinion of this Authority that although enclosure of an existing nonconforming stair landing and construction of a new stair landing and steps with less than required right side yard setbacks and construction of a second story addition with less than required left side yard and right side yard setbacks, on a 6,822 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in an Historic District, with less than required frontage 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 enclosure of an existing nonconforming stair landing and construction of a new stair landing and steps with less than required right side yard setbacks and construction of a second story addition with less than required left side yard and right side yard setbacks, on a 6,822 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in an Historic District, with less than required frontage, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, 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 constructions 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.

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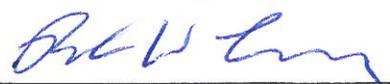
ZBA 2014-66  
Petition of Vita Malignano  
32 Cottage Street

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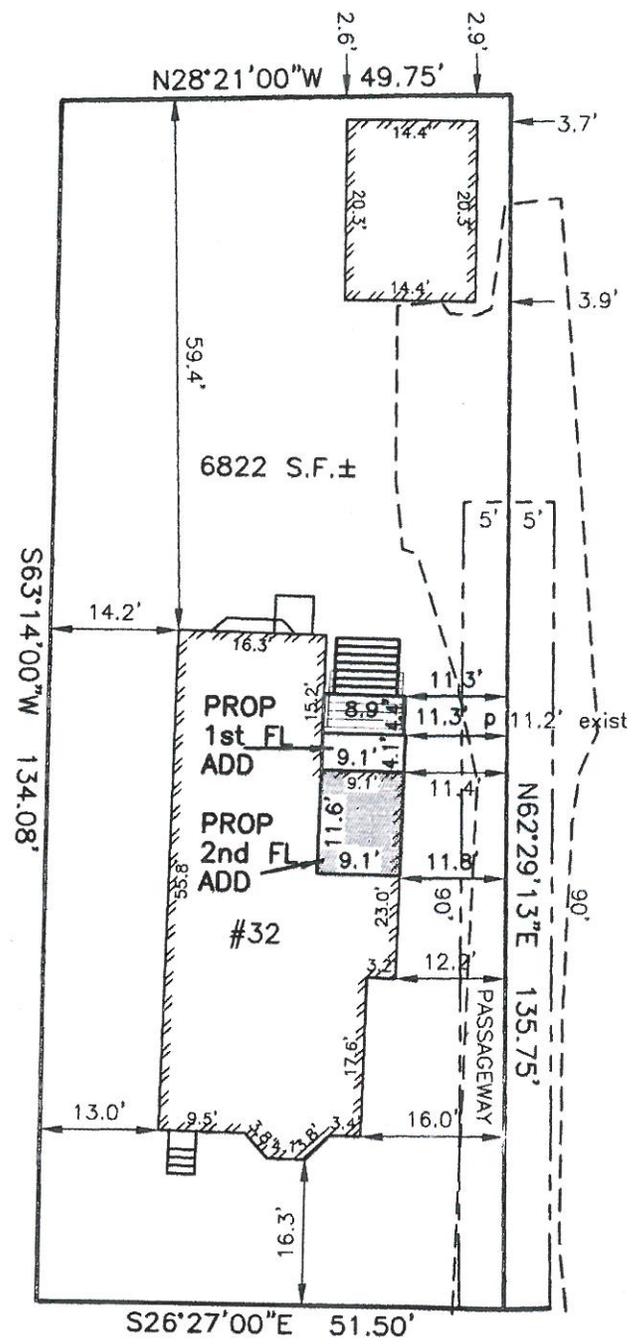
APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.

  
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J. Randolph Becker, Acting Chairman

  
\_\_\_\_\_  
Robert W. Levy

  
\_\_\_\_\_  
Derek B. Redgate

cc: Planning Board  
Inspector of Buildings  
lrm



**COTTAGE STREET**

ESTABLISHED 1916  
**EMB**

**EVERETT M. BROOKS CO.**  
**SURVEYORS & ENGINEERS**  
 49 LEXINGTON STREET  
 WEST NEWTON, MA 02465

(617) 527-8750  
 (617) 332-1578 FAX  
 info@everettbrooks.com

DEED REFERENCE:  
 BK 25156 PG 435  
 PLAN REFERENCE:  
 BK 1477 PG 302

EXISTING  
 STRUCTURES: 1600 S.F.  
 LOT COVERAGE: 23.5%

PROPOSED  
 STRUCTURES: 1677 S.F.  
 LOT COVERAGE: 24.2%

*Eric Schwartz*  
 7/14/14

**PLAN OF LAND IN  
 WELLESLEY, MA**

32 COTTAGE STREET  
 TO ACCOMPANY PETITION OF  
 ERIC SCHWARTZ

SCALE: 1 IN. = 20 FT.  
 DATE: JULY 14, 2014  
 DRAWN: SM  
 CHECK: BB  
 PROJECT NO. 24388