

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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

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ZBA 2017-31

Petition of Caroline Warren  
32 Arlington Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 6, 2017, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Caroline Warren requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition and reconstruction of an existing nonconforming garage with less than required left side yard and rear yard setbacks, on a 17,072 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, at 32 Arlington Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The height of the existing garage is 16 feet  $\frac{1}{2}$  inch. The height of the proposed garage will be 21 feet  $\frac{1}{2}$  inches.

On March 9, 2017, 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 Eddie Gaffney, Patrick Ahearn Architects, representing Caroline and Doug Warren, the Petitioner.

The Board discussed concerns about the location of the proposed garage, assuring that the second floor will not be useable space, the height of the proposed garage, and the dormers on the east and west elevations.

The Board voted unanimously to continue the hearing.

The Chairman said that the petition would be heard *de novo*.

**May 4, 2017**

Presenting the case at the hearing was Mike Tartamella, representing Patrick Ahearn, Architect, on behalf of the homeowner at 32 Arlington Road. He said that currently there is a two-car nonconforming structure that is inside the setback. He said that they heard the comments from the Board and returned with a revised location for a two-car garage that will decrease the nonconformities by moving it slightly further in from the setback lines. He said that the garage is on a tight lot that is nonconforming. He said that they reduced the mass and scale of the structure by taking off the second floor dormers, which further demonstrates that they do not intend to use the second floor for anything more than storage. The Chairman said that they did everything that the Board asked them to do.

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 Arlington Road, on a 17,072 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, with a minimum right side yard setback of 16.5 feet. The existing nonconforming garage has a minimum left side yard setback of 10.9 and a minimum rear yard setback of 13.9 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition and reconstruction of an existing nonconforming garage with less than required left side yard and rear yard setbacks, on a 17,072 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The height of the existing garage is 16 feet 1 $\frac{1}{2}$  inches. The height of the proposed garage will be 21 feet 2  $\frac{1}{2}$  inches.

A Plot Plan, dated 3/10/17, revised 5/10/17 stamped by Daniel J. Tivnan, Professional Land Surveyor, Existing & Proposed Floor Plans and Elevation Drawings, dated 2/28/17, revised 5/4/17, Neighborhood Delineation Diagram, and Site Diagram, prepared by Patrick Ahearn, Architect, and photographs were submitted.

On March 28, 2017, 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 demolition and reconstruction of an existing nonconforming garage with less than required left side yard and rear yard setbacks, on a 17,072 square foot lot in a Single Residence District in which the minimum lot size is 20,000 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 and reconstruction of an existing nonconforming garage with less than required left side yard and rear yard setbacks, on a 17,072 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, subject to the following condition:

- There shall be no living space on the second floor of the garage.

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.

ZBA 2017-31  
Petition of Caroline Warren  
32 Arlington Road

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RECEIVED  
TOWN CLERK'S OFFICE  
MAY 18 2017 P 2226

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



J. Randolph Becker



David G. Sheffield

cc: Planning Board  
Inspector of Buildings  
lrm

# PROPOSED SITE PLAN



**hs&t group, inc.**

PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS  
75 HAMMOND STREET - 2ND FLOOR  
WORCESTER, MASSACHUSETTS 01610-1723  
PHONE: 508-757-4944 EMAIL: INFO@HSTGROUP.NET  
FAX: 508-752-8895 WWW.HSTGROUP.NET

PROJECT: 32 ARLINGTON RD

WELLESLEY MA

OWNER: DOUG WARREN

DATE: 05-10-17

DEED: 24418-346

ZONE: SR-20

PLAN: 1264-338

SCALE: 1"=40'

COMP'D: DJT

FLD. BK: 647-62

CAD: DJT

JOB #: 6108

FILE: ARLINGTON32VAR2

I CERTIFY THAT THIS PLAN FULLY AND ACCURATELY DEPICTS  
THE LOCATION OF THE BUILDING AND DIMENSIONS AS SHOWN.

THERE ARE NO WETLANDS ON THIS LOT.

EXISTING LOT COVERAGE 18%  
PROPOSED LOT COVERAGE 19%  
EXISTING LOT COVERAGE 3200 S.F.  
PROPOSED LOT COVERAGE 3296 S.F.

