



ZONING BOARD OF APPEALS

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ZBA 2007-87
Petition of Signe Haas
58 Denton Road

Petition of SIGNE HAAS requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that enclosure of an existing nonconforming porch with less than required left side yard setbacks, on a 6,178 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 58 DENTON ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On November 26, 2007, 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 Signe Haas (the "Petitioner") and Bill Blackwood, builder. Mr. Blackwood said that Ms. Haas would like to reduce the number of windows on her sunporch and change from single to double pane windows. The project would also increase wall space and change the thickness of the walls with insulation. There will be no change to the footprint.

Mr. Blackwood said that the outside walls will be removed.

Mr. Blackwood said that the foundation is poured concrete.

Mr. Blackwood said that there will be no windows on the rear elevation. The roof and the balustrade will remain.

Mr. Blackwood said that the panels below the windows will be removed and the porch will be finished to replicate the front of the house with cedar shingles.

Mr. Blackwood said that the new windows will be casement windows. Ms. Haas may put dividers in them.

The Board said that an improved set of plans should be submitted that shows what the proposed work is at the rear of the house. The plans should show a scale and a plan number.

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 58 Denton Road, on a 6,178 square foot lot in a district in which the minimum lot size is 10,000 square feet, with a minimum left side yard setback of 13.3 feet.

The Petitioner is requesting a Special Permit/Finding that enclosure of an existing nonconforming porch with less than required left side yard setbacks shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 8/3/07, stamped by George C. Collins, Professional Land Surveyor, Existing and Proposed Elevation Drawings, dated 10/18/07, drawn by GSD Associates, LLC, and photographs were submitted.

On December 3, 2007, the Planning Board reviewed the petition and had no objection to granting the request.

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 finding of this Authority that enclosure of an existing nonconforming porch with less than required left side yard setbacks shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure as it will neither increase a nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for enclosure of an existing nonconforming porch, in accordance with the submitted Plot Plan and Construction Drawings, subject to the following condition:

- A set of plans shall be submitted that shows what the proposed work is at the rear of the house. The plans shall show a scale and a plan number.

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.

If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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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.

Cynthia S. Hibbard, Acting Chairman

David G. Sheffield

David L. Grissino

cc: Planning Board
Inspector of Buildings
lrm