



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 94-51
Petition of Robert M. Sarly
1 Pickerel Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 25, 1994 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of ROBERT M. SARLY requesting a Special Permit/Finding that the raising of the ridge line of the existing roof approximately 8 feet above the 16.7 foot by 17 foot front portion of his nonconforming dwelling and approximately 15 feet above the 31.65 foot by 26.7 foot rear portion of the nonconforming dwelling to accommodate a second floor addition above the entire first floor at 1 PICKEREL ROAD with less than the required front, right and left side yard setbacks, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. Said addition will have less than the required front, right and left side yard setbacks, but there will be no change in the footprint.

On August 8, 1994, the petitioner filed a request for 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 Robert Sarly, who was accompanied by his wife and his contractor, William Picardi. Mr. Sarly said that the existing house has two stories on the street side, and a one-story extension toward the lake. They would like to extend the second story across the lake end of the first floor.

Mr. Sarly stated that the entrance will be relocated from the right to the left side of the house to coincide with the location of the driveway. There will be no regrading of the property, or change in the footprint. Approval for the project has been received from the Wetlands Protection Committee.

The Board asked the nature of the structure that extended onto Town land. Mr. Sarly explained that it was a pre-existing garden shed which needs re-siding. He would like to keep it and fix it.

The Board asked who would be occupying the premises. Mr. Sarly responded that his 18 year old son would be living there.

Dierdre Doku, 3 Pickerel Road, expressed concern about parking on the premises, as the street is very narrow and cannot contain on-street parking. Mr. Sarly said that the driveway

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foot graveled area from the steps to the proposed relocated entrance, which he would like to surface with asphalt without changing the grade. The Board stated that the grade might not be altered, but the run-off might change due to the addition of impervious area, and that before any new asphalt was laid, Mr. Sarly would have to obtain approval from the Wetlands Committee.

The Board also noted that the plot plan depicts the existing concrete steps which are to be removed. A new plot plan showing that the steps are to be removed would be required.

Statement of Facts

The subject nonconforming dwelling is located on a 4,019 square foot lot at 1 Pickerel Road, in a Single Residence District, and has a minimum front yard clearance of 11.8 feet, a minimum right side yard clearance of 10.7 feet and a minimum left side yard clearance of 7.7 feet.

The petitioner is requesting a Special Permit/Finding that the raising of the ridge line of the roof approximately 8 feet above the front portion of the house, and approximately 15 feet over the rear portion of the house, to construct a second story addition above the entire first floor, will not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There will be no change in the footprint, and the nonconforming setbacks will remain as noted above.

A plot plan dated July 22, 1994, drawn by Joseph R. Sullivan, Registered Professional Land Surveyor; Floor Plans and Elevations dated July 21, 1994, drawn by Picardi Construction; and photographs were submitted.

On August 11, 1994, the Wetlands Protection Committee voted to issue a Negative Determination of Applicability with Conditions for the construction work.

On August 18, 1994, the Planning Board voted to offer no comment on the petition.

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 opposition of the neighbors stemmed from their concerns regarding the potential occupant of the premises and the potential problem of on-

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street parking, and not from the addition of a second floor.

The Board noted that the plot plan showed the existing footprint, but did not show that the concrete stairs were to be removed. It was also noted that the elevation drawings did not show the chimney on the front elevation, and that there appeared to be a discrepancy in the dimensions of the width of the front of the house between the plot plan, which showed 16.7 feet and the floor plan, which showed 17.6 feet. As there will be no enlargement of the footprint, the floor plan will not fit the foundation.

It is the opinion of this Authority that the proposed construction does not intensify the existing nonconformity, nor will it create additional nonconformities.

Therefore, a Special Permit is hereby granted for the construction, subject to the following conditions, of which the first two must be fulfilled prior to the issuance of any building permit:

1. A new plot plan noting the removal of the concrete steps is to be submitted to the office of the Board of Appeals.
2. A new floor plan with dimensions identical to those on the plot plan, and a new front elevation showing the chimney, are to be submitted to the office of the Board of Appeals.
3. No new asphalt shall be laid on any surface on the property without the approval of the Wetlands Protection Committee.
4. All conditions listed in the Negative Determination of Applicability issued by the Wetlands Protection Committee on August 11, 1994, are hereby incorporated into this decision.
5. All cars of occupants of or visitors to the premises shall be parked on the premises.

The Inspector of Buildings is hereby authorized to issue a permit for the construction following the fulfillment of Conditions One and Two stated above, and upon receipt and approval of a building application and detailed construction plans.

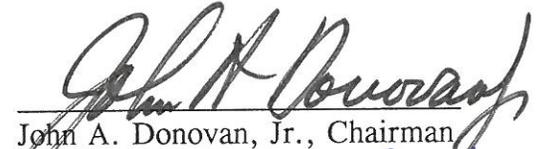
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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.

cc: Planning Board
Wetlands Protection Committee
Inspector of Buildings
edg



John A. Donovan, Jr., Chairman



Kendall P. Bates



Franklin P. Parker

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