

**ZONING BOARD OF APPEALS**

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

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1999 FEB -3 A 8:57

ZBA 99-4

Petition of Carol J. Hildebrand and Donald B. Eburne  
4 Pickerel Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 28, 1999 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 CAROL J. HILDEBRAND AND DONALD B. EBURNE 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 and left side yard setbacks, at 4 PICKEREL ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. Enclosure and incorporation of existing nonconforming 20.2 foot by 8.4 foot porch, with less than the required front and left side yard setbacks, into the internal structure of the dwelling. There will be no change in the footprint.
2. Demolition of existing second floor and construction of a 20.4 foot by 30.8 foot second story addition, with less than the required front and left side yard setbacks. There will be no change in the footprint.
3. Demolition of existing nonconforming one-story entry structure and construction of a two-story 15 foot by 20 foot addition with less than the required front setback.
4. Construction of one 10 foot by 1.5 foot bay window with less than the required left side yard setback.
5. Construction of a one-story 8.5 foot by 6 foot roofed entry with less than the required front setback.

On January 11, 1999, 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 were Carol Hildebrand and Don Eburne. Ms. Hildebrand said that they would like to add more living space to a very small house. They would like to build a 15 foot by 20 foot addition on the right side, which conforms to the right side setback, and is less nonconforming to the front setback than the current structure. They would also like to add a second floor over the entire footprint.

Ms. Hildebrand submitted letters from her neighbors in support of their petition.

The Board noted that there is no further encroachment from any of the proposed additions on either the front or left side yard setbacks.

Tom Gardner, 3 Pickerel Road, expressed concern with the enclosed porch, and stated that from their dining room, they would be looking at a new blank wall.

Mr. Eburne responded that the drawings have been revised from the first petition which was withdrawn at the November hearing, in order to address neighborhood concerns. The height has been reduced from three to two stories. They have pushed the roof down and canted the roof line to make the house appear less tall. Ms. Hildebrand added that the house at 3 Pickerel Road sits about 5 feet above their home.

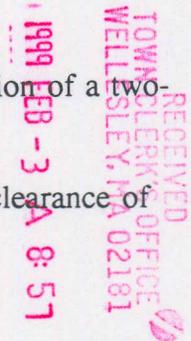
Using a copy of the Town Plan and photographs, Ms. Hildebrand showed that at least four of the homes on the street are closer to the road than their house. The property on the right side is owned by the Town. Their house, with the additions, will have about 1,900 square feet. There are few homes on the street that have not had additions. They have tried to design the house to look like a cottage, so it will not be overwhelming on the street.

Statement of Facts

The subject property is located at 4 Pickerel Road, on a 5,100 square foot lot, in a Single Residence District, and has a minimum front setback of 8.8 feet and a minimum left side yard clearance of 8.5 feet.

The petitioners are requesting a Special Permit/Finding that the following additions will not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. Enclosure of the existing 20.2 foot by 8.4 porch, which has a minimum front setback of 8.8 feet and a minimum left side yard setback of 8.5 feet. There will be no change in the footprint.
2. Demolition of existing second floor and construction of a 20.2 foot by 30.8 foot second story addition, with a minimum front setback of 8.8 feet and a minimum left side yard setback of 8.5 feet. There will be no change in the footprint.
3. Demolition of existing nonconforming one-story entry structure and construction of a two-story 15 foot by 20 foot addition with a minimum front setback of 18.1 feet.
4. Construction of a 1.5 foot by 10 foot bay window with a minimum left side clearance of 17 feet.



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5. Construction of a one-story 8.5 foot by 6 foot roofed entry with a minimum front clearance of 10.4 feet.

A Plot Plan dated December 24, 1998, drawn by Bruce Bradford, Professional Land Surveyor; Existing floor plans and elevations drawn by S & R Construction; Proposed floor plans and elevations dated 12/28/98, drawn by GEV Design; and photographs were submitted.

On January 7, 1999, the Wetlands Protection Committee issued an Amended Order of Conditions (DEP 324-274) for the project.

On January 19, 1999, the Planning Board reviewed the petition and recommended denial of the enclosure of the nonconforming porch and of the roofed entry, but had no objection to the second story addition or the two-story addition on the east side.

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 none of the aforementioned additions will be substantially more detrimental to the neighborhood than the existing nonconforming structure, as none of them will intensify the existing nonconformance nor will they create new nonconformities.

Therefore, a Special Permit is granted for all five additions and whatever demolition is necessary, as voted unanimously by this Authority at the Public Hearing, subject to construction in accordance with the submitted plot plan and construction drawings, and subject to all conditions in the Amended Order of Conditions (DEP 324-274).

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.

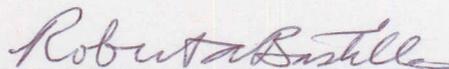
cc: Planning Board  
edg Inspector of Buildings



Kendall P. Bates, Acting Chairman



William E. Polletta



Robert A. Bastille

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1999 FEB - 3 A 8:50

PLAN OF LAND IN  
WELLESLEY, MA.

4 PICKEREL ROAD  
PROPOSED ADDITIONS  
SCALE 1 IN. = 20 FT  
DECEMBER 24, 1998

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PREPARED BY:  
EVERETT M. BROOKS CO.  
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PROJECT NO. 19323a

