

**ZONING BOARD OF APPEALS**

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ZBA 2007-60
Petition of Eric and Julie Snow
68 Martin Road

Petition of ERIC AND JULIE SNOW requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 4 foot by 10.5 foot one-story addition that will enclose an existing nonconforming porch, and construction of a 10 foot by 20 foot deck with less than required left side yard setbacks, on a 6,900 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 68 MARTIN ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 26, 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 were Eric Snow (the "Petitioner") and Rich Cohen, General Contractor.

Mr. Cohen said that the Petitioner is requesting relief for a side setback. He said that the plans for the deck that was listed on the Special Permit application have been revised. The proposed deck will be constructed to meet setback requirements. Mr. Cohen asked that the request for a Special Permit for the proposed deck be allowed to be withdrawn.

Mr. Cohen said that the request is to extend the existing nonconforming side yard setback of 10.8 feet to the back of the house and to continue the two foot overhang at the back straight down.

Mr. Cohen said that there is an existing mudroom at the side of the house with a left side yard setback of 10.8 feet.

The Board confirmed that the extension will be one-story.

Mr. Cohen said that the plans are for extension of the siding on the existing structure and installation of three 3 foot by 2 foot awning windows. The structure is raised slightly off of the ground.

Richard Rovner, 64 Martin Road, said that his primary concern had been with the deck. He said that the lots are small in the neighborhood and he had done an addition to his house. He said that he finds the current proposal to be acceptable.

Statement of Facts

The subject property is located at 68 Martin Road, on a 6,900 square foot lot in a district in which the minimum lot size is 10,000 square feet, with a minimum left side yard setback of 10.8 feet and a minimum right side yard setback of 16.4 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 4 foot by 10.5 foot one-story addition that will enclose an existing nonconforming porch, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 5/7/07, revised 6/28/07, 7/12/07, stamped by Michael D. Bovio, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 6/19/07, drawn by Alan J. Maki, and photographs were submitted.

On July 30, 2007 the Planning Board reviewed the petition and had no objection to the one-story addition. The Planning Board recommended that the request for the proposed deck be denied.

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 although construction of a 4 foot by 10.5 foot one-story addition that will enclose an existing nonconforming porch is increasing a nonconformity, such increase shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of a 4 foot by 10.5 foot one-story addition that will enclose an existing nonconforming porch, in accordance with the submitted plot plan and construction drawings.

A Special Permit for the 10 foot by 20 foot deck with less than required left side yard setbacks is denied.

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.

This Special Permit shall expire two years after the date time stamped on this decision.

Petition of Eric and Julie Snow
68 Martin Road

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.

Richard L. Seegel, Chairman

Cynthia S. Hibbard

Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm