



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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

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Executive Secretary
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OCT 28 10 08 AM '94
WILLIAM E. POLLETTA
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ZBA 94-70
Petition of Four B Realty Trust
11 Bemis Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 20, 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 the FOUR B REALTY TRUST requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV that the enclosure of two existing nonconforming screened porches on the first and second floors of its nonconforming premises at 11 BEMIS ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. Each porch is approximately 13.54 feet by 10.15 feet, and each has less than the required left side yard setback. There will be no change in the footprint.

On October 3, 1994, 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 Despina Bartlett, the property owner. The Board noted that it appeared that construction had already begun. Mrs. Bartlett said that plywood had been added. When she went to obtain a building permit, Mr. LaConte said that a Special Permit/Finding was required before a building permit could be issued. All construction ceased at that point.

Mrs. Bartlett said that the screened porches are very cold in the winter and affect the internal heat of the building. When the porches are enclosed, the left side of the building will duplicate the right side on which the porches are already enclosed.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 11 Bemis Road on a 5,664.4 square foot lot in a Single Residence District, with a minimum left side yard clearance of 12.83, a minimum right side yard clearance of 19.52 feet and a minimum front setback of 9.53 feet. The two story building contains four apartments, two of which on the left side contain screened porches on the first and second floors. Both porches are 10.15 feet by 13.54 feet and have a minimum left side yard clearance of 12.83 feet.

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The petitioner is requesting a Special Permit/Finding to enclose both porches into the interior space of the building.

A Plot Plan dated March 2, 1988, drawn by William Robertson, Registered Land Surveyor, revised September 26, 1994, stamped by Yefim Massarsky, Registered Architect; Elevations drawn by Yefim Massarsky, Registered Architect; and photographs were submitted.

On October 11, 1994, the Planning Board reviewed the petition and voted to offer no comment.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. Both the first and second floor porches do not conform to the current Zoning Bylaw as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that the enclosure of both screened porches will not increase the nonconformity, nor will new nonconformities be created.

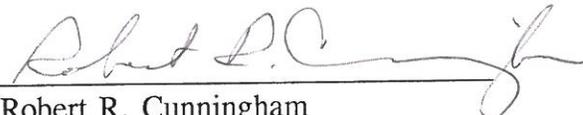
Therefore, a Special Permit for the enclosure of the first and second story screened porches is hereby granted, subject to construction in accordance with the submitted plot plan and construction sketches.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon 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
Inspector of Buildings
edg


Kendall P. Bates, Acting Chairman


Robert R. Cunningham


William E. Polletta

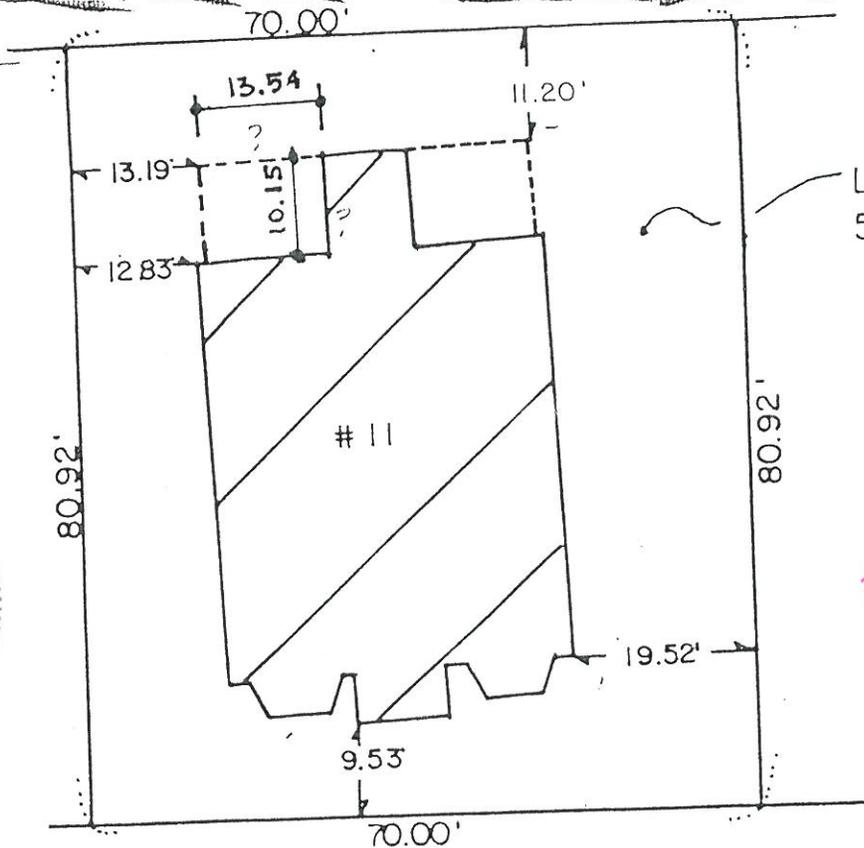
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LOT PLAN OF LAND IN

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WELLESLEY, MASS.
MAR 11 10 46 AM '88

WELLESLEY, MASS.

EXCLUSIVELY FOR:
DEBBI BARTLETT



LOT AREA =
5,664.4 sf.

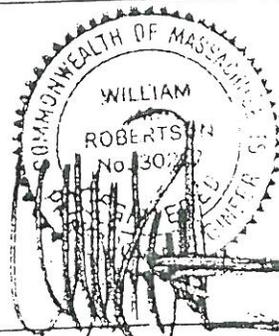


Yofm Massarovy
09.26.94

BEMIS (20' wide) ROAD

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I HEREBY CERTIFY THAT THE
BUILDING ON THE ABOVE PLAN
ARE LOCATED AS SHOWN.



W.M ROBERTSON ENGINEERING
PROFESSIONAL ENGINEER
FRAMINGHAM, MASSACHUSETTS
DATE: MARCH 2, 1988

NOTE: This plan was made from an
instrument survey and is not to
be recorded.