



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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SUMNER H. BABCOCK

ZBA 88-5
Petition of Spencer and Lisa Macalaster
40 Cottage Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, January 21, 1988 at 8 p.m. in the Great Hall of the Town Hall, 525 Washington Street, Wellesley on the petition of SPENCER AND LISA MACALASTER requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw which would allow the removal of a pitched and a flat roof and construction of a new roof with a ridge line approximately 2 feet higher than the existing ones at their non-conforming dwelling at 40 COTTAGE STREET in a Single Residence District and an Historic District, said dwelling having less than the required left side yard.

On January 4, 1988 the petitioners requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case was Spencer Macalaster who stated that he had received approval from the Historic District Commission for the construction, and was now applying for the required variance. The parameters of the house would not change. The roof would be raised on the back portion of the house to allow construction of a room approximately 10 feet by 18 feet and shed dormers on both sides.

No other persons present had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 40 Cottage Street in a Single Residence District and an Historic District on a 9,812 square foot lot with a left side yard clearance of 15.8 feet. The petitioners request a variance to remove two existing roofs at the rear of the dwelling and construct a new roof with a ridge line approximately two feet higher than the existing ones, but not to exceed the height of the front roof ridge line. The left rear corner of the dwelling is 15.9 feet from the lot line. There will be no further encroachment on the lot lines.

A Plot Plan dated August 20, 1985, drawn by John Lawrence Noonan, Registered Land Surveyor, construction plans and elevations, and photographs were submitted. Copies of the Application to the Historic District Commission, the Decision of the Commission to issue a Certificate of Appropriateness with modifications, and letters supporting said Application were also submitted.

The Planning Board, at its Regular Meeting of January 19, 1988, voted to offer no objection to the request.

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Decision

This Authority has made a careful study of the evidence presented. The subject house does not conform to the present Zoning Bylaw as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that the proposed removal of the two existing rear roofs and construction of a new roof with a ridge line approximately two feet higher than the present ones, but not higher than the highest point of the existing front roof, conforms to the present lines of the house and does not alter the relationship of the house to the left side line.

It is the further opinion of this Authority that, because of the shape of the lot and the location of the house on the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner, and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested variance is granted subject to construction in accordance with the Plot Plan and construction plans as submitted and subject to compliance with the Certificate of Appropriateness of the Historic District Commission.

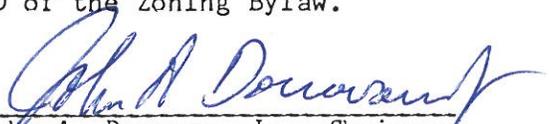
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

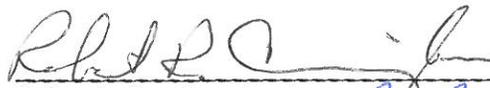
APPEALS FROM THIS DECISION, IF ANY, SHALL BE MADE PURSUANT TO GENERAL LAWS, CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK.

cc: Planning Board
Inspector of Buildings

edg



John A. Donovan, Jr., Chairman

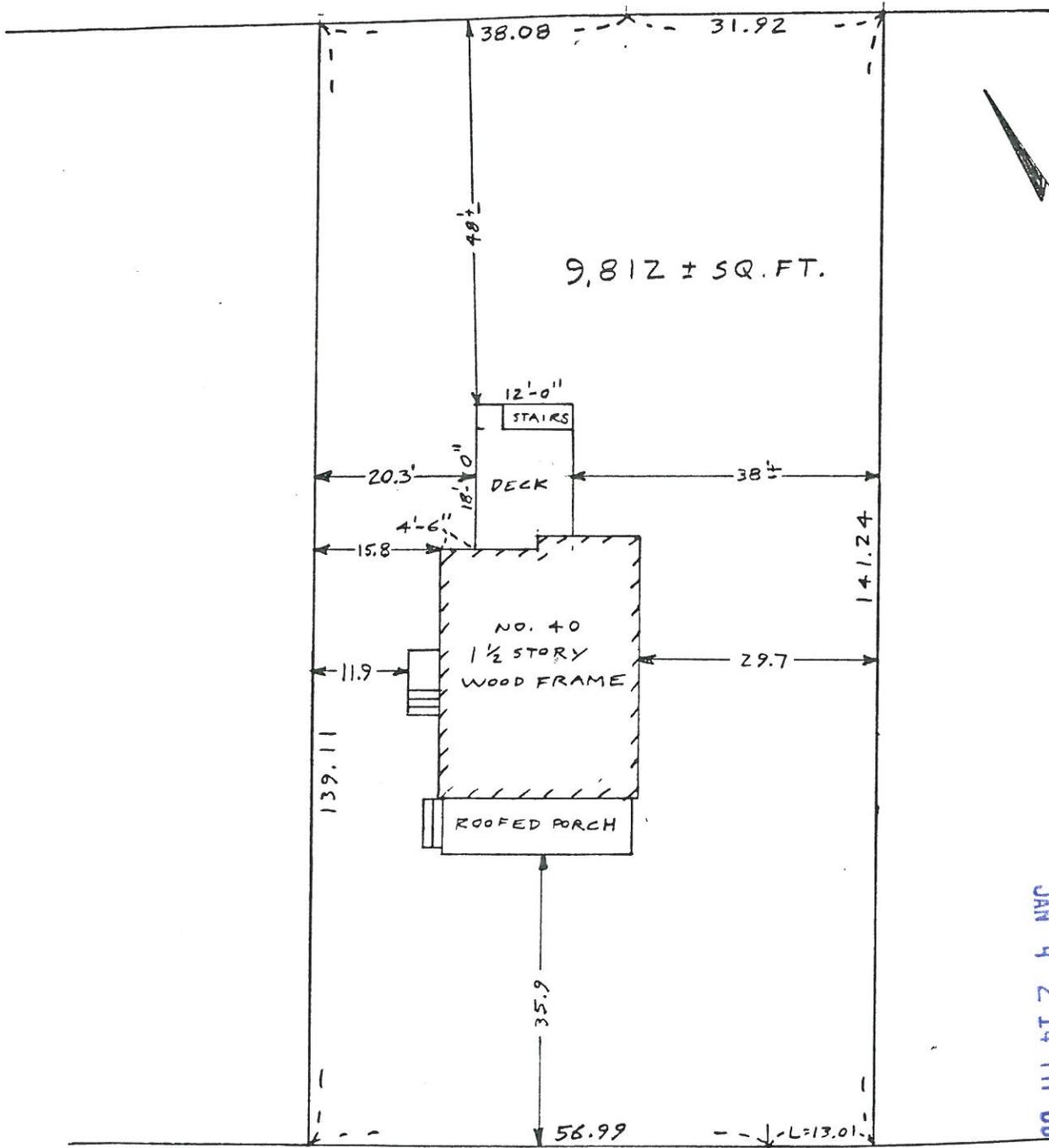


Robert R. Cunningham



Kendall P. Bates

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COTTAGE ST.

TO: SPENCER W. MACALASTER

I HEREBY CERTIFY THAT THE BUILDING ON THIS PROPERTY IS LOCATED AS SHOWN ABOVE AND COMPLIED WITH THE ZONING BY-LAWS OF THE TOWN OF WELLESLEY MASS. WHEN CONSTRUCTED.

8-20-86 *John Lawrence Noonan*
 DATE PROF. LAND SURVEYOR



PLOT PLAN
 IN
 WELLESLEY, MASS.
 SCALE: 1 IN. = 20 FT. AUG. 20, 1986
 LAND DATA
 P.O. BOX 524I
 BILLERICA, MASS.
 01822

NOTE: THIS PLOT PLAN IS THE PROPERTY OF LAND DATA AND MAY NOT BE ALTERED.

JOB NO. 24