



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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

ELLEN D. GORDON  
Executive Secretary  
Telephone  
431-1019 X208

Aug 21 11 17 AM '92

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ZBA 92-41  
Petition of Cynthia Wilson  
10 Pine Plain Road

Pursuant to due notice, the Permit Granting Authority and the Special Permit Granting Authority held a Public Hearing on Thursday, August 13, 1992 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 CYNTHIA WILSON requesting the following variances from Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw for construction to the nonconforming dwelling with less than the required front, left and right side setbacks at 10 PINE PLAIN ROAD, in a Single Residence District:

A. A deck approximately 2.9 feet by 10.9 feet at the front left side of the dwelling with less than the required left side and front setbacks.

B. A deck approximately 4.9 feet by 16 feet at the rear of the dwelling with less than the required left side yard setback.

A Finding is also requested pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the extension and structural change to said pre-existing nonconforming dwelling shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. Said change in structure shall consist of raising the ridge line of the roof approximately 15 feet to accommodate the expansion of the second floor of the dwelling in the following locations:

A. An L-shaped addition across the front and left side of the second floor above the existing and proposed decks. The front portion of the addition will measure 3.8 feet by 11.1 feet, which will connect to the left side portion of the addition having the dimensions of 7.1 feet by 2.9 feet.

B. An overhang addition of approximately 16 feet by 4.9 feet above the proposed deck at the left rear corner of the dwelling.

On July 13, 1992, the petitioner requested a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

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Presenting the case at the hearing was Cynthia Wilson, who said that the present house is a four room, one-story home, and she would like to add a second story. By squaring off the second floor, it would cause overhangs in the front and back of the house. Open porches would be constructed beneath the overhangs.

The Board noted that the Planning Board was of the opinion that the construction would be too much for the lot. Ms. Wilson said that in the terms of neighborhood homes, the house was a "peanut among giants". She submitted photographs of neighborhood homes and stated that the homes across the street, next door and in the rear were all two-story dwellings.

Mr. Roland Cormier, attorney for Mr. C. William Amidon, owner of the property, stated that Mr. Amidon approved the petition. Mr. Cormier explained that the property is under agreement at present and closing is awaiting the outcome of the hearing.

No other person present had any comment on the petition.

#### Statement of Facts

The subject property is located at 10 Pine Plain Road, in a Single Residence District, on a 6,237 square foot lot. The existing nonconforming dwelling has a minimum front setback of 29.9 feet, a minimum left side yard clearance of 10.25 and a minimum right side yard clearance of 10.3 feet.

The petitioner is requesting a variance for construction of a porch approximately 10.9 feet by 2.9 feet at the left side of the dwelling which would have a minimum left side yard clearance of 10.2 feet; and a variance for construction of a porch approximately 16 feet by 4.9 feet at the rear of the dwelling which would have a minimum left side yard clearance of 10.3 feet.

The petitioner is also requesting a Finding that the raising of the ridge line approximately 15 feet to accommodate the addition of an entire second floor which would have a minimum front setback of 29.2 feet, a minimum right side yard clearance of 11.7 feet and a minimum left side yard clearance of 10.2 feet would not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated July 7, 1992, drawn by Ernest H. Fagerstrom, Registered Professional Land Surveyor; floor plans and elevations drawn by Starline Structures, Inc.; and photographs were submitted.

A letter of approval was received from Roland A. Cormier, attorney for C. William Amidon, owner of the property. Mr.

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Cormier holds Durable Power of Attorney for Mr. Amidon, who is currently living in a nursing home.

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On July 14, 1992, the Planning Board reviewed the petition and voted to recommend that the requested relief be denied as the proposed additions would render the pre-existing nonconforming property, which is located on one of the smallest lots in the neighborhood, substantially more detrimental to the neighborhood than the existing nonconforming property.

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 Fact.

After discussion of the petition, the Board of Appeals was divided in its vote. Two of the members voted to grant the requested variances and found the addition not to be more detrimental to the neighborhood than the existing nonconforming structure. However, one member was of the opinion that sufficient reasons did not exist to grant the requested variances; and that the combination of the addition of the porches on the first floor and the proposed second floor addition, which would cover the existing first floor and the porch additions, would create an oversized house on an undersized lot, which would be substantially more detrimental to the neighborhood than the existing nonconforming single story structure.

Section XXIV-D 3 of the Zoning Bylaw states as follows:

"The concurring vote of all the members of the ZBA, if a three-member Board, shall be necessary to effect any variance in the application of this Zoning Bylaw."

As the vote of the Board of Appeals to grant this petition is not unanimous, the petition is denied and this case is dismissed.

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

John A. Donovan, Jr. (In Favor)  
John A. Donovan, Jr., Chairman

Kendall P. Bates (In Favor)  
Kendall P. Bates

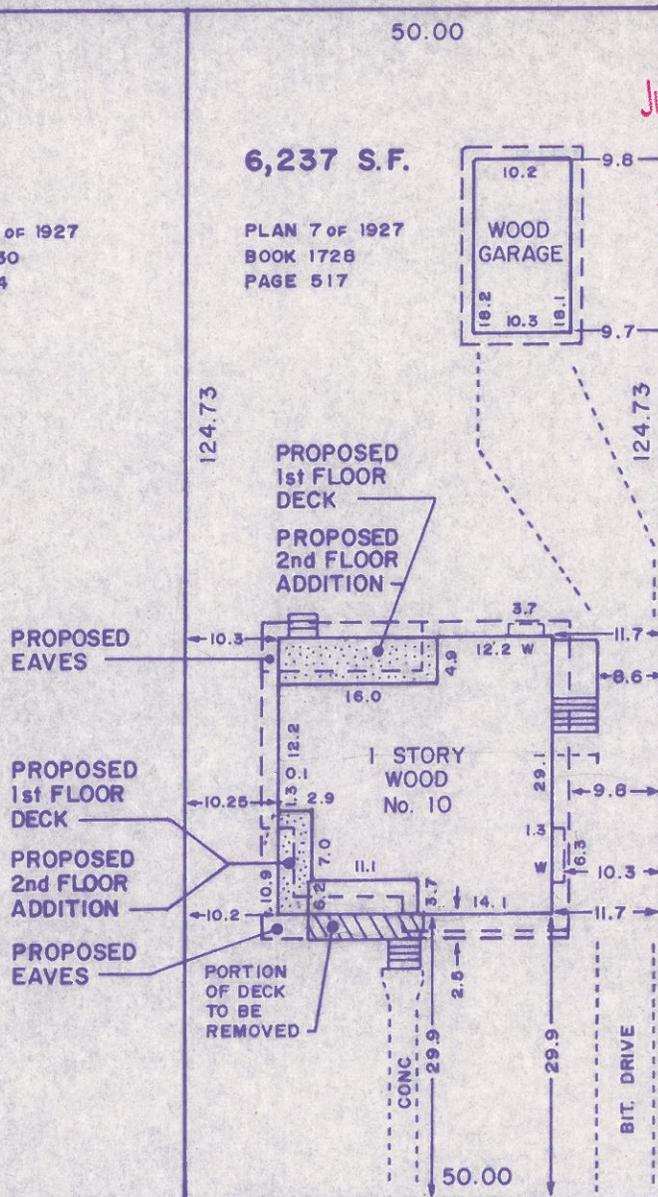
Franklin P. Parker - Dissenting  
Franklin P. Parker

PLAN 49 OF 1927  
 BOOK 1730  
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*Ernest H. Fagerstrom*

**PINE PLAIN ROAD**

PRESENT AREA OF HOUSE	936.0	
PROPOSED AREA	110.5	
TOTAL	1046.5	
LESS DECK TO BE REMOVED	26.5	
TOTAL	1020.0	S.F.

**PROPOSED ADDITION**  
**WELLESLEY, MA.**  
 SCALE: 1" = 20'      JULY 7, 1992  
 ERNEST H. FAGERSTROM  
 REGISTERED LAND SURVEYOR  
 138 NORWELL AVENUE  
 NORWELL, MA. 02061