

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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ZBA 2007-28  
Petition of William Mone and Emily Rome  
97 Elmwood Road

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Petition of William Mone And Emily Rome requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing 11 foot by 23.3 foot one-story structure and construction of an 11 foot by 28.2 foot one-story structure with less than required right side yard setbacks, in a 15,000 square foot Single Residence District, at 97 Elmwood Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On April 17, 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 was Emily Rome (the "Petitioner"), who said that the proposal is to rebuild an addition that is rotting and falling apart. She said that the rebuilt addition will look the same as the existing one with the exception of the addition of a bay window. She said that the proposal is to make the room solid and more attractive.

Ms. Rome said that part of the structure is too close to the property line of the abutters at 4 Linwood Road. She said that she spoke with the neighbors. Ms. Rome read a letter of support from the neighbors.

Ms. Rome said that they noticed problems in the addition after they had lived in the house for a couple of years. She said that they spoke with architects about the possibility of shoring up the addition. She said that they were told that the addition should be torn down. There is no crawl space under the addition for ventilation.

The Board said that the setback is inches short of 20 feet. There is a tall fence at the neighbor's driveway. Ms. Rome said that there is also a line of hemlocks there.

There was no member of the public present who wished to speak to the petition.

### Statement of Facts

The subject property is located at 97 Elmwood Road, on a 15,176.9 square foot lot, with a minimum right side yard setback of 19.6 feet.

The Petitioner is requesting a Special Permit/Finding that demolition of an existing 11 foot by 23.3 foot one-story structure and construction of an 11 foot by 28.2 foot one-story structure with less than required right side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 3/31/07, stamped by George Giunta, Professional Land Surveyor, Proposed Floor Plans and Elevation Drawings, dated 3/7/07, drawn by C. Joseph Grignaffini, and photographs were submitted.

On May 1, 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 demolition of an existing 11 foot by 23.3 foot one-story structure and construction of an 11 foot by 28.2 foot one-story structure with less than required right side yard setbacks shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure as the construction shall neither intensify an existing nonconformity, nor shall it create a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of an existing 11 foot by 23.3 foot one-story structure and construction of an 11 foot by 28.2 foot one-story construction, 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.

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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.

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Richard L. Seegel, Chairman

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Cynthia S. Hibbard

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David G. Sheffield

cc: Planning Board  
Inspector of Buildings  
lrm  
cc: Planning Board