



## ZONING BOARD OF APPEALS

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

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ZBA 2019-33

Petition of Maureen & Charles Goheen  
 26 Atwood Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 7, 2019 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Maureen & Charles Goheen requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition, reconstruction and expansion of an existing nonconforming garage with less than required right side yard setbacks, at 26 Atwood Street, in a 10,000 square foot Single Residence District and a General Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On February 1, 2019, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Present at the public hearing were Maureen and Charles Goheen, the Petitioner.

Ms. Goheen said that they have lived there for about 30 years. She said that at the time when they purchased the property, there was a shed/garage that was in pretty tired shape that it is now rotted out and starting to slant a bit. She said that the request is to demolish the shed and replace it with another shed.

Ms. Goheen said that the current setbacks are conforming on the back and left sides but not on the right side, where it is 12.6 feet from the property line. She said that the request is to extend what is an 18 foot by 14 foot shed to make it a 20 foot by 14 foot garage with the same setback.

Ms. Goheen said that they have been in touch with their abutting residential neighbors and they are supportive. The Board said that it received some communications from the neighbors.

A Board member asked if the structure will be used as a shed or a garage. Ms. Goheen said that it will be used as a shed. The Board member confirmed that there will be no second floor, just a cathedral ceiling.

The Chairman asked why the Petitioner chose to not slide the shed six to seven feet to the south where it would have been by right. He said that because the shed is more than 100 square feet, it would normally have to meet the setback requirements. He asked if there is a concrete foundation under the existing shed. Ms. Goheen said that there is a foundation for the existing shed and there will be a foundation for the proposed shed. Mr. Goheen said that the shed gives them some protection from the big dental building that is behind them. He said that they would be more exposed to it if they moved the shed to the middle of the yard.

The Chairman said that the height of the structure is not shown on the existing or proposed plans, so there was nothing to show if there will be additional impact. Ms. Goheen said that the side wall will be 8 feet 4

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inches plus the roof, for approximately 15 feet. She said that it will be well under the height restriction in the Zoning bylaw. The Chairman said that the Board has to make a determination that what is proposed will not be more detrimental to the neighborhood. He said that if it is the same height as the existing shed, there will be no impact. A Board member said that the salt box roof and the extension of two feet are rather minimal extensions of the nonconforming structure that do not increase any dimensional nonconformities.

A Board member identified the existing nonconformities.

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 26 Atwood Street, in a 10,000 square foot Single Residence District and a General Residence District. The subject existing nonconforming garage has a minimum right side yard setback of 12.6 feet where 20 feet is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition, reconstruction and expansion of an existing nonconforming garage with less than required right side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 1/24/19, stamped by Joyce E. Hastings, Professional Land Surveyor, Proposed Floor Plans and Elevation Drawings, dated 10/5/16, prepared by FSM Drawings, and photographs were submitted.

On February 28, 2019, the Planning Board reviewed the petition and recommended that a 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, reconstruction and expansion of an existing nonconforming garage with less than required right side yard setbacks shall result in the intensification of existing nonconformities, it shall not result in additional nonconformities and 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, reconstruction and expansion of an existing nonconforming garage with less than required right side yard setbacks, 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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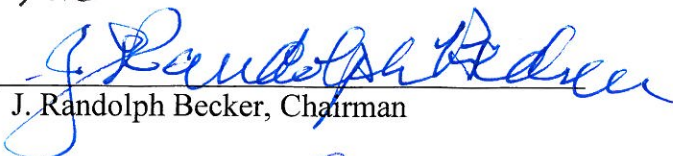
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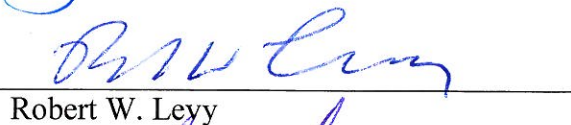
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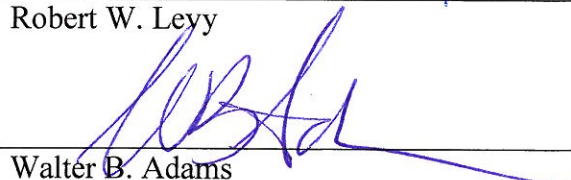
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APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.

  
J. Randolph Becker, Chairman

  
Robert W. Levy

  
Walter B. Adams

ZBA 2019-33  
Applicant Maureen & Charles Goheen  
Address 26 Atwood Street

**NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK**

In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Date:

Attest:

\_\_\_\_\_  
Cathryn Jane Kato  
Town Clerk

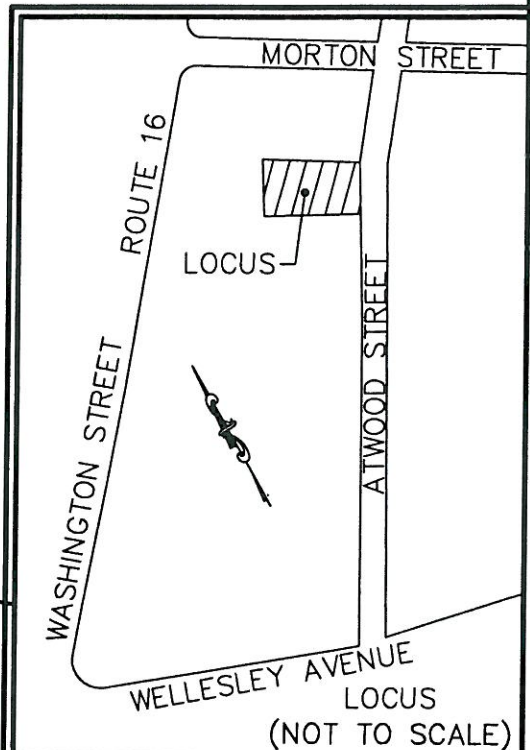
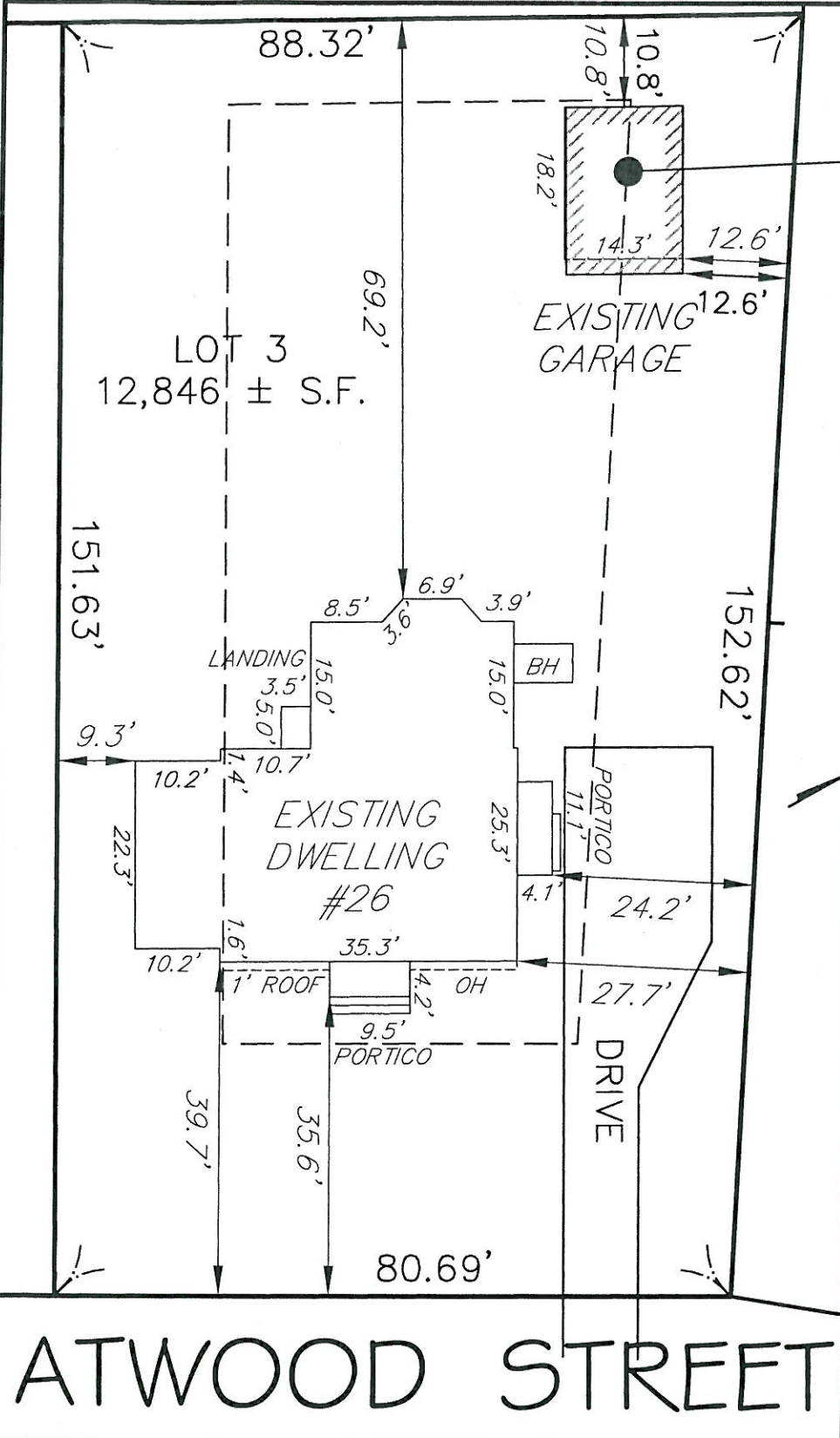
cc: Planning Board  
Inspector of Buildings  
lrm

# PLAN VIEW

SCALE: 1"=20'

PROPOSED  
20'X14' SHED  
(EXISTING GARAGE  
TO BE RAISED)

BUILDING  
LOT COVERAGE  
EXISTING=  
1,902 S.F. 14.8%  
PROPOSED=  
1,922 S.F. 14.9%



**GLM** Engineering Consultants, Inc.

19 EXCHANGE STREET  
HOLLISTON, MA 01746

P: 508-429-1100

www.GLMengineering.com

PROPOSED SHED PLAN  
26 ATWOOD ST  
WELLESLEY, MA

JANUARY 24, 2019

JOB # 16,273

