

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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WELLESLEY, MA 02181

1999 NOV -5 A 8:55  
ROBERT A BASTILLE  
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ZBA 99-76

Petition of Brian A. and Judy Dow Kelley  
8 Roberts Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 21, 1999 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 BRIAN A. AND JUDY DOW KELLEY requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a 22 foot by 18 foot one-story addition with a 7 foot by 4 foot landing and stair, with less than the required left side yard setback, at 8 ROBERTS ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On October 4, 1999, 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 were Judy and Brian Kelley. Mrs. Kelley said that they would like to build a one-story family room addition at the back of the house. The house is currently nonconforming on a pie-shaped lot. The den and living room are 12 feet and 15 feet respectively from the left side lot line. The addition, which will be 16.8 feet from the left side line, will be less nonconforming than the existing house. The neighbors have no objections.

The Board asked if the existing garage would be totally demolished. Mrs. Kelley said that the garage would be demolished, but that they will build on a portion of the foundation. The rear part of the garage foundation will be completely removed.

The Board asked if the Kelleys had considered alternatives so that the addition would be conforming. Mrs. Kelley said that originally they were planning to build farther to the right behind the existing garage, but then the addition would not line up with the existing kitchen. The Board agreed that the lot was a difficult one with which to work.

The Board noted that the Planning Board had no objection to the petition and acknowledged the unusual shape of the lot.

No other person present had any comment on the petition.

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Statement of Facts

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The subject property is located at 8 Roberts Road, in a Single Residence District, on a 9,928 square foot pie-shaped lot, and has a minimum left side yard setback of 12.3 feet.

The petitioners are requesting a Special Permit/Finding that the construction of a one-story 22 foot by 18 foot addition with a minimum left side yard setback of 16.8 feet, with a 7 foot by 4 foot landing and stair, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A plot plan dated September 28, 1999, drawn by George N. Giunta, Registered Land Surveyor; Existing and Proposed Floor Plans and Elevations dated September 20, 1999, drawn by Joseph P. Quinan; and photographs were submitted.

On October 19, 1999, the Planning Board reviewed the petition and had no objection to granting the request in that there would be no further encroachment on the side lot line, and the lot is of an unusual shape.

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 with the current Zoning Bylaw as noted in the foregoing Statement of Facts.

It is the finding of this Authority that the construction of the one-story 22 foot by 18 foot one-story addition with the 7 foot by 4 foot landing and stair shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure as there will be no new nonconformance, and no intensification of the existing nonconformance.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the construction of the one-story addition, landing and stair, subject to construction in accordance with the submitted plot plan and construction drawings.

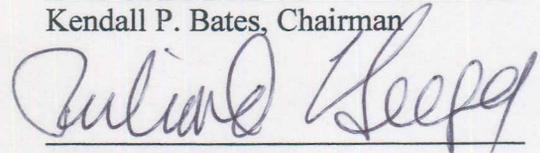
The Inspector of Buildings is hereby authorized to issue a permit for construction upon his receipt and approval of a building application and detailed construction plans.

APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40B,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS PETITION IN  
THE OFFICE OF THE TOWN CLERK.

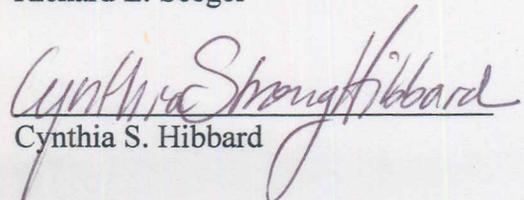
Cc: Planning Board  
Inspector of Buildings  
edg



Kendall P. Bates, Chairman



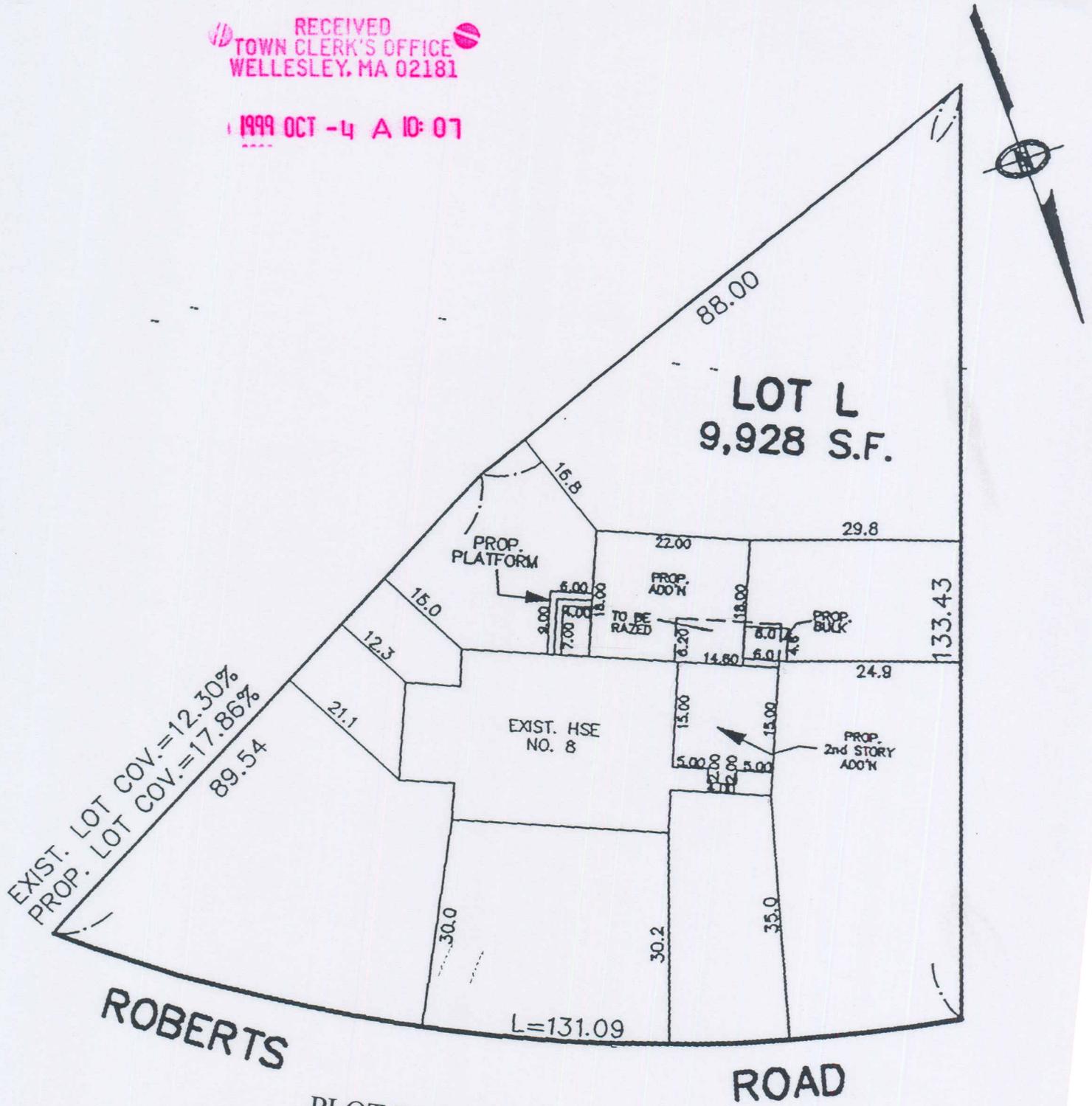
Richard L. Seegel



Cynthia S. Hibbard

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1999 OCT -4 A 10:07



PLOT PLAN OF LAND  
WELLESLEY, MASS.

Sept. 28, 1999 SCALE 1" = 20'  
NEEDHAM SURVEY ASSOCIATES, INC.  
281 CHESTNUT ST.  
NEEDHAM, MA. 024924

