



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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May 1 8 30 AM '96

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ZBA 96-27

Petition of Robert C. Cerulle, Jr.
68 Fairbanks Avenue

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 ROBERT C. CERULLE, JR. requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the following additions to his nonconforming dwelling with less than the required right and left side yard setbacks at 68 FAIRBANKS AVENUE, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. Enclosure and incorporation into the interior structure of an existing 10.4 foot by 15.8 foot porch with less than the required right side yard setback. There will be no change in the footprint.
2. Raising the ridge line of the roof of the existing nonconforming garage, with less than the required left side yard setback, approximately 4 feet to accommodate a second story addition approximately 20 feet by 19.4 feet. There will be no change in the footprint.

On April 1, 1996, 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 Cerulle, who said that he had bought the house in August, and plans to make it his permanent residence. He will be married in September and intends to raise a family. The addition will result in a four bedroom home.

The Board noted that the Planning Board had objected to the second story addition above the garage as it would bring additional living space into a nonconforming area.

Leslie Shea, attorney representing William Eisen, the left side abutter, said that he was aware of Mr. Eisen's letter in opposition to the petition which the Board had received. Since writing the letter, Mr. Eisen has been convinced that Mr. Cerulle really plans to make the house his permanent home, and is not remodeling for resale. An agreement has been reached with Mr. Eisen that Mr. Cerulle will not put windows on the second story addition on the side of his house facing Mr. Eisen. The Eisens no longer have any objections to the petition.

Mr. Cerulle agreed that the windows on the north facade will be eliminated. Two windows, as shown in the plan, will be installed in the front facade. The rear facade also contains windows.

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The Board stated that, as the footprint will remain the same, and the parties have agreed to eliminate the north side windows, the project appeared to be allowable, with the condition that a revised drawing of the north side elevation depicting the elimination of the two windows in question be submitted to the office of the Board of Appeals prior to the issuance of the Building Permit.

Statement of Facts

The subject property is located at 68 Fairbanks Avenue, in a Single Residence District, on a 14,116 square foot lot. The nonconforming dwelling has a minimum left side yard clearance of 10.8 feet and a minimum right side yard clearance of 15.2 feet.

The petitioner is requesting a Special Permit/Finding to enclose an existing 10.4 foot by 15.8 foot porch, with a minimum right side yard clearance of 15.2 feet. There will be no change in the footprint.

The petitioner is also requesting a Special Permit/Finding to raise the ridge line of the existing garage roof approximately 4 feet to accommodate a 20 foot by 19.4 foot second story addition, which will have a minimum left side yard clearance of 10.3 feet. There will be no change in the footprint.

A Plot Plan dated March 25, 1996, drawn by Paul Sawtelle, Registered Land Surveyor; Floor Plans and Elevations dated 3/20/96, drawn by David Phillips, and photographs were submitted.

A letter in opposition to the petition dated April 12, 1996, was received from William and Susan Eisen, 64 Fairbanks Road.

The Planning Staff suggests that as the addition over the garage will bring living space well into the required setback area and will establish a significant two story bulk encroachment, 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 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 finding of this Authority, as voted unanimously at the Public Hearing that the proposed enclosure of the existing nonconforming porch, with less than the required right side yard

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clearance, will not be substantially more detrimental to the neighborhood than the existing nonconforming structure as there will be no change in the footprint, and therefore no intensification of the nonconformity nor creation of additional nonconformity.

In regard to the second story addition above the nonconforming garage, which has less than the required left side yard clearance, it is the finding of this Authority, as voted unanimously at the Public Hearing, that with the elimination of the second story windows on the north facade, said addition will not be substantially more detrimental to the neighborhood than the existing nonconforming structure as there is no change in the footprint and no intensification of the existing nonconformity.

Therefore, Special Permits are granted for the enclosure of the porch in accordance with the submitted plot plan and construction drawings; and for the second story garage addition, subject to construction in accordance with the plot plan and construction plans, on the condition that the north elevation drawing be revised to show the elimination of the two windows prior to the issuance of a building permit.

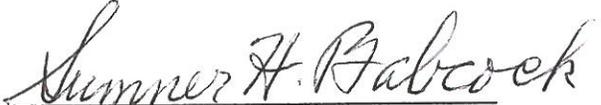
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon receipt and approval of a building application and detailed construction plans, following compliance with the above condition by the petitioner.

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



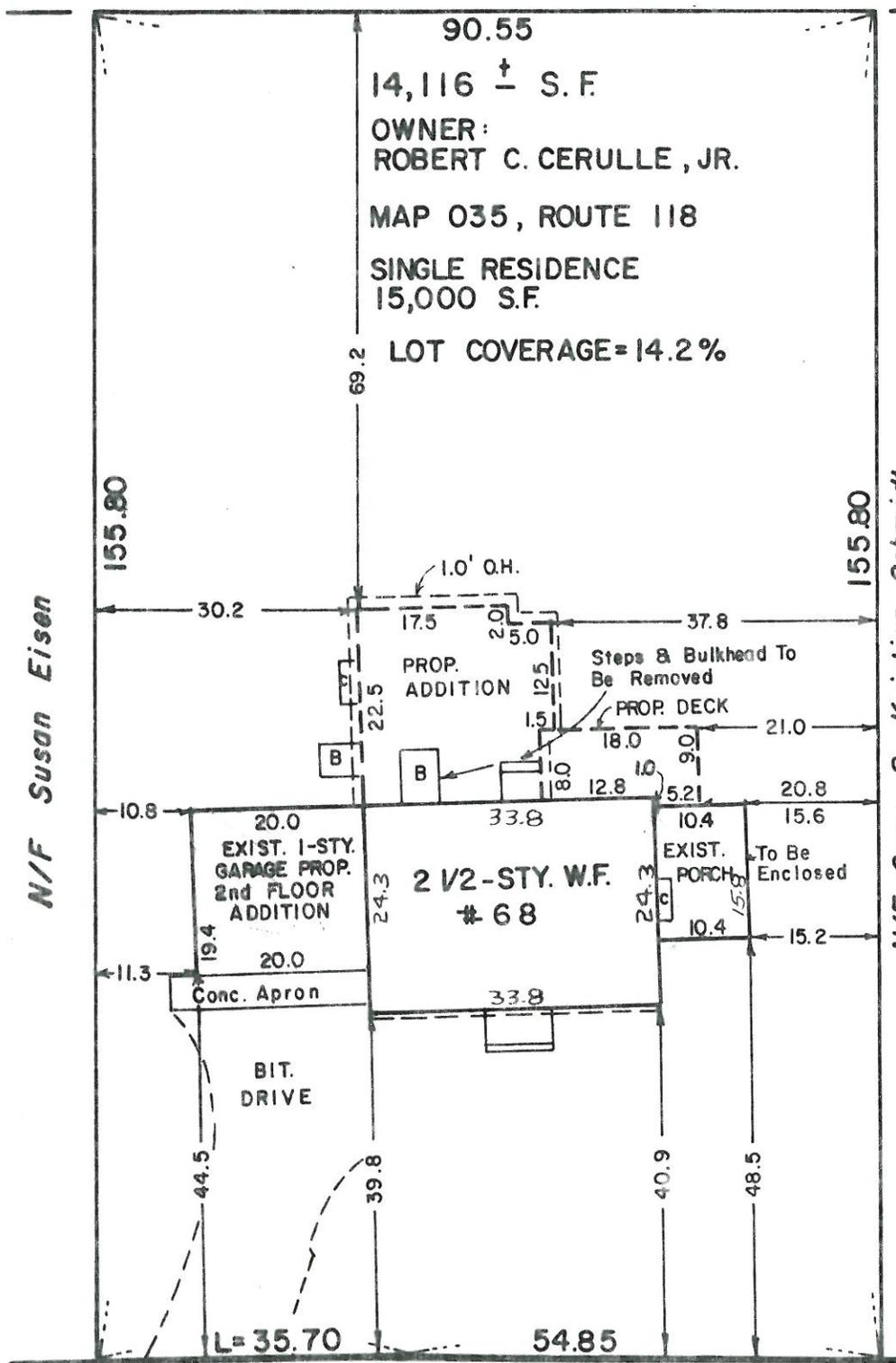
Sumner H. Babcock



William E. Polletta

N/F Frederic & Martha Frigoletto

N/F Robert & Janice Peretti



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FAIRBANKS AVENUE

PLAN OF LAND
IN

WELLESLEY, MASS.



Paul Santelle

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

MARCH 25, 1996
NEWTON, MASS.