



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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KENDALL P. BATES

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ZBA 93-49
Petition of Chris and Alexis Reed
5 Upland Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 17, 1993 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 CHRIS AND ALEXIS REED requesting a Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the following additions to their nonconforming dwelling with less than the required left and right side yard setbacks, at 5 UPLAND ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. Demolition of existing nonconforming greenhouse and construction of a one-story addition approximately 28.1 feet by 6.5 feet with less than the required left side yard.
2. Demolition of existing deck and construction of a new deck approximately 12.1 feet by 26.9 feet with less than the required left side yard setback.

On June 1, 1993, 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 Chris and Alexis Reed. Mr. Reed said that they were asking to replace the greenhouse and deck with space that would be more functional. The greenhouse was granted a variance in the '70s, but has deteriorated and needs to be replaced. The new addition will be about 3 feet longer than the greenhouse, but will be set a little further back from the left side lot line. The neighbors have seen the plans and have no objections.

No other person present had any comment on the petition.

Statement of Facts

The nonconforming dwelling is located at 5 Upland Road, in a Single Residence District, on a 10,006 square foot lot, and has a minimum right side yard clearance of 7 feet and a minimum left side yard clearance of 12.7 feet.

The petitioners are requesting a Finding that the proposed demolition of the existing greenhouse and deck, and construction of a one-story addition approximately 28.1 feet by 6.5

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feet, with a minimum left side yard clearance of 14.4 feet; and a deck approximately 12.1 feet by 26.9 feet, with a minimum left side yard clearance of 14.6 feet, will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Mortgage Survey Plan dated February 11, 1993, drawn by Lawrence W. DeCelle, Jr., Registered Land Surveyor, showing the existing dwelling; a Plot Plan dated May 26, 1993, drawn by Joseph E. Marcklinger, Registered Land Surveyor, showing the proposed dwelling and deck; Floor Plans and Elevations dated May 23, 1993, drawn by Design Build Solutions; and photographs were submitted.

On June 15, 1993, the Planning Board reviewed the petition and voted to recommend that the petition be granted.

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.

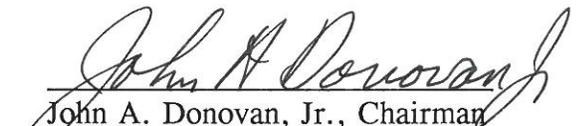
It is the opinion of this Authority that although the proposed demolition of the existing greenhouse and deck and construction of a one-story addition and new deck will intensify the existing nonconformity, the project will not create additional nonconformities as the left side yard clearance of both addition and deck will be greater than that of the existing nonconforming dwelling.

Therefore, this Authority finds that the proposed demolition and construction of the one-story and deck shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, subject to construction in accordance with the Plot Plan and construction sketches as submitted.

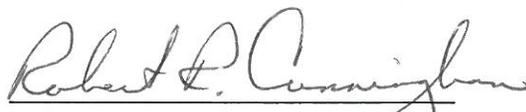
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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.

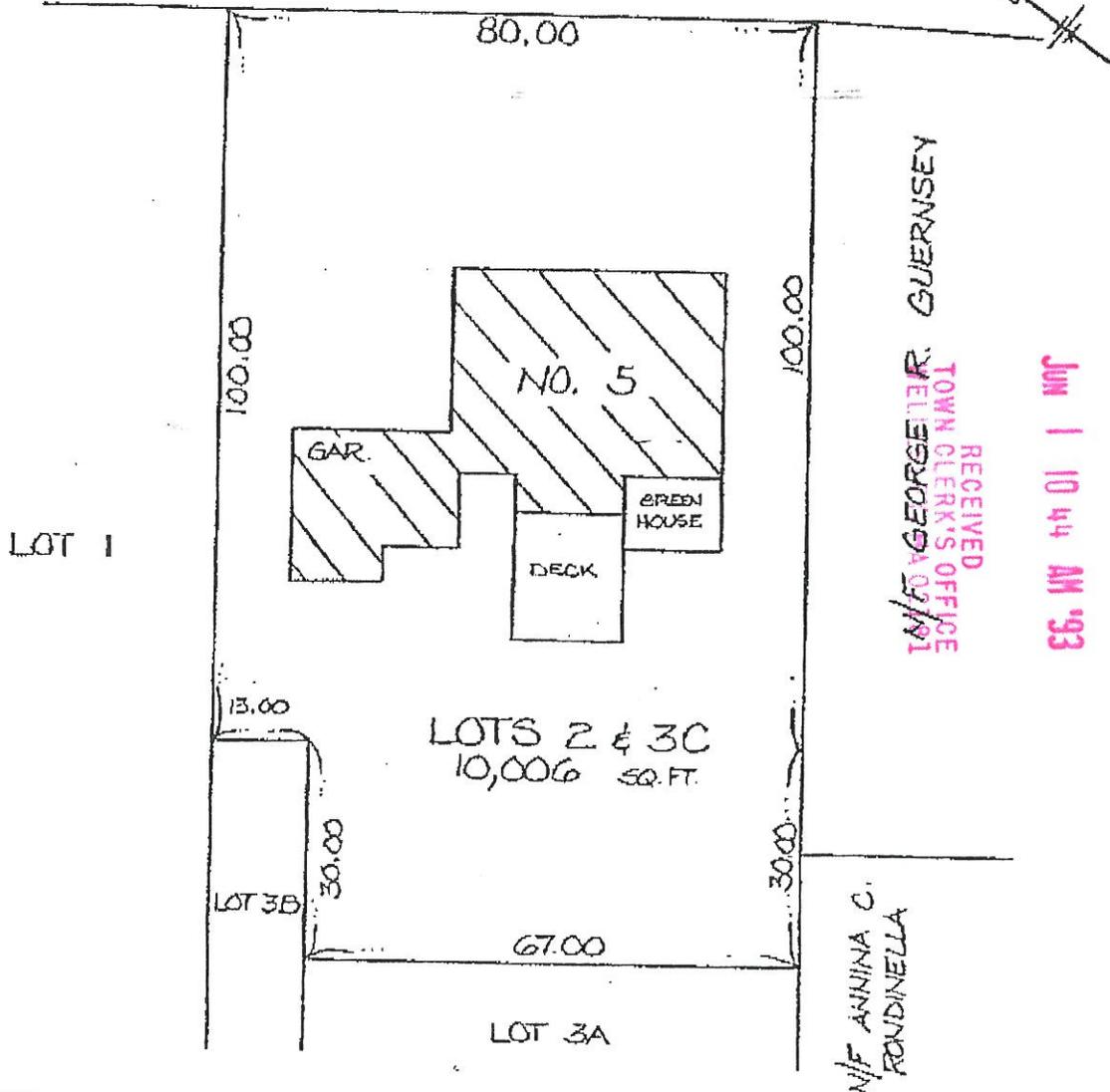
cc: Planning Board
Inspector of Buildings


John A. Donovan, Jr., Chairman


Kendall P. Bates


Robert R. Cunningham

UPLAND ROAD



- NOTES: (1) Verifications of property line dimensions, building offsets, fences, or lot configuration may only be accomplished by an accurate instrument survey.
 (2) This plan was not made for recording purposes, for use in preparing deed descriptions or for construction purposes.
 (3) This plan is for mortgage purposes only.

MORTGAGE INSPECTION PLOT PLAN

DECELLE ENGINEERING AND SURVEY CO.
 30 CHESTNUT ST., QUINCY

SCALE: 1 inch = 20 feet

DATE February 11, 1993

LOCATION Wellesley, Mass.
City or Town State

DEED AND PLAN REFERENCE:
Norfolk Registry of Deeds
 Deed Book 7997 Page 370
 Plan Book 2212 Plan Pg. 100

No Title Evaluation has been made by this firm prior or subsequent to this above reference.

I certify to the best of my knowledge and belief that the dwelling shown on this plan is NOT located within a SPECIAL FLOOD HAZARD AREA as delineated on the map of

Community No. 250255

Effective Date September 5, 1979

By the U.S. Department of Housing & Urban Development,
 Federal Insurance Administration

Meets requirements for Ch481 GL c.40A Sec 7

ABBEY FINANCIAL CORP. I certify to the
 that the existing dwelling shown on this plan is located on the lot
 designated in compliance with the applicable horizontal dimension-
 al requirements of the municipality when constructed and to restric-
 tions on record.



Lawrence W. DeCelle Jr.

Registered Land Surveyor
 No. 9158

34-02-93

PLAN OF LAND IN WELLESLEY, MASS.

Showing Proposed Addition & Deck

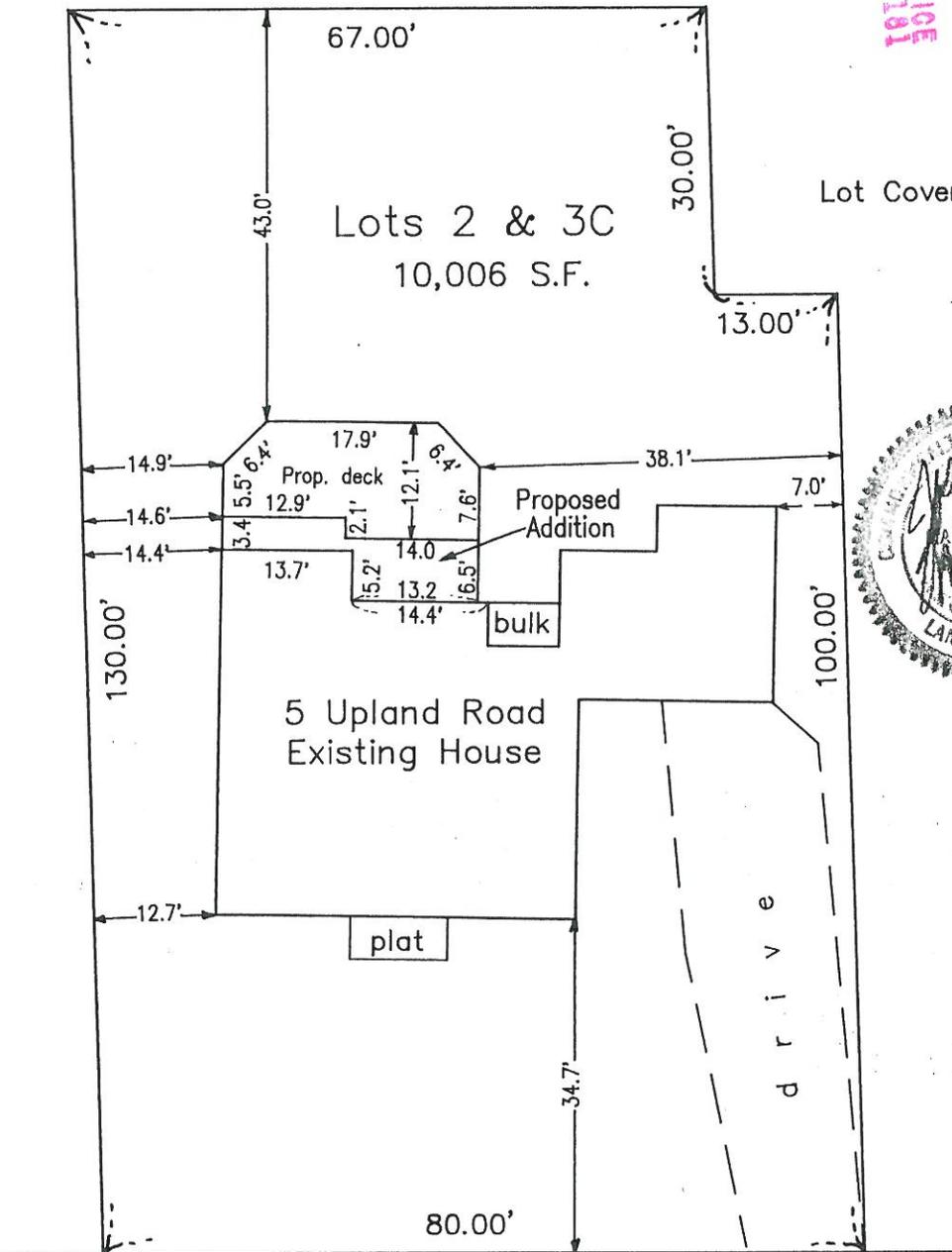
Scale: 1 In. = 20 Ft. May 26, 1993

Everett M. Brooks Company
49 Lexington Street
West Newton, MA 02165



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Lot Coverage 21.7%



UPLAND ROAD

Project No. 17543