TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 92-2
Petition of Stuart M. Goldstein
9 Pickerel 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 STUART M. GOLDSTEIN 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 one-story addition, approximately 36 feet by 24 feet with a deck approximately 41 feet by 7 feet, at his nonconforming dwelling at 9 PICKEREL ROAD, in a Single Residence District. Said dwelling has less than the required front setback and the proposed addition would also have less than the required front setback.

On January 6, 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 Stuart Goldstein, who said that the dimensions of the existing house are 18 feet by 24 feet on a 6,000 square foot lot. He would like to add two bedrooms, a kitchen and a deck. The house and addition would result in 24% lot coverage. The required front setback is 30 feet, but the existing house is 8 feet from the lot line. He has tried to set the addition as far back from the street as possible.

Mr. Goldstein said that he has bound the original 4 lots of 1,500 square feet each into one lot through an ANR signed by the Planning Board and has received approval from the Wetlands Committee. His neighbors have also expressed verbal approval.

Deadra Doku, 3 Pickerel Road, voiced support for the petition.

Statement of Facts

The subject dwelling is located at 9 Pickerel Road, in a Single Residence District, on a 6,089 square foot lot with a minimum front yard setback of 8.9 feet. The original property consisted of 4 lots, #782, #783, #784 and #785; each lot having approximately 1,500 square feet. On October 29, 1991, the Planning Board signed an Approval Not Required Plan (PBC 91-6) dated October 21, 1991, drawn by Robert C. Salvetti, Professional Land Surveyor, binding the four lots into one lot of 6,089 square feet.

The petitioner is requesting a variance to construct a one-story addition, approximately 36 feet by 24 feet, with a minimum front yard clearance of 13.5 feet. The proposed deck, approximately 41 feet by 7 feet, conforms to all setbacks.

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A Plot Plan dated December 4, 1991, drawn by Robert C. Salvetti, Professional Land Surveyor; floor plans and elevations dated 12/21/91, drawn by Brian Main, AIA; and photographs were submitted.

On January 6, 1992, the Wetlands Protection Committee voted to issue a Negative Determination of Applicability with conditions for the proposed addition.

On January 14, 1992, the Planning Board voted to offer no objection to the granting of the requested variance.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject dwelling does not conform to the current Zoning Bylaw as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that the proposed one-story addition not only does not alter the relationship of the house to the front property line, but presents less of an encroachment into the front yard than the existing house.

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.

Therefore, the requested variance is granted subject to construction in accordance with the plot plan and construction drawings submitted and noted in the foregoing Statement of Facts; and subject to all conditions imposed by the Wetlands Protection Committee in its Negative Determination of Applicability issued January 6, 1992.

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
Wetlands Protection Committee
Inspector of Buildings

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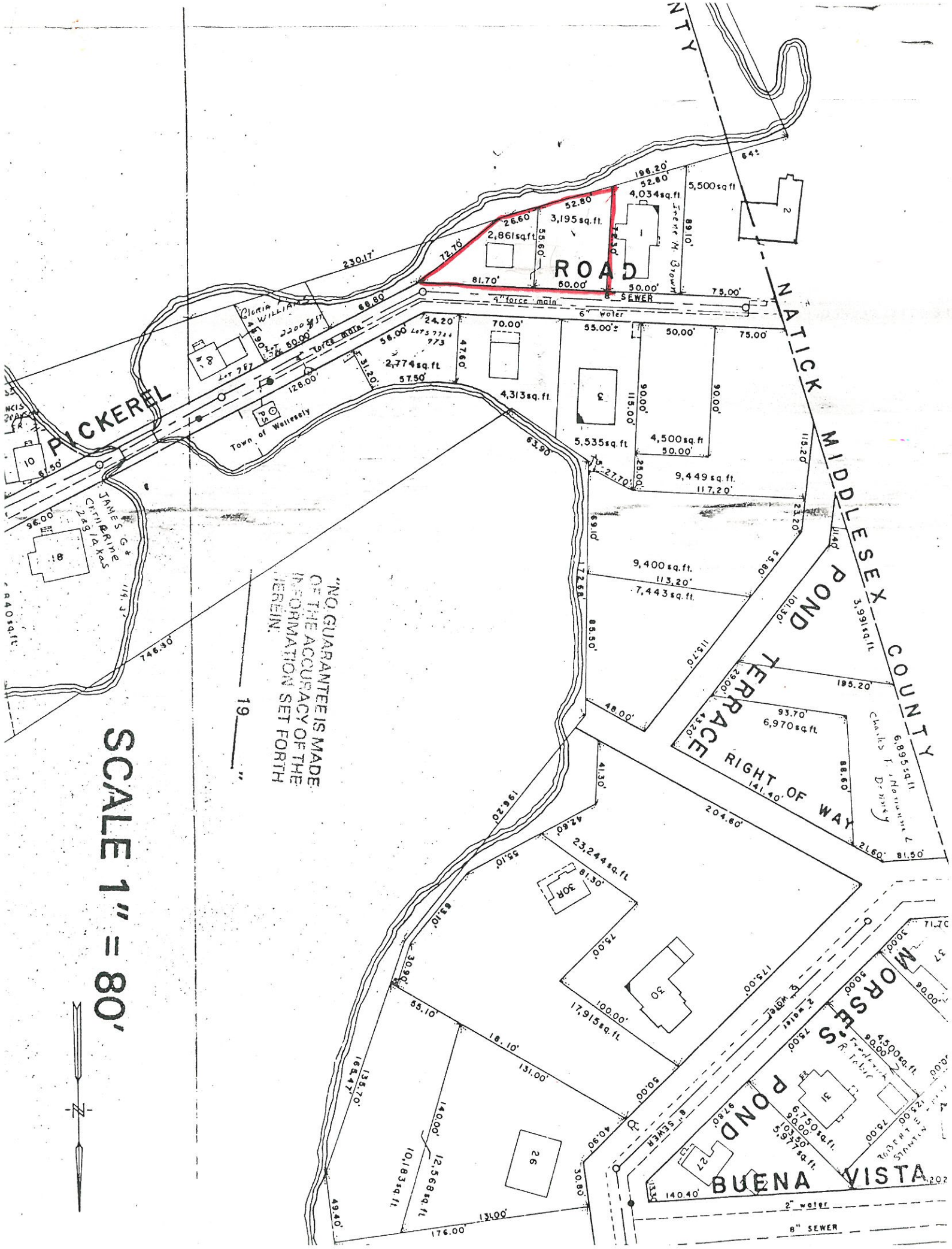

NATICK MIDDLESEX COUNTY
POND TERRACE
RIGHT OF WAY
MORSE'S POND
BUENA VISTA
PICKEREL
ROAD
SEWER
4" force main
6" water
2" water
8" SEWER
Town of Wellesely
Gloria Williams
Frene M. Brown
Charles F. Monnette & Dennis
Frederick R. Tobie
Lot 787
Lots 774 & 773
JAMES G. & Catherine Zaglakas
2,861 sq.ft.
3,195 sq.ft.
4,034 sq.ft.
5,500 sq.ft.
2,774 sq.ft.
4,313 sq.ft.
5,535 sq.ft.
4,500 sq.ft.
9,449 sq.ft.
9,400 sq.ft.
7,443 sq.ft.
3,991 sq.ft.
6,970 sq.ft.
6,895 sq.ft.
23,244 sq.ft.
17,915 sq.ft.
12,568 sq.ft.
10,183 sq.ft.
4,500 sq.ft.
6,750 sq.ft.
5,977 sq.ft.
"NO GUARANTEE IS MADE OF THE ACCURACY OF THE INFORMATION SET FORTH HEREIN.
19 "
SCALE 1" = 80'