

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

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ZBA 2022-62

Petition of Richard Golob & Lucia Lovison  
405 Linden Street

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 6, 2022, at 7:30 pm in the Juliani Room, 525 Washington Street, Wellesley, on the petition of Richard Golob & Lucia Lovison requesting a Special Permit/Finding pursuant to the provisions of Section 5.1 and Section 6.3 of the Zoning Bylaw that demolition of an existing nonconforming garage and construction of a new one car garage and construction of a second story addition, on existing nonconforming structures with less than required 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 July 27, 2022, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

### September 1, 2022

The petition was continued to October 6, 2022 without discussion.

### October 6, 2022

The petition was continued to December 1, 2022, to be heard de novo.

### December 1, 2022

Present at the public hearing were Richard Golob, the Petitioner, and Shannon Scarlett, Architect.

Mr. Golob said that he has lived in Wellesley for 20 years. He said that his primary residence is at 405 Linden Street. He said that a cottage on the property is an eyesore and they would like to upgrade it by adding a bedroom on the second story and improving an attached garage that is falling down. He said that their interest is to improve the cottage so that it is not detrimental to the neighborhood.

Ms. Scarlett said that they looked at the ADU bylaw and decided that they did not want to go through that process. She said that there are building permits to build the cottage in 1913 as a workshop garage and to convert it to living space in 1931. She said that could not find anything that confirmed when the shed was built other than a document from the Assessor's office that says that the shed was there in 1945. She said that it has garage doors and is not very tall. She said that a car can fit in there. Mr. Golob said that the floor would support a car. The Chairman confirmed that the shed is attached to the cottage at the roof.

Ms. Scarlett said that the Petitioner is asking for relief for the garage and the cottage. She said that footprint does not really change for the cottage. She said that the second floor piece will be in the setback. The Chairman said that the footprint will be extended two feet outside of the setback.

Ms. Scarlett said that the house next door is located near the main house. She said that the neighbors have a shed that is in the same location.

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 405A Linden Street, in a 10,000 square foot Single Residence District, with a minimum right side yard of 1.1 feet where 20 feet is required and a 7 foot rear yard setback where 10 feet is required. The existing shed has a minimum right side yard setback of 2 feet where 20 feet is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 5.1 and Section 6.3 of the Zoning Bylaw that demolition of an existing nonconforming garage and construction of a new one car garage and construction of a second story addition, on existing nonconforming structures with less than required 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, revised 6/14/22 & 7/21/22, stamped by Christopher C. Charlton, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 1/20/22, revised 11/11/22, prepared by Shannon Taylor Scarlett Architects, and photographs were submitted.

On October 5, 2022 and November 16, 2022, the Planning Board reviewed the petition and recommended that the ZBA delay action.

#### Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing.

It is the opinion of this Authority that demolition of an existing nonconforming garage and construction of a new one car garage and construction of a second story addition, on existing nonconforming structures with less than required right side yard setbacks will result in the intensification of an existing

nonconformity, 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 demolition of an existing nonconforming garage and construction of a new one car garage and construction of a second story addition with less than required right side yard setbacks, in accordance with the submitted plot plan and construction drawings.

The Board has taken no action on the main house.

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.

RECEIVED  
BUILDING DEPT  
2022 DEC 15 PM 12:22

ZBA 2022-62  
Petition of Richard Golob & Lucia Lovison  
405 Linden Street

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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.

  
Robert W. Levy, Acting Chairman

  
David G. Sheffield

  
Richard L. Seegel

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02181  
2022 DEC 15 PM 12:22

ZBA                    2022-62  
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 ADDITIONS	468 SF
TOTAL PROPOSED LOT COVERAGE	2,500 SF
PROPOSED LOT COVERAGE	22.5%

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

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  
REVISED: JUNE 14, 2022  
REVISED: JULY 21, 2022

