

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

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ZBA 2025-20

Petition of Brendan Cottam & Elizabeth Kelly
25 Cavanagh Road

2025 MAR 20 PM 12:11

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, March 6, 2025, on the petition of Brendan Cottam & Elizabeth Kelly requesting a Special Permit/Finding and/or Modification of a Variance pursuant to the provisions of Section 3.8, Section 5.1, Section 5.3, Section 6.2 and Section 6.3 of the Zoning Bylaw that construction of a two-story addition with less than required left side yard and right side yard setbacks, on an existing nonconforming structure with less than required left side yard and right side yard setbacks, and demolition, reconstruction and expansion of an existing nonconforming detached garage with less than required right side yard setbacks, at 25 Cavanagh Road, on an 8,050 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.

On January 30, 2025, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

The Board members agreed that the petition would be reviewed as a special permit/finding.

Present at the public hearing were Brendan Cottam, homeowner, and Bob Williamson, Architect.

Mr. Williamson said that the property is nonconforming due to lot size and an existing nonconforming two-story house with less than required front yard and side yard setbacks. He said that the existing detached one-car garage has a nonconforming right side yard setback of 10.7 feet.

Mr. Williamson said that a variance was granted in 1990 to remove a rotting porch and replace it with an expanded one-story structure that did not go any closer to the side property line but came closer to align with the front of the house and extended toward the rear.

Mr. Williamson said that existing TLAG is 1,801 square feet and proposed TLAG will be 3,119 square feet. He said that existing lot coverage of 15 percent will increase to 22 percent, where 25 percent lot

coverage is allowed for lots under 10,000 square feet. He said that the existing setback on the left side is 9.4 feet and the setback for the proposed addition will be 10.4 feet. He said that the addition will match the right side yard setback of 12.2 feet.

Mr. Williamson said that the second piece of the project is to raze the existing one-car garage and replace it with an expanded one-car garage that will come no closer to the property line on the right side and will be 10.2 feet from the property line at the rear.

Mr. Williamson said that the existing shed will be razed. He said that the proposed air conditioning condensers are 23.5 feet from the side property line. He said that the proposed portico in the front yard setback will meet the exemption standards.

Mr. Williamson said that the home is a classic colonial. He said that because the 1990 addition was kept in the same plane as the front volume of the house, they attempted to correct the design by adding a second story with continuing a horizontal line to break up the plane.

Mr. Williamson said that they can add a cultec infiltration system for drainage. The Board asked that permeable pavers be considered for the patio. The Board said that because the proposed construction will increase the impervious surface, a condition of the decision will be that a drainage plan that is stamped by an engineer must be reviewed and approved by the Town's Department of Public Works.

No member of the public wished to speak to the petition.

Statement of Facts

The subject property is located at 25 Cavanagh Road, on an 8,050 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 front yard setback of 28.9 feet where 30 feet is required, a minimum left side yard setback of 9.4 feet and a minimum right side yard setback of 12.2 feet where 20 feet is required.

The Petitioner is requesting a Special Permit/Finding and/or Modification of a Variance pursuant to the provisions of Section 3.8, Section 5.1, Section 5.3, Section 6.2 and Section 6.3 of the Zoning Bylaw that construction of a two-story addition with less than required left side yard and right side yard setbacks, on an existing nonconforming structure with less than required left side yard and right side yard setbacks, and demolition, reconstruction and expansion of an existing nonconforming detached garage with less than required right side yard setbacks, on an 8,050 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 1/21/25, stamped by Aldred M. Berry, Professional Land Surveyor, #36857, Floor Plans and Elevation Drawings and TLAG Affidavit, dated 1/22/25, prepared by Robert H. Williamson, Architect, and photographs were submitted.

On March 4, 2025, 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 Board found that the Design and Operation Standards in Part F are adequately satisfied and not otherwise prohibited in Part D.1, of Section 3.8 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 and right side yard setbacks and demolition, reconstruction and expansion of an existing nonconforming detached garage with less than required right side yard setbacks, on an 8,050 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet 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 and right side yard setbacks and demolition, reconstruction and expansion of an existing nonconforming detached garage with less than required right side yard setbacks, on an 8,050 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, subject to the following condition:

- A drainage plan that is stamped by an engineer shall be reviewed and approved by the Town's Department of Public Works.

The Building Inspector 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.

2025 MAR 20 PM 12:17

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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 (cm)
Robert W. Levy, Acting Chairman

David G. Sheffield (cm)
David G. Sheffield

Walter B. Adams (cm)
Walter B. Adams

ZBA 2025-20
Applicant Brendan Cottam & Elizabeth Kelly
Address 25 Cavanagh 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
25 CAVANAGH ROAD
WELLESLEY, MASSACHUSETTS
1/21/2025
1" = 20'*