

**ZONING BOARD OF APPEALS**

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

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EXECUTIVE SECRETARY  
TELEPHONE  
(781) 431-1019 EXT. 2208  
web: [www.wellesleyma.gov](http://www.wellesleyma.gov)J. RANDOLPH BECKER, VICE CHAIRMAN  
ROBERT W. LEVY  
DAVID L. GRISSINO

ZBA 2009-30

Petition of Arthur Ensroth & Barbara Waszczak  
9 Martin Road

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 11, 2009 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of ARTHUR ENSROTH & BARBARA WASZCZAK requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that enclosure of an existing 7 foot by 13 foot 8 inch screened porch with less than required left side yard setbacks, on an 8,019 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 9 MARTIN ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On May 26, 2009 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 Barbara Waszczak (the "Petitioner"), who said that the proposal is to create a room on the same footprint where there is an existing screened porch.

The Board asked when the porch was constructed. Mr. Ensroth said that they assume that it was original construction from 1935. He said that they have been in the process of renovating the house. He said that they want to enclose the porch to match the rest of the house.

Mr. Ensroth said a structural engineer told them that the concrete foundation for the porch will have to be replaced. He said that they are hoping to keep the existing roof.

Mr. Ensroth said that the existing floor of the porch is sloped. The Board confirmed that the plan is to rebuild the foundation and floor and try to retain the roof. Mr. Ensroth said that they will also put up walls and windows.

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 9 Martin Road, on an 8,019 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 10.3 feet, a minimum right side yard setback of 12 feet, and a minimum front yard setback of 25.6 feet.

The Petitioner is requesting a Special Permit/Finding that enclosure of an existing 7 foot by 13 foot 8 inch screened porch with less than required left side yard setbacks, on an 8,019 square foot lot in a district in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 4/6/09, stamped by Todd P. Chapin, Registered Land Surveyor, Proposed Floor Plans and Elevation Drawings, dated 3/9/09, prepared by Thomson Architects, and photographs were submitted.

### 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 enclosure of an existing 7 foot by 13 foot 8 inch screened porch with less than required left side yard setbacks, on an 8,019 square foot lot in a district in which the minimum lot size is 10,000 square feet, 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 enclosure of an existing 7 foot by 13 foot 8 inch screened 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.

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J. Randolph Becker, Acting Chairman

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Robert W. Levy

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David L. Grissino

cc: Planning Board  
Inspector of Buildings  
lrm

**ZONING DISTRICT\*:**

SINGLE RESIDENCE 10  
 MIN. 10,000 SF, MIN. 60' FRONTAGE  
 FRONT LOT LINE SETBACK = 30 FEET\*  
 STREET CENTER LINE SETBACK = 20 FEET  
 LOT LINE SETBACK = 10 FEET  
 MAX. LOT COVERAGE = 25%

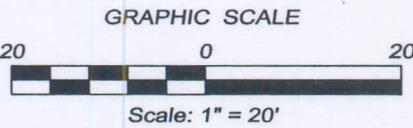
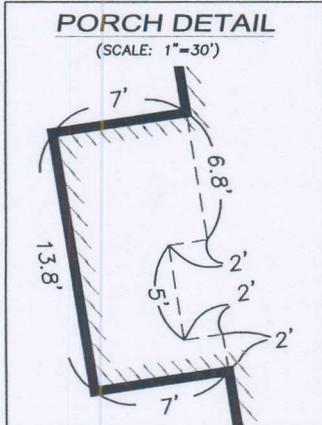
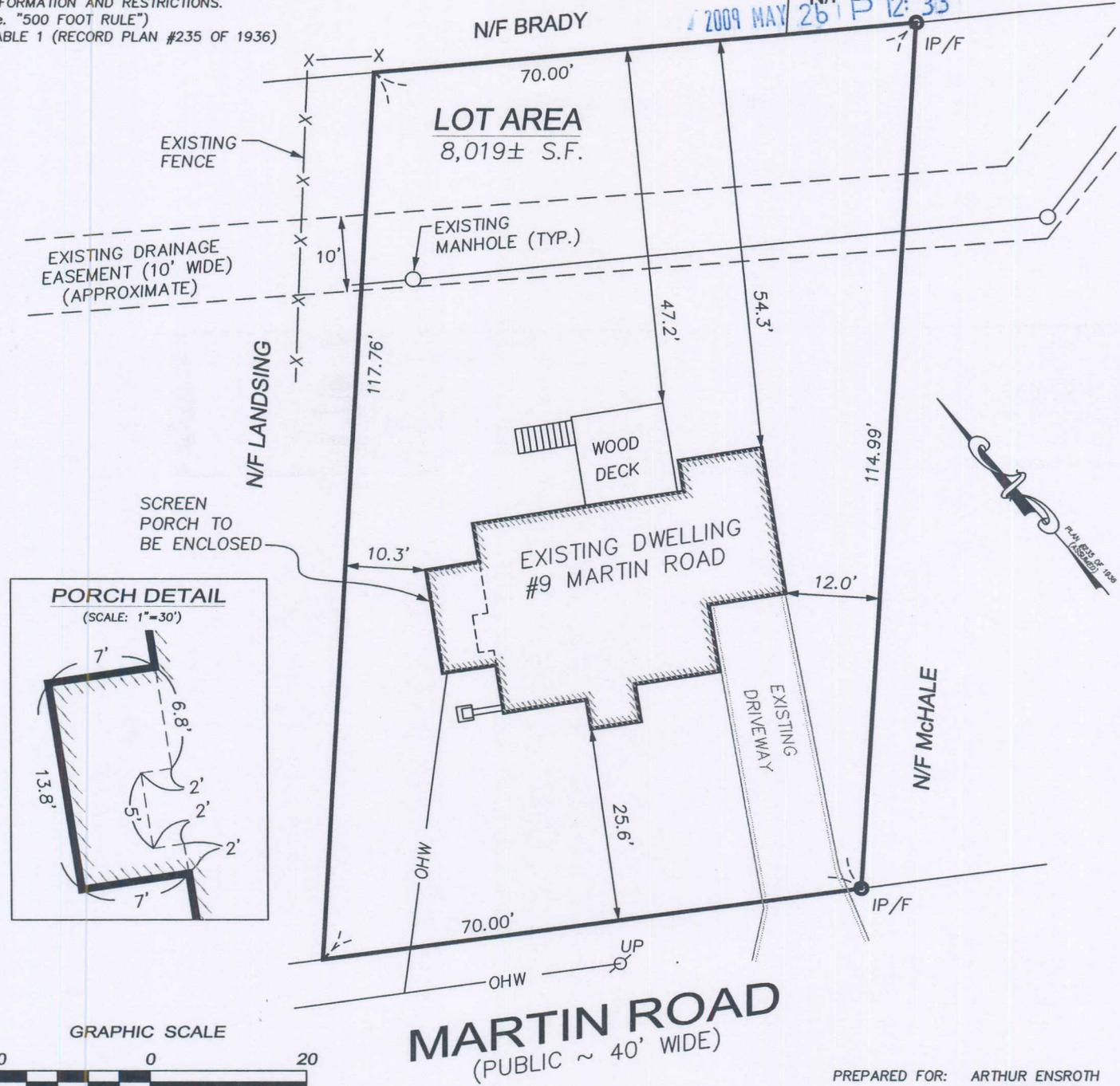
\*CURRENT SETBACK REQUIREMENTS.  
 SEE ZONING BY-LAWS FOR ADDITIONAL  
 INFORMATION AND RESTRICTIONS.  
 (ie. "500 FOOT RULE")  
 TABLE 1 (RECORD PLAN #235 OF 1936)

**LOT COVERAGE:**

EXISTING = 14.7%  
 PROPOSED = 14.7%

RECEIVED  
 TOWN CLERK'S OFFICE  
 WELLESLEY MA 02482

2009 MAY 26 12:33  
 N/F STAELIN



PREPARED FOR: ARTHUR ENSROTH  
 9 MARTIN ROAD  
 WELLESLEY, MA 02481



"BASED ON AN INSTRUMENT SURVEY,  
 I CERTIFY THAT THE EXISTING HOUSE  
 IS LOCATED AS SHOWN HEREON."

*Todd P. Chapin*  
 PROFESSIONAL LAND SURVEYOR  
 4/6/09  
 DATE

**"SPECIAL PERMIT PLAN"**  
 LAND IN  
**WELLESLEY, MASS.**

SCALE: 1" = 20'      DATE: 06 APRIL 2009  
 PREPARED BY: THE JILLSON COMPANY, INC.  
 P.O. BOX 2135  
 FRAMINGHAM, MA 01703-2135  
 (508) 485-0500  
 www.JILLSONCOMPANY.com      **JOB #2051**