



## ZONING BOARD OF APPEALS

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

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ZBA 97-1

Petition of James and Karen Saffery  
10 Seaver Street

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WELLESLEY, MA 02158  
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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 30, 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 JAMES AND KAREN SAFFERY requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the proposed construction of a porch approximately 6.5 feet by 31 feet, which will have less than the required front setback from FRAMAR ROAD, at their nonconforming dwelling with less than the required front setbacks from both SEAVER STREET and FRAMAR ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On January 13, 1997, 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 James Saffery, who said that they are adding a two story addition, containing a family room and bedroom above, connecting the detached garage to the existing house. They would like to add a front porch facing Framar Road to the addition. The addition is conforming, but one portion of the porch will have less than the required 30 foot front setback.

The Board commented that a note on the submitted plot plan states that the porch is to be built later, and asked when this would occur. Mr. Saffery said that the addition has been permitted, but they have been awaiting the decision of the Board regarding the porch before starting construction. If the porch is not approved, they will have to redesign the plans.

No other person present had any comment on the petition.

### Statement of Facts

The subject property is located at 10 Seaver Street on the corner of Framar Road, in a Single Residence District, on an 11,578 square foot lot. The property contains a 2 1/2 story nonconforming dwelling, which has a minimum front yard clearance of 25.9 feet from Seaver Street and a minimum front yard clearance of 18.1 feet from Framar Road. The property also contains a detached 20 foot by 20 foot garage. The petitioners are planning to

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construct a conforming 22 foot by 20 foot two-story infill addition connecting the dwelling and the detached garage.

A Special Permit/Finding is requested that the construction of a 31 foot by 6.5 foot porch, which will have a minimum front yard clearance of 24 feet from Framar Road, will not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling.

A Plot Plan dated 12/1/96 drawn by Philip L. Pattison, Registered Land Surveyor; Floor Plans and Elevations dated November 11, 1996, drawn by JSK Architects; and photographs were submitted.

On January 23, 1997, the Planning Board reviewed the petition and had no objection to the request provided that the garage is not converted to active living space.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject dwelling has less than the required front setback from Framar Road, as will the proposed porch, as noted in the foregoing Statement of Facts.

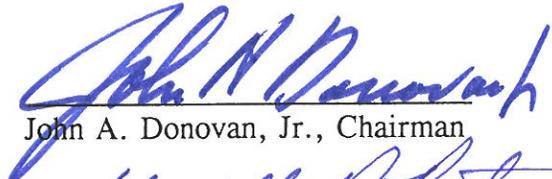
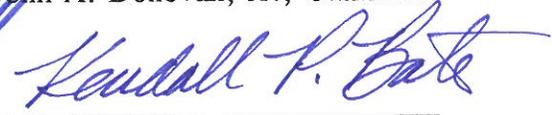
It is the finding of this Authority that the subject porch will not intensify the existing nonconformance, nor will it create any new nonconformity as it will be 24 feet from the Framar Road property line, while the existing house has a nonconforming front setback of 18.1 feet from Framar Road. Furthermore, only the portion of the porch at the right front corner will be nonconforming, as the right rear portion of the porch has a conforming setback of 34 feet.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the proposed porch subject to construction in accordance with the submitted plot plan and construction drawings.

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

APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAW, 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.

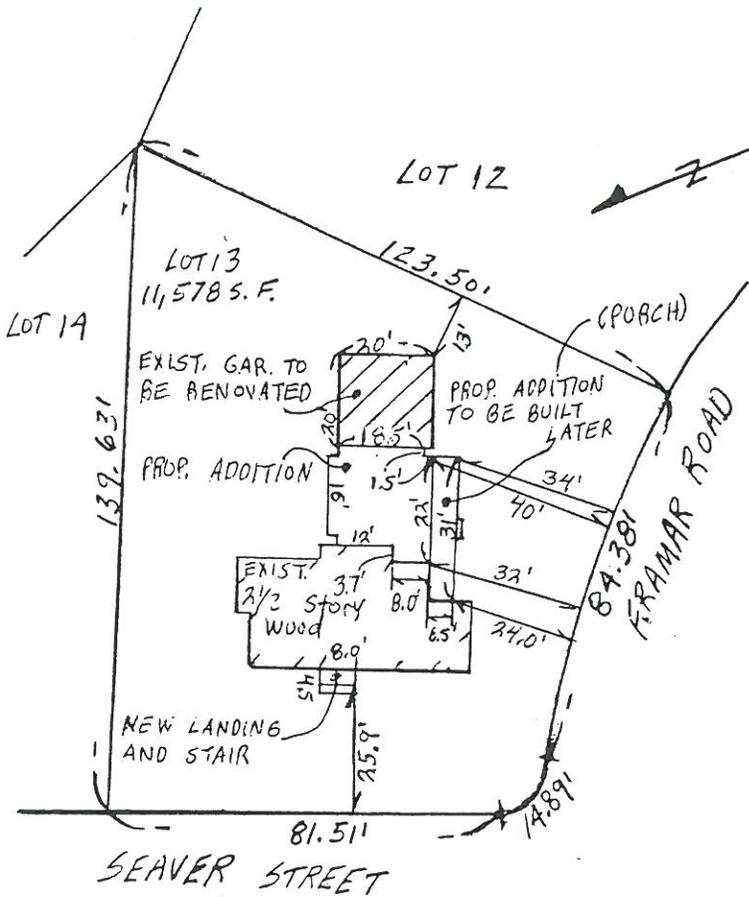
cc: Planning Board  
edg Inspector of Buildings

  
John A. Donovan, Jr., Chairman  
  
Kendall P. Bates

  
Robert A. Bastille

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PLAN OF PROPOSED CONSTRUCTION



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 JAN 13 10 46 AM '97

1 = INCLUDING PORCH TO BE BUILT LATER  
 2 = NOT INCLUDING " " " " "



*Handwritten signature: P. L. Pattison*

EXISTING LOT COVERAGE: 13,407<sup>0</sup>      PROPOSED LOT COVERAGE: 19,207<sup>0</sup>, 17,507<sup>0</sup>

Building setbacks (if any) shown on this plan are measured from building siding unless otherwise noted.

This plan is to be used only by the owner listed below, and contains only as much accuracy as is required to obtain a permit for the proposed improvements shown hereon (if any). Setbacks (distances shown from proposed or existing improvements to property lines) cannot be used to establish property lines or to locate fences, landscaping, or any other improvements not shown on this plan.

Professional Survey is not responsible for takings, easements or conveyances not contained in deed provided (or referenced) by client or by assessor.

Owner: JAMES SAFFERY  
 Address: 10 SEAVER STREET  
 WELLESLEY, MA.

Deed Book: 9281

Page: 248

County: NORFOLK

Date: 12-1-96

Scale: 1" = 40'

PROFESSIONAL SURVEY  
 Arlington, MA (617) 646-1839