



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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

ELLEN D. GORDON  
Executive Secretary  
Telephone  
431-1019 X208

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY, MA 02127

WILLIAM E. POLLETTA  
FRANKLIN P. PARKER  
SUMNER H. BABCOCK

ZBA 96-21

Petition of M. Benjamin and Janet L. Howe  
5 Brookfield Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 18, 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 M. BENJAMIN AND JANET L. HOWE requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the following changes to their nonconforming dwelling with less than the required right and left side yard setbacks at 5 BROOKFIELD ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling:

1. Raising the ridge line of the existing garage roof approximately 10 feet to accommodate a second story addition approximately 22.5 feet by 20.3 feet with less than the required right side yard setback. There will be no change in the footprint.
2. Change of existing nonconforming 8 foot by 14 foot screen porch with less than the required left side yard setback to a three-season room. There will be no change in the footprint.

On April 1, 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 were Benjamin and Janet Howe. The Board had no questions and there was no person present who had any comment on the petition.

#### Statement of Facts

The subject property is located at 5 Brookfield Road, in a Single Residence District, on a 10,009 square foot lot. The nonconforming dwelling has a minimum right side yard clearance of 11.4 feet and a minimum left side yard clearance of 13.9 feet.

The petitioners are requesting a Special Permit/Finding to raise the ridge line of garage roof approximately 10 feet to accommodate a second story addition approximately 22.5 feet by 20.3 feet, which has a minimum right side yard clearance of 11.4 feet. There will be no change in the footprint.

The petitioners are also requesting a Special Permit/Finding to enclose an existing 8 foot by 14 foot screen porch for use as a three-season room. Said porch has a minimum left side yard clearance of 13.9 feet. There will be no change in the footprint.

ZBA 96-21

Petition of M. Benjamin and Janet L. Howe  
5 Brookfield Road

MAY 1 8 27 AM '96

A Plot Plan dated March 21, 1996, drawn by Mark P. Ryan, Professional Land Surveyor; Floor Plans and Elevations dated 3/15/96, drawn by Kathleen Williams, Registered Architect; and photographs were submitted.

RECEIVED  
TOWN CLERK'S OFFICE  
MAY 1 8 27 AM '96

The Planning Director commented that the addition over the garage will bring living space into the required setback area and will establish additional bulk encroachment. The Planning Staff suggests that this portion of the project may be substantially more detrimental than the existing nonconforming garage.

Decision

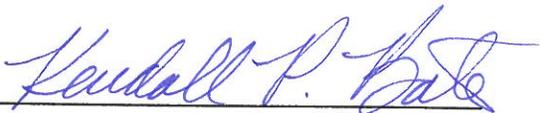
This Authority has made a careful study of the materials presented. The subject dwelling does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

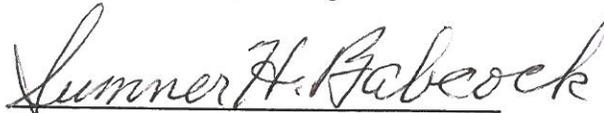
It is the unanimous finding of this Authority, as voted at the Public Hearing, that neither the addition of a second story above the existing nonconforming garage, nor the enclosure of the existing nonconforming screen porch will intensify the existing nonconformance or create additional nonconformities as there will be no change in the footprint of the garage or the porch.

Therefore, a Special Permit is granted for the construction in accordance with the submitted Plot Plan and construction drawings.

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

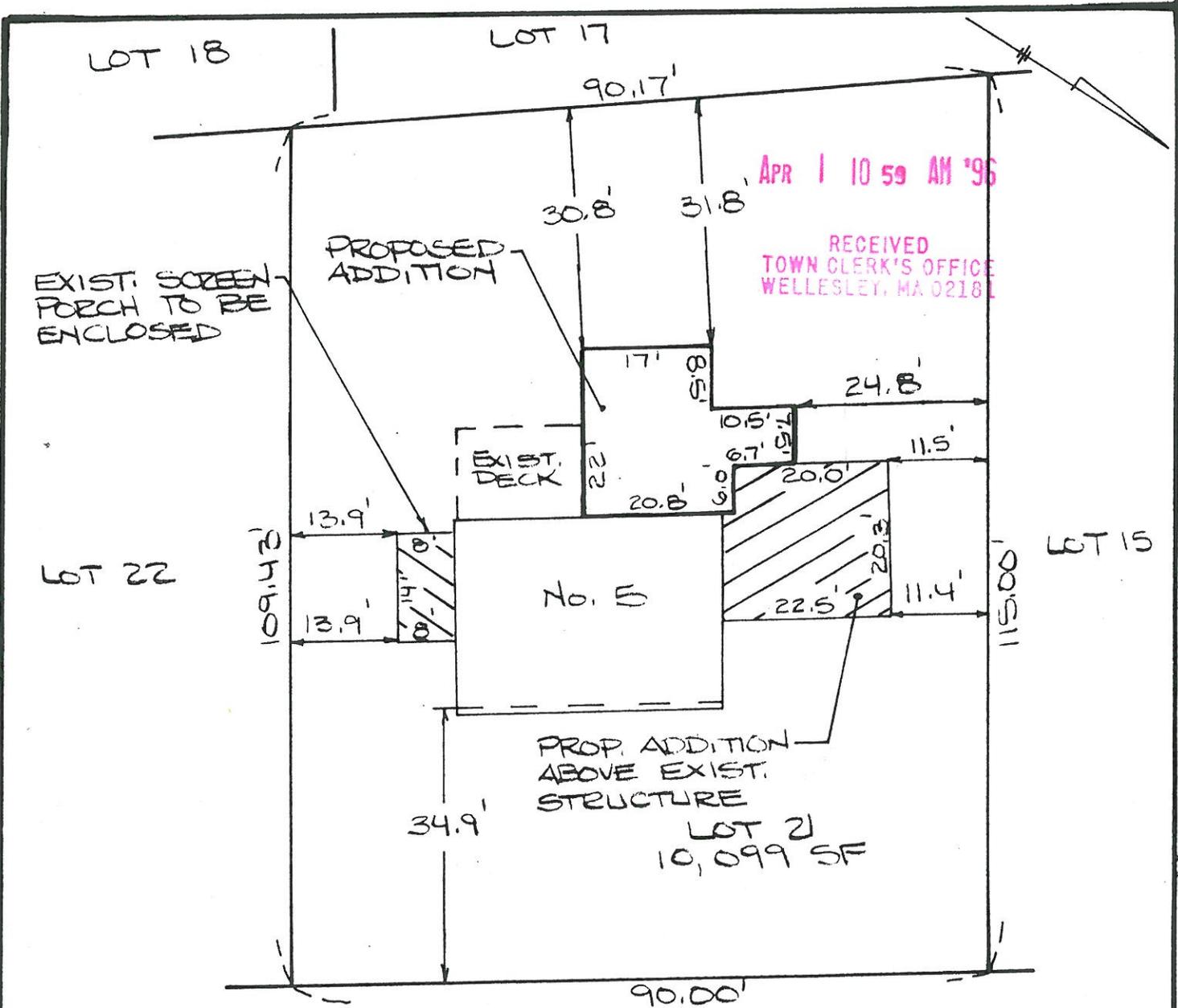
APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN  
THE OFFICE OF THE TOWN CLERK.

  
Kendall P. Bates, Acting Chairman

  
Sumner H. Babcock

  
William E. Polletta

cc: Planning Board  
Inspector of Buildings  
edg



BROOKFIELD ROAD



I hereby certify that the offsets to the existing and proposed structure are correct and that the structure does not lie within the special flood hazard area as shown on the F.I.R.M.

*Mark P. Ryan* 3.21.96  
Professional Land Surveyor

**Plan of Land  
in  
Wellesley, MA  
Scale: 1"=20'  
Mark P. Ryan  
32 Saunders Road  
Norwood, Ma  
March 21, 1996**