



## ZONING BOARD OF APPEALS

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

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ZBA 2014-74  
Petition of Guido Buchbinder  
27 Roberts Road

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 4, 2014, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of GUIDO BUCHBINDER requesting modification of a Variance and a Special Permit/Finding pursuant to the provisions of Section XVII, Section XIX, Section XXIV and Section XXV of the Zoning Bylaw that construction of a second story addition over an existing nonconforming garage with less than required left side yard setbacks, on a 17,870 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, at 27 ROBERTS ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On August 18, 2014, 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 were Tripp Woodland, Woodland Contracting and Robert Williamson.

The Board said that this project was approved earlier in 2014. The Board asked about the changes that the Building Inspector required the Petitioner to come back before the Board for.

Mr. Williamson said that he was hired to take over the project in July when the Building Inspector rejected the building permit application because the plans that were submitted did not match the plans that ZBA approved in January. He said that when he was hired to take over the design and redraft the project to match what was approved by the ZBA, he found that the design would have created interior spaces that would not meet Building Code. He said that they set the new addition floor level of the second level master bedroom lower than the existing. He said that would have caused the interior half-bath to have a six foot ceiling. He said that he told the clients that he needed to redesign this for proper head room clearances and so that there will be no low sloping ceilings in the master bedroom. He said that his revised plan matches the roofline of the existing house. He said that it was significant enough of a design change that they had to come back before the Board.

The Board asked if Mr. Williamson had seen the plans that were previously approved by the Board. Mr. Williamson said that he saw the plans and tried to work with them. He said that on the second floor, the head rooms were not matching. He said that, instead of two small shed dormers, there will be one gable. He said that the massing is essentially the same but there is a bit more head room.

The Board asked if the footprint will be changed in any way. Mr. Williamson said that it will not be changed.

The Board said that there will be a two foot by three foot encroachment into the side yard setback of the existing garage and what is built above it.

The Board asked if any building permit has been issued for work there. The Board said that it appears that someone has gotten started working. The Board said that there are tarps out there. Mr. Woodland said that all work has ceased.

Mr. Woodland said that there was a condition in the prior approval that the Town Engineer be informed of the work there. He said that DPW has come out to stake out the sewer line that runs in the easement. He said that they have already done that and the Town Engineer is aware of the proposed work.

The Board said that the Planning Board recommended that the addition be pulled in so that it complies with Zoning requirements. The Board said that the existing structure encroaches and the proposal is to extend up. The Board said that the property is located on a cul de sac and is difficult to get to. The Board said that this seems to be a reasonable solution.

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 27 Roberts Road, on a 17,870 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, with a minimum left side yard setback of 17.1 feet and a minimum right side yard setback of 19.7 feet.

The Petitioner is requesting modification of a Variance and a Special Permit/Finding pursuant to the provisions of Section XVII, Section XIX, Section XXIV and Section XXV of the Zoning Bylaw that construction of a second story addition over an existing nonconforming garage with less than required left side yard setbacks, on a 17,870 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 10/2/13, revised 7/15/14, stamped by Charles J. Brennan, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 7/16/14, prepared by WBW, and photographs were submitted.

On September 3, 2014, the Planning Board reviewed the petition and recommended that the Special Permit be granted subject to a condition.

#### 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 opinion of this Authority that, to the extent this Special Permit is modifying a Variance that it will be deemed a modification of the existing Variance, granted on June 14, 1957 and that desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of this Zoning Bylaw.

The Board is of the opinion that modification of a previously granted Variance, ZBA 57-23, may be granted to allow for construction of a second story addition over an existing nonconforming garage with less than required left side yard setbacks, on a 17,870 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, as it was determined by a previous Board in 1957 that a hardship existed.

Therefore, modification of the Variance, ZBA 57-23, is granted, as voted unanimously by this Authority at the Public Hearing.

It is the opinion of this Authority that although construction of a second story addition over an existing nonconforming garage with less than required left side yard setbacks, on a 17,870 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet is increasing a nonconformity, such increase shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of a second story addition over an existing nonconforming garage with less than required left side yard setbacks, on a 17,870 square foot lot in a Single Residence District in which the minimum lot size is 20,000 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 constructions plans.

If construction has not commenced, except for good cause, this variance shall expire one year after the date time stamped on this decision.

2014 SEP 18 P 3:07  
RECEIVED  
PLANNING DEPARTMENT

ZBA 2014-74  
Petition of Guido Buchbinder  
27 Roberts Road

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2014 SEP 18 P 3 07  
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PLANNING BOARD

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, Chairman

  
David G. Sheffield

  
Walter B. Adams

cc: Planning Board  
Inspector of Buildings  
lrm

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02452  
VERONICA L. BACON

2014 AUG 18 A 11:01

**RECORD OWNERS:**

GUIDO M. & ELIZABETH I. BUCHBINDER  
27 ROBERTS ROAD  
WELLESLEY, MA  
ASSESSORS ID: 134-42  
DEED: CERT: 180258

**REFERENCES:**

LCC NO 5882 W  
LCC NO 1149-29  
PLAN 1560 OF 1952

**NOTES:**

DOUGLAS E. & MICHELLE M. ARBEELY

- 1.) THIS PLAN WAS PREPARED FROM AN INSTRUMENT SURVEY PERFORMED ON SEPTEMBER 24, 2013.
- 2.) SUBSURFACE AND ABOVE GROUND UTILITIES WERE NOT INCLUDED AS PART OF THIS SURVEY, THEY WERE NOT RESEARCHED NOR SHOWN HEREON.
- 3.) A TITLE EXAMINATION WAS NOT PROVIDED FOR THIS SURVEY. AS SUCH OTHER MATTERS OF RECORD MAY EXIST AND NOT BE SHOWN HEREON.
- 4.) EXISTING LOT COVERAGE: 8.0% (1436±S.F.)  
PROPOSED LOT COVERAGE: 8.1% (1442±S.F.)

PLAN NO. 5882 W

194 LOWELL RD  
N/F  
SUSAN P. PEVEAR

LOT 1  
17,870±S.F.

23 ROBERTS RD  
N/F  
ALI & HADIA F. TIRMIZI

10 OAKRIDGE RD  
N/F  
ROYALL & HELGA SWITZLER

14 OAKRIDGE RD  
N/F  
ARNOLD H. & MIRIAM F. SLOANE

26 ROBERTS RD  
N/F  
ROBERT E. BURKE

ROBERTS ROAD



IN  
WELLESLEY, MA

BY  
GUIDO BUCHBINDER

SUMMIT SURVEYING INC.  
285 LITTLETON ROAD, SUITE 2, WESTFORD, MA 01886  
TEL. 978-692-7109  
WWW.SUMMITSURVEYINGINC.COM  
OCTOBER 2, 2013



REV: ADDITION BY: CJB DATE: 7-15-14

