



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

APR 23 11 01 AM '95

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ZBA 95-55

Petition of Timothy W.H. Peltason and Janette H. Harris
7 Upland Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 27, 1995 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) on the petition of TIMOTHY W.H. PELTASON AND JANETTE H. HARRIS requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the following alterations to their nonconforming dwelling with less than the required right side yard at 7 UPLAND ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. Enclosure of an existing 5.21 by 4.1 foot open landing with less than the required right side yard for incorporation into the interior structure of the dwelling. There will be no change in the footprint.

2. Removal of an existing bay window and replacement with a 7.1 foot by 1 foot bay window, which has less than the required right side yard. There will be no change in the footprint.

On July 10, 1995, 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 was Clifford Boehmer, the project architect, representing the Peltasons, who were in California. Mr. Boehmer said that the project involved fixing an awkward and unusable kitchen, which has an inadequate entry and storage space. The small entry porch would be enclosed, and the existing stairway would be removed and relocated at the rear of the house. The Peltasons would also like to remove a bay window, which is not in keeping with the style of the house, and replace it with a more typical bay window. A letter in support of the petition from the Reeds, the right side abutters, has been submitted with the petition.

No other person present had any comment on the petition.

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Statement of Facts

The subject dwelling is located at 7 Upland Road, in a Single Residence District, on a 7,837.24 square foot lot, with a minimum right side yard clearance of 8.1 feet.

The petitioners are requesting a Special Permit/Finding to allow an existing 4.1 foot by 5.21 foot open landing, with a minimum right side yard clearance of 8.6 feet, to be enclosed and incorporated into the internal structure of the dwelling. The existing stair would be removed and relocated to the right rear corner of the dwelling and attached to a new 4.6 foot by 3 foot landing.

The petitioners are also requesting a Special Permit/Finding to allow removal of an existing bay window, with a minimum right side setback of 15.7 feet, and replacement with a 7.1 foot by 1 foot bay window with the same right side yard setback.

A Plot Plan dated July 5, 1995, drawn by Saeed V. Mossavat, Professional Land Surveyor; Floor Plans and Elevations dated 6/28/95, drawn by Clifford Boehmer; and photographs were submitted. A letter from Christopher and Alexis Reed, 5 Upland Road, dated July 4, 1995 in support of the petition, was also submitted.

On July 20, 1995, the Planning Board reviewed the petition and voted to offer no objection to the request.

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 finding of this Authority that the enclosure of the nonconforming open landing, which has less than the required right side setback, and incorporation of said landing into the interior structure of the dwelling will not intensify the existing nonconformance, nor will it create additional nonconformance as there will be no change in the footprint of the dwelling.

It is the further finding of this Authority that the removal and replacement of the nonconforming bay window with less than the required right side yard setback will not intensify the existing nonconformance nor create additional nonconformance as there will be no change in the footprint of the dwelling.

ZBA 95-55

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Therefore a Special Permit is granted for the landing enclosure and bay window replacement subject to construction in accordance with the submitted plot plan and construction sketches.

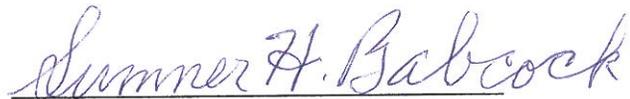
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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
edg


Kendall P. Bates, Acting Chairman

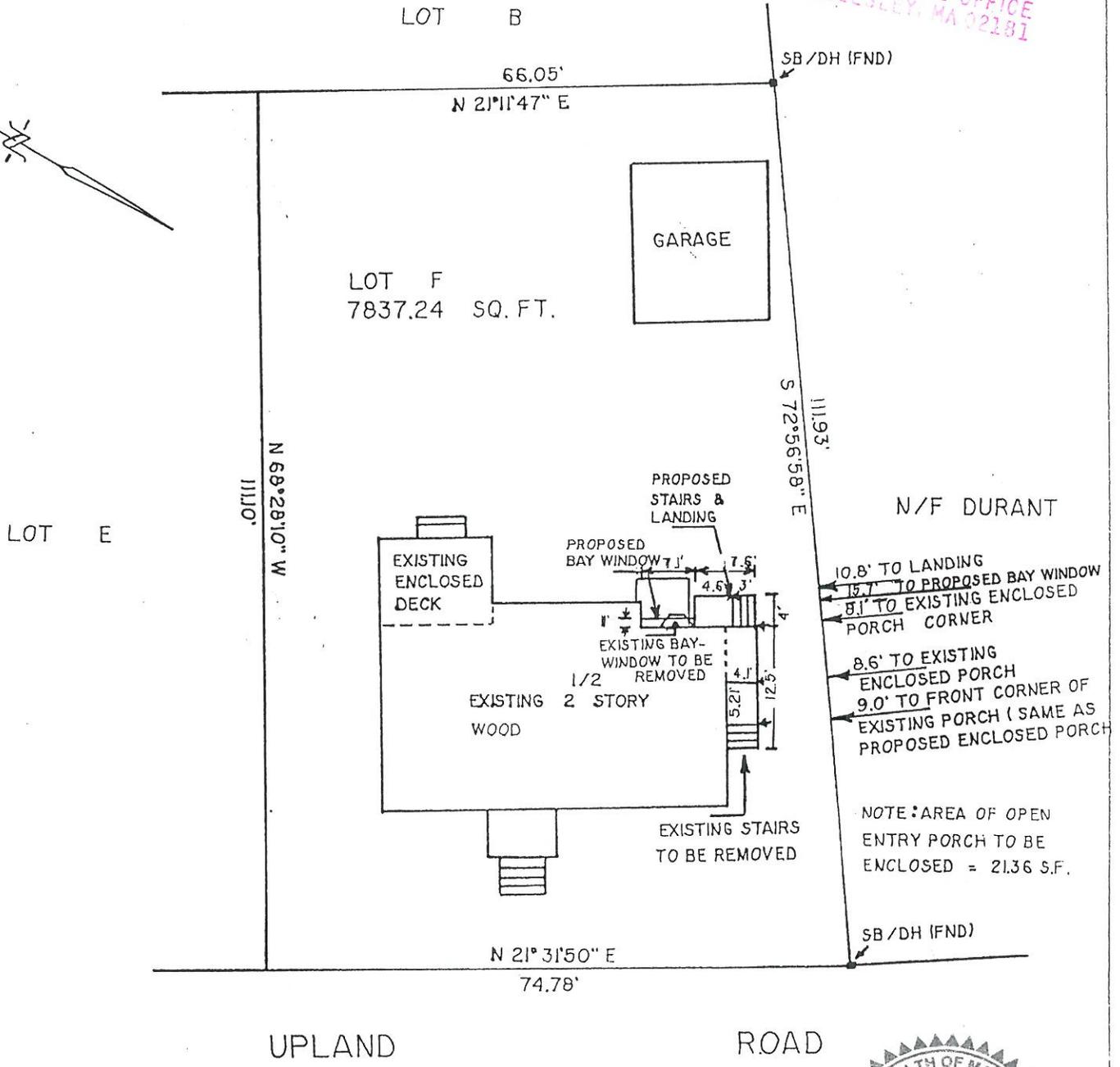
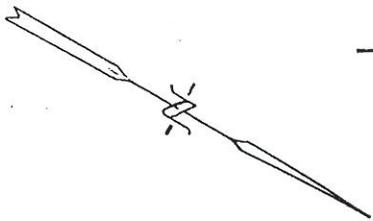

William E. Polletta


Sumner H. Babcock

PLOT PLAN OF LAND
 IN
 WELLESLEY, MASSACHUSETTS
 (7 UPLAND ROAD)
 PREPARED FOR
 THIMOTHY PELTASON
 SCALE 1" = 20'

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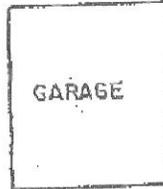
PLOT PLAN OF LAND
 IN
 WELLESLEY, MASSACHUSETTS
 (7 UPLAND ROAD)
 PREPARED FOR
 THIMOTHY PELTASON
 SCALE 1" = 20'
 DATE: JULY 5, 1995

LOT B

66.05'
 N 21°14' E

SB/DH (FND)

LOT F
 7037.24 SQ. FT.

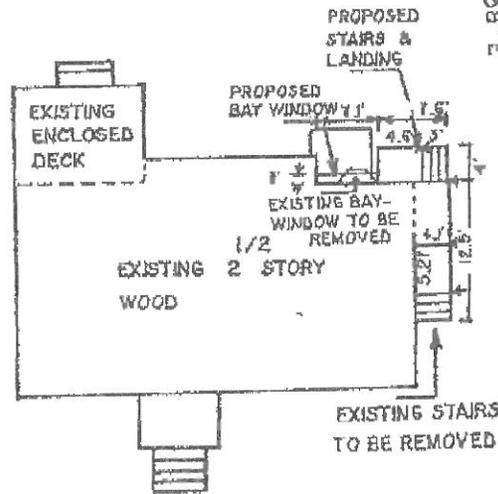


N 69°29'10" W
 111.0'

LOT E

11.93'
 S 72°56'58" E

N/F DURANT



10.8' TO LANDING
 15.1' TO PROPOSED BAY WINDOW
 8.1' TO EXISTING ENCLOSED PORCH CORNER
 8.6' TO EXISTING ENCLOSED PORCH
 9.0' TO FRONT CORNER OF EXISTING PORCH (SAME AS PROPOSED ENCLOSED PORCH)

NOTE: AREA OF OPEN ENTRY PORCH TO BE ENCLOSED = 2136 S.F.

SB/DH (FND)

N 21°31'50" E
 74.78'

UPLAND

ROAD

