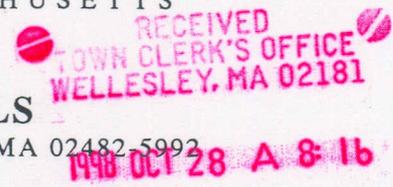


**ZONING BOARD OF APPEALS**

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

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ZBA 98-89

Petition of Robert J. and Nannette Borgatti
12 Cedar Terrace

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 22, 1998 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of ROBERT J. AND NANNETTE BORGATTI requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the following additions to their nonconforming dwelling with less than the required front yard setback, at 12 CEDAR TERRACE, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. Demolition of existing one-story nonconforming family room and construction of a two-story 26 foot by 14 foot addition with less than the required front setback.
2. Raising the ridge line of the roof 10.5 feet above the existing nonconforming front sitting room to accommodate a 12 foot by 10 foot second story addition which will have less than the required front setback. There will be no change in the footprint.

On October 5, 1998, 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 Robert Borgatti, who was accompanied by his wife, Nannette. Mr. Borgatti said that their home is over 100 years old. They would like to modernize and expand it in keeping with the neighborhood. The existing house is 17 feet from the front line. They will be going up, but not closer to the lot line. The front of their property is on a right of way, and faces the back yards of their neighbors.

The Board noted that the other lots on Cedar Terrace front onto Cedar Street, with their rear yards abutting Cedar Terrace. The Board was of the opinion that the new construction would be an improvement to the property.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 12 Cedar Terrace, in a Single Residence District, on a 15,734 square foot lot, and has a minimum front yard clearance of 17 feet.

ZBA 98-89
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The petitioners are requesting a Special Permit/Finding that the demolition of the existing one-story family room and construction of a two-story 14 foot by 26 foot addition, with a minimum front yard clearance of 28 feet; and raising the ridge line of the roof 10.5 feet above an existing nonconforming front sitting room to accommodate a 10 foot by 12 foot second story addition, with a minimum front yard clearance of 19 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated September 4, 1998, drawn by Joseph R. Sullivan, Registered Professional Surveyor; Existing and Proposed Floor Plans and Elevations dated 7/25/98, drawn by Wellesley Design Service; and photographs were submitted.

On October 13, 1998, the Planning Board reviewed the petition and offered no comment.

Decision

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

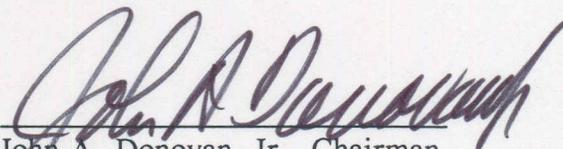
It is the finding of this Authority that neither the proposed demolition and construction of the two-story addition nor the raising of the ridge line above the front sitting room to accommodate a 10 foot by 12 foot second story addition will be substantially more detrimental to the neighborhood than the existing nonconforming structure, as neither will intensify the existing nonconformance, nor will either project create new nonconformance, as both additions are less nonconforming than the existing structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for both additions, subject to construction in accordance with the submitted plot plan and construction drawings.

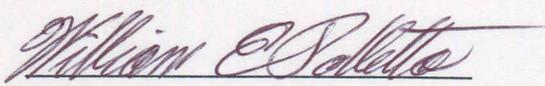
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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
edg Inspector of Buildings


John A. Donovan, Jr., Chairman


Kendall P. Bates


William E. Polletta

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