TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman
ROBERT R. CUNNINGHAM
KENDALL P. BATES

ELLEN D. GORDON
Executive Secretary
Telephone
431-1019 X208

WILLIAM E. POLLETTA
FRANKLIN P. PARKER
SUMNER H. BABCOCK

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ZBA 92-1
Petition of Peter and Margaret Palladino
37 Boulder Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, January 23, 1992 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 PETER AND MARGARET PALLADINO requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow construction of a two-story addition containing a two-car garage at ground level and a master suite above at their conforming property at 37 BOULDER ROAD, in a Single Residence District. Said addition would be approximately 35 feet by 24 feet and would have less than the required rear yard setback.

On January 6, 1992, the petitioners requested 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 Peter Palladino, who said that the problems created by the irregular shape of the lot, the soil, and the presence of rock outcropping dictated the placement of the addition. He stated that not only is the ledge located at the rear and right side of the house, but it protrudes into the house so that the rear third of their basement is only about 5 feet high. He noted that beyond the outcrop on the right side, there is a drop of between 8 and 10 feet.

Mr. Palladino submitted letters in support of the petition from Bernard Cross, 41 Boulder Road; Mr. and Mrs. J. Enrique Ojeda, 25 Oxbow Road; and William Sharron, 63 Boulder Road.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 37 Boulder Road, in a Single Residence District, and is presently conforming in regard to all required setbacks. Said property is triangular in shape with two sides of the triangle fronting on Boulder Road. Ledge and boulders are present at the rear and right sides of the property, with a substantial drop of between 8 and 10 feet past the ledge on the right side yard.

The petitioners are requesting a variance to construct a two-story addition, approximately 35 feet by 24 feet, which would contain a two-car garage at ground level and a master suite above. Said addition would have a minimum rear yard clearance of 17.1 feet in a 20,000 square foot district in which a rear yard setback of 20 feet is required.

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A Plot Plan dated January 2, 1992, drawn by Sidney R. Vaughn, Professional Land Surveyor; floor plans and elevations dated January 2, 1992, drawn by Wayne Rawley; and photographs were submitted.

On January 16, 1992, the Planning Board reviewed the petition and voted to offer no objection to the granting of the variance.

Decision

This Authority has made a careful study of the materials submitted and information presented at the hearing. The subject house is presently conforming, but the proposed addition will have a minimum rear yard clearance of 17.1 feet as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that due to the shape of the lot, the soil conditions, and the topography of the lot, that a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioners, and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested variance is granted subject to construction in accordance with the plot plan and construction drawings as submitted and noted in the foregoing Statement of Facts.

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

John A. Donovan, Jr., Chairman

Kendall P. Bates

Robert R. Cunningham

cc: Planning Board
Inspector of Buildings
edg

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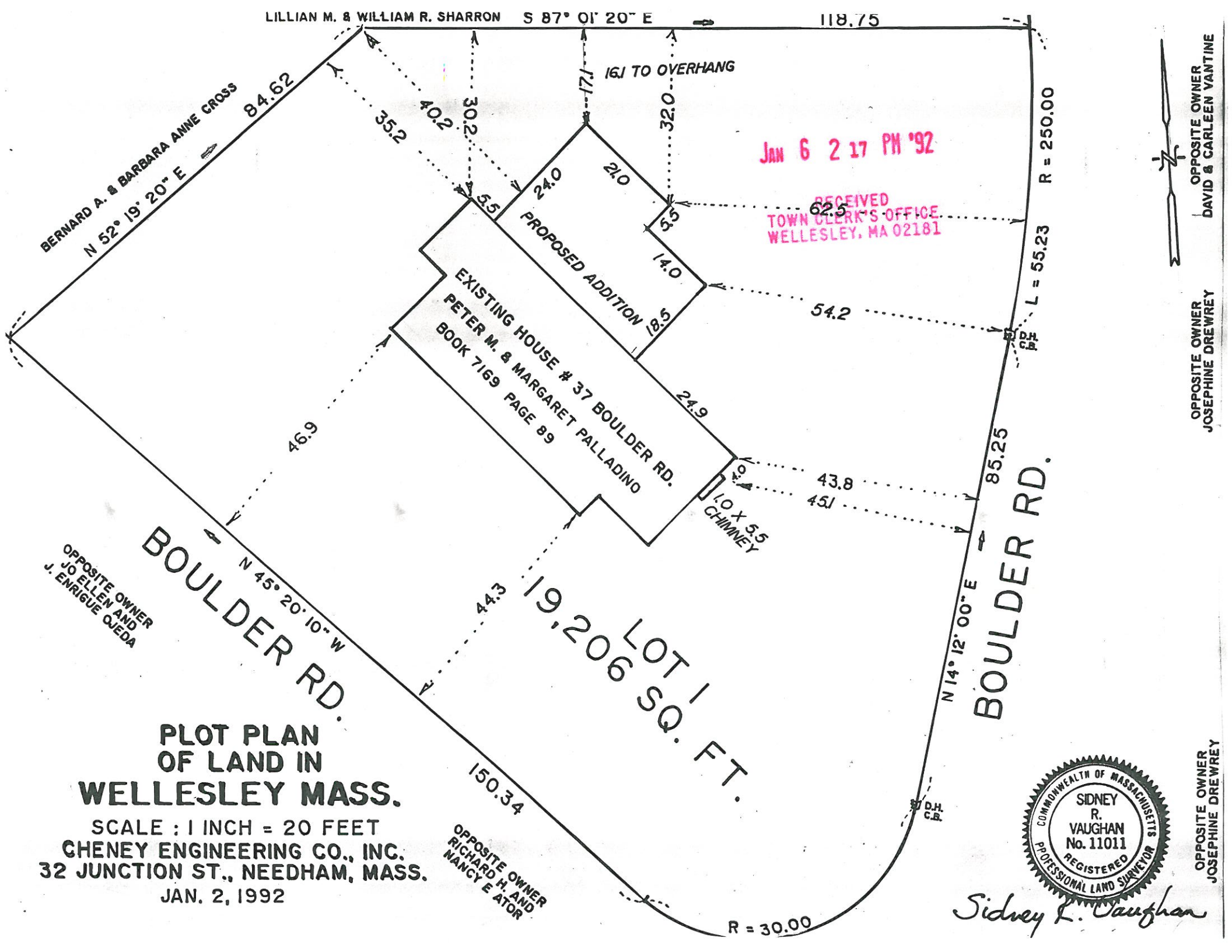

PLOT PLAN OF LAND IN WELLESLEY MASS.

SCALE : 1 INCH = 20 FEET

CHENEY ENGINEERING CO., INC.
32 JUNCTION ST., NEEDHAM, MASS.
JAN. 2, 1992