

**ZONING BOARD OF APPEALS**

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

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LENORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 2208

WALTER B. ADAMS
DEREK B. REDGATE
RICHARD L. SEEGEL

October 7, 2021

7:00 pm

Public Hearing

Town Hall, Juliani Meeting Room

Zoning Board of Appeals Members Present:

Robert W. Levy
Walter B. Adams
Derek B. Redgate
J. Randolph Becker
David G. Sheffield

BUSINESS MEETING

Mr. Levy discussed recent case law in the Appeals Court that addressed the issue of whether a shed or a detached garage is entitled to the benefits of Chapter 40A, Section 6, and if the Zoning Board has the authority to grant a special permit to alter or reconstruct a shed or a detached garage. He said that any pre-existing nonconformity can exist but any change to a nonconforming structure has to conform with Zoning. He discussed the second except clause in Section 6 for one or two family structures and findings that a proposed alteration will not be substantially more detrimental than the existing nonconforming structure.

Mr. Levy discussed *Comstock v Board of Appeals of Gloucester*, where the local bylaw is more generous than the statute. He discussed Wellesley's Zoning bylaw that says that anything that is not a one or two family is subject to Section 6.

Mr. Levy questioned whether the Board should speak to the Planning Board about amending the bylaw.

Mr. Sheffield said that there is a history of cases where the Board is consistent in granting permits on the same footprint.

Mr. Becker said that most of the garages have been in conjunction with homes but the Board is now seeing just the garage.

Mr. Redgate said that a recent New York Times articles discussed detached structures and upgrading them in Wellesley.

Mr. Becker said that the Board is seeing more exterior stairs. Mr. Sheffield said that pull down stairs are adequate for storage. He said that outside stairs have the potential for access to living space.

Mr. Levy said that most municipalities have more forgiving bylaws. He discussed remedy with a variance.

Mr. Redgate said that the Board looks at petitions case by case to determine whether it is more detrimental.

Mr. Becker said that more people are working from home and would like to have more space in the garage or just more space.

Mr. Levy read an opinion from Christopher Heep, Town Counsel.

Mr. Becker said that he will call Don McCauley, Planning Director.

As there was no further business to come before the Board, the business meeting was adjourned at 7:30 pm.

Respectfully submitted,

Lenore R. Mahoney
Executive Secretary

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