



ZONING BOARD OF APPEALS

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

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ZBA 2003-76

Petition of Susan Tomasino and Richard Broberg

5 High Ledge Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 9, 2003 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 SUSAN TOMASINO AND RICHARD BROBERG requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a one-story 9 foot by 12 foot addition and a 3 foot by 12 foot porch, both of which would have less than the required front setback, and raising the ridgeline of the roof to accommodate a 40 foot by 24 foot second story addition with less than the required right and front yard setbacks at their nonconforming dwelling with less than the required front and right side yard setbacks at 5 HIGH LEDGE AVENUE, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On September 18, 2003, 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 Susan Tomasino and Richard Broberg. Mr. Broberg said they would like to square off the house by adding a foyer. They have received a Negative Determination of Applicability from the Wetlands Committee.

The Board stated that, following a site visit, the drop-off at the rear of the house could not be determined. Mr. Broberg said the drop begins about 15 feet from the rear of the house. The proposed deck would be built on fairly level land. The previous owners had small children and had fenced in a portion of the lot.

The Board asked about the second story addition. Mr. Broberg said they are raising the roof above the second floor to obtain a full second story. There would be no change in the footprint.

The Board noted that although the Planning Board had no objections to the granting of the request, it had stated that High Ledge Avenue is an unaccepted street. As the proposed addition is over a 50% increase in lot coverage, the applicants must seek review of the adequacy of the way prior to construction.

No other person present had any comment on the petition.

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5 High Ledge Avenue

Statement of Facts

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The subject property is located at 5 High Ledge Avenue, in a 10,000 square foot Single Residence District, on a 15,265 square foot lot, and has a minimum front yard setback of 25 feet from High Ledge Avenue and a minimum right side yard setback of 14.7 feet.

The petitioners are requesting a Special Permit/Finding that the construction of a one-story 9 foot by 12 foot addition with a minimum front setback of 28 feet, a 3 foot by 12 foot porch with a minimum front setback of 25 feet, and raising the ridgeline of the roof to accommodate a 24 foot by 40 foot second story addition with a minimum front yard setback of 25 feet and a minimum right side yard setback of 14.7 feet shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated June 12, 2003, revised August 15, 2003, stamped by James W. Bougioukas, Registered Land Surveyor; an Existing Floor Plan drawn by J.M. Byrne; First and Second Floor Plans and Proposed Elevations dated 8/7/03, drawn by Greg Rapp, Architect; and photographs were submitted.

On August 28, 2003, the Wetlands Protection Committee issued a Negative Determination of Applicability for the project.

The Planning Board reviewed the petition and had no objection to the granting of the request. However, the Planning Board stated that High Ledge Avenue is an unaccepted street. As the proposed addition is over a 50% increase in lot coverage, the applicant must seek review of adequacy prior to construction.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the Public 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 the construction of the proposed 9 foot by 12 foot one-story addition, the 3 foot by 12 foot front porch and the 40 foot by 24 foot second story addition shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as the additions shall not intensify the existing nonconformance, nor shall they create new nonconformity.

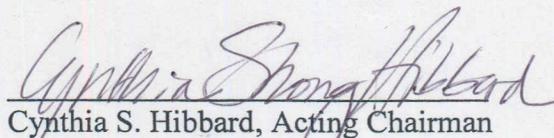
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of the one-story addition, the second story addition and the front porch in accordance with the submitted plot plan and construction drawings.

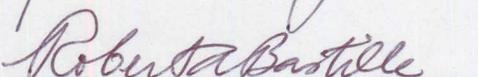
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5 High Ledge Avenue

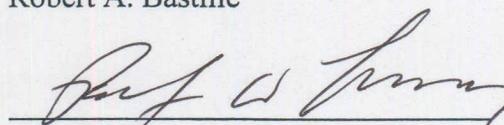
Subsequent to a determination by the Planning Board regarding the adequacy of the way, the Inspector of Building is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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
Wetlands Protection Committee
Inspector of Buildings
edg


Cynthia S. Hibbard, Acting Chairman


Robert A. Bastille


Robert W. Levy

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REFERENCES

NORFOLK COUNTY
REGISTRY OF DEEDS:

CERT. OF TITLE NO. 144139
REG. BOOK 721, PAGE 139.
LAND COURT PLAN NO. 4252-B
CERT. OF TITLE NO. 2542
REG. BOOK 13
DEED BOOK 1013, PAGE 57.

ASSESSOR'S
MAP 204
LOT C
ZONING: R-C

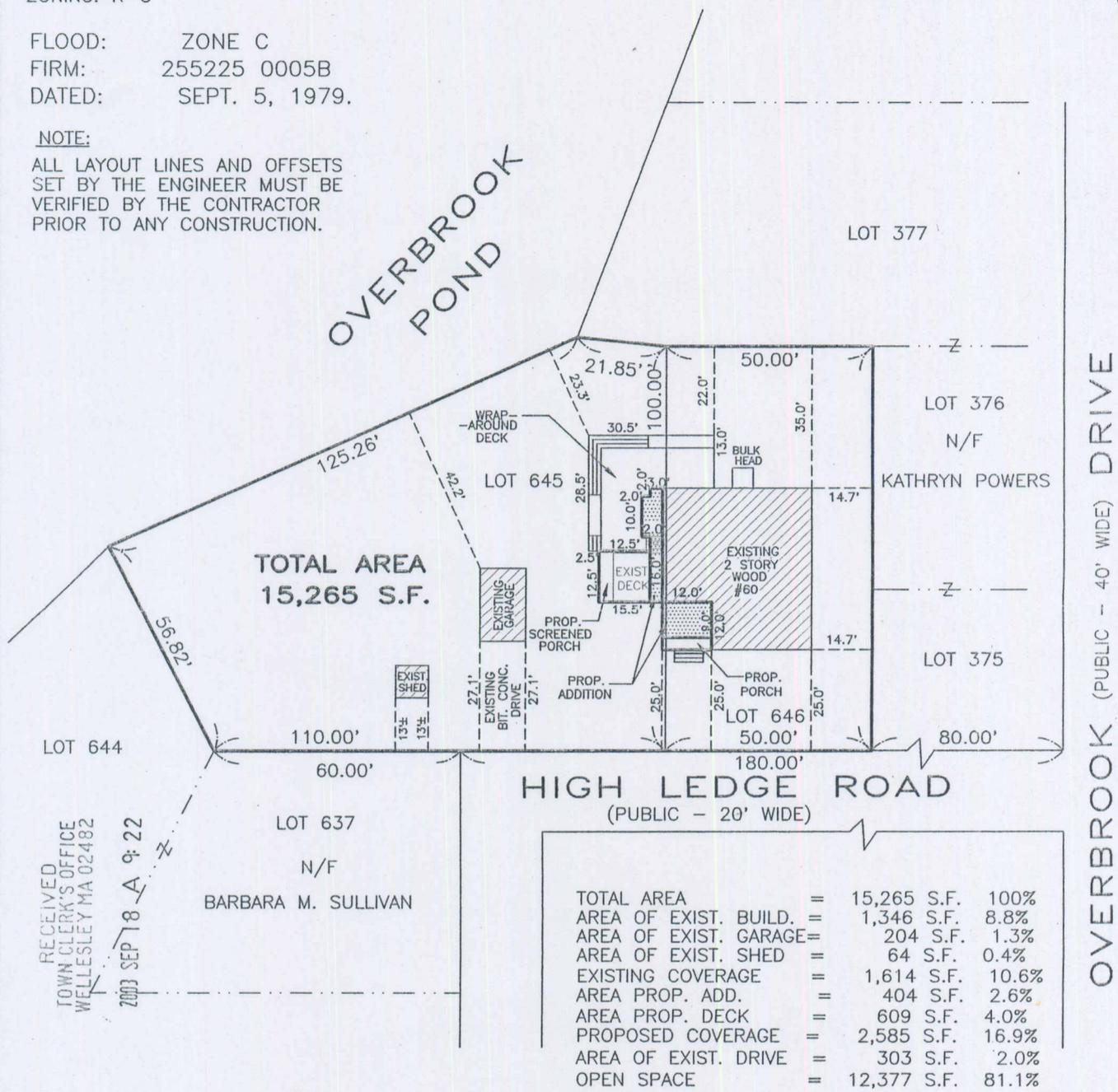
FLOOD: ZONE C
FIRM: 255225 0005B
DATED: SEPT. 5, 1979.

NOTE:

ALL LAYOUT LINES AND OFFSETS
SET BY THE ENGINEER MUST BE
VERIFIED BY THE CONTRACTOR
PRIOR TO ANY CONSTRUCTION.

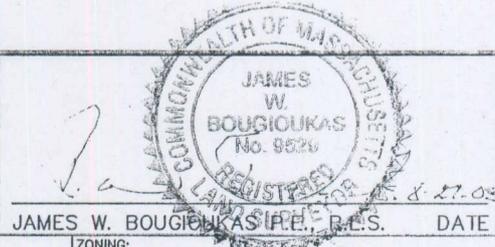
TOWN OF WELLESLEY, MA.
BOARD OF APPEALS
APPROVED

DATE



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**PLAN OF LAND
IN
WELESLEY, MA.
NO. 5 HIGH LEDGE AVENUE**



OWNER/APPLICANT: RICHARD H. BROBERG ZONING: R-C

FOR SPECIAL PERMIT

DESIGNED: AHO	BRADFORD ENGINEERING CO. 3 WASHINGTON SQ. HAVERHILL MA. 01830	SHEET 1 OF 1	
DRAWN: A.H.O.		REVISIONS	BY
CHECKED: WJB		8/15/2003	AHO
APPROVED: JWB			
SCALE: 1" = 30'	PHONE: (978) 373-2396 FAX: (978) 373-8021	E-MAIL: bradford.engr@verizon.net	
DATE: JUNE 12, 2003	FILE NAME: PERMIT\WEL61203.DWG	FILE NO: 121904	