

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181JOHN A. DONOVAN, JR., Chairman
ROBERT R. CUNNINGHAM
KENDALL P. BATESELLEN D. GORDON
Executive Secretary
Telephone
431-1019 X208

May 5 1 10 PM '93

WILLIAM E. POLLETTA
FRANKLIN P. PARKER
SUMNER H. BABCOCK
TOWN ENGINEER
WELLESLEY, MA 02181ZBA 93-29
Petition of David Laidman
73 Russell Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 22, 1993 at 8 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of DAVID LAIDMAN requesting a Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the proposed construction of the following additions to his pre-existing nonconforming dwelling, with less than the required front, left and right side yard setbacks, at 73 RUSSELL ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. A three-story addition approximately 10 feet by 17 feet.
2. A 14 foot by 4 foot deck at the rear of the third floor of the addition.
3. An 8 foot by 22.5 foot deck at the rear of the second floor, which extends along the right side of the dwelling at a width of 5.5 feet.

Construction of said addition will necessitate raising the ridge line of the roof approximately 8 feet. All proposed additions have less than the required left and right side yard setbacks.

On April 5, 1993, 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 David Laidman, who said he would like to extend the length of the house an additional 10 feet, and add three stories to the house, which presently has 2 1/2 stories. The 10 foot addition would span all three floors. He would also like to add two decks.

No other person present had any comment on the petition.

Statement of Facts

The nonconforming dwelling is located at 73 Russell Road, in a Single Residence District, on a 3,485 square foot lot, with a minimum front yard clearance of 9.5 feet, a minimum left side yard clearance of 7.3 feet and a minimum right side yard clearance of 5.4 feet.

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The petitioner is requesting a Finding that the following proposed construction will not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. A three-story addition approximately 10 feet by 17 feet at the rear of the dwelling with a minimum left side yard of 7.1 feet and a minimum right side yard of 13.4 feet. Said addition will necessitate raising the ridge line of the roof approximately 8 feet.
2. A 14 foot by 4 foot deck on the third floor of the addition with a minimum left side yard of 8.6 feet and a minimum right side yard of 14.9 feet.
3. An 8 foot by 22.5 foot deck at the rear of the second floor which extends along the right side of the dwelling at a width of 5.5 feet. Said deck will have a minimum left side setback of 6.9 feet and a minimum right side setback of 7.1 feet.

A Plot Plan dated March 30, 1993, drawn by Paul Sawtelle, Registered Land Surveyor; floor plan and elevation sketches; and photographs were submitted.

On November 16, 1992, the Wetlands Protection Committee voted to issue a Negative Determination of Applicability with Conditions.

On April 13, 1993, the Planning Board reviewed the petition and voted to offer no objection to the granting of a favorable Finding.

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 addition will not only intensify the existing nonconformities, but in respect to the left rear setback, will create an additional nonconformity, as the current minimum setback is 7.3 feet, while the left side setback from the left rear corner of the second story deck will be 6.9 feet.

This Authority is of the opinion that the increased encroachment is de minimus, and that the proposed construction is a creative solution to the problems created by the shape of the lot, the size of the lot, and its location abutting Morses Pond.

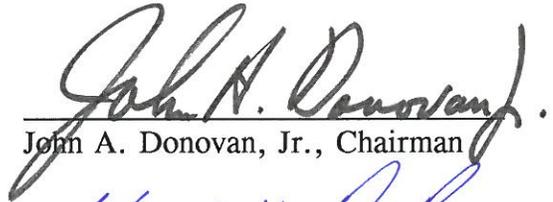
Therefore, this Authority unanimously finds that the proposed construction will not be substantially more detrimental to the neighborhood than the existing nonconforming structure, subject to construction in accordance with the Plot Plan and drawings submitted, and subject to compliance with the conditions issued by the Wetlands Protection Committee.

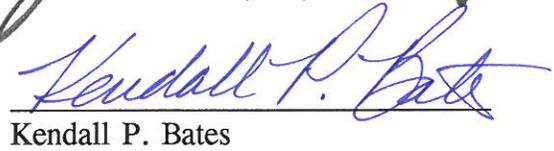
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The Inspector of Building is hereby authorized to issue a permit for the construction subject to his receipt and approval of a building application and detailed construction plans.

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
Wetlands Protection Committee
Inspector of Buildings
edg


John A. Donovan, Jr., Chairman


Kendall P. Bates


Robert R. Cunningham

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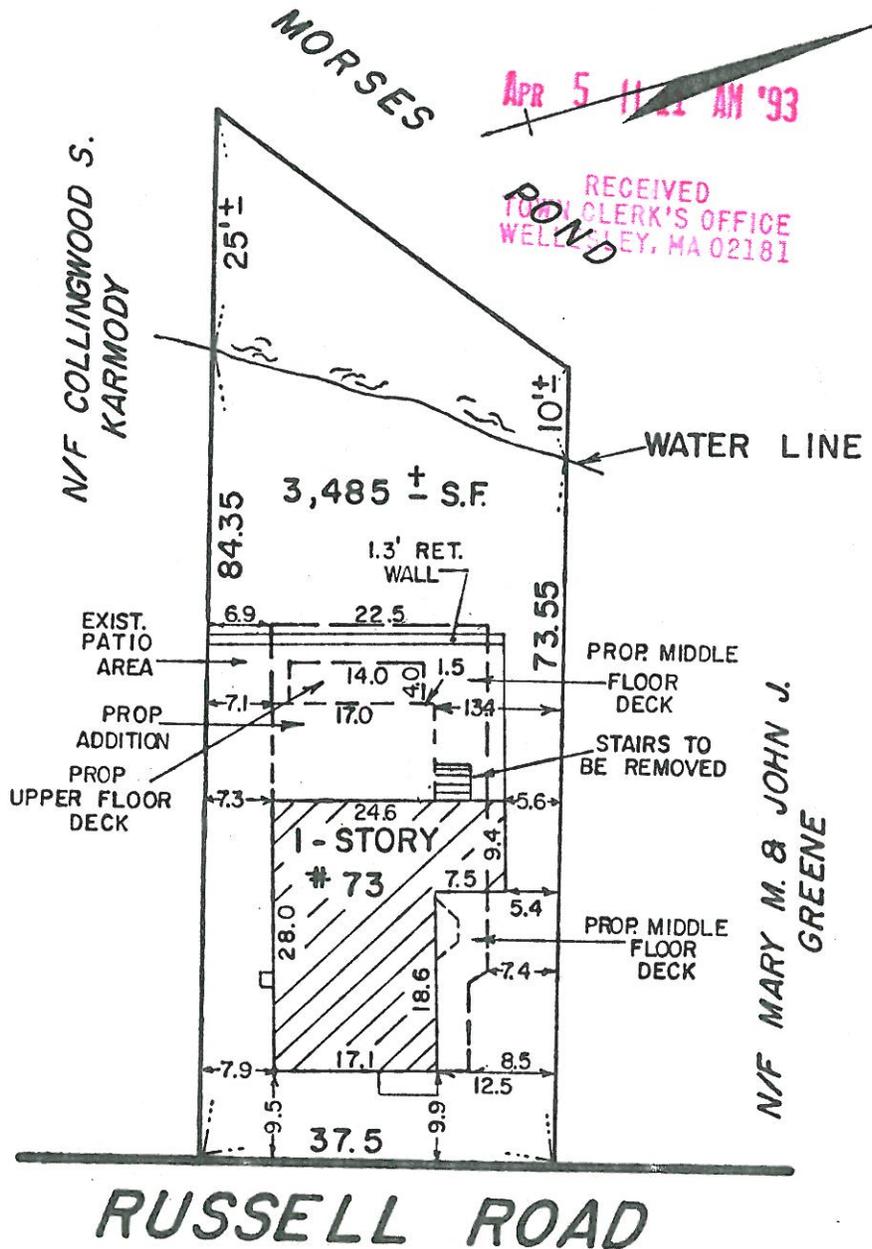
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WELLESLEY, MA 02181

BUILDING ZONE
RES. 10,000 S.F.

ASSESSORS REF.
MAP 183
PARCEL 012

OWNER
DAVID LAIDMAN

LOT COVERAGE = 20.6 %



PLAN OF LAND
IN

WELLESLEY, MASS.



SCALE : 1" = 20'
MASS BAY SURVEY, INC.

MARCH 30, 1993
NEWTON, MASS.

Paul Sawtelle