

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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2001 JUL 17 2 08 14

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ZBA 2001-45
Petition of Robert B. Gersten
11 Roberts Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 28, 2001 in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of ROBERT B. GERSTEN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the enclosure of a previously demolished 8.3 foot by 14.5 foot one-story porch, with less than the required right side yard setback, at his nonconforming dwelling with less than the required left, front and right side yard setbacks, at 11 ROBERTS ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There will be no change in the footprint.

On June 11, 2001, 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 Robert Gersten, who said that the house was built in 1929 and is nonconforming on both the right and left sides. The porch was added about three years later. The only demolition has been the removal of the screens; the roof has remained in tact. He would simply like to enclose the area that was previously screened. The footprint will not change. He would like to use the enclosed porch, which will be an integral part of the house, as a study. His porch is the last one on the block to be enclosed.

The Board noted that the Planning Board had suggested there might be a more conforming location for the porch, which is very close to the property line. Mr. Gersten said that relocation would require major expensive changes to the house.

The Board stated that, although the roof will remain the same, it would like to add the condition that no second story be constructed above the porch enclosure.

No other person had any comment on the petition.

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Statement of Facts

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The subject property is located at 11 Roberts Road, in a Single Residence District, on a 13,363.31 square foot lot and has a minimum left side yard clearance of 19.2 feet, a minimum front yard clearance of 29.6 feet and a minimum right side yard clearance of 11.7 feet.

The petitioner is requesting a Special Permit/Finding that the enclosure of a previously screened 8.3 foot by 14.5 foot one-story porch, with a minimum right side yard clearance of 11.7 feet, 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 May 7, 2001, stamped by Rod Carter, Professional Land Surveyor; Plans and Elevations dated 5/2/01, drawn by Norman A. Homsy, A.I.A.; and photographs were submitted.

On June 19, 2001, the Planning Board reviewed the petition and felt there might be other options for the location of a porch while maintaining the side setback.

Decision

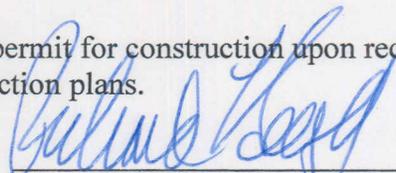
This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that the enclosure of the one-story 8.3 foot by 14.5 porch and its integration into the internal structure of the dwelling shall not be substantially more detrimental to the neighborhood than the prior nonconforming structure as it will neither intensify the existing nonconformance nor will it create additional nonconformity.

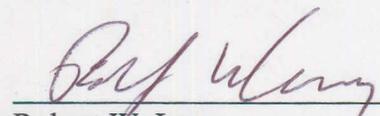
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the porch enclosure in accordance with the submitted plot plan and construction drawings subject to the condition that no second story be added above the allowed porch enclosure.

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.


Richard L. Seegel, Acting Chairman


Robert A. Bastille


Robert W. Levy

Cc: Planning Board
Inspector of Buildings
edg

I, ROD D. CARTER, A PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE REPRESENTS AN ON GROUND SURVEY BY INSTRUMENT ON, OR ABOUT MAY 7, 2001.

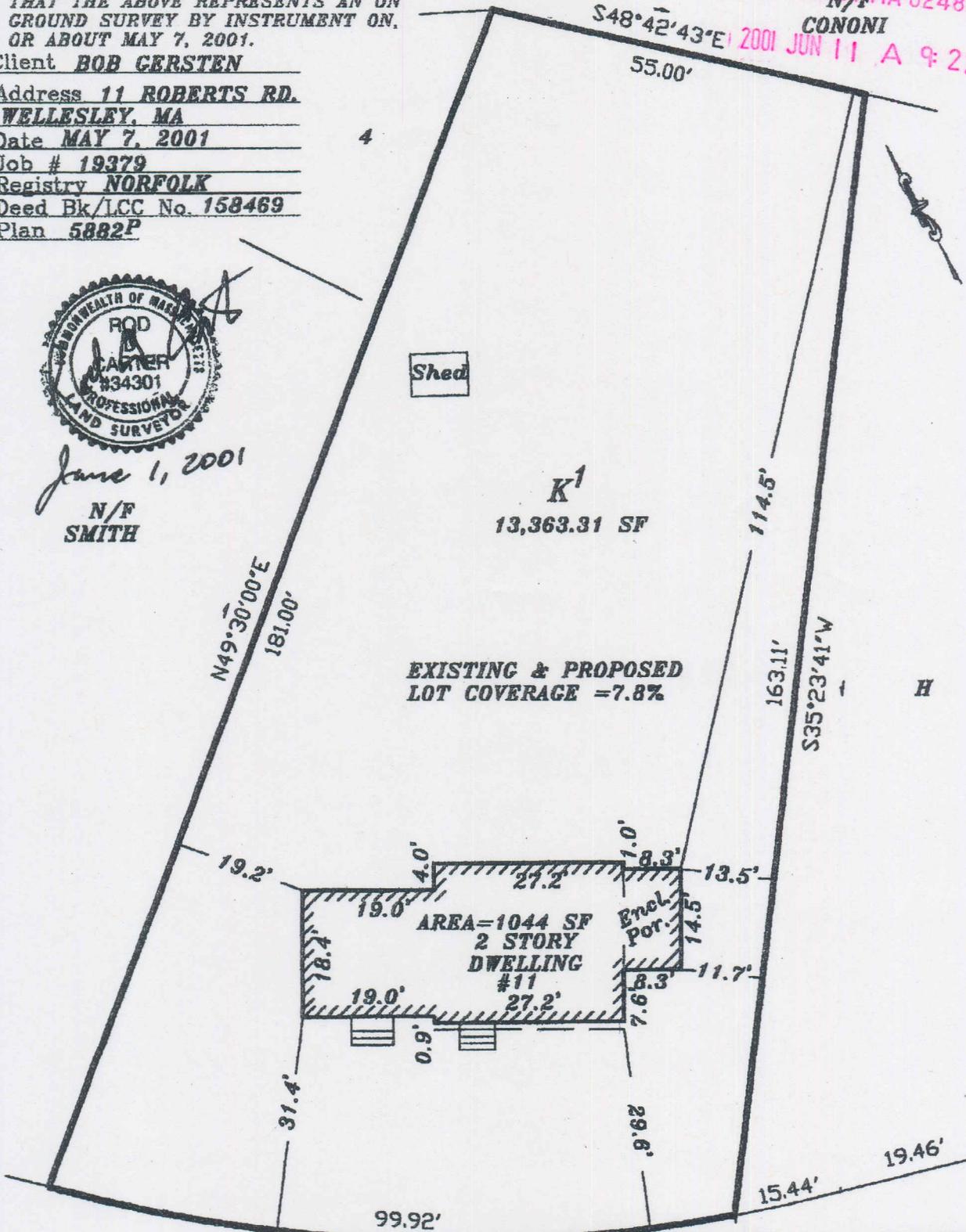
CERTIFIED PLOT PLAN

RECEIVED
PLANNING DEPARTMENT
WELLESLEY, MA 02482
N/F
CONONI
2001 JUN 11 A 9:22

Client **BOB GERSTEN**
Address **11 ROBERTS RD.**
WELLESLEY, MA
Date **MAY 7, 2001**
Job # **19379**
Registry **NORFOLK**
Deed Bk/LCC No. **158469**
Plan **5882P**



June 1, 2001
N/F
SMITH



Shed

K¹
13,363.31 SF

EXISTING & PROPOSED
LOT COVERAGE = 7.8%

AREA = 1044 SF
2 STORY
DWELLING
#11

Encl.
Por.

ROBERTS ROAD

ROD CARTER LAND SURVEY CO.
15 Pleasant Street P.O. Box 971
Upton, Massachusetts 01568
888-LND-SURV TEL 508-629-2800
7553-2825 FAX 508-629-0188

SCALE: 1"=20'