



## ZONING BOARD OF APPEALS

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ZBA 2010-69  
Petition of Robin Ingalls  
1 Intervale Road

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Pursuant to due notice, the Special Permit Granting authority held a Public Hearing on Thursday, August 5, 2010 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of ROBIN INGALLS, requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a screened porch over an existing 10 foot by 12 foot deck and construction of a 21.6 foot by 28 foot second story addition, with less than required setbacks, construction of a 6 foot by 9.2 foot one-story addition, construction of a 4 foot by 8 foot front landing and construction of a 2 foot by 10 foot one-story rear addition that will meet all setback requirements, on an 8,847 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 1 INTERVALE ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 19, 2010, 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 Robert May, Architect, who said that he was representing Robin Ingalls (the "Petitioner").

Mr. May said that the existing garage and deck have side yard setbacks of 12.6 feet in the worst case and 13.3 feet in the best case. He said that the proposal is to build directly above those structures. He said that above the deck will be an enclosed screened porch and above the garage and an existing family room will be a master bedroom and master bathroom.

Mr. May said that they will be adding approximately 440 square feet. He said that existing Total Living Area plus Garage (TLAG) is 1,706 square feet. He said that the proposed TLAG will 2,210 square feet.

Mr. May said that the front canopy will meet setback requirements and will not be enclosed. He said that the proposed mudroom entry on the side will meet setback requirements. He said that there will be a bumpout over an existing deck to the rear of the dining room to allow for a sliding glass door. He said that will also meet setback requirements.

Mr. May said that the proposed ridge will be 18 inches higher than the existing ridge but will be set back 15 to 20 feet. He said that they will be matching the roofline at the front and a dormer at the rear. He said that the two rooflines will be the same pitch as the adjacent rooflines.

Mr. May said that there are many houses in the neighborhood with second floor additions.

Mr. May said that the homeowners spoke with many of the neighbors.

The Board said that the ridge heights were challenging. The Board said that Plan A4 did not show fenestration, without which it was not able to determine the visual impact of the two-story mass. The Board said that the greatest impact will be along the side of the house that is closest to the side lot line.

Mr. May said that the addition will be 12 feet from the property line. He said that there is planting along that side.

Mr. May said that there will be two windows approximately 15 feet back from the front and a small window at the corner over the deck. He said that the windows are the same as the windows on the front of the house. He said that there is a single window in the garage that will remain. Mr. May displayed on the plans where the windows will be located.

The Board said that there are two nonconforming side yard setbacks and the lot is nonconforming. The Board said that the right back corner of the house is 28.6 feet from Riverdale Road.

The Board asked about changes made to Plan A1 after the print was made. Mr. May said that the builder changed the plans with his permission. He said that the builder filled in dimensions that were not originally shown.

The Board said that the documentation should be enhanced for the record. The Board said that the biggest concern is the scale of the structure along the side. The Board said that the documentation should show window locations on the coordinated floor plans and elevation drawings, as well as the foundation on the left side elevation.

The Board said that Plans A4 & A5 should be shown without the circles. The Board said that the façade should be coordinated with the floor plans.

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 1 Intervale Road, on an 8,847 square foot corner lot in a district in which the minimum lot size is 10,000 square feet, with a minimum side yard setback of 12.6 feet and a minimum front yard setback of 28.6 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a screened porch over an existing 10 foot by 12 foot deck and construction of a 21.6 foot by 28 foot second story addition, with less than required setbacks, construction of a 6 foot by 9.2 foot one-story addition, construction of a 4 foot by 8 foot front landing and construction of a 2 foot by 10 foot one-story rear addition that will meet all setback requirements, on an 8,847 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 7/14/10, stamped by stamped by Wayne S. Carlson, Registered Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 6/22/10, prepared by Robert E. May, Jr., Registered Architect, and photographs were submitted.

On August 3, 2010, the Planning Board reviewed the petition and stated that the plans were not sufficient to make a recommendation.

### Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing.

It is the opinion of this Authority that although construction of a screened porch over an existing 10 foot by 12 foot deck and construction of a 21.6 foot by 28 foot second story addition, with less than required setbacks, construction of a 6 foot by 9.2 foot one-story addition, construction of a 4 foot by 8 foot front landing and construction of a 2 foot by 10 foot one-story rear addition that will meet all setback requirements, on an 8,847 square foot lot in a district in which the minimum lot size is 10,000 square feet 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 for construction of a screened porch over an existing 10 foot by 12 foot deck and construction of a 21.6 foot by 28 foot second story addition, with less than required setbacks, construction of a 6 foot by 9.2 foot one-story addition, construction of a 4 foot by 8 foot front landing and construction of a 2 foot by 10 foot one-story rear addition that will meet all setback requirements, subject to the following conditions:

1. Revised Plans A1, A4 and A5 shall be submitted showing the location of the windows.
2. Revised Plan A4 shall show the foundation.

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.

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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  
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