



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

DEC 4 8 33 AM '91

JOHN A. DONOVAN, JR., Chairman  
ROBERT R. CUNNINGHAM  
KENDALL P. BATES

ELLEN D. GORDON  
Executive Secretary  
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WILLIAM E. POLLETTA  
FRANKLIN P. PARKER  
SUMNER H. BABCOCK

ZBA 91-55  
Petition of Arthur and Eileen Goss  
46 Shore Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 21, 1991, at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) in the Town Hall, 525 Washington Street, Wellesley, on the petition of ARTHUR AND EILEEN GOSS requesting a Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the structural change to their pre-existing nonconforming structure with less than the required left, right and front yard setbacks, located at 46 SHORE ROAD, in a Single Residence District, shall not be more detrimental to the neighborhood than the existing nonconforming structure. Said change in structure shall consist of removal of a nonconforming porch, a portion of which is located on the abutting property at 50 SHORE ROAD, and the addition of a second story approximately 31 feet 6 inches by 16 feet 1 inch, which would necessitate raising the ridge line of the existing roof approximately 10 feet.

On November 4, 1991, 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 were Arthur and Eileen Goss, who were accompanied by their builder, Paul Emery. Mr. Emery said that it was obvious from the plot plan that there is no room for expansion in any direction but up. The house is very small and is occupied by three people year round and four in the summer. The addition of a second floor will allow construction of a bedroom on the basement level, common space on the first level and a large bedroom on the second level. The neighbors have no objection to the addition.

Mr. Emery said that the drop from the street to the rear of the property is between 15 and 17 feet. In answer to the Board's question regarding the comparative heights of neighboring houses, Mr. Emery said that the Town of Wellesley owns the abutting property on the left on which there are no structures; the house on the right is level with the Goss's house; the property across the street rises about 45 feet from street level. The addition will not be taller than other two-story houses in the neighborhood.

No other person present had any comment on the petition.

#### Statement of Facts

The subject property is located at 46 Shore Road, in a Single Residence District, on a 3,400 square foot lot, a portion of which is beyond the edge of the water in Morses Pond, and includes a Town of Wellesley Sewer Easement which runs parallel to the water's edge across the rear of the property at a width of approximately 20 feet. The house has a minimum front setback of 9.41 feet; a minimum left side

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setback of 6.60 feet at the left rear corner; and a minimum right side setback of 9.66 feet at the right front corner.

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In August, 1942, the Board of Appeals granted a variance allowing construction of an uncovered porch and railing approximately 6 feet wide on the right side of the dwelling (ZBA 42-9). The submitted plot plan showed the porch within 3 feet of the right side lot line. The plot plan submitted with the current petition shows a portion of the previously allowed porch to be located on the abutting property at 50 Shore Road. The petitioners propose to remove this porch which will leave a minimum right side yard clearance of 3.37 feet at the right rear corner of the dwelling.

The petitioners are requesting a Finding that the removal of said nonconforming porch and the addition of a second story approximately 16 feet 1 inch by 31 feet 6 inches, identical to the foundation dimensions, which necessitates raising the ridge line of the roof approximately 10 feet, shall not be more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated October 23, 1991, drawn by U.M. Schiavone, Professional Land Surveyor; construction drawings and elevations dated October 21, 1991, drawn by Paul Emery; and photographs were submitted.

The Wetlands Protection Committee issued a Negative Determination of Applicability with Conditions on November 8, 1991.

On November 13, 1991, the Planning Board reviewed the petition and voted to offer no opposition to the granting of the requested Finding.

#### Decision

This Authority has made a careful study of the materials presented. The subject dwelling is a pre-existing nonconforming structure as noted in the foregoing Statement of Facts.

This Authority finds that the removal of the nonconforming porch on the right side of the dwelling and the construction of a second story as described in the foregoing Statement of Facts shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There will be no further encroachment on the nonconforming side or front yard setbacks and, in fact, the removal of said porch will render the property less nonconforming than it is at present. The height of the second story is in keeping with the height of other dwellings in the neighborhood and the addition will not reduce the value of any property within the neighborhood, nor will it be injurious or offensive to the neighborhood.

Therefore, a Special Permit pursuant to Section XVII and Section XXV of the Zoning Bylaw is hereby granted for removal of said porch and construction of the second story including raising of the ridge line of the roof in accordance with the plot plan and construction drawings as noted in the foregoing Statement of Facts and subject to the following conditions:

1. Compliance with all conditions listed in the Notice of Determination issued by the Wetlands Protection Committee.

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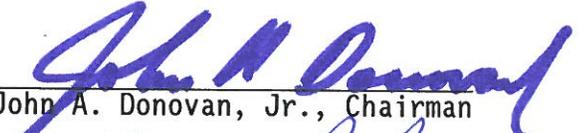
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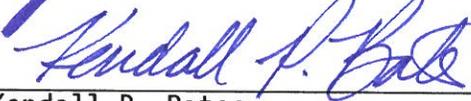
2. Issuance of a permit for construction by the Inspector of Buildings for said construction upon his receipt and approval of a building application and finished construction plans.

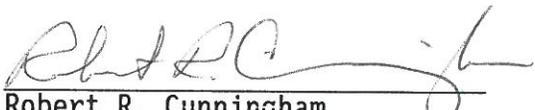
APPEALS FROM THIS DECISION, IF ANY, SHALL BE MADE PURSUANT TO GENERAL LAWS, CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK.

cc: Planning Board  
Wetlands Protection Committee  
Inspector of Buildings

edg

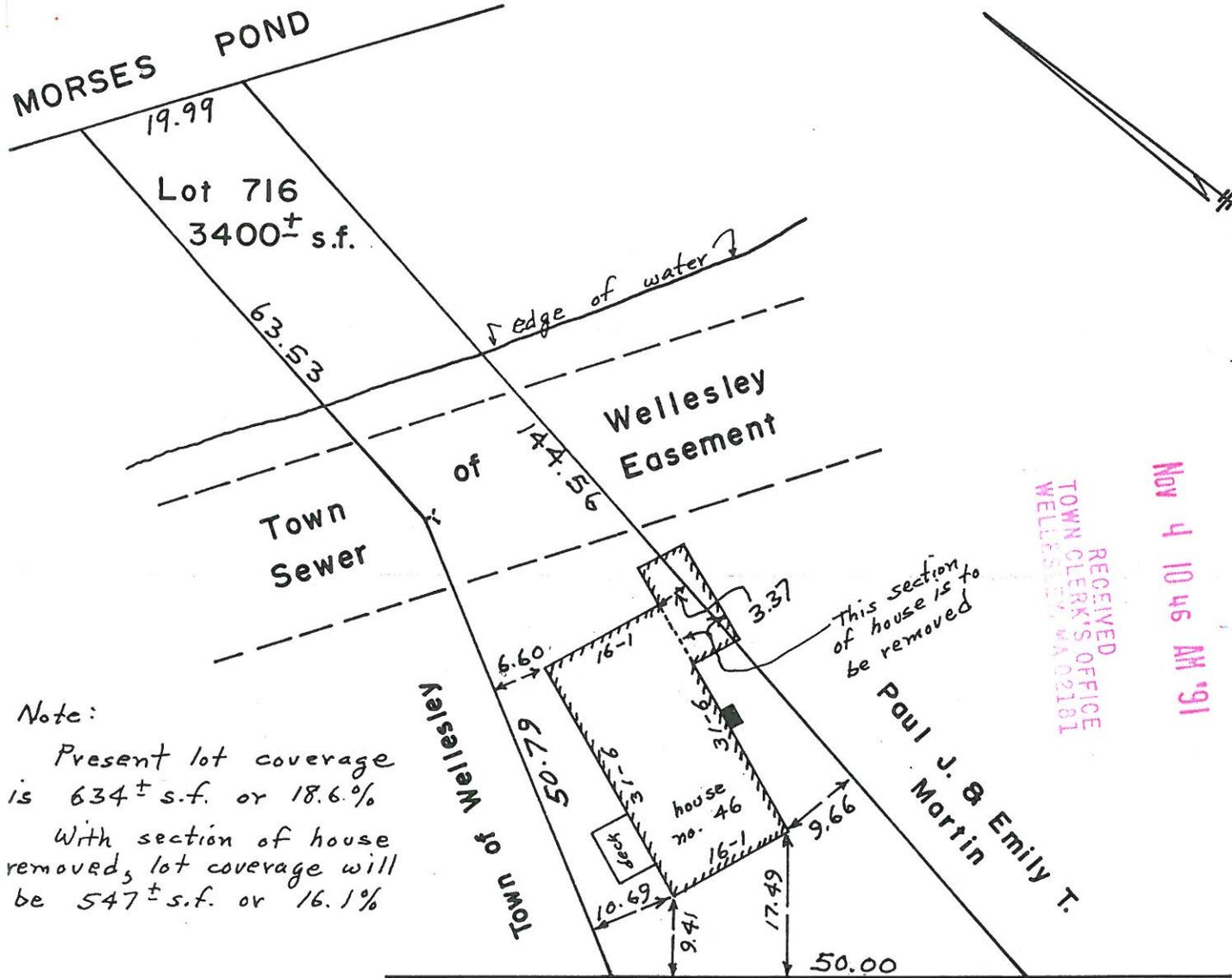
  
John A. Donovan, Jr., Chairman

  
Kendall P. Bates

  
Robert R. Cunningham

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Note:  
 Present lot coverage is 634<sup>±</sup> s.f. or 18.6%.  
 With section of house removed, lot coverage will be 547<sup>±</sup> s.f. or 16.1%

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PLAN OF LAND  
 IN  
 WELLESLEY MASS.  
 TO ACCOMPANY THE PETITION OF  
 ARTHUR & EILEEN GOSS  
 46 SHORE ROAD  
 WELLESLEY

SCALE 1 IN = 20 FT  
 U. M. SCHIAVONE  
 NEWTON LOWER FALLS

OCT. 23, 1991  
 LAND SURVEYOR  
 MASS.