

**ZONING BOARD OF APPEALS**

Nov 10 2 02 PM '97

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

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ZBA 97-84

Petition of Timothy P. and Karen M. Baldwin  
45 Ingraham Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 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 TIMOTHY P. AND KAREN M. BALDWIN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the following alteration and additions to their nonconforming dwelling, with less than the required left side and front yard setbacks at 45 INGRAHAM ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling:

1. Enclosure of existing nonconforming 4.6 foot by 7 foot porch and incorporation into the internal structure of the dwelling. Said porch has less than the required left side yard setback. There will be no change in the footprint.
2. Construction of a 3.5 foot by 4.6 foot covered landing, which will have less than the required left side yard setback.
3. Construction of a 20 foot by 12.7 foot two-story addition, which will have less than the required left side yard setback.

On October 14, 1997, the petitioners requested 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 Timothy Baldwin, who said that they bought the house in 1991. Since then, they have had two children and need more space. The addition will include a family room and half bath on the first floor, and another bedroom and master bath on the second floor. The proposed addition will be less nonconforming than the existing house. He has met with his neighbors, and they are in support of the petition.

The Board noted that one of the construction sketches shows the bulkhead as remaining, while the plot plan states that the bulkhead will be removed.

Mr. Baldwin said that their architect recommended building the deck over the bulkhead with a trap door leading to the bulkhead. If this proves to be impossible, they will relocate the bulkhead to the Vane Street side of the house.

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The Board stated that the plot plan should be corrected to conform with the plans.

No other person present had any comment on the petition.

#### Statement of Facts

The subject nonconforming dwelling is located at 45 Ingraham Road, in a Single Residence District, on an 8,442 square foot lot, and has a minimum front yard setback of 29.8 feet and a minimum left side yard setback of 5.4 feet.

The petitioners are requesting a Special Permit/Finding that the enclosure of a 7 foot by 4.6 foot porch with a minimum left side yard clearance of 10 feet; the construction of a 3.5 foot by 4.6 foot roofed landing with a minimum left side yard clearance of 6.5 feet and construction of a two-story 20 foot by 12.7 foot addition with a minimum left side yard clearance of 17.6 feet will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A plot plan dated August 28, 1997, drawn by Paul J. Sawtelle, Registered Land Surveyor; Floor Plans and Elevations dated 5/15/97, revised 6/1/97, drawn by David Amory Architects; and photographs were submitted.

On October 21, 1997, the Planning Board reviewed the petition and recommended no opposition to the enclosure of the porch or construction of the covered stair landing. However, the Board believed that the addition should be made to conform to the 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 finding of this Authority that neither the porch enclosure, nor the construction of the covered landing and the two-story addition will be substantially more detrimental to the neighborhood as the porch enclosure and the two additions will neither intensify the existing nonconformance nor create additional nonconformity.

Therefore, this Authority grants the requested Special Permit for construction, as voted unanimously at the Public Hearing, on the condition that a revised plot plan showing the existence of the bulkhead be submitted to the office of the Board of Appeals prior to the issuance of any building permit.

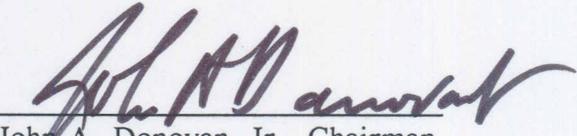
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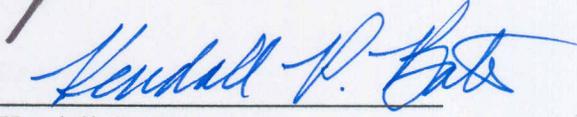
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Subsequent to compliance with the aforesaid condition, the Building Inspector is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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.

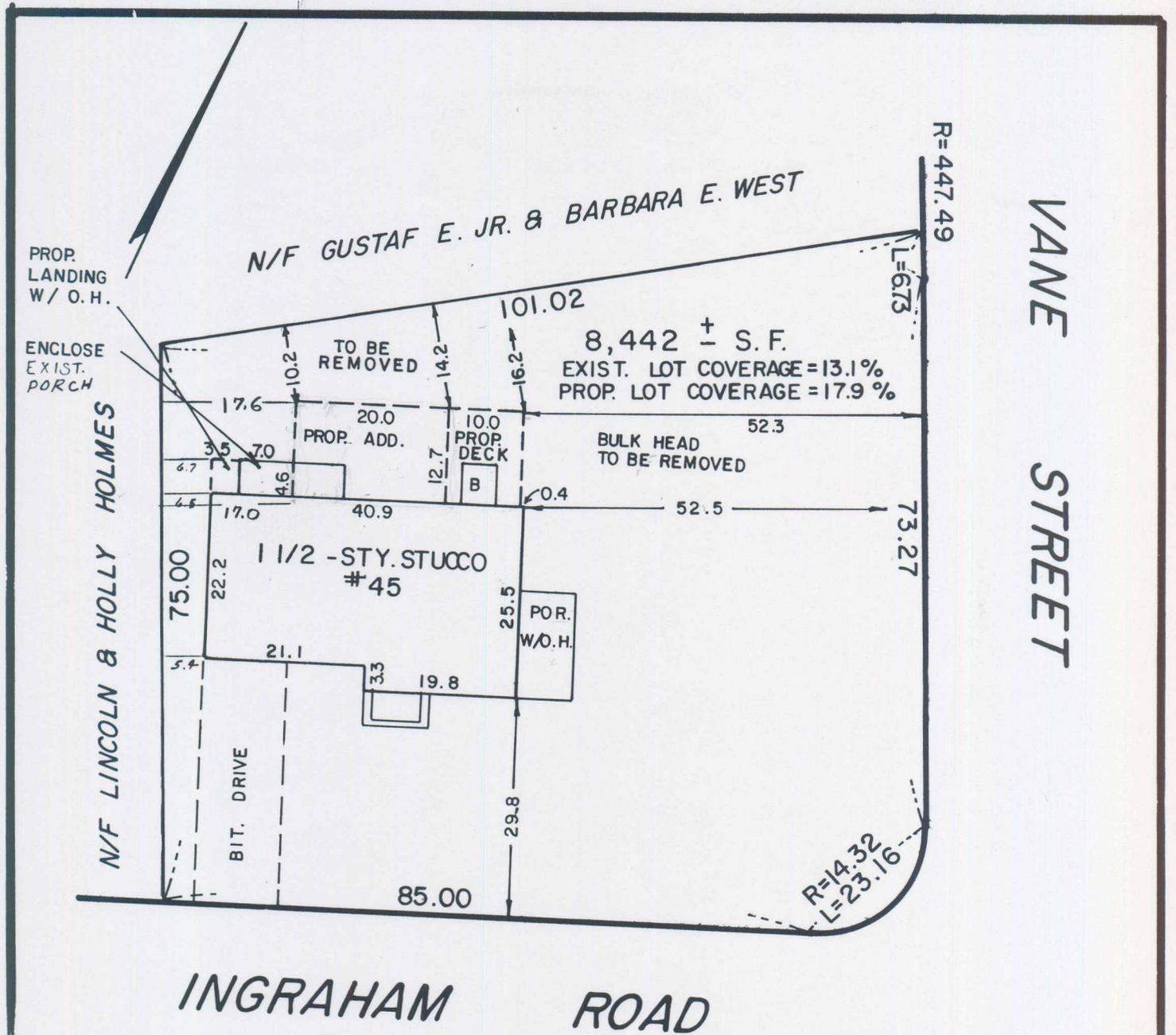
cc: Planning Board  
Inspector of Buildings  
edg

  
\_\_\_\_\_  
John A. Donovan, Jr., Chairman

  
\_\_\_\_\_  
Kendall P. Bates

  
\_\_\_\_\_  
William E. Polletta

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RECORD OWNER:  
TIMOTHY P. & KAREN M.  
BALDWIN

ASSESSORS REF.:  
MAP 126, LOT 22

BUILDING ZONE :  
SINGLE FAMILY  
10,000 S.F.

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PLAN OF LAND  
IN

**WELLESLEY, MASS.**

*Paul Sawtelle*

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

AUGUST 28, 1997  
NEWTON, MASS.