



ZONING BOARD OF APPEALS

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

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ZBA 98-67

Petition of Thomas and Kristen Roberts
53 Lowell Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, August 20, 1998 at 8 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of THOMAS AND KRISTEN ROBERTS requesting a variance from the terms of Section XX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow raising the ridge line of the main roof to a height of 39 feet 10 inches above the average finished grade, where the allowed height is 36 feet as measured from the average finished grade, at their conforming dwelling in process of construction at 53 LOWELL ROAD, in a Single Residence District.

On August 3, 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 Thomas Roberts, who was accompanied by his architect, Guy Grassi of the Grassi Design Group. Mr. Roberts said that the house is in construction. Using elevation drawings, he showed the house with both the requested height and the allowed height of the roof.

Mr. Grassi said the problem is that the house is built in an English Tudor style, which has a very steep roof. The house has two stories. The first floor is only 18 inches above the grade. The grade difference between the front and rear of the house is 6 feet, which ends in a wetlands area. The grade at the rear cannot be altered because of the wetlands. The Roberts are penalized as to the height of the roof due to the unusual grade difference and the wetlands situation.

Mr. Grassi explained that they have a building permit for a plan showing a flat roof at 36 feet. There are no dormers or plans for occupied space in the attic. The higher roof is strictly aesthetic rather than for usable space. Only the center area of the roof will have the higher roof, which slopes back, lessening the impact from the street.

The Board stated that it did not see there was a hardship sufficient to override the Zoning Bylaw regulation, as the higher roof is simply a matter of aesthetics.

David and Elizabeth Powell, 109 Edmunds Road, expressed opposition to the petition, as did Doris Heinold, 38 Lowell Road.

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Statement of Facts

The subject conforming dwelling under construction is located at 53 Lowell Road, in a Single Residence District, on a 26,130 square foot lot. The petitioners are requesting a variance from Section XX of the Zoning Bylaw to exceed the permitted height of 36 feet from average finished grade by allowing the height of 39 feet 11 inches from the average finished grade to the ridge line of the roof on their new dwelling.

A Plot Plan dated July 14, 1998, drawn by Anthony M. Dellorco, Professional Land Surveyor; a topographical plan of the lot drawn by Grassi Design Group; and Elevation drawings dated July 16, 1998, drawn by the Grassi Design Group were submitted.

Letters in opposition to the petition were received from Peter and Linda Grape, 61 Lowell Road; Stephen C. Bradley, 91 Edmunds Road; Doris Heinold, 38 Lowell Road; Ann and Benjamin Lewin, 4 Woodcliff Road; William and Joan Amory, 45 Lowell Road; and Susan White, 44 Lowell Road.

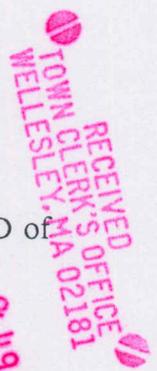
Decision

This Authority has made a careful study of the material submitted and the information presented at the hearing. The subject dwelling is conforming in regard to all setbacks and lot coverage. The variance request is to exceed the allowed height of 36 feet from the average finished grade by raising the ridge line of the main roof to a height of 39 feet 11 inches.

Variances may only be granted by the Permit Granting Authority once it has found any or all of the following (Section XXIV-D 1. as quoted from the Zoning Bylaw):

- "1. ...
- a. Literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant owing to circumstances relating to: i) soil conditions, ii) shape, or iii) topography of such land or structures, especially affecting such land or structures but not generally affecting the zoning district in which it is located; and the hardship shall not have been self-created; and
 - b. 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."

This Authority fails to find "substantial hardship" within the meaning of Section XXIV-D of the Zoning Bylaw.



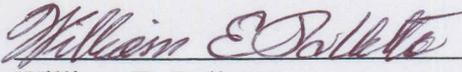
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Therefore, it is the unanimous opinion of this Authority, as voted at the Public Hearing, that this request for a variance be denied, and this petition is dismissed.

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


Kendall P. Bates, Acting Chairman

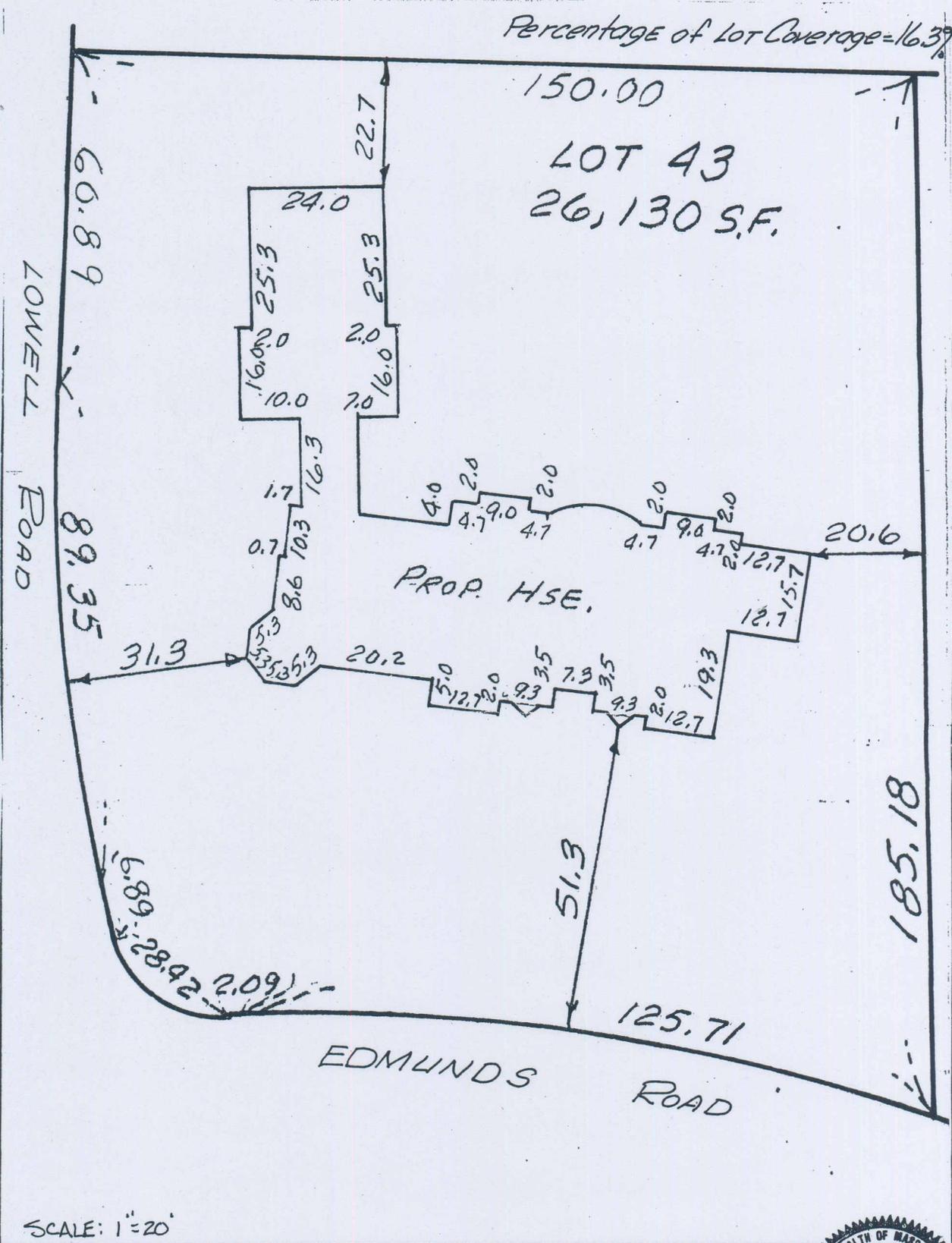

William E. Polletta


Robert A. Bastille

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JULY 14, 1998

DATE

1-978-562-5581

Anthony M. Dellorco
REG. LAND SURVEYOR

CONSOLIDATED DESIGN GROUP, INC.
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HUDSON, MA. 01749

