



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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WILLIAM E. POLLETTA
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SUMNER H. BABCOCK

ZBA 96-9

Petition of Perry M. and Eva Smith
42 Beechwood Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 14, 1996 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 PERRY M. AND EVA SMITH requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a two-story addition approximately 24 feet by 14.5 feet with an attached deck approximately 24 feet by 12 feet, both of which would have less than the required right side yard setback, at their nonconforming dwelling, with less than the required right side and front yard setbacks, at 42 BEECHWOOD ROAD, in a Single Residence District, would not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On February 12, 1996, the petitioners 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 Perry Smith, who said that the proposed addition will have a garage and a family room above it. Their home is two-stories in the front and three-stories in the rear due to the severe drop-off, but the addition will be only two stories. The proposed addition will be about 12 feet from the right side line, which is less nonconforming than the existing house, which is 10.7 feet from the right side line.

The Board noted that the submitted drawings were not quite up to par, and would not be adequate for the Building Department to issue a building permit. Dimensions and identification of space should be on the plans so that the Board will have a clear idea of what will be constructed. In fact, there is a discrepancy between the floor plan, which shows a measurement of 14.6 for the length of the foundation, and the elevation drawing, which shows a measurement of 14.6 to the edge of the overhang.

Mr. Smith said that the plans had been prepared by the builder, and apologized for their inadequacy.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 42 Beechwood Road, in a Single Residence District, on a 6,330 square foot lot, and has a minimum front setback of 18.4 feet from Beechwood Road, and

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a minimum right side yard clearance of 10.7 feet.

The petitioners are requesting a Special Permit/Finding to construct a two-story addition approximately 14.5 feet by 24 feet, which would have a minimum right side yard clearance of 13.11 feet from the right front corner; and an attached deck approximately 24 feet by 12 feet, which would have a minimum right side yard clearance of 11.8 feet from the right rear corner.

A Plot Plan dated January 31, 1996, drawn by Bruce Bradford, Professional Land Surveyor; undated, unsigned floor plans and elevations; and photographs were submitted.

On February 20, 1996, the Planning Board reviewed the petition and voted to recommend that although it had no objection to the request, the Zoning Board require better quality plans.

Decision

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

At the Public Hearing, this Authority unanimously found that although the proposed two-story addition and deck will intensify the existing nonconformance, as an additional 10.1% of the lot will become nonconforming, the proposed construction will not create any additional nonconformities, as the encroachment on the right side line will be less than that of the existing nonconforming structure. Therefore, it is the finding of this Authority that the proposed construction of the two-story addition and attached deck will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

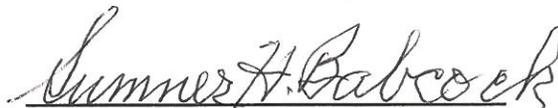
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and detailed construction plans.

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



Sumner P. Babcock



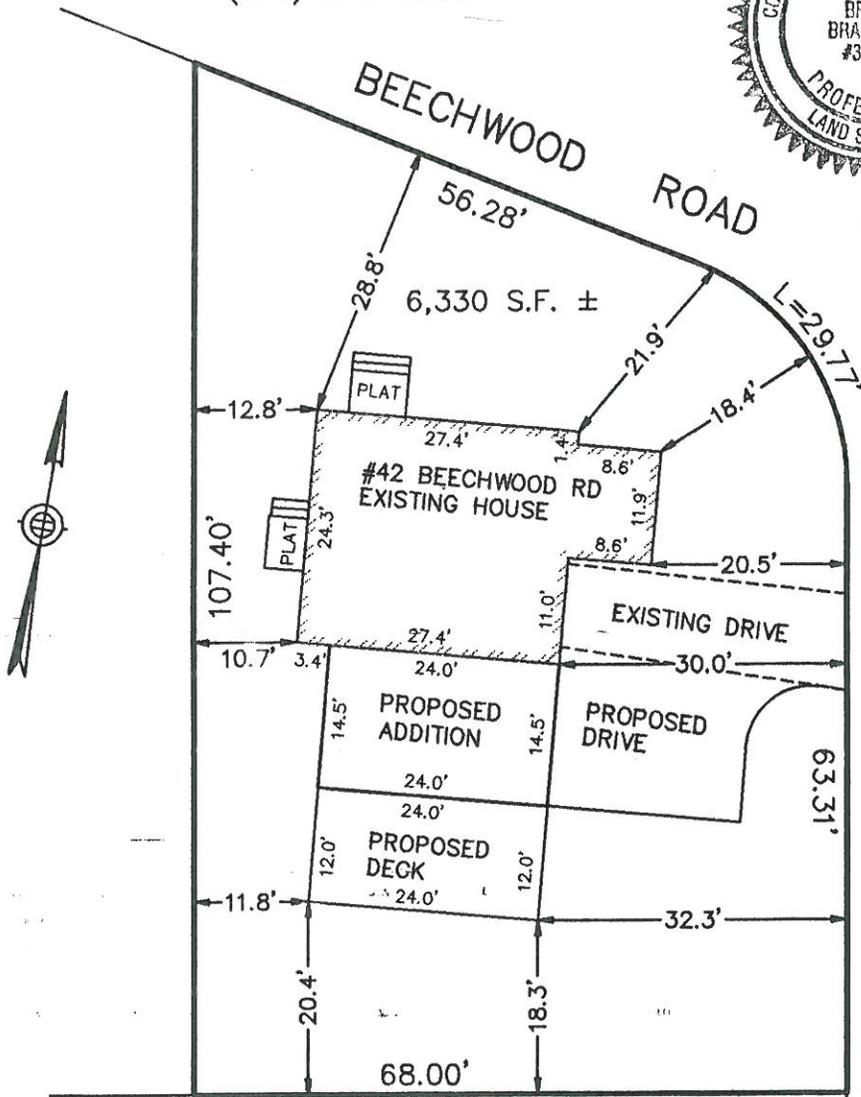
William E. Polletta

PLAN OF LAND IN WELLESLEY, MASS.

SHOWING PROPOSED ADDITIONS
#12 BEECHWOOD ROAD

SCALE 1 IN. = 20 FT JANUARY 31, 1996

PREPARED BY:
EVERETT M. BROOKS COMPANY
49 LEXINGTON STREET
WEST NEWTON MA 02165
(617) 527-8750



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LEXINGTON ROAD

LOT COVERAGE = 12.1% EXISTING
22.2% PROPOSED

OPEN SPACE = 84% ± EXISTING
68% ± PROPOSED