

TOWN OF WELLESLEY



MASSACHUSETTS

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WELLESLEY MA 02482

ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

2003 JUL 23 A 8:23

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ZBA 2003-53

Petition of Rosamond Westmoreland and Andrew Schiller
25 Martin Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 10, 2003 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of ROSAMOND WESTMORELAND AND ANDREW SCHILLER requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the enclosure of a existing nonconforming one-story 7.81 foot by 13.91 foot porch with less than the required right side yard setback, at the nonconforming property with less than the required right side yard setback, at 25 MARTIN ROAD, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There shall be no change in the footprint.

On June 23, 2003, 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 Susan Westmoreland, daughter of the property owner, Rosamond Westmoreland, and Andrew Schiller. Ms. Westmoreland said they would like to convert their small screened porch to a room. The footprint will not change. The neighbors on the right side and across the street have no objections.

The Board noted that the Planning Board had no objection to the granting of the Special Permit.

The Board stated that on the proposed side elevation, the size of the windows is much smaller than those on the house. The eve line on the side elevation appears to wobble, which also should be corrected.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 25 Martin Road, in a 10,000 square foot Single Residence District, on a 7,219 square foot lot, and has a minimum right side yard clearance of 13.7 feet and a minimum left side yard clearance of 10.2 feet. The property is owned by Rosamond Westmoreland, mother of Susan Westmoreland, who occupies the dwelling with Andrew Schiller.

The petitioners are requesting a Special Permit/Finding that the enclosure of the nonconforming 7.81 foot by 13.91 foot one-story screened porch for use as an internal part of the nonconforming structure, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There shall be no change in the footprint.

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A Plot Plan dated may 12, 2003, stamped by Henry E. Thomas, Jr., Registered Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated June 1, 2003, designed by Caldwell Construction; and photographs were submitted.

The Planning Board reviewed the petition and had no objection to the granting of the request.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw as noted in the foregoing Statement of Facts.

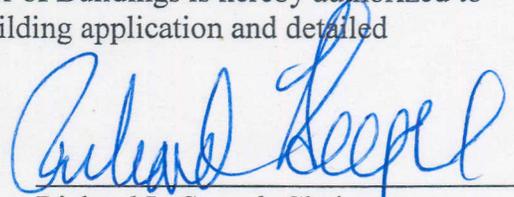
It is the finding of this Authority that the proposed enclosure of the 7.81 foot by 13.91 foot one-story screened porch with less than the required right side yard setback, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as the enclosure shall neither intensify the existing nonconformance, nor shall it create new nonconformity as there shall be no change in the footprint.

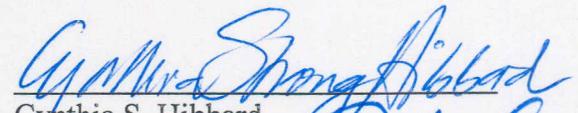
Therefore, a Special Permit is granted for the enclosure of the nonconforming porch, as voted unanimously by this Authority at the Public Hearing, in accordance with the submitted plot plan and the revised construction plans, subject to the condition that, prior to the issuance of any building permit, the "Proposed Side Elevation" be revised to show the accurate size of the windows to be installed and a firm eave line.

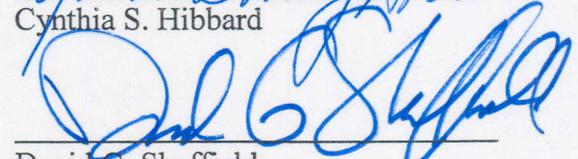
Subsequent to compliance with the above condition, the Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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

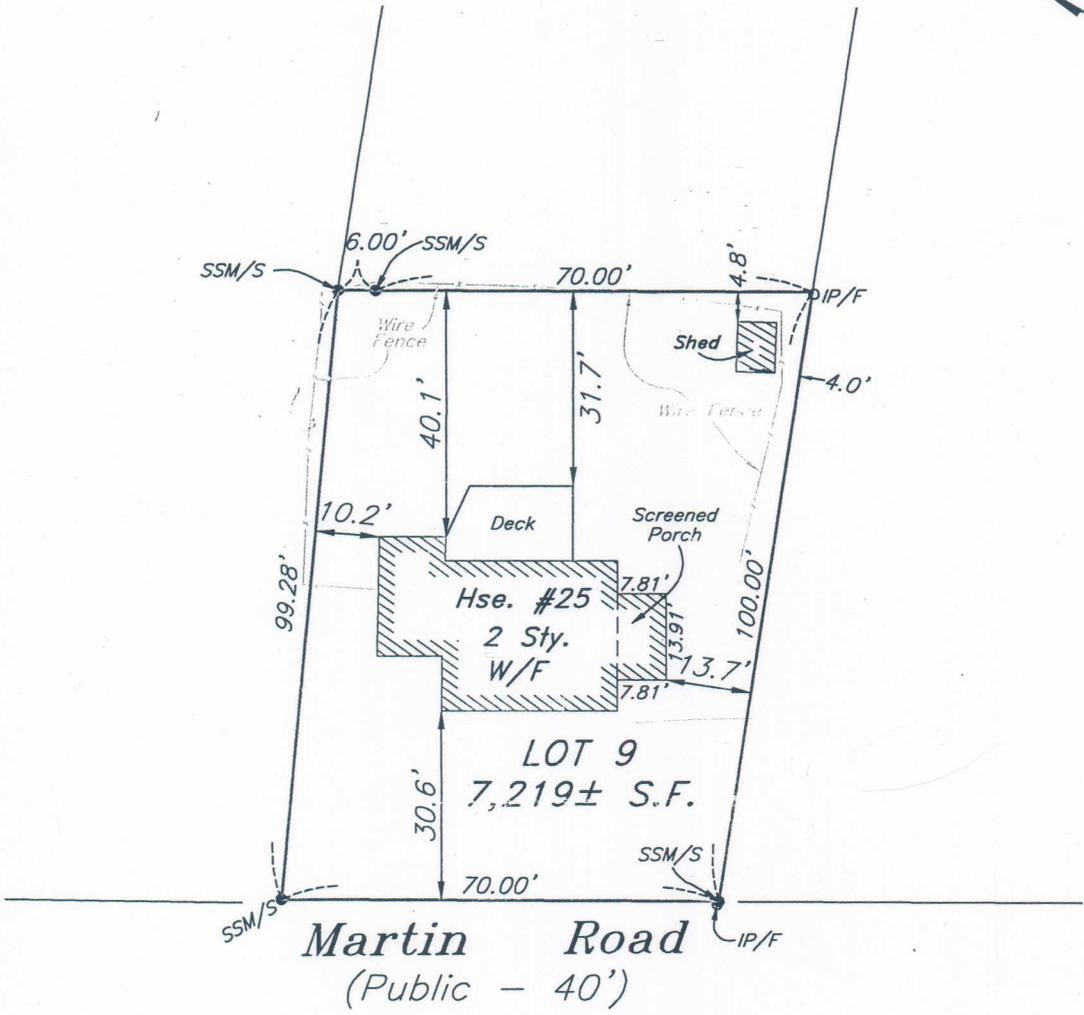

Richard L. Seegel, Chairman


Cynthia S. Hibbard


David G. Sheffield

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21334



% Lot Coverage Including Deck & Shed = 17.6%

Existing House Area = 986 Sq. Ft.
 Deck Area = 233 Sq. Ft.
 Shed Area = 51 Sq. Ft.

2003 JUN 23 A 8:24

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ON THE BASIS OF MY KNOWLEDGE, INFORMATION, AND BELIEF, I CERTIFY TO ROSAMOND WESTMORELAND AND THE TOWN OF WELLESLEY BUILDING INSPECTOR THAT AS A RESULT OF A SURVEY MADE ON THE GROUND TO THE NORMAL STANDARD OF CARE OF PROFESSIONAL LAND SURVEYORS PRACTICING IN MASSACHUSETTS, I FIND THAT THE STRUCTURE FALLS WITHIN FLOOD ZONE "A" AS SHOWN ON THE F.I.R.M. MAP FOR WELLESLEY MASSACHUSETTS, COMMUNITY PANEL #250255 0005 B DATED: SEPTEMBER 5, 1979 AND THAT THE LOCATION OF THE STRUCTURES IS AS SHOWN HEREON.

Plot Plan of Land
 IN
 Wellesley, MA.
 Prepared For: Rosamond Westmoreland

Scale: 1" = 20' Date: May 22, 2003

SCHOFIELD BROTHERS OF NEW ENGLAND, INC.
 ENGINEERING SURVEYING PLANNING

1071 WORCESTER ROAD
 FRAMINGHAM, MASSACHUSETTS 01701
 Phone:(508) 879-0030 Fax:(508) 879-1797
 Email: mail@schofieldbros.com

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Deed Recorded At Norfolk County Registry Of Deeds
 Book#14472, Page 149
 Plan #235 OF 1936 & #129 B OF 1937
 Assessors Map 170, Lot #128
 Zoning District: _____

Henry E. Thomas Jr.
 PROFESSIONAL LAND SURVEYOR
 DATE: May 22, 2003

