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ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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ZBA 88-34

Petition of Gregory and Susan Livingston  
27 Morses Pond Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, April 21, 1988 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley on the petition of GREGORY AND SUSAN LIVINGSTON requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow construction at their non-conforming dwelling at 27 MORSES POND ROAD, in a Single Residence District, consisting of an two-story addition approximately 20 feet by 15 feet six inches having less than the required front setback from Buena Vista Road; and a bulkhead approximately 6 feet 4 inches by 5 feet 4 inches with less than the required front setbacks from both Buena Vista Road and Morses Pond Road.

Presenting the case were Susan and Gregory Livingston who stated that the house was very small and they would like to add a second floor. The Board questioned the intrusion of the concrete steps and part of the house itself onto public land. The Livingstons said they were aware of the problem, and that the stairs had been in place when they purchased the house. They added that the addition would not further encroach on the front setback, and in consideration of the existing encroachment, were going to begin the second floor addition four feet from the front of the house.

Zartin Young, 21 Morses Pond Road, Diane Young, 16 Morses Pond Road, and Richard Satterfield, 24 Morses Pond Road, expressed support for the granting of the petition.

Letters in support of the petition were received from Janet Smith, 24 Morses Pond Road and Elizabeth Cotton, 20 Morses Pond Road.

No other persons had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 27 Morses Pond Road, in a Single Residence District, on a 5,977 square foot lot with a front setback of 1.5 feet from Buena Vista Road and no setback from Morses Pond Road. The existing house contains 5 rooms including 2 bedrooms and 1 bathroom.

The petitioners are proposing a two-story addition connecting the existing house and garage, approximately 16 feet by 15.5 feet, with a front setback of 13 feet from Buena Vista Road; and a bulkhead approximately 5 feet 4 inches by 6 feet 4 inches with a front setback of 15.5 feet from Buena Vista Road and a setback of 15 feet from Morses Pond Road.

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A Plot Plan, dated February 11, 1988 was drawn by Joseph R. Sullivan, Registered Land Surveyor; Construction Plans, dated March 10, 1988, drawn by Siteworks Architects & Planners, Inc., and photographs were submitted.

The Planning Board, on April 11, 1988, voted to offer no comment on the petition.

Decision

This Authority has made a careful study of the evidence presented. The subject souse does not conform to the present Zoning Bylaw as noted in the foregoing Statement of Facts.

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 front setback from Buena Vista Road. The bulkhead also represents less of an encroachment on the front setbacks from both Buena Vista Road and Morses Pond Road than presently exist.

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 and that desirable relief may be granted without substantially derogating from the tntent or purpose of the Zoning Bylaw.

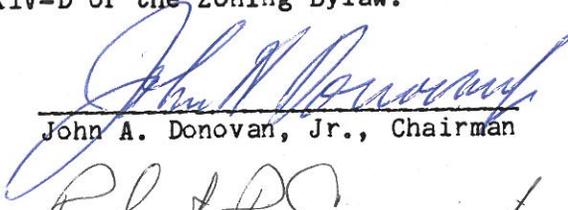
Therefore, the requested variance is granted to construct a two-story addition and a bulkhead subject to construction in accordance with the plot plan and construction plans as submitted and described in the Statement of Facts with the proposed addition coming no closer than 13 feet from Buena Vista Road and the bulkhead coming no closer than 15.5 feet from Buena Vista Road.

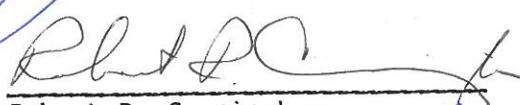
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

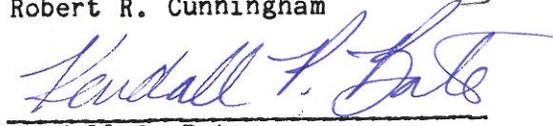
If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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 HHE DATE OF FILING OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK.

cc: Planning Board  
Inspector of Buildings  
edg

  
John A. Donovan, Jr., Chairman

  
Robert R. Cunningham

  
Kendall P. Bates

