



## ZONING BOARD OF APPEALS

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

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ZBA 2016-09  
 Petition of Patrick Daly  
 218 Cedar Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 7, 2016, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Patrick Daly requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming structure and construction of a new two-story structure with unfinished basement and attic that will meet all setback requirements, on a 10,303 square foot corner lot in a Single Residence District in which the minimum lot size is 15,000 square feet, on a corner lot at 218 Cedar Street, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On December 21, 2015, 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 Patrick Daly, the Petitioner. Also present was Michael Cyganiewicz, Designer, A. Francis Contracting, Inc.

Mr. Daly said that he has lived there seven years. He said that the house was built in the 1940's. He said that it needs a lot of work. He said that they would like to be able to continue to live in the area. He said that the plan is to demolish the existing house and rebuild. He said that it is a nonconforming lot. He said that the proposed structure will meet the setback requirements and will be under the threshold for Large House Review for the district.

The Board confirmed that there is no garage proposed. Mr. Daly said that it is not proposed at this time. He said that they may consider it in the future.

The Board asked if Mr. Daly had a choice of street number. Mr. Daly said that they asked if they would have to change the address if they did not have the entrance on Cedar Street. He said that they were told that they would not have to change the address. He said that the mailbox is on Dunedin Street.

The Board asked about the existing shed in the back corner. Mr. Daly said that it is 8 feet by 12 feet. The Board asked if it can be relocated to be entirely on Mr. Daly's property. Mr. Daly said that he can move it. The Board asked if the retaining wall will remain. Mr. Daly said that it will. He said that there is a whole row of trees there. He said that it is approximately one foot high where the shed is and goes up to approximately four feet behind the house. Mr. Daly said that he will figure something out. He said that he can swing the shed sideways and put a ramp up to the wall.

Mr. Daly said that they will have to move the existing patio slightly because the construction will cut into it.

The Board confirmed that the stairs on the concrete walk from Cedar Street will be demolished.

The Board asked about the grade change from the sidewalk on Cedar Street. Mr. Daly said that there is a grade change of about four feet. He said that it tails off as you get to Dunedin Street.

The Board said that the Total Living Area Plus Garage (TLAG) will be substantially under the threshold for a 15,000 square foot district.

The Board said that Mr. Daly's letter stated that there had been extensive damage last winter. Mr. Daly said that the house was in disrepair when he bought it. He said that all of the roofing and the siding has to be replaced now. He said that they looked at doing an extension on the house. He said that because of the structure of the house, the cost was almost as much as the cost of a new house.

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 218 Cedar Street, on a 10,303 square foot corner lot in a Single Residence District in which the minimum lot size is 15,000 square feet, with less than required front yard setbacks to Dunedin Road.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming structure and construction of a new two-story structure with unfinished basement and attic that will meet all setback requirements, on a 10,303 square foot corner lot in a Single Residence District in which the minimum lot size is 15,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 12/15/15, stamped by Todd P. Chapin, Professional Land Surveyor, Existing Floor Plans and Elevation Drawings, dated 9/10/15, Proposed Floor Plans and Elevation Drawings, dated 9/21/15, revised 11/30/15, prepared by A. Francis Contracting, Inc., and photographs were submitted.

On January 5, 2016, 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.

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It is the opinion of this Authority that demolition of an existing nonconforming structure and construction of a new two-story structure with unfinished basement and attic that will meet all setback requirements, on a 10,303 square foot corner lot in a Single Residence District in which the minimum lot size is 15,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it shall neither increase an existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of an existing nonconforming structure and construction of a new two-story structure with unfinished basement and attic that will meet all setback requirements, on a 10,303 square foot corner lot in a Single Residence District in which the minimum lot size is 15,000 square feet, subject to the following condition:

- A signed and sealed letter certifying compliance with the 500 Foot Rule shall be submitted.

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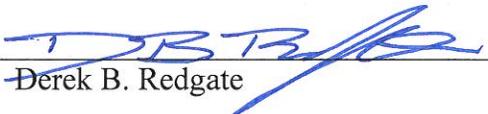
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APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.

  
\_\_\_\_\_  
Robert W. Levy, Acting Chairman

  
\_\_\_\_\_  
Walter B. Adams

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

cc: Planning Board  
Inspector of Buildings  
lrm

214 Cedar St.  
N/F Soliva, Jose A & Susan

**LOT 18**  
**AREA=10,303 S.F.**

PARCEL ID: 11-18  
ZONING DISTRICT: SRD 15  
MINIMUM YARD SETBACK REQUIREMENTS:  
FRONT = 30.0' SIDE = 20.0' REAR = 15.0'  
MAX. BUILDING HEIGHT = 33' - 2.5 STORIES  
MAX. LOT COVERAGE 30%  
MIN. OPEN SPACE 40% OF LOT

AREA NOTES: (EXISTING)  
LOT AREA = 10,303 S.F.  
BUILDING FOOTPRINT = 969 S.F.  
BUILDING COVERAGE = 9.4 %  
IMPERVIOUS SURFACE = 1,131 S.F.  
TOTAL COVERAGE = 2,100 S.F.  
OPEN SPACE = 79.6 %

AREA NOTES: (PROPOSED)  
BUILDING FOOTPRINT = 947 S.F.  
BUILDING COVERAGE = 9.2 %  
IMPERVIOUS SURFACE = 1,268 S.F.  
TOTAL COVERAGE = 2,215 S.F.  
OPEN SPACE = 78.6 %

PLAN PREPARED FOR APPLICANTS  
PROPERTY OWNER(S):  
PATRICK DALY  
218 CEDAR STREET  
WELLESLEY, MA. 02482

**PROPOSED**  
PLAN OF LAND IN  
WELLESLEY, MASS

SCALE: 1"=20'      DATE: 12/15/2015

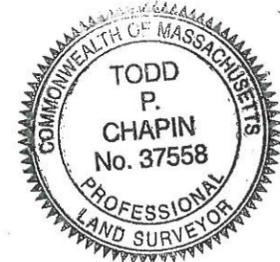
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PLAN 268-1945 PLBK. 455

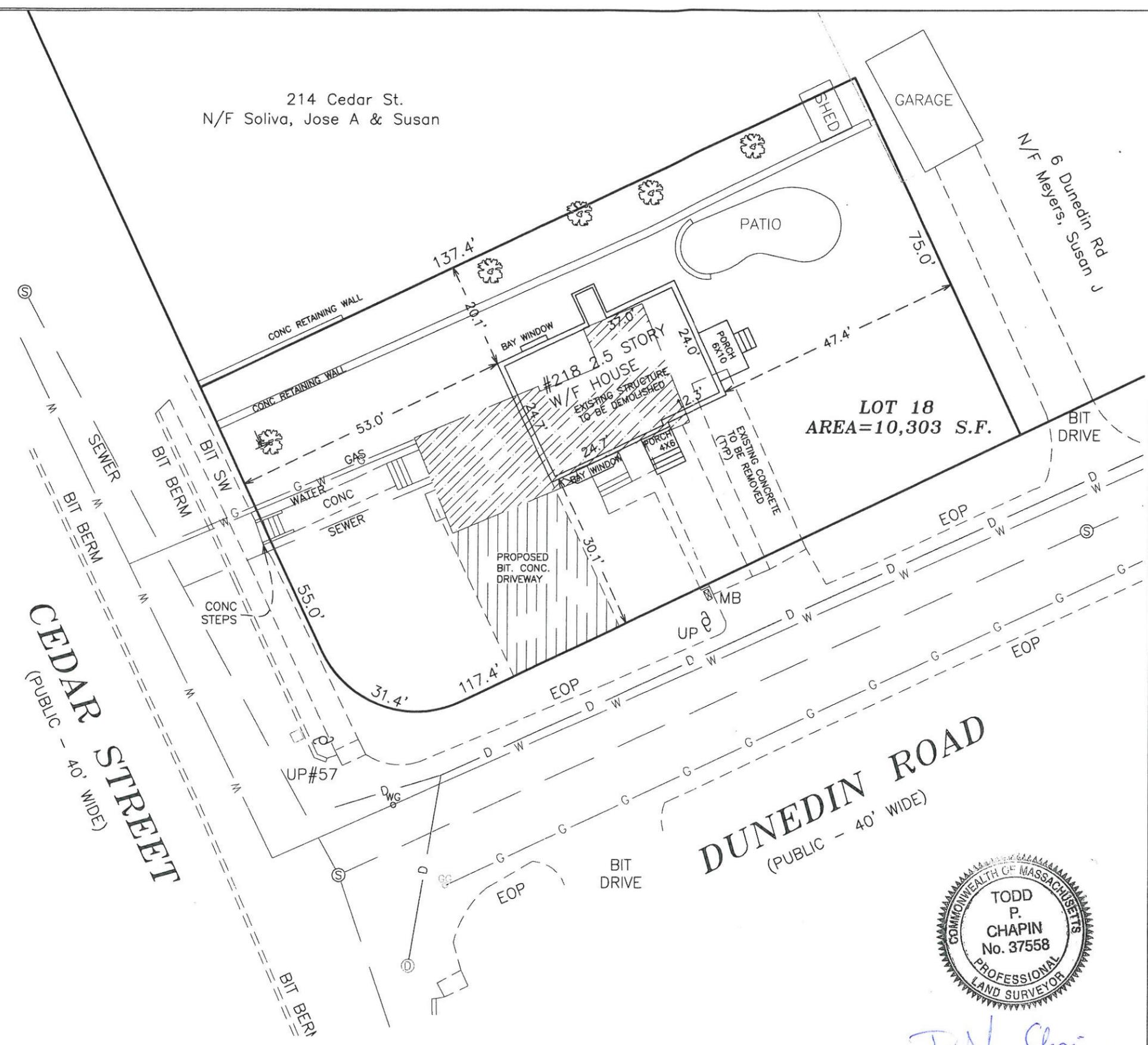
NORFOLK COUNTY REGISTRY DEEDS

CHAPPELL ENGINEERING ASSOCIATES, LLC  
201 Boston Post Road W.  
Marlborough, MA. 01752  
508-481-7400 508-523-4559

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*TAN Chapin*



**CEDAR STREET**  
(PUBLIC - 40' WIDE)

**DUNEDIN ROAD**  
(PUBLIC - 40' WIDE)