

TOWN OF WELLESLEY



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## ZONING BOARD OF APPEALS

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ZBA 2001-3

Petition of Mark A. and Sarah D. Massey  
412 Weston Road

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 25, 2001 at 7:30 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of MARK A. AND SARAH D. MASSEY requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the raising of the ridge line of the roof 17.5 feet above their existing nonconforming 8.2 foot by 13.7 foot den, with less than the required right side yard setback, to construct a two-story addition of the same dimensions, at their nonconforming dwelling with less than the required right, left and front yard setbacks, at 412 WESTON ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There will be no change in the footprint.

On January 8, 2001, 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 were Mark and Sarah Massey. Mr. Massey said they are planning to go straight up two stories over their existing den to provide bathrooms on the second and third floors. The right side abutters have written a letter to the Board in support of the petition.

The Board asked if anyone was living on the third floor. Mr. Massey said that they completed a third floor bedroom for their son under a separate building permit. The Board expressed concern about third floor occupancy from a safety standpoint and asked if there was a second means of egress in addition to the spiral staircase to the third floor. Mrs. Massey said that the remodeling added a skylight and a window, and the bathroom would add a second window. They also have a safety ladder.

The Board asked if the den was an original part of the house, or a later addition. Mr. Massey said it was probably a screened porch originally, but had been enclosed when they bought the house.

The Board commented that the Massey's driveway is not totally on their own property. Mr. Massey said that according to the surveyors, the whole block is slightly skewed so that their abutter's driveway is on their property on the right side, as theirs is on their left side abutter's property.

No other person present had any comment on the petition.

### Statement of Facts

The subject nonconforming property is located at 412 Weston Road, in a Single Residence District, on an 8,093 square foot lot, with a minimum left side yard clearance of 15.4 feet and a minimum right side yard

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clearance of 13.3 feet. A detached two-car garage at the left rear portion of the property has a minimum left side yard clearance of 7.4 feet.

The petitioners are requesting a Special Permit/Finding that raising the ridge line of the roof 17.5 feet above an existing 8.2 foot by 13.7 foot den to accommodate a two-story addition with the same dimensions and a minimum right side yard clearance of 13.3 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There will be no change in the footprint.

A Plot Plan dated October 25, 2000, drawn by Bruce Bradford, Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations; and photographs were submitted.

A letter dated January 20, 2001, was received from the right side abutters, Helen and Peter Trow, in support of the petition.

On January 23, 2001, the Planning Board reviewed the petition and expressed a concern relative to the impact on the abutter of the "massing" of the building even though there is no change in the footprint.

#### Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject dwelling does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

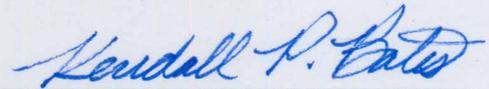
It is the finding of this Authority that the construction of the two-story 8.2 foot by 13.7 foot addition which involves raising the ridge line of the roof 17.5 feet above the existing nonconforming den of the same dimensions, shall not be substantially more detrimental to the neighborhood as the addition will neither intensify the existing nonconformance, nor will it create new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing for the proposed construction of the two-story addition in accordance with the submitted plot plan and construction drawings.

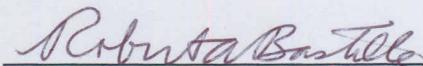
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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.

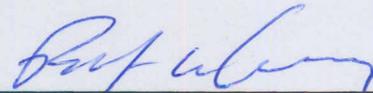
CC: Planning Board  
Inspector of Buildings



Kendall P. Bates, Chairman



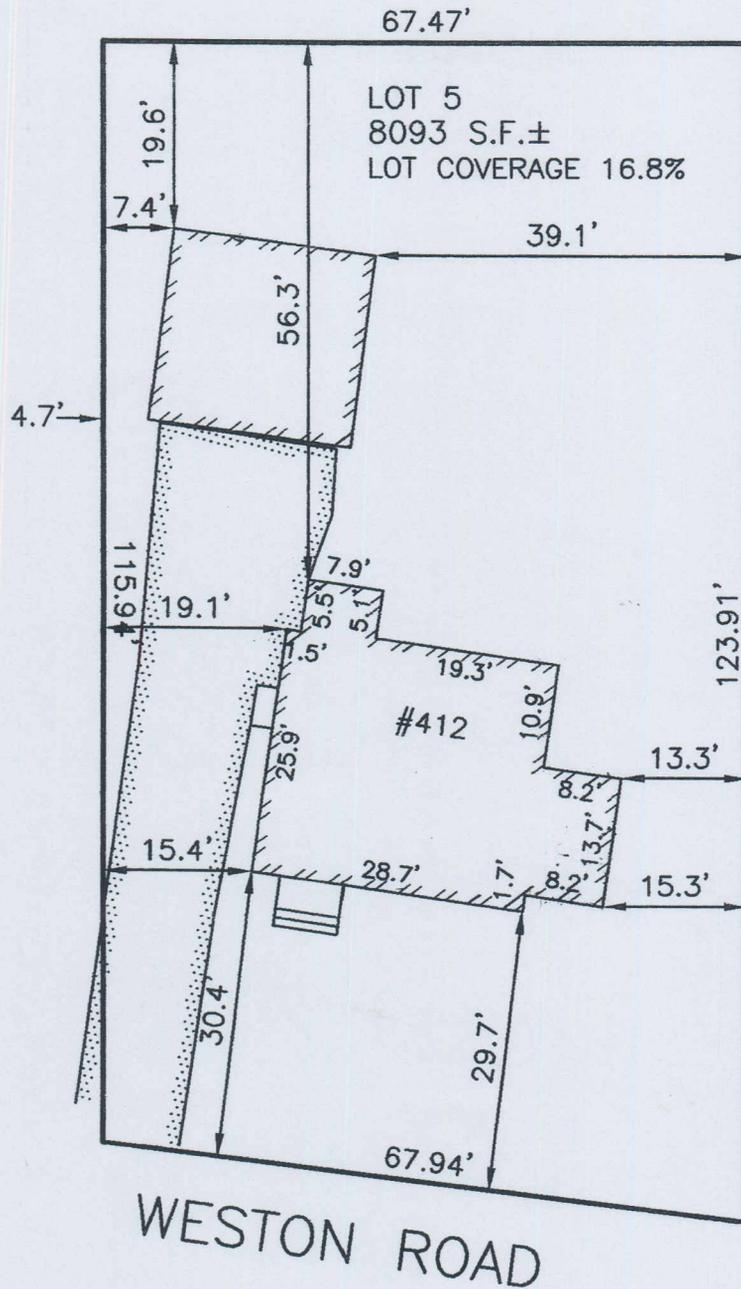
Robert A. Bastille



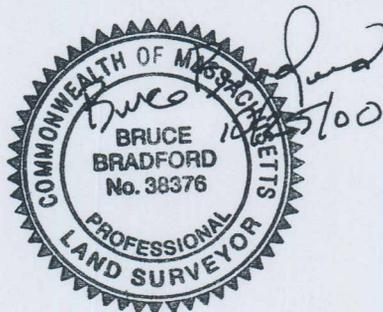
Robert W. Levy

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EVERETT M.  
**BROOKS**  
COMPANY  
ENGINEERS & SURVEYORS  
49 LEXINGTON STREET  
WEST NEWTON MA 02465  
(617) 527-8750  
PROJECT NO. 20257boa



PLAN OF LAND IN  
WELLESLEY, MA.

412 WESTON ROAD  
EXISTING CONDITIONS

SCALE 1 IN. = 20 FT  
OCTOBER 25, 2000