



ZONING BOARD OF APPEALS

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

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ZBA 2018-79
 Petition of Galatea Partners Realty Trust
 45 Lowell Road

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 WELLESLEY, MA 02482
 2018 DEC 20 P 5:00

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 Galatea Partners Realty Trust requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a one-story mudroom and construction of a three car garage with a floor of living space above that will meet setback requirements, on an existing nonconforming structure with less than required side yard setbacks, on a corner lot, in a 20,000 square foot Single Residence District, at 45 Lowell Road, 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 Mike Tartamella, Architect, representing Galatea Partners Realty Trust, the Petitioner.

Mr. Tartamella said that the Patrick Ahearn Architect office submitted a petition in 2011 for this project and a special permit was approved. He said that the house has been sold two times since then and the new homeowner wants to build the approved additions. He said that the previously granted special permit has expired. He said that the only change is the TLAG threshold but the project is otherwise the same as the one that was approved in 2011.

Mr. Tartamella said that the house was built in the 1930's and is an original Royal Barry Wills house. He said that the lot is 34,886 square feet and is a somewhat oddly shaped pork chop with a 13.2 foot side yard setback. He said that the proposal is for addition of a conforming three car garage. He said that the 2011 TLAG calculation was 5,620 square feet. He said that, based on the new 2018 TLAG guidelines, the calculation is 6,321 square feet, which is 421 square feet over the TLAG threshold.

The Chairman said that there is a fairly large area for the proposed parking court. He asked if runoff was considered. Mr. Tartamella said that the plan is to put a drywell in to capture the drainage. He said that the parking court will accommodate the turning radius for the side facing garage and includes an area to push snow off to the side. He said that all of the existing tree screening will remain along the north and east property lines, as well as the six foot fence. He said that the existing screening along Lowell Road and the curb cut will remain.

A Board member identified the nonconformities on the property.

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There was no one present at the public hearing who wished to speak to the petition. 2018 DEC 20 P 2:40

Statement of Facts

The subject property is located at 45 Lowell Road, on a corner lot in a 20,000 square foot Single Residence District, with a minimum side yard setback of 13.2 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a one-story mudroom and construction of a three car garage with a floor of living space above that will meet setback requirements, on an existing nonconforming structure with less than required side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 10/12/18, stamped by Daniel J. Tivnan, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 10/24/18, prepared by Patrick Ahearn, Architect, 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 construction of a one-story mudroom and construction of a three car garage with a floor of living space above that will meet setback requirements, on an existing nonconforming structure with less than required side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it shall neither intensify 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 one-story mudroom and construction of a three car garage with a floor of living space above that will meet setback requirements, on an existing nonconforming structure with less than required 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.

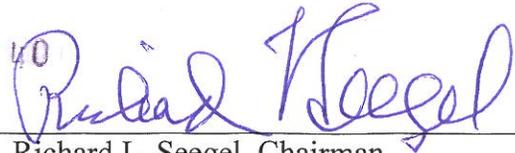
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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45 Lowell Road

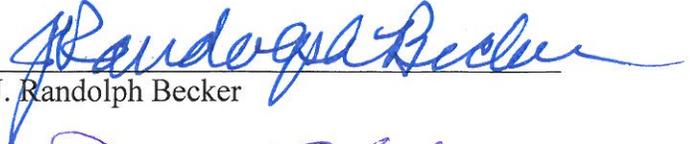
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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



Richard L. Seegel, Chairman



J. Randolph Becker



David G. Sheffield

ZBA 2018-79
Applicant Galatea Partners Realty Trust
Address 45 Lowell 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

CERTIFIED PLOT PLAN



hs&t group, inc.

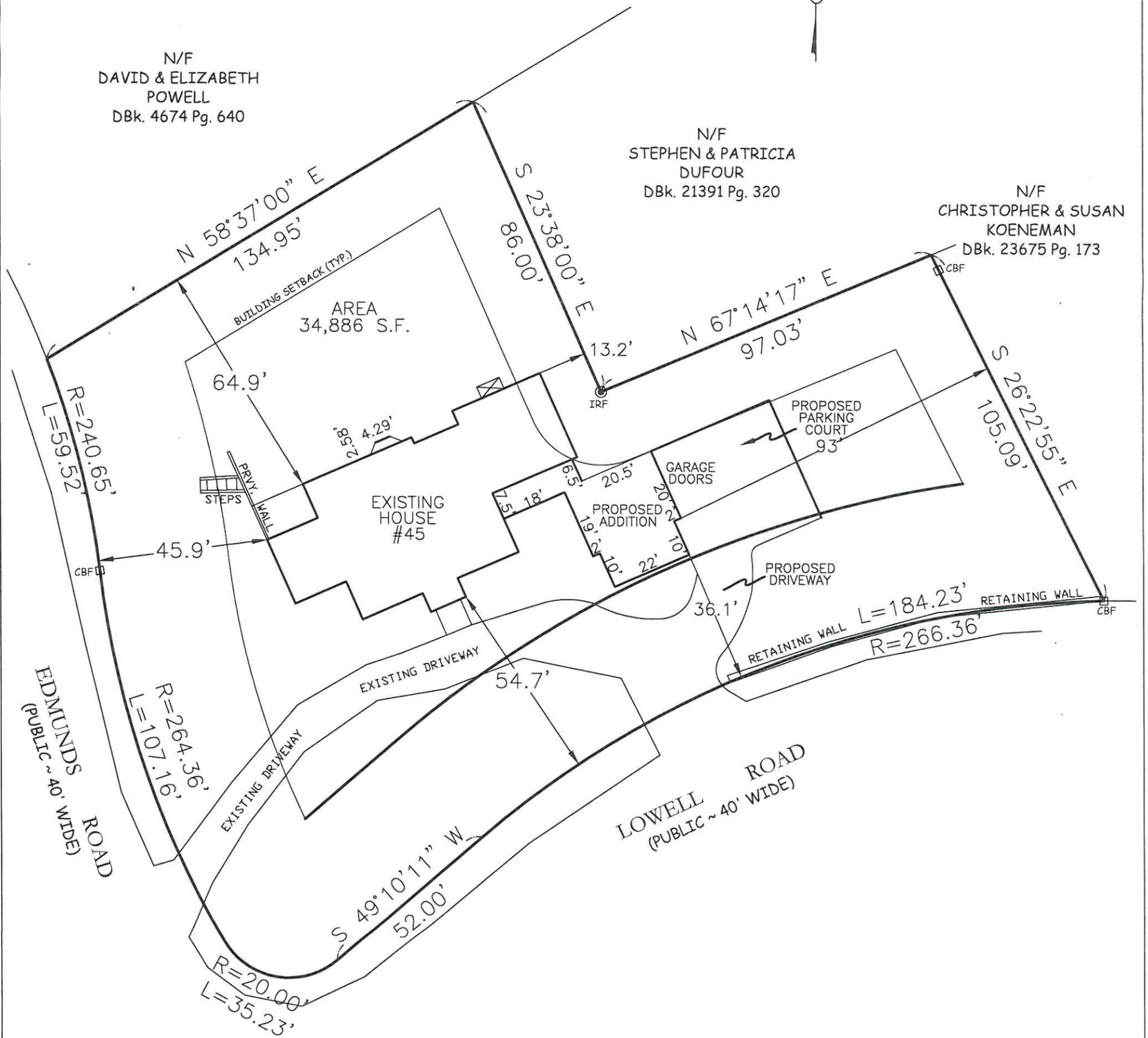
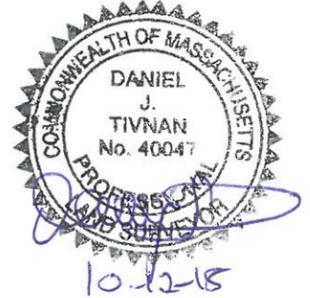
PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS
 75 HAMMOND STREET - 2ND FLOOR
 WORCESTER, MASSACHUSETTS 01610-1723
 PHONE: 508-757-4944 EMAIL: INFO@HSTGROUP.NET
 FAX: 508-752-8895 WWW.HSTGROUP.NET

PROJECT: 45 LOWELL RD
 WELLESLEY MA

OWNER: WILL & EMILY MAGRUDER
 DATE: 10-12-18 DEED: 23229-214
 ZONE: SR-20 PLAN: 1860-332,1888-521
 SCALE: 1"=30' 1916-381
 COMP'D: DJT FLD. BK: 628-72
 CAD: DJT JOB #: 4828
 FILE: LOWELL45PROP3

I CERTIFY THAT THIS PLAN FULLY AND ACCURATELY DEPICTS THE LOCATION OF THE BUILDING AND DIMENSIONS AS SHOWN.

EXISTING LOT COVERAGE 8%
 PROPOSED LOT COVERAGE 10%
 EXISTING BUILDING S. F. 2792 S. F.
 PROPOSED BUILDING S. F. 3704 S. F.
 LOT S. F. 34,886 S. F.



NOTE : THE 500' RULE DOES NOT APPLY