



Aug 29 16 AM '96

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman
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ZBA 96-47

Petition of Andres and Margarita Escalon
10 Fox Hill Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 25, 1996 at 8 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of ANDRES AND MARGARITA ESCALON requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the following construction at their nonconforming dwelling with less than the required left side yard setback, at 10 FOX HILL ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. Raising the ridge line of the roof above the nonconforming garage with less than the required left side yard, approximately 1 foot to provide for a new 21.5 foot by 9 foot shed dormer above the rear portion of the garage. There will be no change in the footprint.

2. Raising the ridge line of the roof above the existing nonconforming shed with less than the required left side yard, approximately 6 inches to accommodate an increase of 6 feet in the wall height of the exterior left wall in order to expand the existing shed. There will be no change in the footprint.

On July 8, 1996, 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 Andres Escalon, who was accompanied by his architect, John Chapman. Mr. Chapman said that the project has two phases; one which is conforming and one which requires Board approval. The site contains wetlands and a wide utility easement on the right, and a large hill with a great deal of ledge on the left side.

Mr. Chapman said that there is an existing room above the garage which is used for storage. They would like to raise the roof minimally above the rear portion in order to construct a dormer on the rear, and convert the entire space from storage to a bedroom. The existing shed would be rebuilt by raising the roof about 6 inches and the wall about 6 feet. The additional interior portion of the shed is conforming.

The Board noted that the Planning Board had recommended denial, as the additional second floor living space was too close to the left side line.

Joel Miller, 2 Fox Hill Road, the left side abutter, said that he had no problem with the petition.

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Statement of Facts

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The subject nonconforming dwelling is located at 10 Fox Hill Road, in a Single Residence District, on a 22,637 square foot lot, with a minimum left side yard clearance of 11.9 feet. There is a 55 foot wide utility easement on the right side of the property, and the dwelling is within the 100 foot buffer zone of Abbott Pond.

The petitioners are requesting a Special Permit/Finding to raise the ridge line of the roof above the garage approximately 1 foot to accommodate a new 21.5 foot by 9 foot shed dormer above the rear portion of the garage, which has a minimum left side yard clearance of 11.9 feet from the left rear corner. There will be no change in the footprint.

A Special Permit/Finding is also requested to raise the ridge line of the nonconforming shed roof approximately 6 inches to allow a 6 foot extension of the height of the left exterior wall in order to expand the existing 12.2 foot by 8 foot shed, which has a minimum left side yard clearance of 16.9 feet. The proposed conforming infill addition is 5.1 feet by 8 feet.

A plot plan dated June 20, 1996, drawn by Robert F. Drake, Registered Professional Land Surveyor; Floor Plans and Elevations dated June 22, 1996, prepared by John Chapman, Architect; and photographs were submitted.

On May 9, 1996, the Wetlands Protection Committee issued an Order of Conditions (DEP 324-223) for the proposed construction activities on the site.

On July 23, 1996, the Planning Board reviewed the petition and voted to recommend denial based on the substantial encroachment into the already inadequate side yard.

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 neither the addition of the shed dormer above the rear portion of the garage, nor the shed expansion will intensify the existing nonconformance or create additional nonconformities as there will be no change in the footprint of the garage nor will there be a change in the nonconforming portion of the shed footprint.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, to raise the ridge line of the roof above the garage to construct the proposed shed

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dormer above the rear portion of the garage and to raise the ridge line of the shed roof in order to raise the exterior wall and cover the shed expansion, subject to construction in accordance with the submitted plot plan and construction drawings, and further subject to the Order of Conditions (DEP 324-223) issued by the Wetlands Protection Committee.

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.

Kendall P. Bates, Acting Chairman

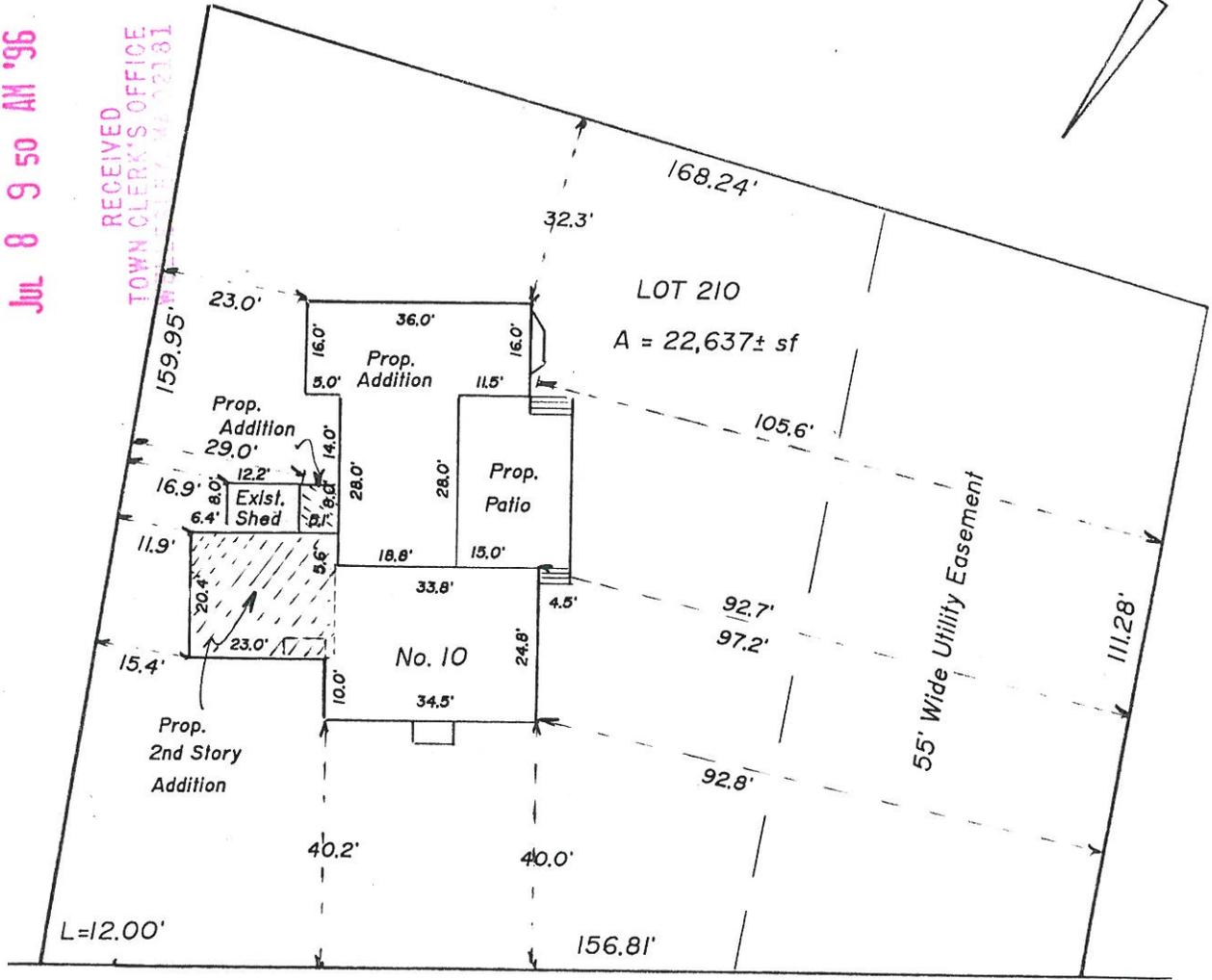
Robert A. Bastille

William E. Polletta

cc: Planning Board
Wetlands Protection Committee
Inspector of Buildings
edg

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FOXHILL ROAD

EXIST LOT COVERAGE 6.3 %
 PROP. LOT COVERAGE 13.7 %

I CERTIFY THAT THE LOT(S) SHOWN ON THIS PLAN AND THE BUILDING(S) SHOWN ON SAID LOT ARE LOCATED ON THE GROUND AS SHOWN HEREON.

SIGNED

DATE

JUNE 20, 1996



CERTIFIED PLOT PLAN

IN

WELLESLEY MASS.

SCALE 1" = 30. FEET

DRAKE ASSOCIATES INC.
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