

**ZONING BOARD OF APPEALS**

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

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ZBA 2007-63
Petition of Scott Holcomb
48 Upson Road

Petition of SCOTT HOLCOMB requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw for demolition of an existing 616 square foot raised concrete pad and ramp and construction of a 607 square foot one-story addition, on a 16,096 square foot lot, at 48 UPSON ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The existing nonconforming lot coverage is 23.6 percent. The proposed lot coverage is 23.5 percent.

On August 20, 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 Scott Holcomb ("the Petitioner"), who said that he was representing the homeowners. He said that the homeowner would like to replace an existing concrete pad with living space. The existing nonconforming lot coverage is 23.6 percent. Lot coverage would be reduced to 23.5 percent with the proposed structure.

The Board said that it had received the Atlas Plot Plan, the building permit from 1990 and two surveys from the late 1960's. There is a difference of five feet missing from the rear yard property line shown on the Atlas Survey. The other plans show a dimension of 23.41' along Upson Road.

The Board said that there are larger houses on Upson Road.

There was no one present at the public hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 48 Upson Road with existing nonconforming lot coverage of 23.6 percent.

The Petitioner is requesting a Special Permit/Finding that demolition of an existing 616 square foot raised concrete pad and ramp and construction of a 607 square foot one-story addition shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 8/07/07, stamped by Todd P. Chapin, Registered Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 6/25/07, revised 8/19/07, drawn by Walkden Building Designs, and photographs were submitted.

On August 29, 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 616 square foot raised concrete pad and ramp and construction of a 607 square foot one-story addition shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure as it will neither intensify an existing nonconformance nor 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 616 square foot raised concrete pad and ramp and construction of a 607 square foot one-story addition, subject to the following condition:

1. A new Plot Plan shall be submitted that reconciles the dimensions shown on the existing Plot Plan and the 1969 and 1990 Plot Plans.

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.

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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.

Richard L. Seegel, Chairman

J. Randolph Becker

David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm