

**ZONING BOARD OF APPEALS**

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

RICHARD L. SEEGEL, CHAIRMAN  
CYNTHIA S. HIBBARD  
DAVID G. SHEFFIELDLENORE R. MAHONEY  
EXECUTIVE SECRETARY  
TELEPHONE  
(781) 431-1019 EXT. 2208J. RANDOLPH BECKER, VICE CHAIRMAN  
ROBERT W. LEVY  
DAVID L. GRISSINO

ZBA 2008-13  
Petition of Lewis & Mary Morrow  
34 Livermore Road

---

Petition of LEWIS AND MARY MORROW requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that removal of an existing nonconforming rear porch and bulkhead and construction of a 6.08 foot by 10.73 foot rear porch with less than required left side yard setbacks, on a 17,423 square foot lot in a district in which the minimum lot size is 20,000 square feet, at 34 LIVERMORE ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On February 19, 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 Mary Morrow (the "Petitioner"), who said that the request is for a Special Permit to rebuild a pre-existing nonconforming porch at the back of the house. She said that the proposed porch is more reflective of the style of the house.

Ms. Morrow said that the bulkhead will be incorporated into the porch.

The Board said that although the proposed porch will be three inches closer to the side lot line, the increase will be considered de minimis.

The Board said that it had received a letter of support from Kathleen and Richard Mulroy of 38 Livermore 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 34 Livermore Road, on a 17,423 square foot lot in a district in which the minimum lot size is 20,000 square feet, with a minimum left side yard setback of 15.6 feet.

The Petitioner is requesting a Special Permit/Finding that removal of an existing nonconforming rear porch and bulkhead and construction of a 6.08 foot by 10.73 foot rear porch with less than required left side yard setbacks shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 1/23/08, stamped by Terrence M. Ryan, Registered Professional Land Surveyor, Existing and Proposed Floor Plans, dated 10/1/07, revised 1/23/08, drawn by Richard Bernstein Architect, Elevation Drawings, dated 10/1/07, drawn by Richard Bernstein Architect, and photographs were submitted.

On February 25, 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 although removal of an existing nonconforming rear porch and bulkhead and construction of a 6.08 foot by 10.73 foot rear porch with less than required left side yard setbacks 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 removal of an existing nonconforming rear porch and bulkhead and construction of a 6.08 foot by 10.73 foot rear porch, 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.

If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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.

---

Cynthia S. Hibbard, Acting Chairman

---

David G. Sheffield

---

Robert W. Levy

cc: Planning Board  
Inspector of Buildings  
lrm