



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

STEPHEN S. PORTER, Chairman
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ZBA 87-35
Petition of William & Diane Young
16 Morses Pond Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, April 30, 1987 at 8 p.m. in the Great Hall (Conference Room E) of the Town Hall at 525 Washington Street, Wellesley on the petition of WILLIAM & DIANE YOUNG requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw which will allow the construction of a two-story addition to their non-conforming dwelling at 16 MORSES POND ROAD including a first floor addition approximately 4.2 feet by 28 feet at the rear of the dwelling and the addition of a second floor to the dwelling approximately 24.5 feet by 28 feet leaving less than the required setback from Morses Pond Road and from the northerly property line.

On April 9, 1987 the petitioner requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was William Young, who stated that he has only 2 bedrooms and needs more space. There are several other houses in the area which are very close to the lot lines.

Present and speaking in favor of the request: Susan Livingston, 27 Morses Pond Road, Martin Young, 21 Morses Pond Road.

Statement of Facts

The property in question is located at 16 Morses Pond Road, containing 9,640 square feet of land. A non-conforming dwelling exists on the lot with a setback of 16 feet from Morses Pond Road and 8 feet from a Path at the northerly edge of the property. The ownership of the Path is not known.

The petitioner requests variances to allow a two-story addition including:
1) a first floor addition approximately 4.2 feet by 28 feet at the rear of the dwelling leaving a setback from the Path on the northerly border of the property of 9 feet; 2) addition of a second floor approximately 24.5 feet by 28 feet leaving a setback of 14.5 feet from Morses Pond Road and 9 feet from the northerly property line. The second floor projects 18" towards Morses Pond Road.

A Plot Plan was presented, drawn by Malcolm E. Austin, Professional Land Surveyor, from a Plot Plan by GLM Engineering Consultants Inc., Holliston, dated April 1, 1987. Construction drawings were presented by Home Improvement Specialists, Inc., Walpole. Photos were also presented, as was a deed and Town Plan of the area.

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The Planning Board on May 5, 1987 voted to oppose the variance request "as it appears there is a substantial encroachment on the inadequate yards."

Decision

This Authority has made a careful study of the evidence presented. The particular house in question in its location on the lot does not conform to the present Zoning Bylaws. The dwelling comes to 16 feet from Morses Pond Road and 8 feet from the Path on the northerly border of the property.

It is the opinion of this Authority that the proposed two-story addition conforms to the present lines of the house and does not alter the relationship of the house to the lot lines.

It is the opinion of this Authority that, because of the shape of the lot and the location of the house on the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner. It is the further opinion of this Authority that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested variance is granted to construct a two-story addition at 16 Morses Pond Road approximately 4.2 feet by 28 feet on the first floor and 24.5 feet by 28 feet on the second floor, as shown in the Plot Plan drawn by Malcolm E. Austin, dated April 1, 1987, coming no closer than 14.5 feet from Morses Pond Road and 9 feet from the northerly border.

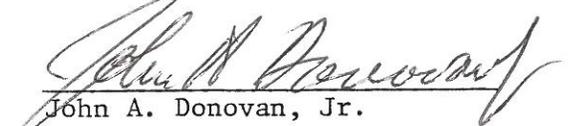
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

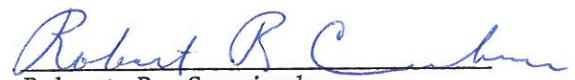
If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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.

cc: Planning Board
Building Inspector
mam

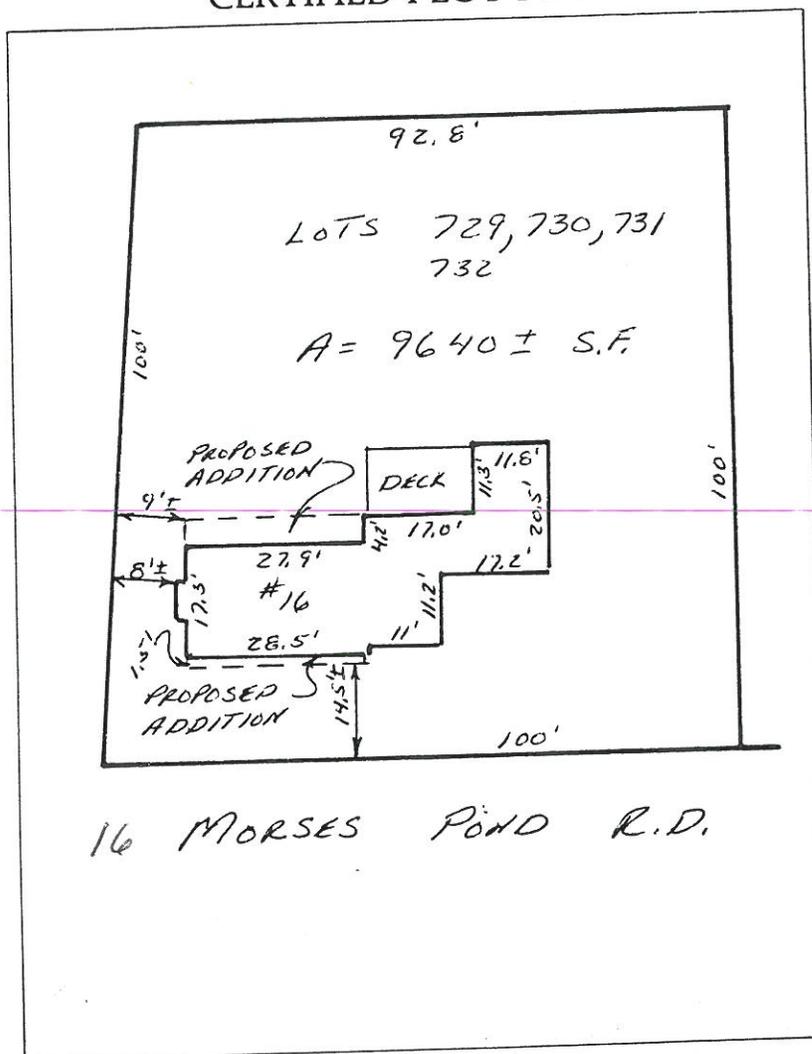

Stephen S. Porter, Chairman


John A. Donovan, Jr.


Robert R. Cunningham

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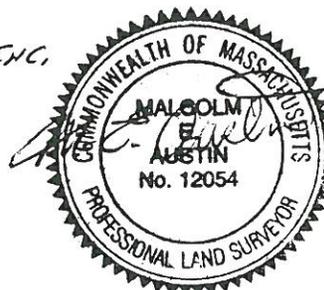
CERTIFIED PLOT PLAN

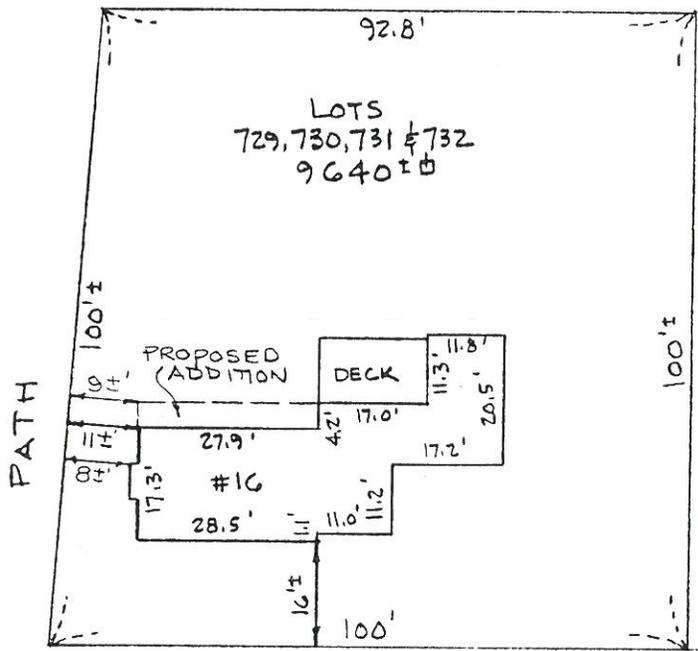


16 MORSES POND R.D.

NOTE:

BUILDING LOCATION FROM
PLOT PLAN BY GLM
ENGINEERING CONSULTANTS, INC.
DATED APRIL 1, 1987





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MORSES POND RD.

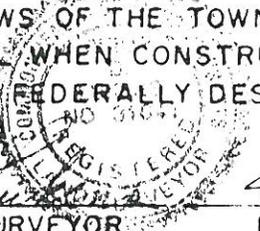
16 MORSES POND ROAD
WELLESLEY, MA.

PLOT PLAN OF LAND
IN
WELLESLEY, MASS.

SCALE: 1" = 30' APR 1, 1987

GLM ENGINEERING CONSULTANTS, INC
838 WASHINGTON STREET
HOLLISTON, MASS. 429-1100

I CERTIFY THAT THE BUILDINGS ON THIS PROPERTY
ARE LOCATED AS SHOWN ABOVE AND COMPLIED
WITH THE ZONING LAWS OF THE TOWN OF
WELLESLEY WHEN CONSTRUCTED AND
IS NOT LOCATED IN A FEDERALLY DESIGNATED
FLOOD HAZARD AREA.



Philip D. Johnson
REGISTERED LAND SURVEYOR DATE 4-1-87