

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ZBA 2019-60
Petition of John & Susan Calcio
8 Cavanagh Road

2019 JUL 25
RECEIVED
TOWN CLERK
WELLESLEY, MA

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on ~~Tuesday~~, July 11, 2019 at 7:30 pm in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of John & Susan Calcio requesting a Special Permit/Finding pursuant to the provisions of Section XIV, Section XVII and Section XXV of the Zoning Bylaw that construction of a one-story mudroom over an existing nonconforming deck with less than required right side yard setbacks, on an existing nonconforming structure with less than required left and right side yard setbacks, on a 9,640 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, at 8 Cavanagh Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 10, 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 was Jeff McLinden, JM Construction, Inc., who said that there is an existing nonconforming entryway/porch on the right side between the driveway and the house that the homeowner would like to enclose as a mudroom.

The Chairman said that the property has significant nonconformities with lot size and side yard setbacks.

The Chairman said that there is a proposed addition at the front shown on the plan. Mr. McLinden said that addition is already approved and under construction. He said that the side yard setback to the proposed addition on the right side of the house will be 19 feet. The Chairman said that there is nothing in the submittal package that shows the size of the porch but if it is less than 25 square feet, it is exempt from side yard setbacks. He said that the Board typically sees Existing Conditions Plans that show the dimensions and setbacks of the existing structure that the Applicant is relying on for grandfathering status. He said that the Board could consider the 11 foot right side yard setback for the garage as the existing nonconformity.

The Board confirmed that the Applicant discussed the plans with the abutter to the north.

Mr. McLinden said that the existing footprint will be not change. He said that the porch will be enclosed.

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 8 Cavanagh Road, on a 9,640 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, with a minimum left side yard setback of 12.8 feet and a minimum 19 foot right side yard setback where 20 feet

is required. The existing nonconforming garage has a minimum 11.2 foot right side yard setback where 20 feet is required.

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 one-story mudroom over an existing nonconforming deck with less than required right side yard setbacks, on an existing nonconforming structure with less than required left and right side yard setbacks, on a 9,640 square foot lot in a Single Residence District in which the minimum lot size is 10,000 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 12/13/18, stamped by Daniel A. O'Driscoll, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 5/3/19, prepared by NICHE Architecture + Interiors, and photographs were submitted.

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 construction of a one-story mudroom over an existing nonconforming deck with less than required right side yard setbacks, on an existing nonconforming structure with less than required left and right side yard setbacks, on a 9,640 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, will not result in the intensification of existing nonconformities, will not result in additional nonconformities, and will 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 one-story mudroom over an existing nonconforming deck with less than required right side yard setbacks, on an existing nonconforming structure with less than required left and right side yard setbacks, on a 9,640 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in accordance with the submitted plot plan and construction drawings.

The Board made no findings with respect to the area shown on the plan as proposed addition at the front.

A Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of a one-story mudroom over an existing nonconforming deck with less than required right side yard setbacks, on an existing nonconforming structure with less than required left and right side yard setbacks, on a 9,640 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District.

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, the Special Permit shall expire two years after the date time stamped on this decision.

ZBA 2019-60
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8 Cavanagh Road

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
J. Randolph Becker, Chairman

RW Levy
Robert W. Levy

DB Redgate
Derek B. Redgate

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02481
2019 JUL 25 P 2:56

ZBA 2019-60
Applicant John & Susan Calcio
Address 8 Cavanagh Road

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

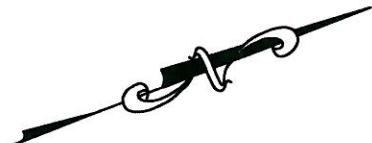
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed,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

Date:

Attest:

Cathryn Jane Kato
Town Clerk

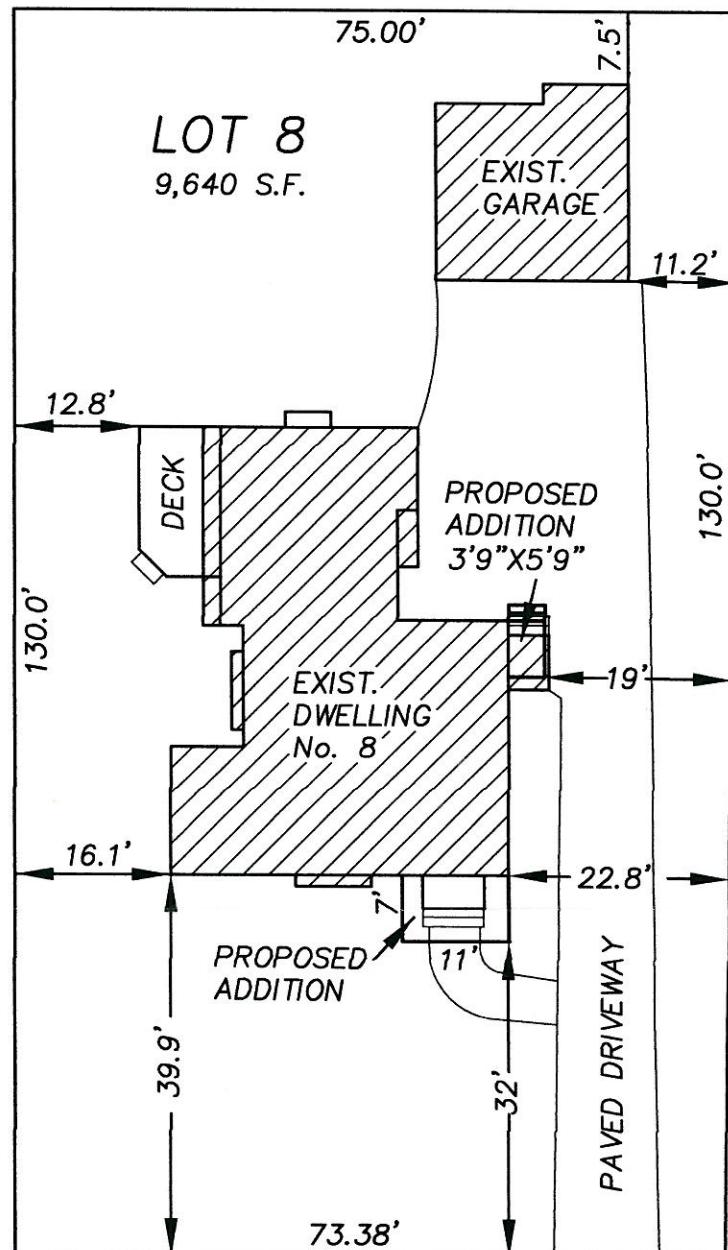
cc: Planning Board
Inspector of Buildings
lrm



ZONING DISTRICT REQUIREMENTS SR-10:

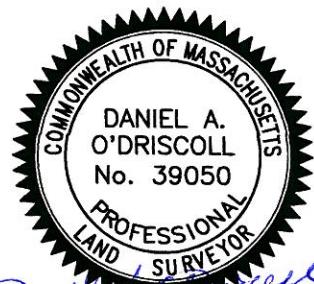
MINIMUM FRONTAGE=60'
MINIMUM AREA=10,000 S.F.
MINIMUM FRONT SETBACK=30'
MINIMUM SIDE SETBACK=20'
MINIMUM REAR SETBACK=10'

PROPOSED LOT COVERAGE BY STRUCTURES=1,782 S.F. / 9,640 S.F.=19.4%



TO: PINE PLAIN ROAD

CAVANAGH ROAD



PREPARED FOR: JM CONSTRUCTION
RECORD OWNER: JOHN & SUSAN CALCIO
DEED REFERENCE: NORFOLK COUNTY REGISTRY OF DEEDS
BOOK 15156 PAGE 429
PLAN REFERENCE: PLAN No. 805 OF 1928
ZONING DISTRICT: SR-10

Daniel A. O'Driscoll
12/13/2018

CERTIFIED PLOT PLAN

8 CAVANAGH ROAD

WELLESLEY, MASSACHUSETTS

I CERTIFY THAT THE DWELLING IS LOCATED ON THE LOT AS SHOWN
ON THIS PLAN.

I FURTHER CERTIFY THAT THE DWELLING DOES NOT LIE WITHIN A
FLOOD HAZARD ZONE.

Daniel A. O'Driscoll DEC. 13. 2018
PROFESSIONAL LAND SURVEYOR DATE

SCALE: 1"=20'

DATE: DEC. 13, 2018

O'DRISCOLL
LAND SURVEYING, Co.
LAND SURVEYING GPS MAPPING LAND CONSULTING
46 COTTAGE MEDWAY, MASSACHUSETTS 02053 508-533-3314
FILE No. 1976