



## ZONING BOARD OF APPEALS

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

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ZBA 2016-59

Petition of John & Elizabeth Carroll  
52 Livermore Road

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 11, 2016 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of John & Elizabeth Carroll requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming one-car garage with less than required left side yard and rear yard setbacks, and construction of a two-car garage with less than required left side yard and rear yard setbacks, on an 18,774 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, in a Water Supply Protection District, at 52 Livermore Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 26, 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 Peter Fallon, Fallon Custom Homes, and John and Elizabeth Carroll, the Petitioner.

Mr. Fallon said that the proposal is to build a two-car garage within the existing nonconforming setbacks. He displayed the location of the existing and proposed garages on large format plans.

The Board said that it is an undersized lot.

The Board asked about the difference in height between the new garage and the old one. Mr. Carroll said that it will be five to six feet higher. Ms. Carroll said that it will not be higher than the abutting garage. She said that they have the support of all of the abutting neighbors. She said that the neighbors have seen the plans.

The Board asked if there will be anything on the second floor of the garage. Mr. Fallon said that it will be hollow rafter space.

The Board confirmed that there will be one garage door.

Ms. Carroll said every house on the street except for one has a nonconforming garage at the back corner. The Board said that it is very common in the neighborhood.

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The Board said that the existing garage is a little unusual in that it is brick. Mr. Fallon said that the house is shingle style. He said that the plan is to make the garage shingle style so that it looks like it was built with the house.

The Board said that it is most concerned with the direct abutters. Ms. Carroll said that the Cosmer's sent a letter of support. She said that they have spoken with the Sandman's and the Ballantyne's.

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 52 Livermore Road, on an 18,774 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, in a Water Supply Protection District. The subject garage has a minimum left side yard setback of 4.7 feet and a minimum rear yard setback of 4.8 feet.

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 demolition of an existing nonconforming one-car garage with less than required left side yard and rear yard setbacks, and construction of a two-car garage with less than required left side yard and rear yard setbacks, on an 18,774 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

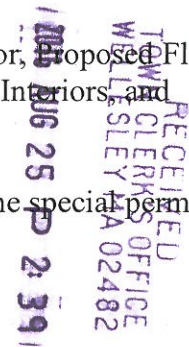
A Plot Plan, dated 6/2/16, stamped by Joseph R. Sullivan, Professional Land Surveyor, Proposed Floor Plans and Elevation Drawings, dated 6/22/16, prepared by Duckham Architecture & Interiors, and photographs were submitted.

On July 27, 2016, the Planning Board 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 demolition of an existing nonconforming one-car garage with less than required left side yard and rear yard setbacks, and construction of a two-car garage with less than required left side yard and rear yard setbacks, on an 18,774 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, 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 demolition of an existing nonconforming one-car garage with less than required left side yard and rear yard setbacks, and construction of a two-car garage with less than required left side yard and rear yard setbacks, on an 18,774 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, 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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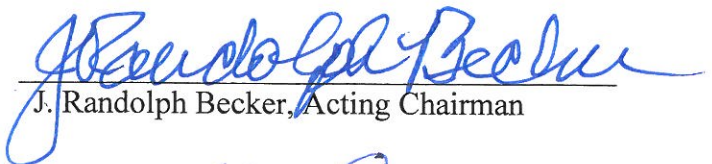


ZBA 2016-59  
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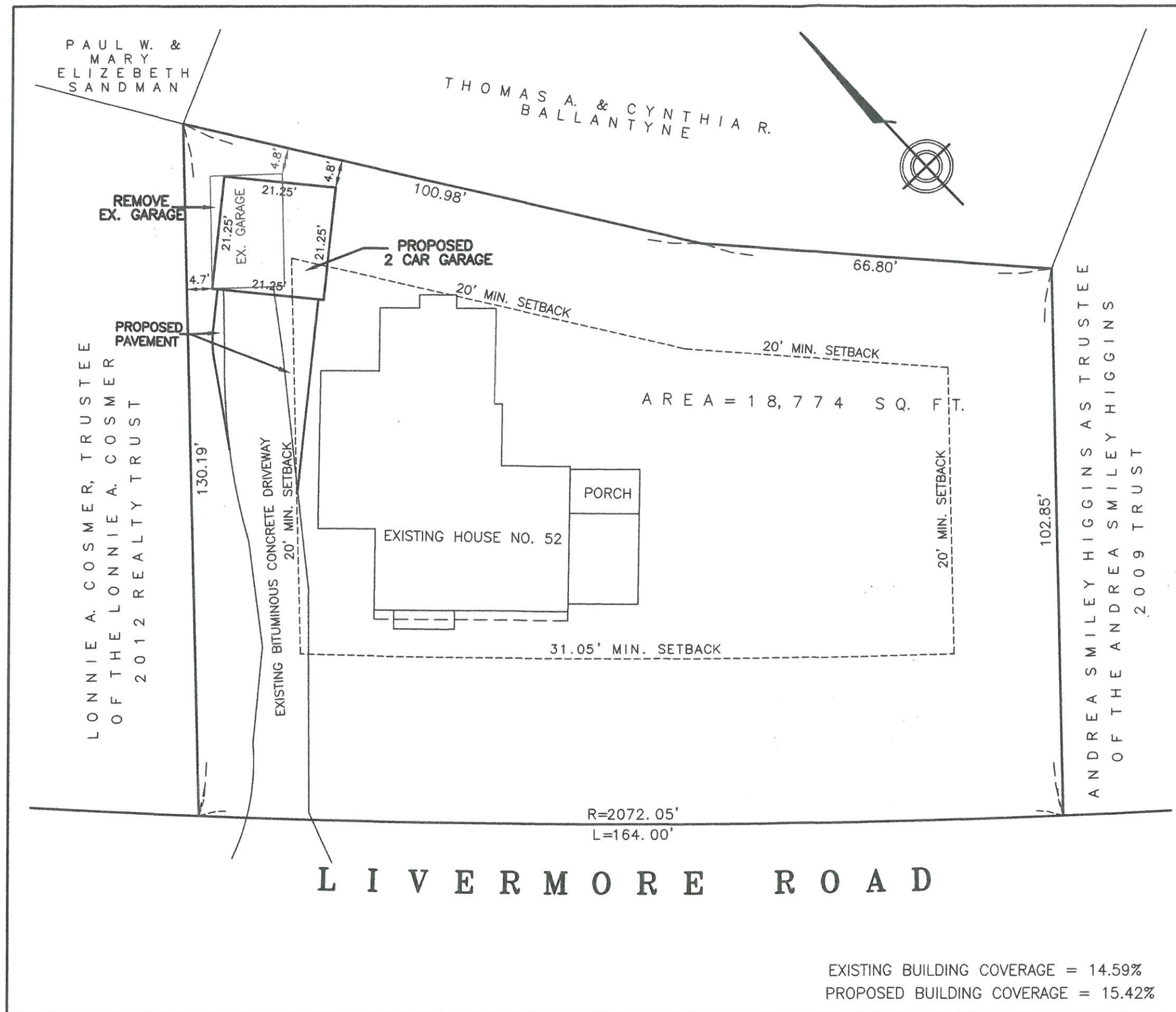
APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.

  
J. Randolph Becker, Acting Chairman

  
Robert W. Levy

  
Derek B. Redgate

cc: Planning Board  
Inspector of Buildings  
lrm



SULLIVAN SURVEYING  
COMPANY, LLC  
209 WEST CENTRAL ST.  
NATICK, MA. 01780  
PHONE : 508-655-0082  
FAX : 508-655-0083

BOARD OF APPEALS PLAN  
OF LAND IN  
WELLESLEY, MASS.

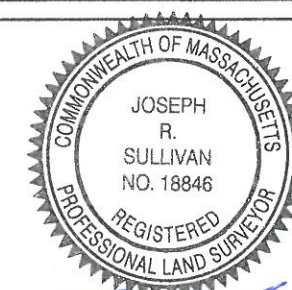
OWNED BY : JOHN A. & ELIZABETH B. CARROL

DEED REFERENCE :  
BOOK 29301, PAGE 390

NORFOLK REGISTRY OF DEEDS

ASSESSORS MAP REFERENCE  
PARCEL ID: 56-26

ZONING CLASSIFICATION : SR20



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JOSEPH R. SULLIVAN  
REG. PROFESSIONAL LAND SURVEYOR

SCALE : 1" = 20' | DATE : JUNE 2, 2016

DRAWING NO. 16,013