



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 92-24
Petition of Eugenio Perdoni
416 Weston Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, April 30, 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 EUGENIO PERDONI 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 second story addition, approximately 29 feet 8 inches by 15 feet at the rear of his nonconforming dwelling at 416 WESTON ROAD, in a Single Residence District, with less than the required right side yard.

On April 9, 1992, the petitioner 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 Eugenio Perdoni, who was accompanied by his architect, Marshall Audin. Before Mr. Audin made his presentation, the Executive Secretary informed the Board that should the petition be granted, Mr. LaConte, the Building Inspector, had requested that a new certified Plot Plan be done to be submitted on the application for a Building Permit.

Mr. Audin said that the plan is to extend a second floor addition another 7 feet beyond the existing first floor at the rear of the dwelling. The addition will overhang the first floor and will be supported by piers. The second floor bedrooms are small, and there is only one bath. The addition, which will contain two bedrooms, will allow conversion of an existing bedroom into a second bath.

Mr. Audin stated that an attempt has been made to keep the addition as visually small as possible. The addition will not expand the footprint, nor will it come any closer to the right side line, and, in fact, will be less of an encroachment than the existing house.

Mr. and Mrs. Cortese, 422 Weston Road, the right side abutters, expressed concern with the development on the lot. They were also concerned about the new driveway on the right side as lights from the cars entering the driveway are seen in their home. They requested that Mr. Perdoni add more greenery along the right side to block the light from the cars.

Peter Trow, 414 Weston Road, spoke in support of the petition.

Tom Christie, 8 Parker Road, a rear abutter, stated that he would like a green border along the back line to shield his view of the garage.

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Mr. Perdoni submitted pictures of the rear yard showing the landscaping, and said that the existing hemlock border on the right side is 12 feet high. He said that he had no problem with extending the screening along the driveway, but did not want to create a visual obstruction to egress and exit of the driveway.

Elizabeth Godrick, 12 Parker Road, said that she is not a direct abutter, but the rear of her house faces the back of the Perdoni property. She requested additional greenery to screen her property from the Perdoni's to block the view of the outside staircase on the garage. Mr. Perdoni stated that there are bushes planted along the rear, but that they lose their leaves in winter.

Shoshanna Dillon, 9 Claflin Road, a rear abutter, expressed concern with the garage stairs, and would like tall greenery to be planted to screen the stairs.

Mr. Perdoni responded that he would plant more screening in the rear, but does not want to have to remove existing landscaping. He said that he felt that the neighbors, who had no screening on their property, were forcing him to screen himself in.

The Board suggested that the existing plot plan be used to show the existing vegetation, the gaps to be filled in, and the location and names of the infill plantings. The direct abutters and Mr. Perdoni should sign the plan, and Mr. Audin should see that the document is correct.

The Board cautioned that the neighbors must be reasonable in their demands, as to number and size of the plantings. The Board could simply approve the petition if the neighbors are unreasonable, but would prefer that all parties work out a mutually agreeable solution.

Statement of Facts

The nonconforming dwelling is located at 416 Weston Road, in a Single Residence District, on a 9,124 square foot lot, with a minimum right side yard clearance of 14.35 feet from the right rear corner of the dwelling.

The petitioner is requesting a variance to construct a second story addition, approximately 29 feet 8 inches by 15 feet, which would overhang the existing first floor by 7 feet, at the rear of the dwelling. Said addition would have a minimum right side yard clearance of 15.4 feet.

A Plot Plan dated September 25, 1974, drawn by Alfred Gargaro, Registered Land Surveyor; floor plans and elevations drawn by Marshall K. Audin, Architect; and photographs were submitted.

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On April 14, 1992, the Planning Board reviewed the petition and voted to offer no objection to the granting of the requested variance.

On May 7, 1992, the petitioner submitted Supplemental Exhibit A; a plot plan showing all existing vegetation on the right side and rear property lines, and the location and names of all proposed plantings, which was signed by Carmen Cortese, 422 Weston Road, Thomas Christie, 8 Parker Road, Shoshanna Dillon, 9 Claflin Road, and Helen V. Trow, 414 Weston Road, comprising all the direct abutters to the Perdoni property. This document satisfies the request of the Board of Appeals at the Public Hearing, and is on file in the office of the Board of Appeals. On May 7, 1992, the petitioner also submitted Supplemental Exhibit B, a photo key plan of existing perimeter planting, which is also on file in the office of the Board of Appeals.

Decision

This Authority has made a careful study of the material submitted and the information presented at the hearing. The subject house 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 second floor addition conforms to the present lines of the house, does not alter the relationship of the house to the right side lot line, and, in fact, will be less of an encroachment on the right side line than the existing dwelling.

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 intent or purpose of the Zoning Bylaw.

It is the opinion of this Authority that the signed proposed landscaping plan, Supplemental Exhibit A, fulfills the request for said plan made by the Board at the Public Hearing in response to concerns expressed by abutters.

Therefore, the requested variance from the terms of Section XIX of the Zoning Bylaw is granted subject to construction in accordance with the plot plan and construction drawings as submitted, with the following condition:

1. A new certified plot plan shall be submitted with the application for a building permit to the Building Inspector and a copy of said plan submitted to the office of the Board of Appeals.

Following the petitioner's compliance with the aforesaid condition, the Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of said building application and detailed construction plans.

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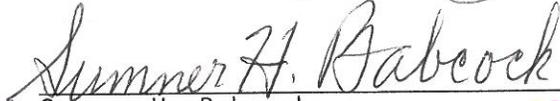
If the rights authorized by this variance are not exercised within one year of the date of grant of said variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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
Inspector of Buildings
edg


Kendall P. Bates, Acting Chairman


Robert R. Cunningham


Sumner H. Babcock

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n/f Dilian 9002/475

n/f Christie
cert. of title 87678
lc 439/78 lc. plan 11123C

Eugenio and Nora C.
Perdoni 5066/272

9124 sf

bound found

n/f Cortese
cert. of title 94172
lc 471/172 lc plan 11123C

exist.
gar.

proposed addition
to second floor
first floor to be
open.



1.0

131.90

24' ±

23'

25.3'

15.7

38.8

67.94

15.8'

28.7

15.5

15.3

18.5

38.8

139.88

Note: See plan by Alfred
Gargaro RLS 9/25/74

Zone: single res. (10,000) sf

Assessor's map 180 parcel 59
offsets to exist. bldg.
measured to bot. shingle (typ)

1 sty. wd.

2 sty. wd.

416

porch

25.3'
2'-4" to be set

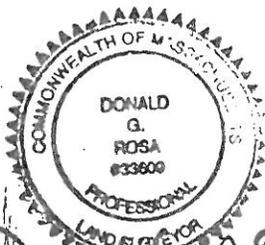
easement

88.19 to bound at
Parker St. →

bound found

WESTON

ROAD



Donald G. Rosa 6/22/92
PROFESSIONAL LAND SURVEYOR DATE

PLOT PLAN
showing

PROPOSED ADDITION
NO. 416 WESTON ROAD
WELLESLEY, MASSACHUSETTS
SCALE 1"=20' 6/22/92

revised 7/2/92

DON ROSA P.L.S.

54 Liberty St.

Randolph, MA 02368

Property, Topographic, Construction
Surveys
986-4768