



ZONING BOARD OF APPEALS

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

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ZBA 2018-77

Petition of Richard Golob & Lucia Lovison
 405 Linden Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, December 6, 2018 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Richard Golob & Lucia Lovison requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition, reconstruction and enlargement of an existing mudroom, and construction of a second story addition over an existing nonconforming structure with less than required left side yard and right side yard setbacks, at 405 Linden Street, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On November 15, 2018, 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 was Shannon Scarlett, Architect, representing Richard Golob and Lucia Lovison, the Petitioner.

Ms. Scarlett said that the house has nonconforming setbacks on two sides. She said that there is a small one-story addition on the back of house and the proposal is to build on top of it. She said that the only change in dimension will be for the overhang to meet the edge of the existing house. She said that the lower level will stay intact. She said that there is a small vestibule that is falling off of the house. She said that the proposal is to take that down and rebuild a new small mudroom and replace the side steps with a more gracious entry.

Ms. Scarlett said that the porch encroaches into the right side yard setback by 1.5 feet. She said that the proposed work will be set back from the existing corner by 2.5 feet. A Board member said that the design is a good solution.

Linda Griffith, 401 Linden Street, said that she lives next door in an 1840 colonial farmhouse. She said that her property and the property at 405 Linden were originally an orchard for the 1770's house across the street. She asked if there are any requirements for environmental impact statements for the historical trees and heritage plants on both properties because of the addition of a second floor. The Chairman said that there are no requirements that he is aware of. He said that the property is not located in a Historic District. Ms. Griffith said that she had an arborist visit her property today. She said that there is a large tree next to the mudroom at 405 Linden Street and its branches come over her house. She said that she paid \$5000 this past winter for damages from branches that fell as a result of previous construction. She said that the arborist had concerns about the root system of the tree and felt that it should be braced. The Chairman said that Ms. Griffith should consult with the Building Inspector regarding the trees. He said that the Town has a Tree Preservation Bylaw in effect. He said that Ms. Griffith should submit the arborist's recommendation to the Building Inspector. Ms. Griffith said that she is concerned that she has

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2018 DEC 20 P 2:38

no recourse if the trees or heritage plants on her property are damaged as a result of the proposed construction. The Chairman confirmed with Ms. Scarlett that there are no plans to take the tree down.

A Board member identified the nonconformities on the property.

Statement of Facts

The subject property is located at 405 Linden Street, in a 10,000 square foot Single Residence District, with a minimum front yard setback of 22.2 feet, a minimum left side yard setback of 16.1 feet, a minimum right side yard setback of 13.5 feet, and a minimum 58.71 feet of frontage.

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 enlargement of an existing mudroom, and construction of a second story addition over an existing nonconforming structure with less than required left side yard and right side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 9/25/18, stamped by Christopher C. Charlton, Professional Land Surveyor, Existing Floor Plans and Elevation Drawings, dated 7/2/18 and Proposed Floor Plans and Elevation Drawings, dated 10/9/17, revised 7/10/18 & 9/4/18, revised 9/24/18, prepared by Shannon Taylor Scarlett Architects, and photographs were submitted.

On November 20, 2018, 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 enlargement of an existing mudroom, and construction of a second story addition over an existing nonconforming structure with less than required left side yard and right side yard setbacks is intensifying an existing nonconformity, the proposed alteration 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 enlargement of an existing mudroom, and construction of a second story addition over an existing nonconforming structure with less than required left side yard and 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 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.

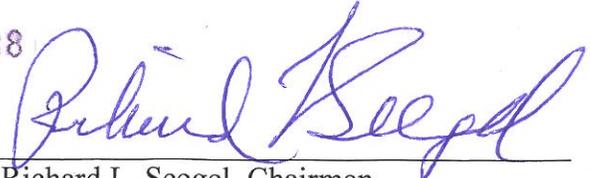
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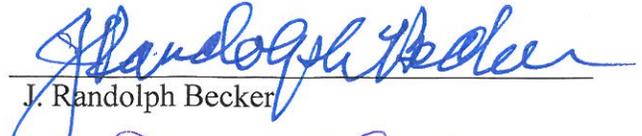
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2018 DEC 20 P 2:38

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


J. Randolph Becker


David G. Sheffield

ZBA 2018-77
Applicant Richard Golob & Lucia Lovison
Address 405 Linden 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

LINDEN STREET

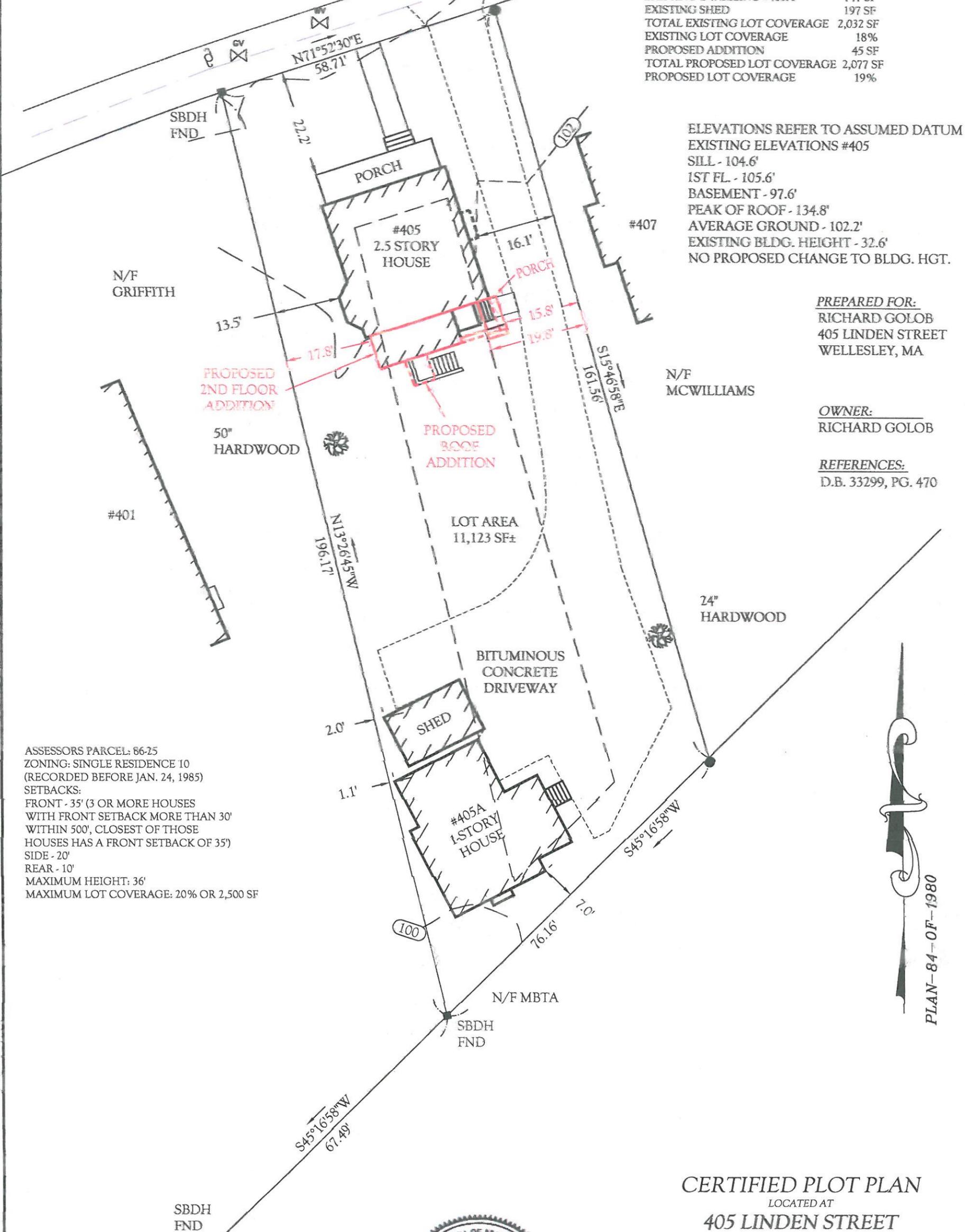
EXISTING DWELLING #405	1,088 SF
EXISTING DWELLING #405A	747 SF
EXISTING SHED	197 SF
TOTAL EXISTING LOT COVERAGE	2,032 SF
EXISTING LOT COVERAGE	18%
PROPOSED ADDITION	45 SF
TOTAL PROPOSED LOT COVERAGE	2,077 SF
PROPOSED LOT COVERAGE	19%

ELEVATIONS REFER TO ASSUMED DATUM
EXISTING ELEVATIONS #405
SILL - 104.6'
1ST FL. - 105.6'
BASEMENT - 97.6'
PEAK OF ROOF - 134.8'
AVERAGE GROUND - 102.2'
EXISTING BLDG. HEIGHT - 32.6'
NO PROPOSED CHANGE TO BLDG. HGT.

PREPARED FOR:
RICHARD GOLOB
405 LINDEN STREET
WELLESLEY, MA

OWNER:
RICHARD GOLOB

REFERENCES:
D.B. 33299, PG. 470



ASSESSORS PARCEL: 86-25
ZONING: SINGLE RESIDENCE 10
(RECORDED BEFORE JAN. 24, 1985)
SETBACKS:
FRONT - 35' (3 OR MORE HOUSES
WITH FRONT SETBACK MORE THAN 30'
WITHIN 500', CLOSEST OF THOSE
HOUSES HAS A FRONT SETBACK OF 35')
SIDE - 20'
REAR - 10'
MAXIMUM HEIGHT: 36'
MAXIMUM LOT COVERAGE: 20% OR 2,500 SF



PLAN-84-OF-1980

I CERTIFY THAT THIS PLAN WAS
CREATED BY AN INSTRUMENT
SURVEY AND THAT ALL
STRUCTURES ARE LOCATED ON
THE GROUND AS SHOWN
HEREON.



CHRISTOPHER C. CHARLTON, PLS

CERTIFIED PLOT PLAN
LOCATED AT
405 LINDEN STREET
ASSESSORS PARCEL # 86-25
WELLESLEY, MA
NORFOLK COUNTY

CONTINENTAL LAND SURVEY, LLC
105 BEAVER STREET, FRANKLIN, MA
(508) 528-2528
SCALE: 1"=20' SEPTEMBER 25, 2018

