

**ZONING BOARD OF APPEALS**

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RICHARD L. SEEGEL, CHAIRMAN
CYNTHIA S. HIBBARD
DAVID G. SHEFFIELDLENORE R. MAHONEY
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TELEPHONE
(781) 431-1019 EXT. 2208J. RANDOLPH BECKER, VICE CHAIRMAN
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ZBA 2008-17
Petition of Cecile Aylett
10 Pine Plain Road

Petition of CECILE AYLETT requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 314 square foot first story addition with basement and construction of a 750 square foot second story addition with less than required left side yard, right side yard and front yard setbacks, on a 6,237 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 10 PINE PLAIN ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On March 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 was Cecile Aylett (the "Petitioner"), who said that she lives in a small one-bedroom home in a family size neighborhood. She said that she would like to add a second story as well as push out the back. She said that the side setbacks are nonconforming. The proposed addition at the back will not increase the nonconforming setbacks.

The Board said that there are a lot of good elements in the design. There will be a variety of window sizes and one-story elements wrapping around. There will not be two-story façades on both sides of the house. The nature of the design helps it to blend in well with the neighborhood.

The Board said that the neighborhood is undergoing transition. This is one of the smallest houses on the street.

The Board said that a petition of support signed by several neighbors had been submitted.

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 10 Pine Plain Road, in a 10,000 Single Residence District, which a minimum front yard setback of 27.6 feet, a minimum left side yard setback of 10.4 feet and a minimum right side yard setback of 10.1 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 314 square foot first story addition with basement and construction of a 750 square foot second story addition with less than required left side yard, right side yard and front yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 2/12/08, stamped by James W. Bougioukas, Registered Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 6/1/07, revised 2/8/08, drawn by Ronald F. Jarek, Architect, and photographs were submitted.

On April 7, 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 construction of a 314 square foot first story addition with basement and construction of a 750 square foot second story addition with less than required left side yard, right side yard and front 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 construction of a 314 square foot first story addition with basement and construction of a 750 square foot second story addition, 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.

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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.

David G. Sheffield, Acting Chairman

Robert W. Levy

David L. Grissino

cc: Planning Board
Inspector of Buildings
lrm