



FRANCIS L. SWIFT, Chairman
 WILLIAM O. HEWETT
 WILLIAM E. POLLETTA
 WILLIAM F. CULLINANE
 FRANKLIN P. PARKER
 JOHN A. DONOVAN, Jr.

ZONING BOARD OF APPEALS

KATHARINE E. TOY
 Administrative Secretary
 Telephone
 235-1664

James H. and Alice Walker Loehlin

Pursuant to due notice the Permit Granting Authority held a public hearing in the hearing room on the second floor of the Town Hall at 8:05 p.m. on November 30, 1978, on the petition of James H. and Alice Walker Loehlin requesting a variance from the terms of Section XIX of the Zoning By-law which will allow the construction of an addition on the rear of their dwelling at 17 Maurice Road with a side yard less than the required thirty feet. Said request was made under the provisions of Section XXIV-D of the Zoning By-law.

On November 15, 1978, the petitioners filed their request for a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

James H. Loehlin spoke in support of the request at the hearing.

Edward Allen, Architect, explained that the proposed addition had been designed to fit in with the contours of the lot and the location of the existing house.

George A. Mock, 4 Granite Street, stated that his only concern was that if there was any blasting to be done, his property could be affected.

Frederik H. Hammond, Jr., 3 Granite Street, questioned the number of trees which would have to be removed.

The petitioner gave assurance that it was not intended to take down any more trees than have already been removed, except for some very small ones.

Statement of Facts

The property involved is located within a Single Residence District requiring a minimum lot area of 10,000 square feet. The house involved was built in 1955, on a lot containing 13,519 square feet.

The petitioners seek permission to construct an addition on the southeast end of their dwelling which will include solar energy collectors and storage for domestic heat and hot water, with a dining room under the collectors and screened porch and family area. The proposed addition, if built, will set back 26.6' from Sunset Road, a paper street, rather than the required thirty feet.

It was explained that the solar collector has imposed a geometrical constraint on the shape of the proposed addition. The collector must face due south for optimum energy efficiency whereas the existing house is oriented nearly on a southeast-northwest axis, hence the 45 degree turn in the building and the roughly triangular shape of the floorplan.

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It was further explained that there is little likelihood that the proposed street will ever be developed as there is a large amount of rock ledge which would make the completion of that part of the street extremely expensive. There is also outcroppings of rock ledge on the lot and the addition has been designed to fit in with the contours of the lot, it was stated; moving the addition any farther to the northeast would greatly increase problems associated with proper land drainage as well as increase the amount of necessary excavation significantly and probably require the removal of rock ledge, thus imposing a financial hardship.

Decision

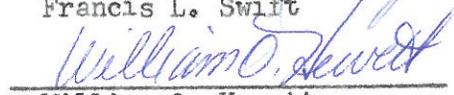
The Authority has made a careful study of the evidence submitted and has taken a view of the locus.

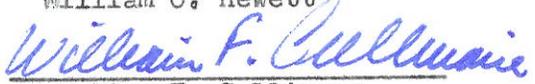
In its opinion, the proposed location of the addition appears to be the only feasible place it can be constructed in order to provide proper exposure for the solar collectors and not interfere with the natural drainage of the property as well as incur unreasonable expense by the removal of rock ledge on the property. While the proposed addition will be only 26.6' from the proposed street, it is the opinion of this Authority that it is unlikely that it will ever be built. However, if the street is extended, it is the belief of this Authority, that the proposed addition will not prove detrimental to surrounding properties.

Therefore, because of the soil conditions, the outcropping of rock ledge and the drainage problem on the lot, which would be aggravated if the proposed addition were to be built on the westerly side of the house and conform to the setback requirements of the Zoning By-law, it is the unanimous opinion of this Authority that a literal enforcement of the provisions of Section XIX of the Zoning By-law would involve substantial hardship to the petitioners. It is the further opinion of this Authority that desirable relief may be granted without substantial detriment to the public good and without nullifying and substantially derogating from the intent and purpose of the Zoning By-law.

Accordingly, the requested variance is granted and the Building Inspector is authorized to issue a permit for the proposed addition as shown on the plan submitted, drawn by Sidney R. Vaughan, Land Surveyor, dated October 6, 1978, and on file with this Authority, subject to the condition that before any blasting permit is to be issued, should it become necessary for construction, residents within a 300' radius shall be notified by the petitioners.

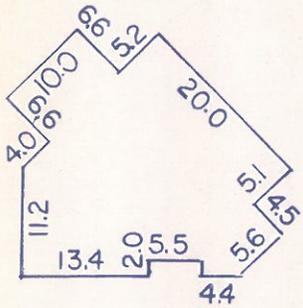

Francis L. Swift


William O. Hewett

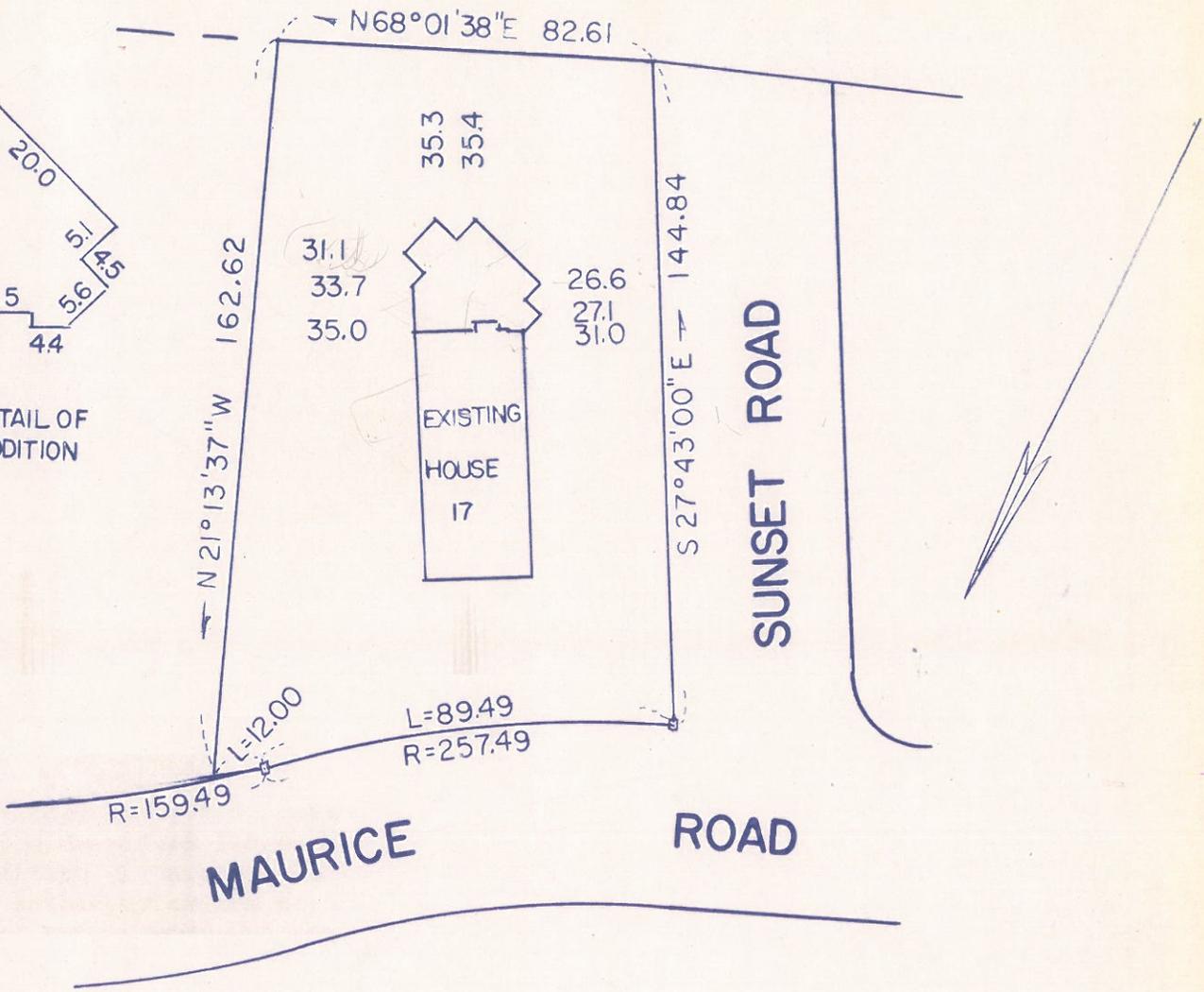

William F. Cullinane

Filed with Town Clerk _____

Copies of the decision and all plans referred to in the decision have been filed with the Planning Board and with the Town Clerk.



20 SCALE DETAIL OF PROPOSED ADDITION



**PLAN TO ACCOMPANY PETITION FOR VARIANCE
LAND AT 17 MAURICE ROAD WELLESLEY, MASS.**

SCALE: 1 INCH = 40 FEET CHENEY ENGINEERING CO.,
OCTOBER 6, 1978 NEEDHAM, MASS.

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