



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 87-93
Petition of Thomas and Victoria Keiser
38 Inverness Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, November 19, 1987, at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley on the petition of THOMAS AND VICTORIA KEISER, requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw which would allow construction of an addition approximately 40 feet by 16 feet at the rear of their non-conforming dwelling at 38 Inverness Road, in a Single Residence District. The property is also partially within a Watershed Protection District. Said addition would include a family room, bedroom, expanded kitchen and dining room leaving less than the required right side yard.

On November 2, 1987, the petitioners requested a hearing before this Board and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Victoria Keiser who stated that the proposed construction would enhance the architectural plan of the home as it follows the present line and design of the dwelling. The home was built before the yard regulations of Section XIX went into effect. The addition would follow the line of the existing house, and due to the configuration of the lot line, would move away from the right side line leaving more of a right side yard than presently exists.

Mrs. Keiser presented letters from two immediate abutters in favor of the request. No others were present expressing favor or opposition to the request.

Statement of Facts

The non-conforming dwelling is located at 38 Inverness Road, in a Single Residence District, on a 19,018 square foot lot with a right side yard of 14.78 at the front corner of the existing structure. The property is partially within a Watershed Protection District. On November 24, 1978, Stuart and Gwen Goldstein, previous owners of the property, were granted a variance for an addition on the northeast corner of the house, set back 17.62 feet from the left side lot line.

The petitioners are requesting a variance for an addition approximately 40 feet by 16 feet at the rear of the dwelling leaving a right side yard of 16.78 feet at the front corner of the addition and 18.06 feet at the rear corner.

A Plot Plan, dated September 23, 1987, drawn by John J. Regan, Registered Land Surveyor; construction plans and elevations drawn by John Merkler, A.I.A.; and photographs of the property were submitted.

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The Planning Board, in its letter of November 12, 1987, stated it had voted to oppose the granting of the variance as it appears that there were alternative locations for the addition which would comply with the zoning requirements.

On April 7, 1986, the Wetlands Protection Committee issued a Negative Determination of Applicability under the Mass. Wetlands Protection Act, G.L.c.131, Section 40 as the property at 38 Inverness Road is within 100 feet of Academy Brook. However, the construction planned, although within the Buffer Zone, will not alter an Area Subject to Protection Under the Act, and therefore, does not require the filing of a Notice of Intent.

The Wetlands Protection Committee placed the following conditions on the Negative Determination:

1. Notify the Committee at least one day in advance of the start of construction.
2. Stake a limit of work 20 feet from the center of Academy Brook. Excavated material and building materials must not be placed in this area.

Decision

This Authority has made a careful study of the evidence presented. The subject house does not conform to the present Zoning Bylaws as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that the proposed addition conforms to the present lines of the house and does not alter the relationship of the house to the right side lot line. It is the further opinion of this Authority that because of the shape of the lot and the location of the house on the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioners and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested variance is granted to construct the addition at 38 Inverness Road subject to conformance with the plot plan by John J. Regan, Registered Land Surveyor, dated September 23, 1987, coming no closer than 16.78 feet from the right side lot line and subject to the following conditions:

1. Notification of the Wetlands Protection Committee at least one day in advance of the start of construction.
2. A limit of work must be staked 20 feet from the center of Academy Brook. Excavated material and building materials must not be placed in this area.

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

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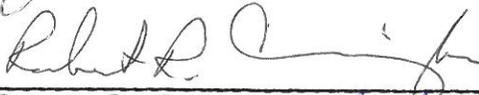
If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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.

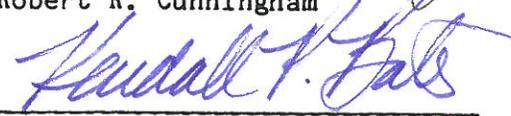
cc: Planning Board
Inspector of Buildings
edg



John A. Donovan, Jr., Chairman

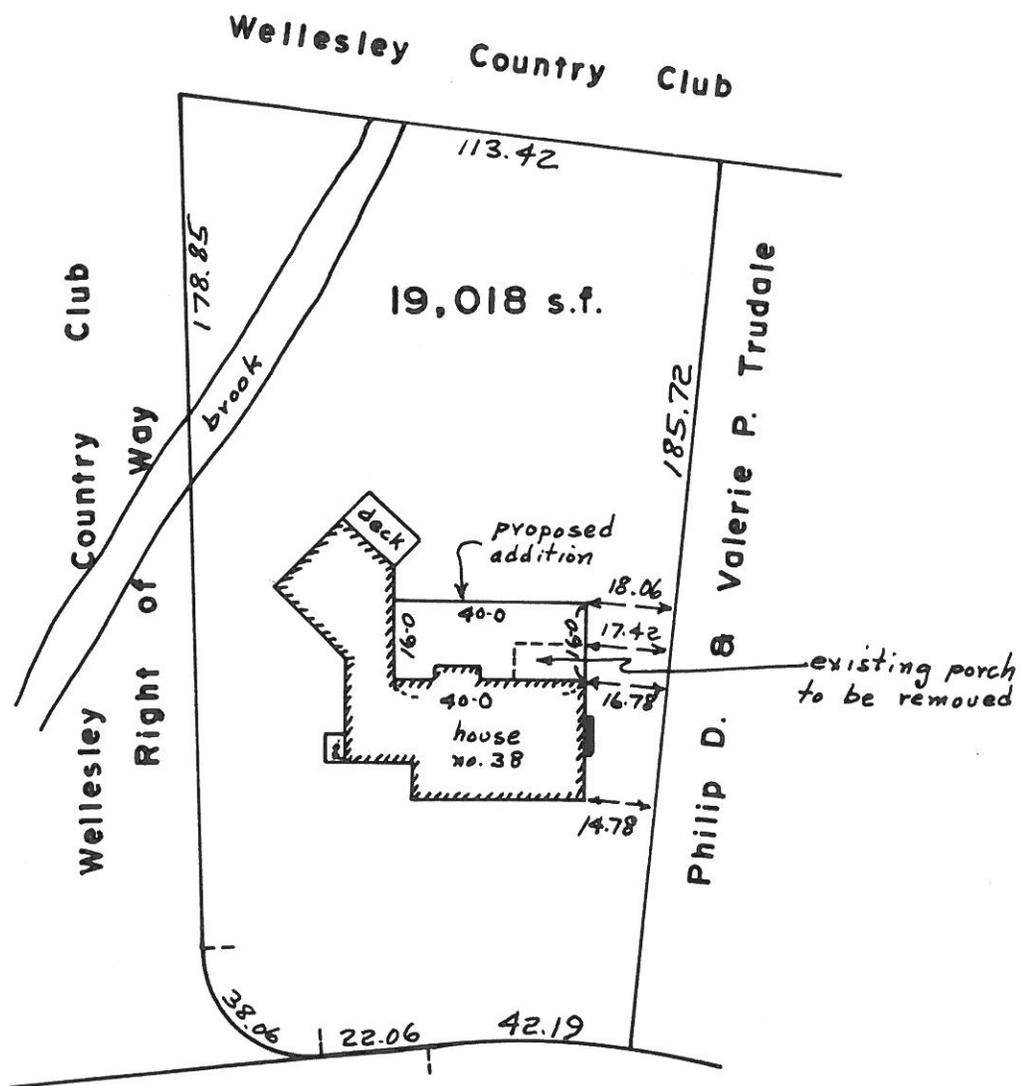


Robert R. Cunningham



Kendall P. Bates

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John J. Regan

INVERNESS ROAD

**PLAN OF LAND
IN
WELLESLEY MASS.**

**TO ACCOMPANY THE PETITION OF
THOMAS C. & VICTORIA RIGSBY KEISER
38 INVERNESS ROAD
WELLESLEY**

**SCALE 1 IN = 40 FT
JOHN J. REGAN
NEWTON HIGHLANDS**

**SEPT. 23, 1987
LAND SURVEYOR
MASS.**