



ZONING BOARD OF APPEALS

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

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ZBA 2003-79
 Petition Samuel and Amy Berg
 4 Martin Road

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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 SAMUEL AND AMY BERG requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a two-story 19.5 foot by 14 foot addition with less than the required right side yard setback and front setback from Worcester Street, at their nonconforming dwelling with less than the required right side and front yard setbacks from WORCESTER STREET and MARTIN ROAD, at 4 MARTIN ROAD, 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 was Amy Berg, who was accompanied by John Staniunas, project architect. Mrs. Berg said they would like to build the two-story addition in order to add a third bedroom and a second bathroom to their two-bedroom home that has only one bath. She asked if the Board had received letters from her neighbors. The Board stated that letters in support of the petition had been received from three neighbors.

Mr. Staniunas said the plan is to extend the line of the roof above the addition to a height of 25.6 feet.

The Board noted that the Planning Board had no objection to the request, and added that the addition would be almost invisible from the front of the house.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 4 Martin Road in a 10,000 square foot Single Residence District, on an 8,650 square foot lot, with a minimum front setback of 29.9 feet from Martin Road, a minimum front setback of 27.5 feet from Worcester Street, and a minimum right side yard setback of 10 feet.

The petitioners are requesting a Special Permit/Finding that the construction of a two-story 19.5 foot by 14 foot addition, with a minimum right side yard setback of 10.7 feet and a minimum front yard setback

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from Worcester Street of 27.6 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 8/20/03 stamped by Peter Michael Ditto, Registered Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated 7/30/03, drawn by John Staniunas; and photographs were submitted.

Letters in support of the petition were received from Ann and Kevin McHale, 5 Martin Road; Vivien and Stan Cohen, 8 Martin Road; and Scott Olszewski, 6 Alhambra Road.

The Planning Board reviewed the petition and had no objection to the granting of the request.

Decision

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

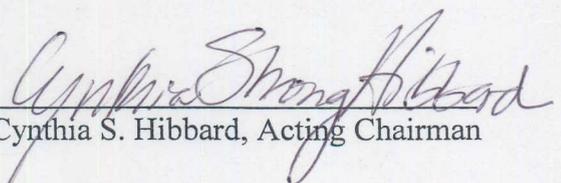
It is the finding of this Authority that the proposed two story 19.5 foot by 14 foot addition, with a minimum right side yard setback of 10.7 feet and a minimum front yard setback from Worcester Street of 27.6 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as the addition will neither intensify the existing nonconformance, nor create new nonconformity.

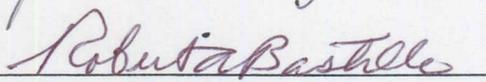
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of the two-story addition in accordance with the submitted plot plan and construction drawings.

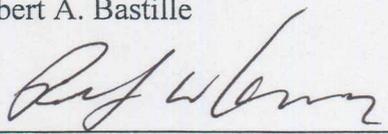
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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
edg


Cynthia S. Hibbard, Acting Chairman


Robert A. Bastille


Robert W. Levy

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