

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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

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2017 SEP 19 P 370

ZBA 2017-77

Petition of Joseph & Mary Ganley  
7 Hardy Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 7, 2017, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Joseph & Mary Ganley 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 that will meet all setback requirements, on an existing nonconforming structure with less than required right side yard and front yard setbacks, at 7 Hardy Road, in a 10,000 square foot Single Residence District and a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On August 7, 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 were Joe Ganley, the Petitioner, and Kip Schultz, Contractor.

Mr. Ganley said that they are a family of four who have lived in a house that is less than a thousand square feet in Wellesley since 2009. He said that they purchased their 1926 craftsman bungalow home in 2011. He said that they have endeavored over the past five years to restore it to its original architectural integrity by replacing the aluminum siding with cedar shingles, clapboards and rake boards. He said that they have two young children, ages seven and four, so 1,000 square feet is tight. He said that they are looking to add a 1,200 square foot two-story addition. He said that the existing structure is nonconforming on the front and the right side. He said that they designed a two story on the back that is consistent with two other houses on the street. He said that both neighbors have added additions of approximately 1,100 to 1,200 square feet. He said that the addition will be a family room with a master bedroom and bath above with a finished basement below, for a total of 2,200 square feet for the house. He said that the addition was offset on the back to meet the setbacks. He said that the request is for a special permit.

The Chairman said that there appears to be no connection between the old and the new basements on the basement addition plan. Mr. Ganley said that there will be no connection other than for utilities. Mr. Schultz said that the existing basement is utility space that will never be living space. Mr. Ganley said that the basement does not meet height requirements for living space.

A Board member said that the adjacent houses have similar additions. He said that this will be of similar scale to the adjacent properties.

Mr. Ganley said that he spoke with the neighbors on both sides and they are supportive of the addition.

The Board said that it is a long, thin lot. The Board identified the existing nonconformities as a 29.8 foot front yard setback where 30 feet is required and a 14.5 foot right side yard setback where 20 feet is required. The Board made findings that the proposed addition will not result in any additional nonconformities or intensify existing nonconformities, and that the altered structure shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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 7 Hardy Road, in a 10,000 square foot Single Residence District and a Water Supply Protection District, with a minimum front yard setback of 29.8 feet and a minimum right side yard setback of 14.5 feet for the dwelling and a minimum right side yard setback of 9.1 feet for the garage.

The Petitioner is 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 two-story addition that will meet all setback requirements, on an existing nonconforming structure with less than required right side yard and front yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 7/27/17, stamped by John R. Hamel, Professional Land Surveyor, Existing & Proposed Floor Plans and Elevation Drawings, dated 7/28/17, prepared by Modern Habitat, and photographs were submitted.

On September 6, 2017, the Planning Board reviewed the petition and recommended that 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 construction of a two-story addition that will meet all setback requirements, on an existing nonconforming structure with less than required right side yard and front yard setbacks 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 construction of a two-story addition that will meet all setback requirements, on an existing nonconforming structure with less than required right side yard and front yard setbacks, in accordance with the submitted plot plan and construction drawings.

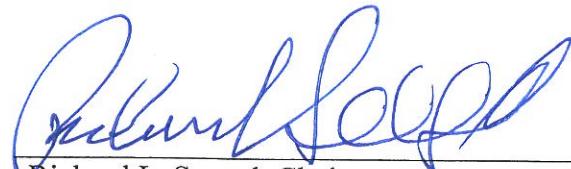
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

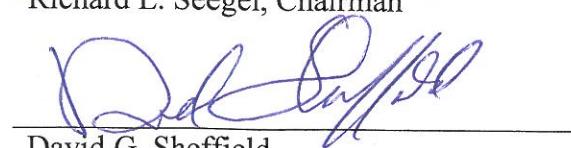
ZBA 2017-77  
Petition of Joseph & Mary Ganley  
7 Hardy Road

1201 SEP 19 P 3 041  
PROGRESSIVE  
TECHNOLOGIES  
MILLIS MA 02167

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



David G. Sheffield



Derek B. Redgate

cc: Planning Board  
Inspector of Buildings  
lrm

SITE PLAN  
7 HARDY ROAD

WELLESLEY, MASSACHUSETTS

1 INCH = 20 FEET JULY 27, 2017

SNELLING & HAMEL ASSOCIATES, INC.  
PROFESSIONAL LAND SURVEYORS & ENGINEERS  
10 LEWIS STREET P.O. BOX 102  
LINCOLN, MASSACHUSETTS 01773  
(781) 259-0071

1 INCH = 20 FEET

0 10 20 40 60 80

OWNERS OF RECORD:

JOSEPH M. GANLEY

&

MARY K. GANLEY  
BK.29459 PG.430

N/F  
DIHU YU  
&  
KEPING SHANG

LOT 5

N/F  
NATALIE A. ZWICK  
&  
DAVID ZWICK

PLAN BOOK 1764 PAGE 215

N/F  
LEAH JOSEPHS

I.PIN  
W/ CAP  
(FOUND)

ASSESSOR'S PARCEL ID:  
171-61  
11,241 SQ. FT.

N/F  
EMMA A. OGANOVA TRUST

PROPOSED  
DECK

PROPOSED  
ADDITION

132.10'

EXISTING  
DWELLING

N/F  
5 HARDY ROAD  
REALTY TRUST

I.PIN  
W/ CAP  
(FOUND)

GRANITE CURBING

HARDY ROAD

I.PIPE  
(FOUND)

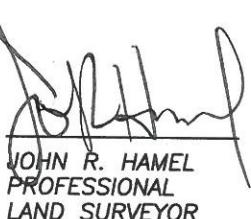
NOTES:

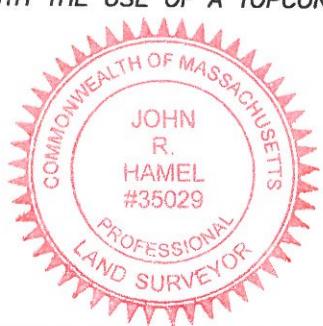
- ZONING DISTRICT: SR-10
- LOT AREA = 11,241 SF
- DWELLING = 841 SF
- EXISTING GARAGE = 254 SF
- PROPOSED ADDITION = 420 SF
- PROPOSED DECK = 120 SF
- EXISTING LOT COVERAGE =  $1,095 \pm$  SQ. FT OR 9.7%
- PROPOSED LOT COVERAGE =  $1,635 \pm$  SQ. FT. OR 14.5%

PLAN REFERENCE:

- PLAN BOOK 1764 PAGE 215

I HEREBY STATE THAT THE LOCATION OF THE FEATURES SHOWN  
HEREON IS THE RESULT OF A FIELD SURVEY PERFORMED AS OF  
FEBRUARY 22, 2017, WITH THE USE OF A TOPCON TOTAL STATION.

  
JOHN R. HAMEL  
PROFESSIONAL  
LAND SURVEYOR



7-27-2017

DATE