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WELLESLEY, MA 02181**ZONING BOARD OF APPEALS**

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

Nov 10 2 04 PM '97

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ZBA 97-87

Petition of Burt Development Company, Inc.
39 Summit 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 BURTT DEVELOPMENT COMPANY, INC. requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the raising of the ridge line of the first floor roof approximately 11.5 feet to accommodate a 32.4 foot by 40.4 foot second story addition, which will have less than the required left and right side yard setbacks, at its nonconforming dwelling with less than the required left and right side yard setbacks, at 39 SUMMIT ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On October 14, 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 Steve Burt, who said that he purchased 39 Summit Road, which is a 1910 bungalow, in August of this year. Mr. Burt presented pictures of the abutting two-story homes, and noted that his property is the only one-story dwelling in this section of Summit Road. He would like to add a nonconforming second story, and a conforming family room and garage at the rear. The lot coverage will increase from 9% to 17%, which is less than the allowed 20%. The roof, at its peak, will be 32 feet, which is less than the allowed 36 feet.

Mr. Burt stated that he would probably remove the porch on the right side because the driveway will be added on the right. He is not planning to take down any more of the structure, and will be adding a second fireplace.

Teresa Goetzl, 35 Summit Road, expressed opposition to the petition. She said that although the 2.5 foot encroachment may seem minimal, it has a large impact on her family. She is concerned about the noise level, which is irritating to the whole family, but particularly impacts her autistic son. The proximity of the house has already been a problem when their prior elderly neighbor watched television, or had visitors. There will also be a loss of light due to the second floor, and the remaining space between the houses will feel too tight with the addition.

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Phil Berestecki, 36 Summit Road, asked to view the plans. He wanted assurance that the outcome would not result in a structure similar to the "Blue Taj Mahal" on Crown Ridge Road, and wanted to make certain that the addition would be in proportion to the rest of the neighborhood. After viewing the plans, he had no objection to the addition.

Mary Ellen Laak, 45 Summit Road, expressed support for both the petition and the builder. She felt that noise from a small home would be lessened in a larger, quality built home.

The Board commented that the footprint of the house above which the second story is requested will not change. The Board is sympathetic to a noise problem, but has no authority over noise decibels other than the OSHA standards.

Statement of Facts

The subject property is located at 39 Summit Road, in a Single Residence District, on a 10,184 square foot lot, and has a minimum right side yard clearance of 17.9 feet and a minimum left side yard clearance of 19.3 feet.

The petitioner is requesting a Special Permit/Finding that the raising of the ridge line of the roof 11.5 feet above the first floor of the dwelling to accommodate a 40.4 foot by 32.4 foot second floor addition, which will have a minimum right side yard clearance of 17.9 feet and a minimum left side yard clearance of 19.3 feet, will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated September 22, 1997, drawn by George Guinta, Registered Land Surveyor; Floor Plans and Elevations dated 9/22/97, drawn by CDL Design Service; and photographs were submitted.

On October 21, 1997, the Planning Board reviewed the petition and had no objection to the granting of the request.

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 the proposed 11.5 foot raising of the ridge line of the first floor roof in order to accommodate a full second story addition with a new ridge line of 32 feet will not be substantially more detrimental to the neighborhood as there will be no change in the footprint; the ridge line of the roof will have a height less than the allowed 36 feet; and the addition of a second story will not create additional nonconformance.

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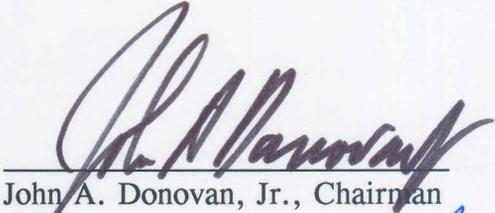
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Therefore, a Special Permit is hereby granted, as voted unanimously by this Authority at the Public Hearing, for the proposed addition subject to construction in conformance with the submitted plot plan and construction drawings.

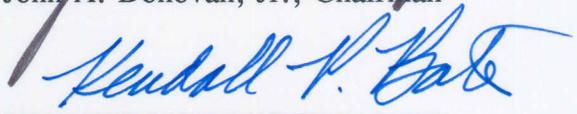
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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

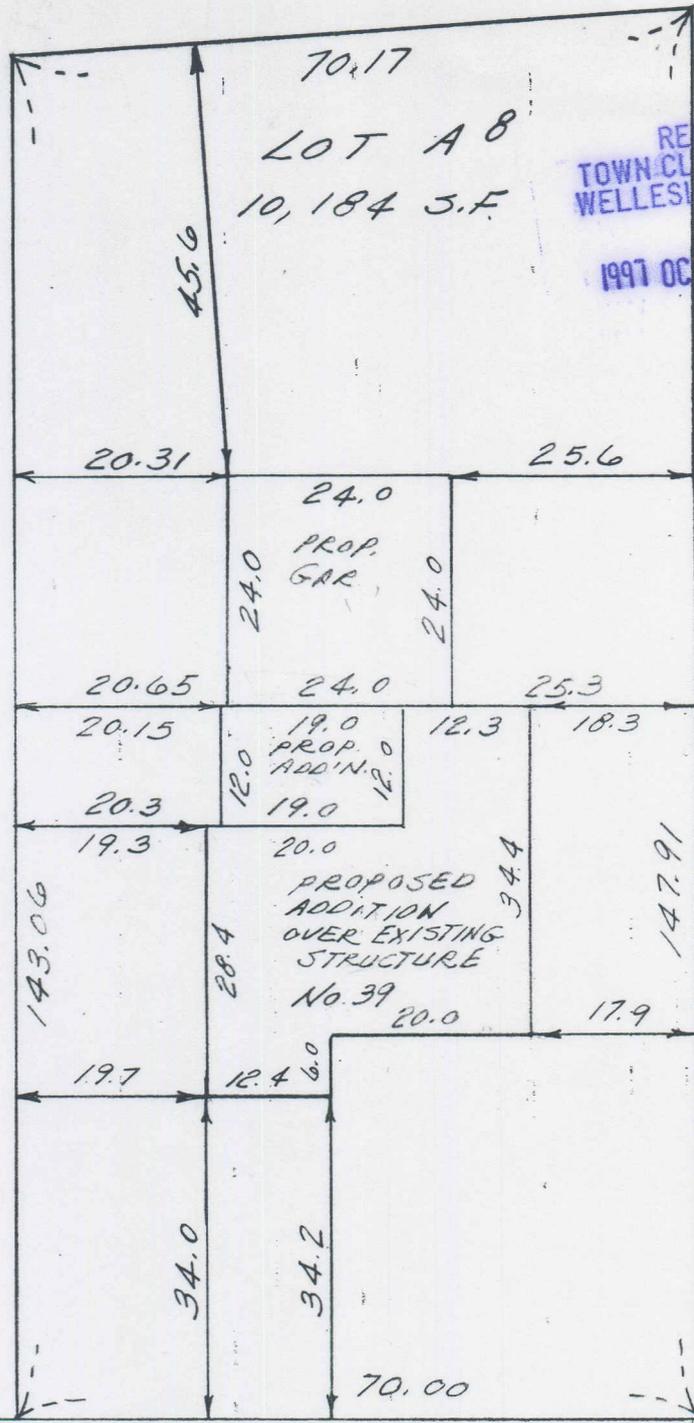


Kendall P. Bates



William E. Polletta

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1997 OCT 14 A 11:04

LOT COV. EXIST = 9.31%
LOT COV. PROP. = 17.20

SUMMIT ROAD

**PLOT PLAN OF LAND
WELLESLEY---MASS.**

SEPT. 22, 1997 SCALE 1"=20'
NEEDHAM SURVEY ASSOCIATES, INC.
281 CHESTNUT STREET
NEEDHAM, MA. 02192

