



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 88-62
Petition of L. Donald Gilmore
26 Pickere1 Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, July 21, 1988 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley, on the petition of L. DONALD GILMORE requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow the raising of his roof approximately 10 feet to accommodate a second floor addition approximately 28 feet by 35 feet at his non-conforming dwelling at 26 PICKEREL ROAD, in a Single Residence District, with less than the required right side yard.

On July 5, 1988, the petitioner requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was L. Donald Gilmore who said that the construction would be on the existing footprint of the house and that there would be no further encroachment onto the right side yard.

No other persons present had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 26 Pickere1 Road in a Single Residence District, on a 10,606 square foot lot with a minimum right side yard clearance of 15.75 feet.

The subject property is also within the Wetlands Protection Act Buffer Zone of Morses Pond. On July 14, 1988, the Wetlands Protection Committee made a determination that the proposed construction at 26 Pickere1 Road did not require filing of a Notice of Intent.

The petitioner is requesting a variance to raise the roof of his dwelling approximately 10 feet to accommodate a second floor addition approximately 28 feet by 35 feet, leaving a right side yard of 15.75 feet.

A Plot Plan dated June 25, 1988, drawn by Alexander Crucio1i, Registered Land Surveyor; construction plans dated March 17, 1988, revised March 22, 1988, revised June 1, 1988, drawn by Gorman Richardson Associates, Inc.; and photographs were submitted.

The Planning Board, on July 12, 1988, voted to offer no objection to the request.

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Decision

This Authority has made a careful study of the evidence presented. The subject house does not conform to the present Zoning Bylaws as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that the proposed second story addition conforms to the present lines of the house and does not alter the relationship of the house to the right side lot line.

It is the opinion of this Authority that, because of the shape of the lot and the location of the house on the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

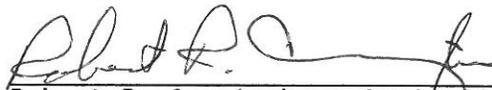
Therefore, the requested variance is granted to construct a second floor addition subject to construction in accordance with the Plot Plan and construction plans submitted as noted in the Statement of Facts, coming no closer than 15.75 feet from the right side lot line.

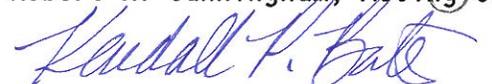
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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


Robert R. Cunningham, Acting Chairman


Kendall P. Bates


William E. Polletta

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PLAN OF LAND

IN

WELLESLEY - MASS

Scale: 1"=20' JUNE 25, 1988.

SURVEYOR Alexander Crucioni
ACRES-ENGINEERS, SURVEYORS, INC.
57 Winthrop Rd
Chelsea, Mass.

