



ZONING BOARD OF APPEALS

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

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 2016 APR 21 P 12:46

ZBA 2016-25
 Petition of Zachary Galvin
 30 ½ Cottage Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 7, 2016, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Zachary Galvin requesting a Variance pursuant to the provisions of Section XIVD, Section XIX and Section XXIV-D of the Zoning Bylaw, and a Special Permit/Finding pursuant to the provisions of Section XIVD, Section XVII and Section XXV of the Zoning Bylaw that demolition of existing concrete stairs and landing and construction of new stairs and a deck with less than required left side yard and right side yard setbacks, on an existing nonconforming structure with less than required left side yard and right side yard setbacks, on a 3,340 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with less than required frontage, at 30 ½ Cottage Street, in a Historic District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. Existing lot coverage is 23.80 percent and proposed lot coverage will be 29.79 percent.

On March 21, 2016, 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 Zachary Galvin, the Petitioner. Mr. Galvin said that the house has been in his family for years. He said that he said that he purchased the property about a year and a half ago. He said that the request is for a Variance and a Special Permit for a disintegrating original cement staircase at the back to be replaced with a small deck that is low to the ground. He said that the stairs will have to be rebuilt as part of the deck. He said that three steps will come down to a low wood carpet in a very small backyard.

Mr. Galvin said that the lot is 3,340 square feet. He said that it is a small house at 805 square feet. He said that he is trying to find a way to utilize the backyard more. He said that the neighbors on the either side are both new but are very satisfied with what he is trying to do.

The Board said that the property is located in a Historic District. The Board said that it received a letter of approval from the Historic District Commission.

A Board member confirmed that there are existing fences along both sides of the lot. Mr. Galvin said that the fences are not his. He said that the picture with the neighbor's garage shows the slope of the lot that his is trying to level off.

A Board member said that it is a unique home. Mr. Galvin said that the home was visited by Sylvia Plathe one summer. He said that Robert Browning wrote a poem about that visit to the house.

A Board member said that this is smallest lot that he has dealt with.

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 30 ½ Cottage Street, on a 3,340 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Historic District, with 25 feet of frontage, a minimum left side yard setback of 3.1 feet, and a minimum right side yard setback of 3.4 feet.

The Petitioner is requesting a Variance pursuant to the provisions of Section XIV-D, Section XIX and Section XXIV-D of the Zoning Bylaw, and a Special Permit/Finding pursuant to the provisions of Section XIV-D, Section XVII and Section XXV of the Zoning Bylaw that demolition of existing concrete stairs and landing and construction of new stairs and a deck with less than required left side yard and right side yard setbacks, on an existing nonconforming structure with less than required left side yard and right side yard setbacks, on a 3,340 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with less than required frontage, in a Historic District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. Existing lot coverage is 23.80 percent and proposed lot coverage will be 29.79 percent.

Letter in support of Special Permit/Finding and Variance requests, signed by Zach Galvin, A Plot Plan, dated 11/16/15, revised 2/18/16, stamped by Anthony M. Dellorco, Professional Surveyor, Existing & Proposed Floor Plans & Elevation Drawings, dated 3/8/16, prepared by Zach Galvin, and photographs were submitted.

On July 14, 2015, the Historic District Commission reviewed the plans and voted unanimously to grant a Certificate of Non-Applicability.

On April 6, 2016, the Planning Department Staff reviewed the petition and recommended that the Variance and 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 literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner owing to circumstances relating to the size and shape of the land, which does not generally affect the zoning district that it is in, and desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw.

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Therefore, the requested Variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw is granted for demolition of existing concrete stairs and landing and construction of new stairs and a deck with less than required left side yard and right side yard setbacks, on an existing nonconforming structure with less than required left side yard and right side yard setbacks, on a 3,340 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with less than required frontage, with proposed lot coverage of 29.79 percent, in a Historic District.

It is the opinion of this Authority that although demolition of existing concrete stairs and landing and construction of new stairs and a deck with less than required left side yard and right side yard setbacks, on an existing nonconforming structure with less than required left side yard and right side yard setbacks, on a 3,340 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with less than required frontage, with proposed lot coverage of 29.79 percent, in a Historic District 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 demolition of existing concrete stairs and landing and construction of new stairs and a deck with less than required left side yard and right side yard setbacks, on an existing nonconforming structure with less than required left side yard and right side yard setbacks, on a 3,340 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with less than required frontage, with proposed lot coverage of 29.79 percent, in a Historic District, 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.

If construction has not commenced, except for good cause, this Variance shall expire one year after the date time stamped on this decision.

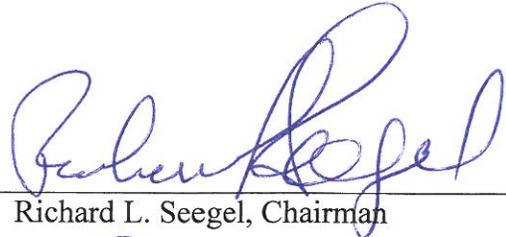
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

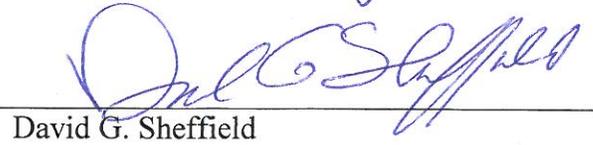
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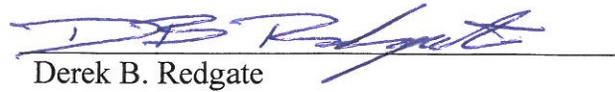
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30 ½ Cottage Street

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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.


Richard L. Seegel, Chairman


David G. Sheffield

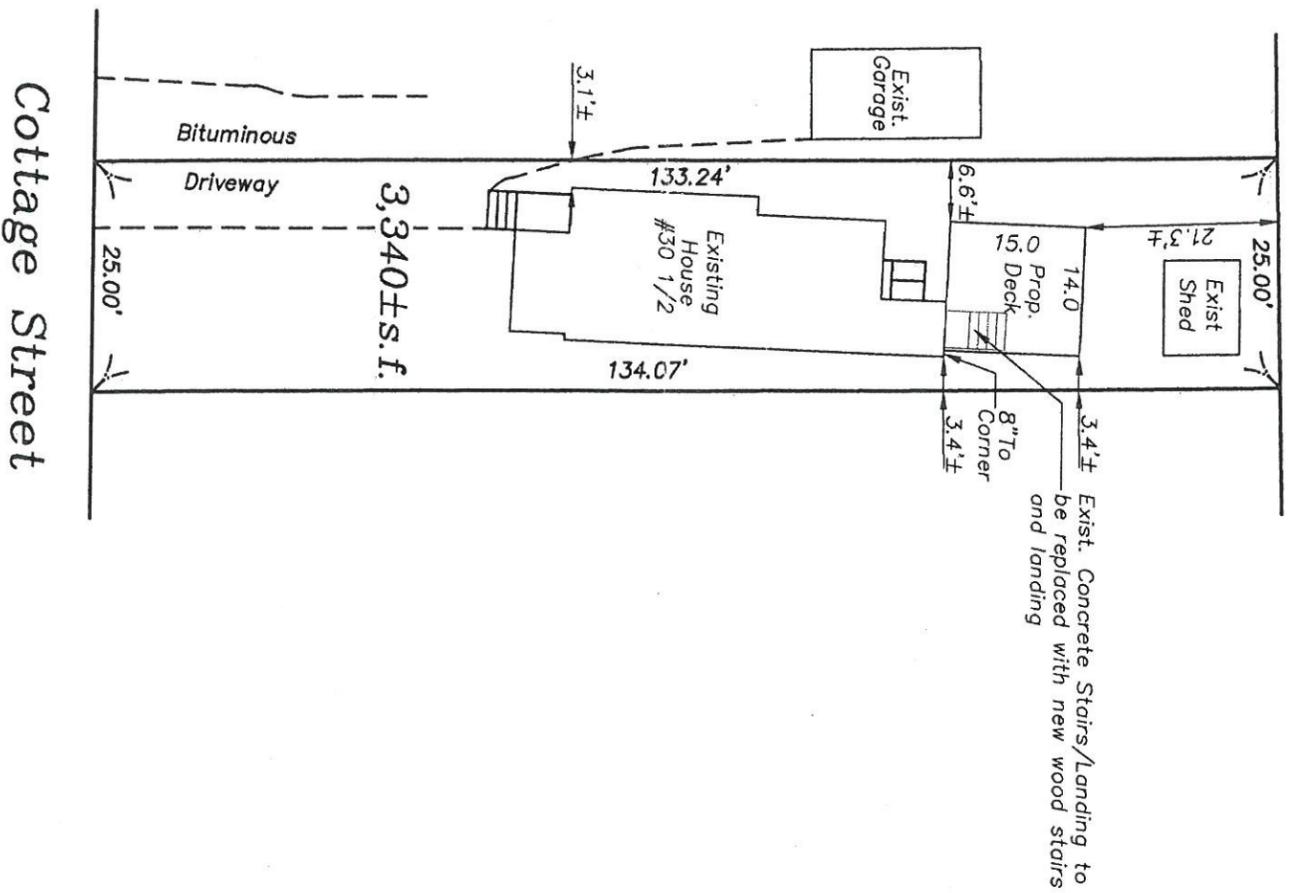

Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm

Assessors Map 125 Parcel 62
Zoning District Residential 10 – Historic
District

Existing Lot Coverage=23.80±%/795±s.f.
Proposed Lot Coverage=29.79±%/995±s.f.
Max. Allowed Lot Coverage 25% (835s.f.)

Owner:
Zachary Galvin
30 1/2 Cottage Street
Wellesley, Ma. 02481
Deed Book 32482 Page 155



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PLLOT PLAN
30 1/2 COTTAGE STREET
WELLESLEY, MASSACHUSETTS
SCALE: 1"=20'
NOVEMBER 16, 2015
Rev. February 18, 2016
DELLORCO ASSOCIATES
214 EAST STREET, FOXBOROUGH, MA. 02035
508-549-9965 dellorcoassociates@comcast.net