

**ZONING BOARD OF APPEALS**

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

RICHARD L. SEEDEL, CHAIRMAN
CYNTHIA S. HIBBARD
DAVID G. SHEFFIELDLENORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 2208J. RANDOLPH BECKER, VICE CHAIRMAN
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ZBA 2011-11
Petition of James & Ann Foley
15 Martin Road

Pursuant to due notice, the Special Permit Granting authority held a Public Hearing on Thursday, February 10, 2011 on the petition of JAMES & ANN FOLEY requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming screened porch, demolition of an existing garage, construction of a one-story addition and deck and construction of a two-story addition that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard and front yard setbacks, on a 7,985 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 15 MARTIN ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On January 25, 2011, 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 James Foley (the "Petitioner").

Mr. Foley said that his house pre-dates Zoning. He said that the house is seven feet from the side lot line and just over 28 feet from the front property line. The Board said that the lot is undersized for the district.

Mr. Foley said that the proposal is for demolition, reconstruction and extension of the garage with a master bedroom above. He said that they will be replacing the existing nonconforming porch at the back with a conforming one-story dining room structure.

The Board asked if the garage had been designed to meet the setback requirements. Mr. Foley said that it was. The Board asked how far the garage would extend into the setback area if it was straightened. A Board member said that it would be approximately two feet, which would be beyond consideration as de minimis.

The Board asked if it would be possible to straighten the garage by making it more narrow by approximately one foot at the bulge in the middle and approximately four inches at the front of the garage. Mr. Foley said that they will need space to park the car. He said that they have four children with bicycles and equipment. He said that he would speak with his architect about straightening the line.

The Board said that a tree placed in the right location would soften the look of the garage if the wall was constructed with the bulge.

Mr. Foley said that there are several narrow lots in the neighborhood.

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 15 Martin Road, on a 7,985 square foot lot in a district in which the minimum lot size is 10,000 square feet, with a minimum left side yard setback of 7 feet and a minimum front yard setback of 27 feet.

The Petitioner is requesting a Special Permit/Finding that demolition of an existing nonconforming screened porch, demolition of an existing garage, construction of a one-story addition and deck and construction of a two-story addition that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard and front yard setbacks, on a 7,985 square foot lot in a district in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 1/10/11, stamped by Bradley J. Simonelli, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 1/13/11, prepared by Michael Hally Design, Inc., and photographs were submitted.

On February 7, 2011, the Planning Board reviewed the petition and recommended that the Special Permit be granted.

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 screened porch, demolition of an existing garage, construction of a one-story addition and deck and construction of a two-story addition that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard and front yard setbacks, on a 7,985 square foot lot in a district in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it shall neither increase an existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted for demolition of an existing nonconforming screened porch, demolition of an existing garage, construction of a one-story addition and deck and construction of a two-story addition that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard and front yard setbacks, on a 7,985 square foot lot in a district in which the minimum lot size is 10,000 square feet, in accordance with the submitted plot plan and construction drawings.

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.

If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time-stamped on this decision.

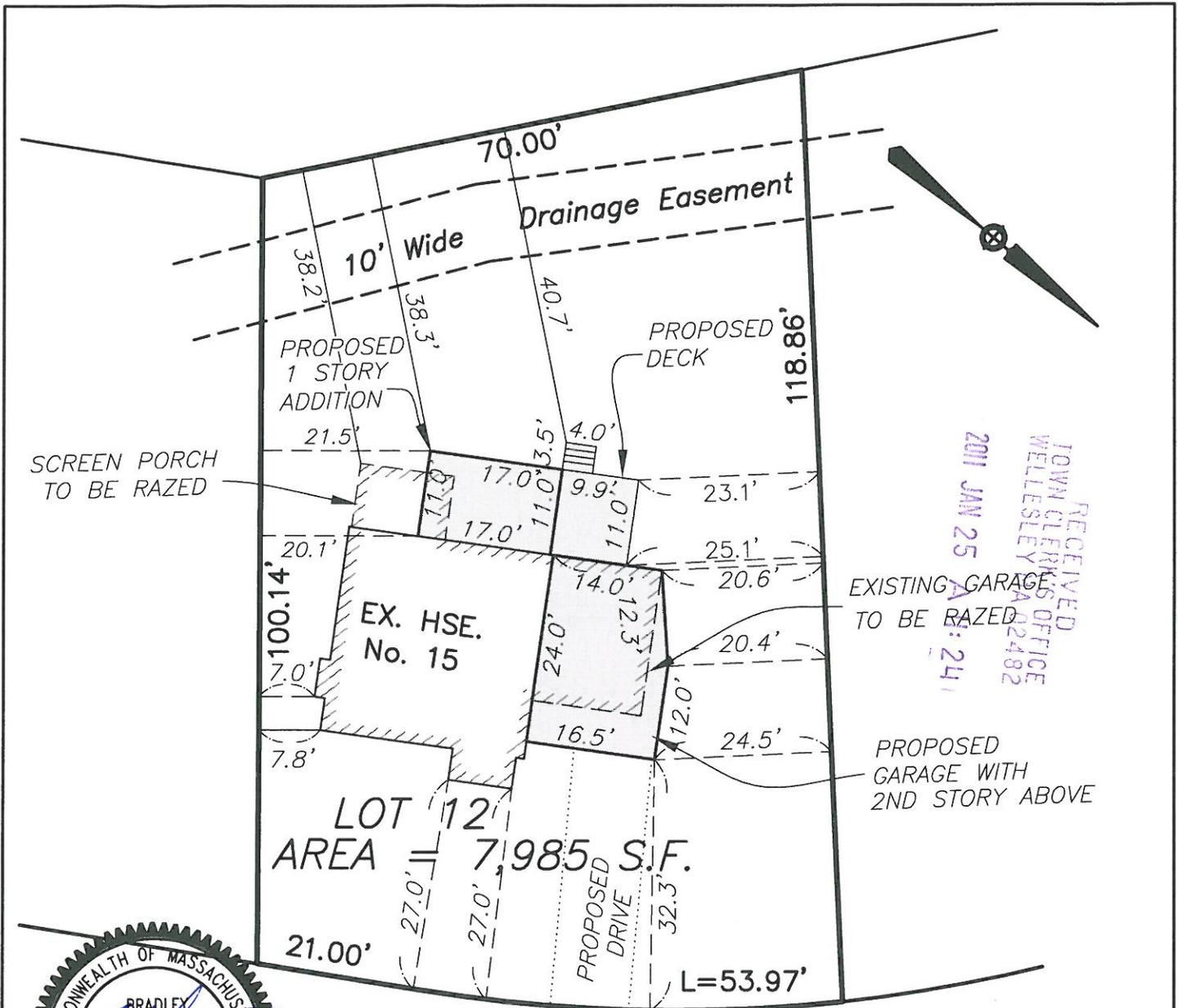
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.

J. Randolph Becker, Acting Chairman

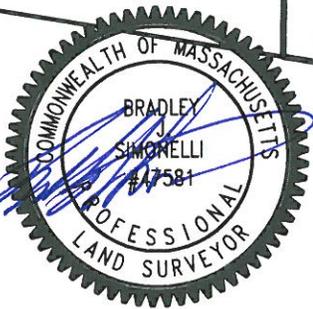
Robert W. Levy

David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm



RECEIVED
 TOWN CLERK'S OFFICE
 WELLESLEY
 JAN 25 2011
 10:24 AM



MARTIN

**R=200.00'
ROAD**

PLAN OF LAND
IN
WELLESLEY

ZONING INFORMATION: SR10

EXISTING LOT COVERAGE.....13.6%
 PROPOSED LOT COVERAGE.....16.2%
 EXISTING BUILDING FOOTPRINT.....1,085 S.F.
 PROPOSED BUILDING FOOTPRINT..1,294 S.F.

	EXIST	PROP	REQ.
FRONT YARD.....	27.0'	32.3'	30'
SIDE YARD.....	7.0'	20.1'	20'
REAR YARD.....	38.2'	38.3'	10'
FRONTAGE.....	74.97'	74.97'	60'

Field Resources, Inc.
LAND SURVEYORS

JANUARY 10, 2011 SCALE 1"=20'
 P.O. BOX 324 281 CHESTNUT ST.
 AUBURN, MA NEEDHAM, MA.
 508 832 4332 781 444 5936
 fieldresources@hotmail.com

PREPARED FOR JIM FOLEY

065-02