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

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

1998 FEB 12 A 10:49

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ZBA 98-5

Petition of Marjorie Marks and Alan Carney  
28 Crescent Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 29, 1998 in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of MARJORIE MARKS AND ALAN CARNEY 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 roof approximately 6 feet above their existing nonconforming one-car garage and mudroom connector, with less than the required rear yard setback, to construct a 19 foot by 40.5 foot second story addition, with less than the required rear yard setback, at their nonconforming dwelling at 28 CRESCENT STREET, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There will be no change in the footprint.

On January 12, 1998, 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 Marjorie Marks, who, by use of a model, showed the Board both the existing and proposed dwelling. She explained that they are requesting the Special Permit to build a second story addition above their garage and mudroom. They have a large lot, but the house is located very close to the rear property line. The property abuts the Cochituate Aqueduct at the rear. There is also a fairly steep incline behind the house.

The Board noted that in the variance granted in 1984 to build the mudroom connector, the Planning Board had recommended that the addition remain at single story height. However, the Board further commented that the recommendation had not been incorporated as a condition in the ZBA decision.

Ms. Marks said that the house and garage were constructed in 1875 in their present location. Only the mudroom connector was added in 1984.

The Board asked what the use of the addition would be. Ms. Marks said that the space will be used either for a family room or an office. The Board emphasized that although it could not restrict the use of the space, if the space were to be used for an office, Ms. Marks would need either a home occupation permit from the Building Department if no clients were coming to the house and/or if there were no non-resident employees. If either or both of

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these conditions were to exist, she would have to petition the Board for a Special Permit for a home occupation.

No other person present had any comment on the petition.

#### Statement of Facts

The subject nonconforming dwelling is located at 28 Crescent Street, in a Single Residence District, on a 21,082 square foot lot, and has a minimum rear yard setback of 1.2 feet.

The petitioners are requesting a Special Permit/Finding that the raising of the ridge line of the roof above the garage and mudroom approximately 6 feet to accommodate a 19 foot by 40.5 foot second story addition with a minimum rear yard clearance of 1.2 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There will be no change in the footprint.

A Plot Plan dated December 12, 1997, revised December 16, 1997, drawn by Bruce Bradford, Professional Engineer; Floor Plans and Elevations dated 12/15/97, drawn by Marjorie Marks; and photographs were submitted.

On January 20, 1998, 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 second story addition will intensify the existing nonconformance, as living space will be added where none presently exists, but it will not create new nonconformance as there will be no change in the footprint.

The Board further finds that the addition will not be substantially more detrimental to the neighborhood as the rear yard abuts the Cochituate Aqueduct which will never contain a structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, to allow the ridge line of the roof above the garage and mudroom to be raised approximately 6 feet to accommodate the 40.5 foot by 19 foot second story addition, subject to construction in accordance with the submitted Plot Plan and construction drawings; and further subject to the understanding that should the addition be used as a home office at any time in the future, the petitioner will apply to the Building Department or to the Board of

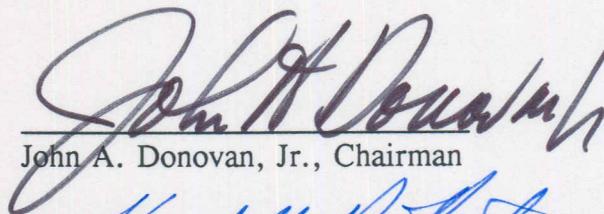
ZBA 98-5  
Petition of Marjorie Marks and Alan Carney  
28 Crescent Street

Appeals for the requisite permit as discussed at the Public Hearing.

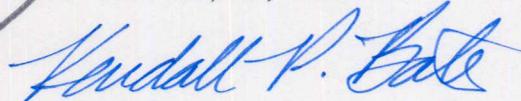
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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.

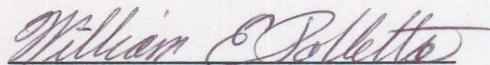
cc: Planning Board  
Inspector of Buildings  
edg



John A. Donovan, Jr., Chairman



Kendall P. Bates



William E. Polletta

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# PLAN OF LAND IN WELLESLEY, MA.

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1998 JAN 12 A 11: 24

28 CRESCENT STREET  
SHOWING EXISTING CONDITIONS

SCALE 1 IN. = 40 FT DECEMBER 12, 1997  
REVISED DECEMBER 16, 1997

PREPARED BY:  
EVERETT M. BROOKS COMPANY  
49 LEXINGTON STREET  
WEST NEWTON MA 02165  
(617) 527-8750

PROJECT NO. 19160

