

**ZONING BOARD OF APPEALS**

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ZBA 2008-09
Petition of Richard Boardman
17 Longfellow Road

Petition of RICHARD BOARDMAN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming garage and construction of a 25 foot by 29.2 foot garage with a 7 foot by 20.4 foot deck, steps and ramp with less than required rear yard setbacks, and reconstruction of an 8.9 foot by 14.5 foot deck and steps with less than required side yard setbacks, in a 15,000 square foot Single Residence District, at 17 LONGFELLOW ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On January 22, 2008, 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 David Miller, Architect, who said that he was from Robert Olson + Associates. Also present at the hearing was Lynne Stanton (the "Petitioner").

Mr. Miller displayed a plot plan and photographs to the Board.

Mr. Miller said that the proposal is to reconstruct the front entrance of the house and to demolish and reconstruct a garage at the rear of the property. He said that the proposed garage will be located to the north of the existing garage and will be pulled back from the rear property line. The amount of structure located in the rear setback area will be reduced by 42 percent.

Mr. Miller said that the garage is currently entered straight on from the driveway. He said that the proposed garage will be entered from the side with an area for backing out on the driveway.

Mr. Miller said that the proposal is to reconstruct the landing, steps and retaining walls for the front porch. He said that there is no proposed change to the overhead canopy but the columns will be replaced. A wood deck will replace the existing brick landing. Approximately 3 square feet of the new deck will be in the side setback area.

Mr. Miller said that brick pavers on the area between the proposed garage and the kitchen will serve as a courtyard. He said that the bulb in the driveway will accommodate vehicles turning around when the courtyard is used for outdoor activities.

Mr. Miller said that there will be lawn along the south side of the property that will be used for snow storage.

The Board asked what materials will be used for constructing the retaining wall at the rear of the property. Mr. Miller said that the wall will be either concrete or stone, depending on the cost of the materials. He said that a portion of the wall will be visible from the street. The wall will be approximately three feet high at its closest point to the rear property line. The wall will be 3.5 feet at its maximum height in the corner and 2.6 feet high at the end. A wooden fence will sit on top of the wall.

Mr. Miller said that the dashed line shown running parallel to the south property line on the plot plan was from the original survey showing an additional piece of land that was acquired several years ago. Mr. Miller said that area is not an easement and is not located in the existing driveway easement.

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 17 Longfellow Road, in a 15,000 square foot Single Residence District, with a minimum side yard setback of 14.4 feet and a minimum rear yard setback of 1.9 feet.

The Petitioner is requesting a Special Permit/Finding that demolition of an existing nonconforming garage and construction of a 25 foot by 29.2 foot garage with a 7 foot by 20.4 foot deck, steps and ramp with less than required rear yard setbacks, and reconstruction of an 8.9 foot by 14.5 foot deck and steps with less than required side yard setbacks shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 12/27/07, stamped by Karl A. McCarthy, Professional Land Surveyor, Existing and Proposed Elevation Drawings, dated 1/04/08, drawn by Robert Olson + Associates, and photographs were submitted.

On February 4, 2008, 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 nonconforming garage and construction of a 25 foot by 29.2 foot garage with a 7 foot by 20.4 foot deck, steps and ramp with less than required rear yard setbacks, and reconstruction of an 8.9 foot by 14.5 foot deck and steps with less than required side yard setbacks shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it shall neither increase an existing nonconformity 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 nonconforming garage and construction of a 25 foot by 29.2 foot garage with a 7 foot by 20.4 foot deck, steps and ramp and reconstruction of an 8.9 foot by 14.5 foot deck and steps, and replacement of columns, in accordance with the submitted plot plan and construction drawings.

The Special Permit is granted with the Board's understanding that plans and elevation drawings submitted to the Building Inspector shall include the addition of handrails on the new front stair that shall meet all requirements of the Building Code.

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.

If construction has not commenced, except for good cause, 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.

J. Randolph Becker, Acting Chairman

David G. Sheffield

David L. Grissino

cc: Planning Board
Inspector of Buildings
lrm