

TOWN OF WELLESLEY



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WELLESLEY MA 02482

ZONING BOARD OF APPEALS

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

2001 APR 13 A 8:05

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ZBA 2001-15  
Petition of M. Benjamin and Janet L. Howe  
5 Brookfield Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 29, 2001 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of M. BENJAMIN AND JANET L. HOWE requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the demolition of an existing nonconforming 8 foot by 14 foot screened porch, with less than the required left side yard setback, and construction of a new one story addition with the same dimensions and minimum left side yard setback, at their nonconforming dwelling with less than the required left and right side yard setbacks, at 5 BROOKFIELD ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling. There will be no change in the footprint.

On March 12, 2001, the petitioners 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 Janet Howe, who said they had received permission at a prior hearing to remodel the porch. At the time, she did not realize the roof was full of carpenter ants, and had to be removed. The new construction will have the same dimensions as the existing porch.

The Board noted that the plot plan was dated 1996. Mrs. Howe said that nothing had changed since then.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 5 Brookfield Road, in a Single Residence District, on a 10,099 square foot lot, with a minimum left side yard setback of 13.9 feet and a minimum right side yard setback of 11.4 feet.

In July, 2000, the petitioners requested a Special Permit/Finding to enclose the existing nonconforming porch and were granted a Special Permit (ZBA 2000-56) to do so. Subsequently, the petitioners found that rather than simply enclosing the porch, they had to demolish the porch and construct a new one story addition.

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The petitioners are now requesting a Special Permit/Finding that the demolition of the existing nonconforming 8 foot by 14 foot porch, with a minimum left side yard setback of 13.9 feet, and construction of a one story addition with the same dimensions and the same minimum left side yard setback shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There will be no change in the footprint.

A Plot Plan dated 3/21/96, drawn by Mark P. Ryan, Professional Land Surveyor; Floor Plans and Elevations dated 4/2000, drawn by Kathleen Williams; and photographs were submitted.

On March 20, 2000, the Planning Board reviewed the petition and had no objection to granting the request provided the addition remained one story.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject dwelling does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that the proposed demolition of the 8 foot by 14 foot nonconforming porch and construction of a one story addition, with the same dimensions and minimum left side yard setback, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure as the new one story addition will neither intensify the existing nonconformance, nor will it create new nonconformity.

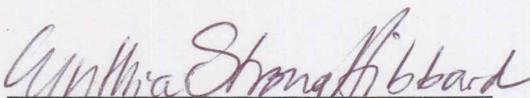
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, to demolish the existing nonconforming porch and construct a one story 8 foot by 14 foot addition with a minimum left side yard setback of 13.9 feet, in accordance with the submitted plot plan and construction drawings, and further subject to the condition that the one story addition remain a one story structure.

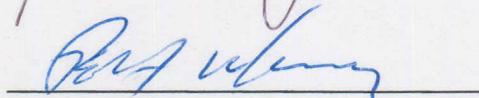
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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.

Cc: Planning Board  
Inspector of Buildings  
edg

  
Kendall P. Bates, Chairman

  
Cynthia S. Hibbard

  
Robert W. Levy

