



ZONING BOARD OF APPEALS

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

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JAN 23 P 2:50
 TOWN'S OFFICE
 WELLESLEY MA 02482

ZBA 2014-04
 Petition of Guido Buchbinder
 27 Roberts Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 9, 2014, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of GUIDO BUCHBINDER requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning that construction of a second story addition over an existing nonconforming garage with less than required left side yard setbacks, on a 17,870 square foot lot in a district in which the minimum lot size is 20,000 square feet, at 27 ROBERTS ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On December 23, 2013, 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 Tripp Woodland, representing Guido Buchbinder, (the "Petitioner"). He said that the request is for a second story addition to an existing nonconforming structure. He said that they are requesting relief for a side yard setback. He said that the owners have hired the services of a professional architect to design the second story addition which will consist of a master bedroom that will be an improvement to the property and not be substantially more detrimental to the neighborhood. He said that there will be no change to the footprint.

The Board asked about the nature of the easement. Mr. Woodland said that a sewer line runs there.

The Board said that the property closest to the left side across the easement is some distance away from the closest corner of the new construction. The Board said that it was not clear that cutting off the corner of the second floor to keep within the setback, in accordance with the Planning Board recommendation, would make a significant difference to the neighbor. The Board said that, in using the shed dormer design, they have reduced the height at the far edge of the second floor addition. Mr. Woodland said that there is a large wooded area there. The Board said that the neighboring property opens up to a different roadway.

The Board said that it was somewhat concerned about how the easement and sewer were shown. The Board said that the sewer line is not centered in the easement. The Board said that heavy equipment going over the easement during construction might impact the sewer line. The Board asked that the construction crew be mindful of that and try to access the construction site from other places. The Board said that it might be worth Mr. Woodland's time to have the Town Engineering Department investigate

what information they have on the sewer line. Mr. Woodland said that he has experience working around septic systems.

The Board asked about the total depth of the addition into the setback. Mr. Woodland said that the existing structure is approximately three feet into the setback.

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 27 Roberts Road, in a 20,000 square foot Single Residence District, with a minimum left side yard setback of 17.1 feet and a minimum right side yard setback of 19.7 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning that construction of a second story addition over an existing nonconforming garage with less than required left side yard setbacks, on a 17,870 square foot lot in a district in which the minimum lot size is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 10/2/13, stamped by Charles J. Brennan, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 11/13/13, prepared by OMC Architecture, and photographs were submitted.

On January 7, 2014, the Planning Board reviewed the petition and recommended that the Special Permit be granted with a condition.

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 opinion of this Authority that although construction of a second story addition over an existing nonconforming garage with less than required left side yard setbacks, on a 17,870 square foot lot in a district in which the minimum lot size is 20,000 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, as voted unanimously by this Authority at the Public Hearing, for construction of a second story addition over an existing nonconforming garage with less than required left side yard setbacks, on a 17,870 square foot lot in a district in which the minimum lot size is 20,000 square feet, subject to the condition:

- The Applicant shall contact the Town Engineering Department about Sewer Easement potential impacts.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed constructions 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.

ZBA 2014-04
Petition of Guido Buchbinder
27 Roberts Road

2014 JAN 23 P 2:51
TOWN CLERK'S OFFICE
WILMINGTON MA 02482

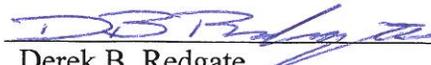
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



Robert W. Levy, Acting Chairman



Walter B. Adams



Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm

RECORD OWNERS:

GUIDO M. & ELIZABETH I.
BUCHBINDER
27 ROBERTS ROAD
WELLESLEY, MA
ASSESSORS ID: 134-42
DEED: CERT: 180258

REFERENCES:

LCC NO 5882 W
LCC NO 1149-29
PLAN 1560 OF 1952

NOTES:

- 1.) THIS PLAN WAS PREPARED FROM AN INSTRUMENT SURVEY PERFORMED ON SEPTEMBER 24, 2013.
- 2.) SUBSURFACE AND ABOVE GROUND UTILITIES WERE NOT INCLUDED AS PART OF THIS SURVEY, THEY WERE NOT RESEARCHED NOR SHOWN HEREON.
- 3.) A TITLE EXAMINATION WAS NOT PROVIDED FOR THIS SURVEY. AS SUCH OTHER MATTERS OF RECORD MAY EXIST AND NOT BE SHOWN HEREON.
- 4.) EXISTING LOT COVERAGE: 7.9% (1410±S.F.)
PROPOSED LOT COVERAGE: 7.9% (1410±S.F.)

6 OAKRIDGE RD
N/F
DOUGLAS E. &
MICHELLE M.
ARBEELY

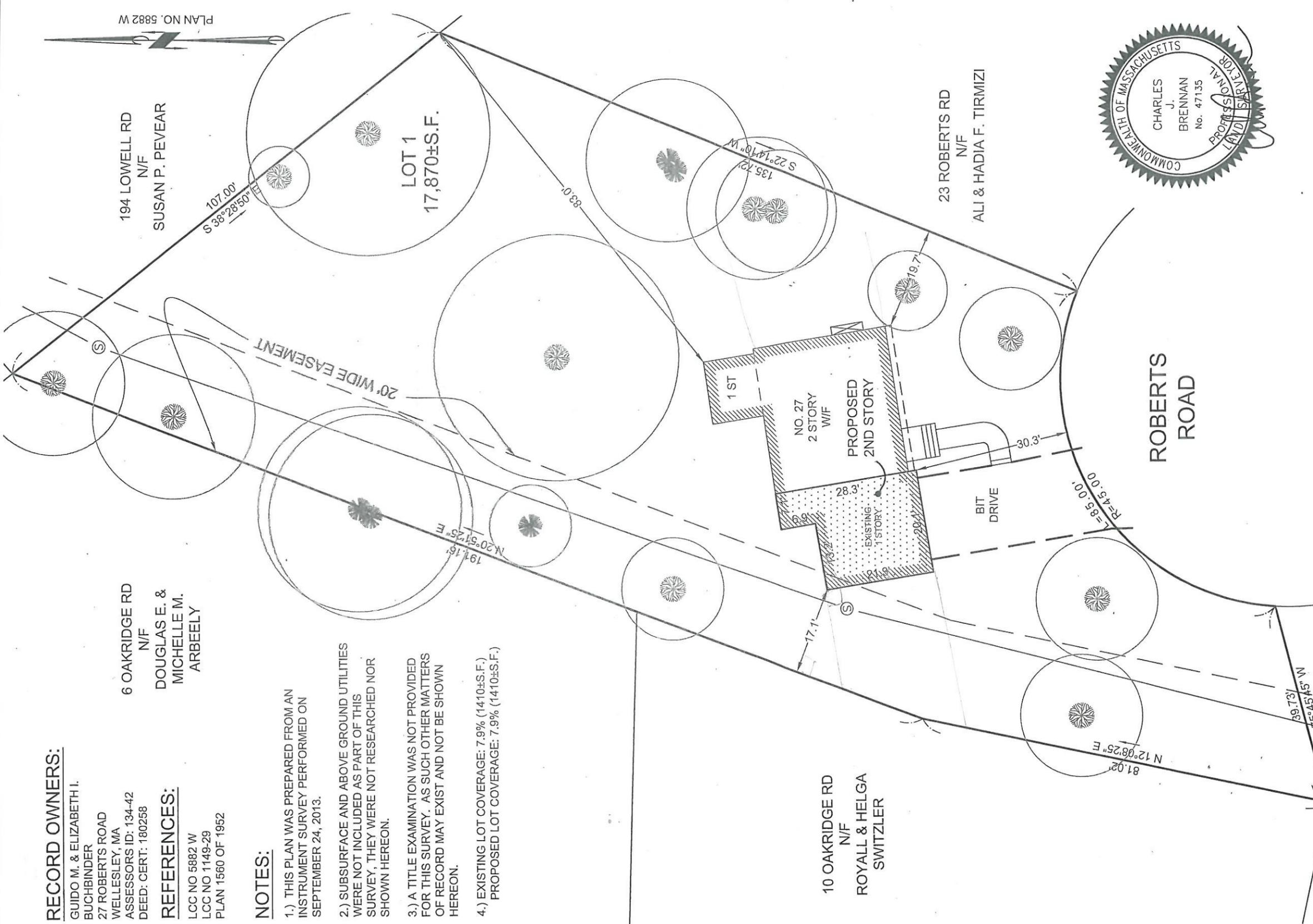
194 LOWELL RD
N/F
SUSAN P. PEVEAR

LOT 1
17,870±S.F.

10 OAKRIDGE RD
N/F
ROYALL & HELGA
SWITZLER

23 ROBERTS RD
N/F
ALI & HADIA F. TIRMIZI

26 ROBERTS RD
N/F
ROBERT E. BURKE



a2

Site Plan
Buchbinder
27 Roberts Rd.

Wellesley, Ma.
11/13/2013

PLOT PLAN
IN
WELLESLEY, MA
AT 27 ROBERTS ROAD
PREPARED FOR
GUIDO BUCHBINDER
BY
SUMMIT SURVEYING INC.

2013 DEC 23 A 11:07
284740
TEL: 978-692-7109
WWW.SUMMITSURVEYINGINC.COM
OCTOBER 2, 2013

