



## ZONING BOARD OF APPEALS

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

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ZBA 2016-52

Petition of Stephen Comstock & Laura Zarchin  
2 Lafayette Circle

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 14, 2016, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Stephen Comstock & Laura Zarchin requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that construction of a two-story addition and construction of a second story addition with less than required side yard setbacks, on an existing nonconforming structure with less than required side yard setbacks, on a corner lot, in a Water Supply Protection District, in a 10,000 square foot Single Residence District, at 2 Lafayette Circle, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 28, 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 were Stephen Comstock and Laura Zarchin, the Petitioner.

Mr. Comstock said that the request is to build over an existing nonconforming garage that has a side yard setback of 17.8 feet, a two-story bump out at the rear with a 16.5 foot side yard setback, and a conforming front portico. He said that it is a corner lot. He said that the proposal is to add 62 square feet of lot coverage and 383 square feet of living space to the home. He said that there will be no new nonconformities.

The Board confirmed that the deck will be removed.

The Board asked if Mr. Comstock spoke with the neighbors about the plans. Mr. Comstock said that he dropped letters off to the neighbors with his contact information.

The Board said that the TLAG Affidavit had not been signed.

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 2 Lafayette Circle, in a 10,000 square foot Single Residence District, in a Water Supply Protection District, on a corner lot with minimum side yard setbacks of 16.5 and 17.7 feet.

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The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that construction of a two-story addition and construction of a second story addition with less than required side yard setbacks, on an existing nonconforming structure with less than required side yard setbacks, on a corner lot, in a Water Supply Protection District, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 5/12/16 and 500 Foot Rule Certification, dated 5/16/16, stamped by Bruce Bradford, Professional Land Surveyor, Existing & Proposed Floor Plans and Elevation Drawings, dated 5/16/16, prepared by McGavern Design, and photographs were submitted.

On July 11, 2016, the Planning Department Staff reviewed the petition and recommended that the special permit be approved.

#### 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 construction of a two-story addition and construction of a second story addition with less than required side yard setbacks, on an existing nonconforming structure with less than required side yard setbacks, on a corner lot, in a Water Supply Protection 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 construction of a two-story addition and construction of a second story addition with less than required side yard setbacks, on an existing nonconforming structure with less than required side yard setbacks, on a corner lot, in a Water Supply Protection 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 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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Petition of Stephen Comstock & Laura Zarchin  
2 Lafayette Circle

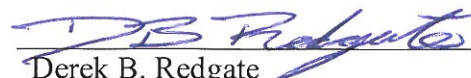
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APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.

  
Robert W. Levy, Acting Chairman

  
Walter B. Adams

  
Derek B. Redgate

cc: Planning Board  
Inspector of Buildings  
lrm



# EMB

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EXISTING  
STRUCTURES 1,746 S.F.  
LOT COVERAGE 17.4%

PROPOSED  
STRUCTURES 1,500 S.F.  
LOT COVERAGE 15.0%

2 LAFAYETTE CIRCLE  
PROPOSED ADDITIONS

DATE: MAY 12, 2016

DRAWN: MF

CHECK: BB

REVISIONS:

PROJECT NO. 24938

