

**ZONING BOARD OF APPEALS**

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

RICHARD L. SEEDEL, CHAIRMAN  
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web: [www.wellesleyma.gov](http://www.wellesleyma.gov)J. RANDOLPH BECKER, VICE CHAIRMAN  
ROBERT W. LEVY  
DAVID L. GRISSINO

ZBA 2009-39  
Petition of Rob & Liz McCarron  
18 Upland 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 ROB & LIZ McCARRON requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that enclosure of an existing 8 foot by 23.1 foot one-story sun porch with less than required right side yard setbacks, and construction of 12 foot by 16 foot one-story addition with a basement, on an 8,525 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 18 UPLAND ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 22, 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 Rob McCarron (the "Petitioner"), who said that the plan is to add a one-story addition to their existing kitchen and enclose an existing sunporch.

David Buchanan, Architect, said that the existing lot is nonconforming and the house does not meet front or side yard setbacks. He said that the plan is to add a 12 foot by 16 foot addition at the back that will meet the setback and area requirements. He said that there is currently a heated sunporch on the side of the house. He said that they are proposing to remove the existing aluminum sliders and electric heat and replace them with full walls and radiant heat. He said that the footprint of the sunporch will not change.

The Board said that the sunporch is in close proximity to the side lot line. Mr. McCarron said that the sunporch has always been used as a family room and they will not be changing the use. He said that they will be improving the home office space that has always been there. He said that the improvements will allow for four season use.

The Board said that the property is located on a circle. The neighbor on the right, who would be most affected by the project, is located farther away from the property than the neighbor on the left.

The Board asked if the sunporch was original to the house. Mr. Buchanan said that it was original to the house but was probably originally a porch. He said that it appears that it was enclosed in the 1970's, given the appearance of the sliders and the electric heat.

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 18 Upland Road, on a 8,525 square foot lot in a district in which the minimum lot size is 10,000 square feet, with a left side yard setback of 18.7 feet, a minimum right side yard setback of 7.8 feet, and a minimum front yard setback of 7.6 feet.

The Petitioner is requesting a Special Permit/Finding that enclosure of an existing 8 foot by 23.1 foot one-story sun porch with less than required right side yard setbacks, and construction of 12 foot by 16 foot one-story addition with a basement, on an 8,525 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 5/14/09, stamped by Bruce Bradford, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 5/20/09, prepared by Horst Buchanan Architects, Inc., 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 although enclosure of an existing 8 foot by 23.1 foot one-story sun porch with less than required right side yard setbacks, and construction of 12 foot by 16 foot one-story addition with a basement 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 enclosure of an existing 8 foot by 23.1 foot one-story sun porch with less than required right side yard setbacks, and construction of 12 foot by 16 foot one-story addition with a basement, 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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Cynthia S. Hibbard, Acting Chairman

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Robert W. Levy

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David L. Grissino

cc: Planning Board  
Inspector of Buildings  
lrm

ESTABLISHED 1916

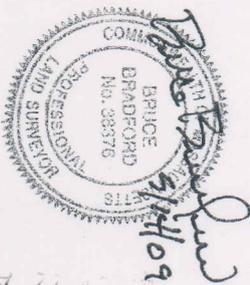


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SINGLE RESIDENCE 10 DISTRICT



RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02482

PLAN OF LAND IN  
WELLESLEY, MA

18 UPLAND ROAD  
PROPOSED ADDITIONS

SCALE: 1 IN. = 20 FT.

DATE: MAY 14, 2009

DRAWN: CC

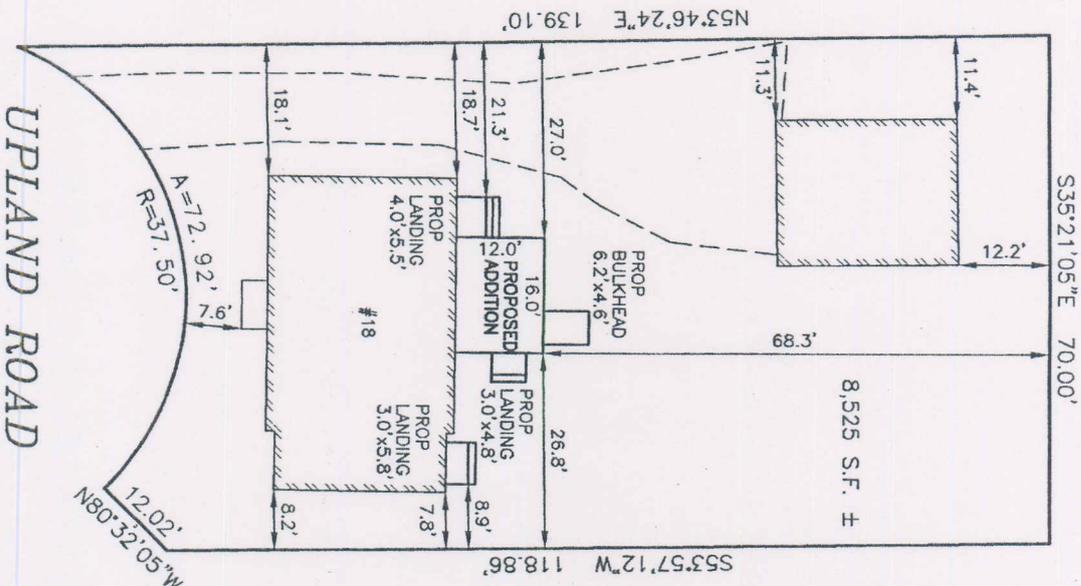
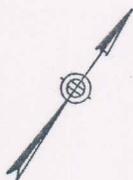
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REVISIONS:


PROJECT NO. 23333

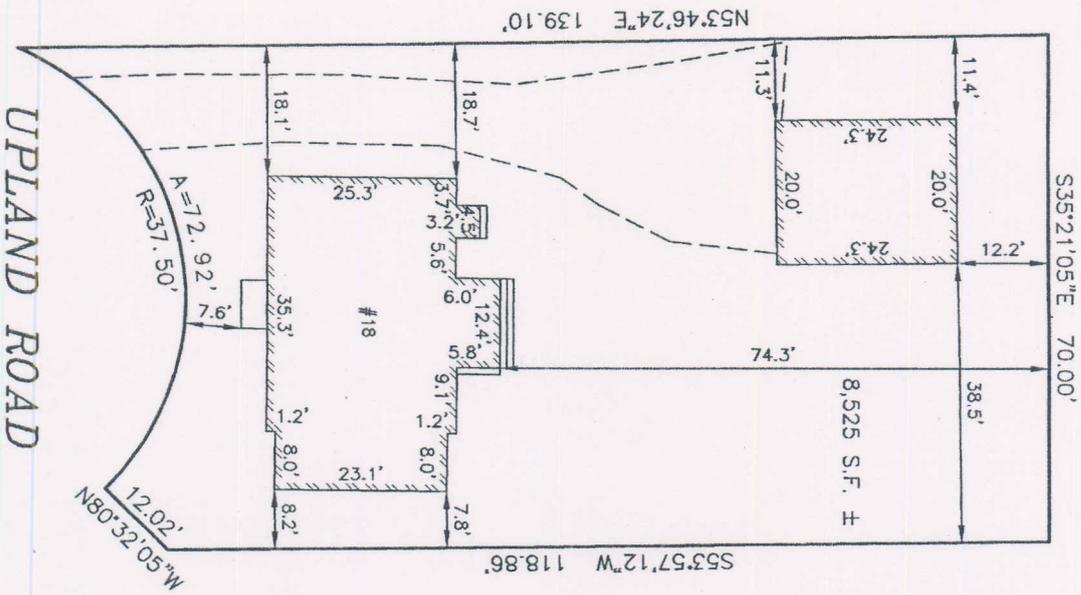
PROPOSED ADDITIONS

STRUCTURES = 1818 S.F.  
LOT COVERAGE = 21.3%



EXISTING CONDITIONS

STRUCTURES = 1677 S.F.  
LOT COVERAGE = 19.7%



UPLAND ROAD

UPLAND ROAD