



## ZONING BOARD OF APPEALS

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

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ZBA 2020-39  
Petition of Daniel & Caroline Tarrant  
6 Cavanagh Road

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Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, August 13, 2020 at 7:30 pm, on the petition of Daniel & Caroline Tarrant requesting a Special Permit/Finding pursuant to the provisions of Section 14E, Section 17 and Section 25 of the Zoning Bylaw that construction of a two-story addition with less than required left side yard setbacks and construction of a covered porch that will meet setback requirements, on an 8,320 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 6 Cavanagh Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On April 27, 2020, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication. In accordance with Chapter 53 of the Acts of 2020, the hearing was scheduled for August 13, 2020.

Present at the public hearing were David Sharff, Architect, Daniel and Caroline Tarrant, the Petitioner. Mr. Sharff said that the request is to build a two story addition on an 8,300 square foot lot in a district where 10,000 square feet is required. He said that the setbacks are met except where the existing house is 16 feet from the side line where 20 feet is required. He said that ten feet of the proposed addition will be four inches beyond that to hold the structure of the house so that it is one continuous addition along the side. He said that it will step back in the rear to integrate a porch. He said that lot coverage is well within the maximum and a TLAG of 2,697 square feet is well below the 3,600 square feet that is allowed. He said that the house was constructed off center on the lot. He said that he and his clients tried to do the best that they could with a small house on a small lot to give them more space for a larger family room on the first floor and a fourth bedroom on the second floor.

A Board member asked about the size of the shed and if the intention is to keep it. Mr. Sharff said that the existing shed is approximately 10 by 12 feet and previously served as a garage. He said that the intention is to remove it and put up a conforming shed that is less than 100 square feet. Mr. Tarrant said that they had not talked about doing everything all at once. He said that replacing the shed is something that they may want to do afterward but it was not part of their initial plan. The Board member said that the Board typically wants to see properties as conforming as possible. He said that his understanding is that the intent is to remove the shed eventually. The Board discussed imposing a condition that the nonconforming shed be removed before a Certificate of Occupancy issues. The Board said that installing a conforming shed will not require Board approval.

A Board member confirmed that the addition will extend further into the back of the lot than the existing one story. He said that the current side yard setback is 16 feet and the request is for relief to change to

15.9 feet, with the gutter line at 14.9 feet. A Board member said that, under the Brookline case, since there is already an existing nonconformity, this would not create a new nonconformity. He said that prior to that case, the distance could have been considered to be de minimus.

Mr. Sharff said that they looked at pulling the addition in to make it conforming but that would require rebuilding the existing one story structure. He said that this is a small structure on a small lot. He said that shifting the addition to the other side would aesthetically interrupt the lines of the existing house.

Alexe Law and Jon Flood, 7 Cavanagh Road, said that they live across the street from the Tarrants. Ms. Law said that they looked at the plans and are supportive.

Mr. Tarrant said that they spoke with the Klays at 2 Cavanagh Road, who said that they were supportive of the plans. A Board member confirmed that there is a fence between 2 and 6 Cavanagh Road.

Mr. Tarrant asked if the existing nonconforming shed would be grandfathered. A Board member said that the Applicant would have to demonstrate that the shed was built prior to the Zoning Code that prohibited it. He said that there is no enforcement action to remove the shed but the Board was encouraging the Applicant to remove it.

The Board discussed making a motion without or without removal of the shed. Mr. Tarrant said that they will accept a condition to take the shed down before completion of the project.

#### Statement of Facts

The subject property is located at 6 Cavanagh Road, on an 8,320 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 16 feet where 20 feet is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 14E, Section 17 and Section 25 of the Zoning Bylaw that construction of a two-story addition with less than required left side yard setbacks and construction of a covered porch that will meet setback requirements, on an 8,320 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 4/27/20, stamped by Todd P. Chapin, Professional Land Surveyor, Existing & Proposed Floor Plans and Elevation Drawings, dated 4/27/20, prepared by David Sharff Architect, P.C., and photographs were submitted.

On August 12, 2020, the Planning Board reviewed the petition and recommended that a special permit be denied.

#### 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.

The Board found that the Design and Operation Standards in Part F are adequately satisfied and not otherwise prohibited in Part D.1, of Section XIVE of the Zoning Bylaw for Water Supply Protection Districts.

It is the opinion of this Authority that construction of a two-story addition with less than required left side yard setbacks and construction of a covered porch that will meet setback requirements, on an 8,320 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, will 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 two-story addition with less than required left side yard setbacks and construction of a covered porch that will meet setback requirements, on an 8,320 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, subject to the following condition:

- The existing nonconforming shed shall be removed prior to the issuance of a Certificate of Occupancy.

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

2020 MAR 27 12:11:31

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

2020 MAY 27 10 14 AM

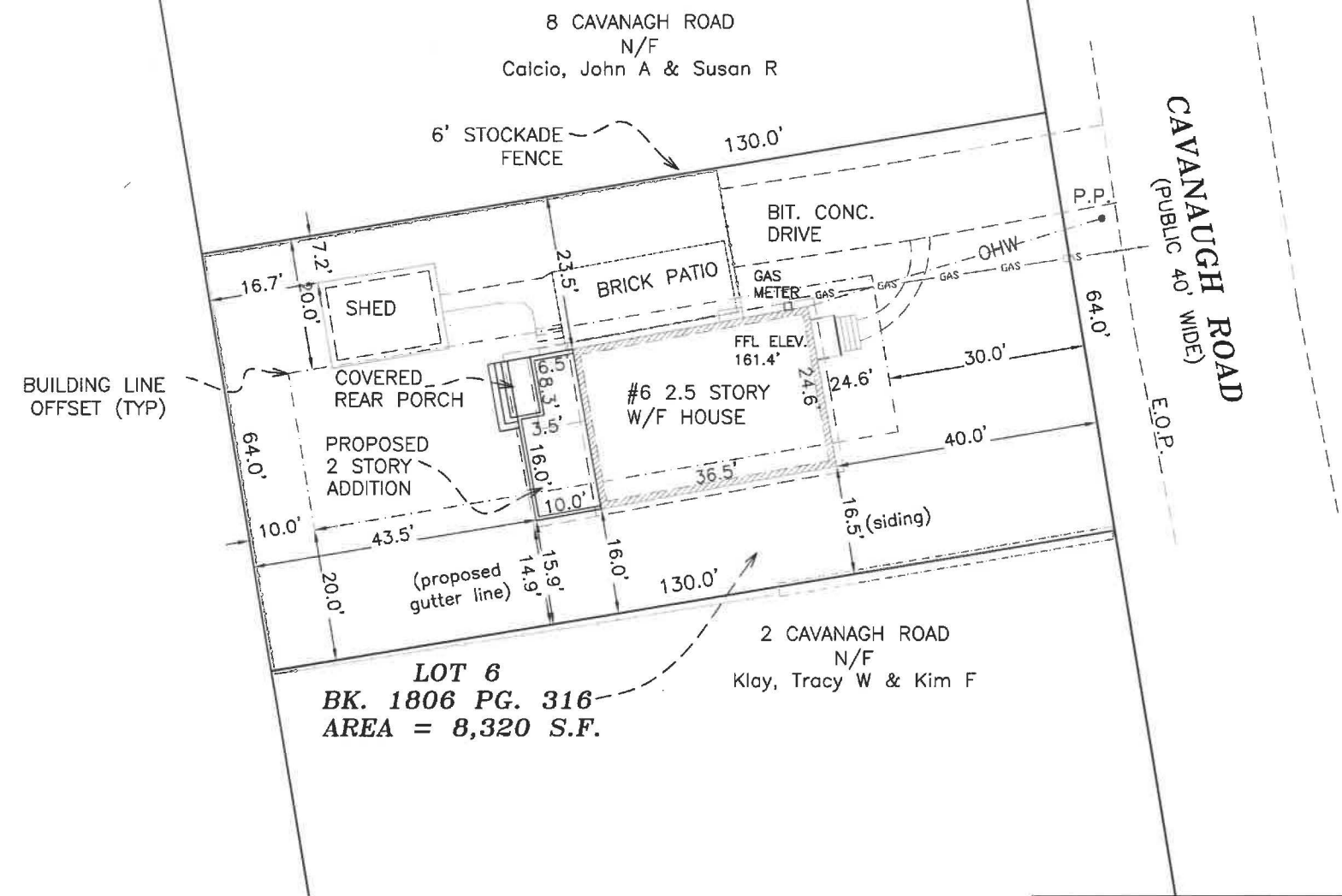
APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.

J. Randolph Becker (h.m.)  
J. Randolph Becker, Chairman

Robert W. Levy (h.m.)  
Robert W. Levy

Derek B. Redgate (h.m.)  
Derek B. Redgate

cc: Planning Board  
Inspector of Buildings  
lrm



AREAS:  
 LOT AREA = 8,320±S.F.  
 EXISTING HOUSE = 924±S.F.  
 EXISTING SHED = 236±S.F.  
 EXIST. BULD. TOTAL = 1,160±S.F.  
 EXIST. BULD. LOT COVERAGE = 13.9%  
 EXIST. OPEN SPACE = 86.1%  
 PROP. BUILDING TOTAL = 1,402±S.F.  
 PROP. BULD. LOT COVERAGE = 16.8%  
 PROP. BULD. OPEN SPACE = 83.2%



ASSESSORS MAP - PARCEL ID: 181 - 64  
 ZONING DISTRICT: SR10  
 MINIMUM SETBACK REQUIREMENTS:  
 FRONT YARD = 30.0'  
 SIDE YARD = 20.0' REAR YARD = 10.0'  
 EXIST. BULD. COVERAGE = 1,159±S.F.  
 PROP. BULD COVERAGE = 1,402±SF  
 OPEN SPACE = 1402 / 8320 = 16.8%

RealMapInfo LLC.  
 11 Apex Drive, Suite 300 A  
 Marlborough, MA. 01752  
 774-570-0462

PLAN PREPARED FOR  
 PROPERTY OWNERS:  
 DANIEL & CAROLINE TARRANT  
 6 CAVANAUGH ROAD  
 NATICK, MA. 01760

<b>PROPOSED</b>	
PLOT PLAN OF LAND IN WELLESLEY, MASS	
SCALE: 1"=20'	DATE: 04/27/2020
DEED REF. BOOK: 33311 PAGE: 111	
BK. 1778 PG. 446 B.K. 1806 PG. 316	
RECORDED @ NORFOLK COUNTY REG. DEEDS	