

**ZONING BOARD OF APPEALS**

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02181-5992

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ZBA 97-18

Petition of Michael A. Carty  
48 Hundreds Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, February 27, 1997 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 MICHAEL A. CARTY requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow construction of a 16 foot by 32 foot two-story addition with less than the required left side yard setback, at his nonconforming dwelling with less than the required left and right side yard setbacks at 48 HUNDREDS ROAD, in a Single Residence District.

On February 10, 1997, 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 Michael Carty, who said that he is requesting a variance to construct a two-story addition at the back of his house. The present structure dates from the late 1930's and contains about 1,600 square feet, with three bedrooms and one bathroom. The family is expanding, and they would like to enlarge the kitchen and add a family room and half bath on the first floor, with a master suite above.

Dr. Carty said that the proposed addition will be more conforming than the existing house. If the addition were to conform, it would create problems with wetlands, as it would be closer to the brook which runs southeasterly across the rear of the property. The abutting neighbors have no problems with the petition.

The Board noted that the addition had been enlarged from the prior petition. Dr. Carty explained that two years ago, he had been granted a variance for a one-story addition which was never built. This request is for a two-story addition which is two feet longer.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 48 Hundreds Road, in a Single Family District, on a 13,440 square foot lot, with a minimum right side yard clearance of 14.8 feet and a minimum left side yard clearance of 16.8 feet. Indian Spring Brook flows southeasterly

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across the rear of the property.

The petitioner is requesting a variance to construct a 16 foot by 32 foot two-story addition, which will have a minimum left side yard clearance of 17.8 feet and will be located 13 feet from the brook.

A Plot Plan dated January 7, 1997 drawn by Paul J. DeSimone, Registered Land Surveyor; Floor Plans and Elevations (D1-D3, S2-S2, A1-A9) dated 12/20/96, drawn by David Michael Johnson, Registered Architect; and photographs were submitted.

On February 13, 1997, the Wetlands Protection Committee voted to issue a Negative Determination of Applicability with Conditions for the proposed work.

On February 25, 1997, the Planning Board reviewed the petition and recommended that the plan be modified to bring the construction into compliance with the side yard setback requirement.

#### 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 proposed two-story addition conforms to the present lines of the house and does not alter the relationship of the house to the left side lot line.

It is the opinion of this Authority that, because of the shape of the lot, the location of house on the lot, the topographical constraints and the presence of Indian Stream Brook bisecting the property, that a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested variance is granted, as voted unanimously by this Authority at the Public Hearing, to construct the 16 foot by 32 foot two-story addition, subject to construction in accordance with the submitted plot plan and construction drawings and further subject to compliance with all conditions of the Negative Determination of Applicability issued by the Wetlands Protection Committee.

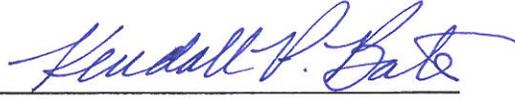
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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If the rights authorized by this variance are not exercised within one year of the date of grant of said variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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.

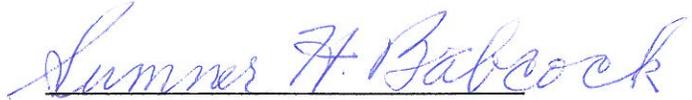
cc: Planning Board  
Wetlands Protection Committee  
Inspector of Buildings  
edg



Kendall P. Bates  
Kendall P. Bates, Acting Chairman



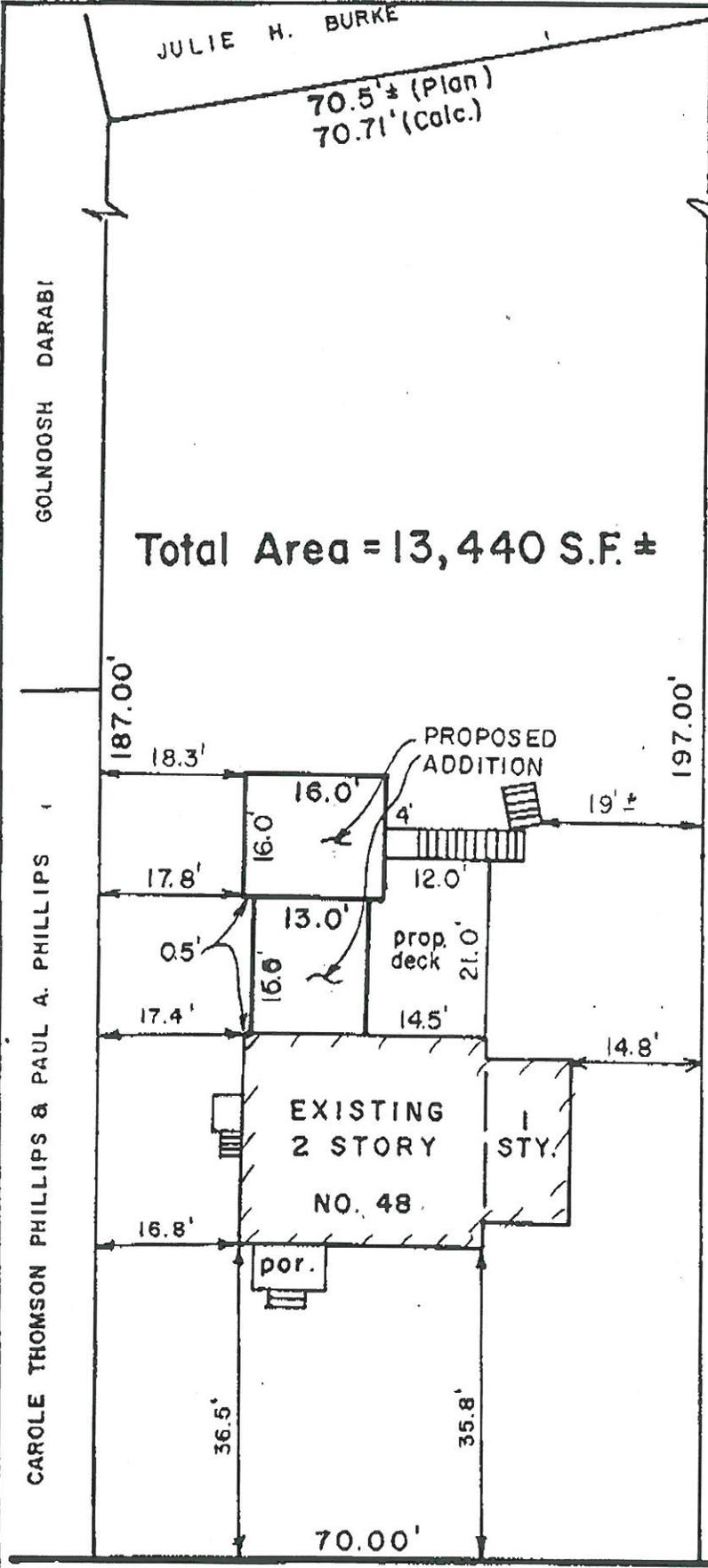
William E. Polletta  
William E. Polletta



Sumner H. Babcock  
Sumner H. Babcock

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**RATIO OF BUILDING TO LOT AREA**

REQUIRED: LESS THAN 25%

EXISTING: 7.04%

PROPOSED: 12.76%

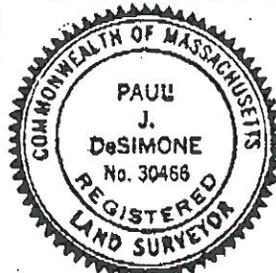
**NOTES:**

1. BEING LOT SHOWN ON A PLAN BY CAMERON BROTHERS, INC. DATED NOV. 7, 1994 AND RECORDED WITH NORFOLK REGISTRY OF DEEDS IN PLAN BOOK 426, PLAN 805 of 1994
2. THIS PLOT PLAN WAS MADE FROM AN INSTRUMENT SURVEY.
3. THIS PLOT PLAN IS TO ACCOMPANY AN APPLICATION FOR A VARIANCE TO ADD TO THE EXISTING STRUCTURE.

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GERARD W. & LYNNETTE C. FALLON

I HEREBY CERTIFY THAT THE EXISTING BUILDING SHOWN ON THIS PLAN IS LOCATED ON THE GROUND AS SHOWN THEREON.



*Paul J. DeSimone*

**CERTIFIED PLOT PLAN  
WELLESLEY, MA.**

SCALE: 1" = 20'

JANUARY 7, 1997

OWNER: MICHAEL CARTY

**HUNDREDS ROAD**