



## ZONING BOARD OF APPEALS

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

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ZBA 2004-77

Petition of Gregory and Julianna Kaden  
48 Pine Ridge Road

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 18, 2004 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of GREGORY AND JULIANNA KADEN, requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing 16.2 foot by 16.5 foot porch, with less than required front yard setback, construction of a one story 16.2 foot by 16.5 foot addition, with less than required front yard setback, at 48 PINE RIDGE ROAD, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On November 8, 2004, the petitioner 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 Gregory Kaden, who said that their proposal was to demolish an existing porch and replace it with a new porch that will become an all weather room.

Mr. Kaden said that he had a letter of support for the proposal from neighbors, Paul and Linda Powers, 30 Ledyard Street.

The Board asked if the existing porch was part of the original house. Mr. Kaden stated that a portion of the porch was original to the house. An extension was added in 1982. The Board asked if a Special Permit had been granted to extend the porch. Mr. Ben Kaden, builder, said that a Special Permit was granted in 1982 to extend the porch from 8 feet to 16 feet, notched so that it would come no closer to the lot line than 27 feet.

Mr. Ben Kaden said that the proposed plan is to square the porch off by moving it back three feet. The Board noted that the submitted plot plan did not show this. The Board asked for clarification that the proposed porch is to be built on the same footprint as the existing porch. The Board asked if a new foundation would be built. Mr. Kaden said that a new foundation would be built.

The Board noted that submitted Plot Plan was not very clear. The plot plan should show existing and proposed conditions.

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The Board noted that the Planning Board had no objection to granting the request, based on submitted plans showing the proposed construction on the existing footprint.

#### Statement of Facts

The subject property is located at 48 Pine Ridge Road, in a 10,000 square foot Single Residence District, and has a minimum front yard setback of 27 feet.

The petitioner is requesting a Special Permit/Finding that demolition of an existing 16.2 foot by 16.5 foot porch, with a minimum front yard setback of 27 feet, construction of a 16.2 foot by 16.5 foot addition, with a minimum front yard setback of 27 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 10/06/04, stamped by John R. Hamel, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 8/31/04, prepared by RLDesign, and photographs were submitted.

On November 16, 2004, the Planning Board reviewed the petition and had no objection to granting the request, noting that, "the proposed addition does not change the existing footprint."

#### 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 demolition of an existing 16.2 foot by 16.5 foot porch, with a minimum front yard setback of 27 feet, and construction of a one story 16.2 foot by 16.5 foot addition, with a minimum front yard setback of 27 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as the addition shall neither intensify the existing nonconformance, nor shall it create new nonconformity, as the front yard setback shall remain the same.

Therefore, a Special Permit is granted, as voted unanimously by this Authority, for the demolition of the 16.2 foot by 16.5 foot porch, and construction of the 16.2 foot by 16.5 foot one story addition, subject to the following condition:

1. Submittal of a new Certified Plot Plan, showing existing and proposed location of the addition, showing the setback to be at least 27 feet.

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.

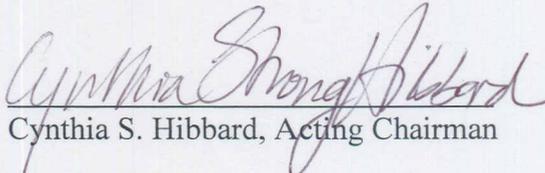
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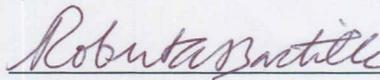
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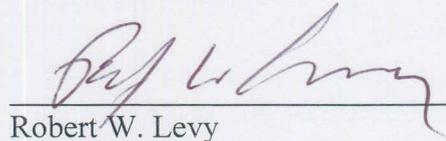
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APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN  
THE OFFICE OF THE TOWN CLERK.

Cc: Planning Board  
Inspector of Buildings  
lrm

  
Cynthia S. Hibbard, Acting Chairman

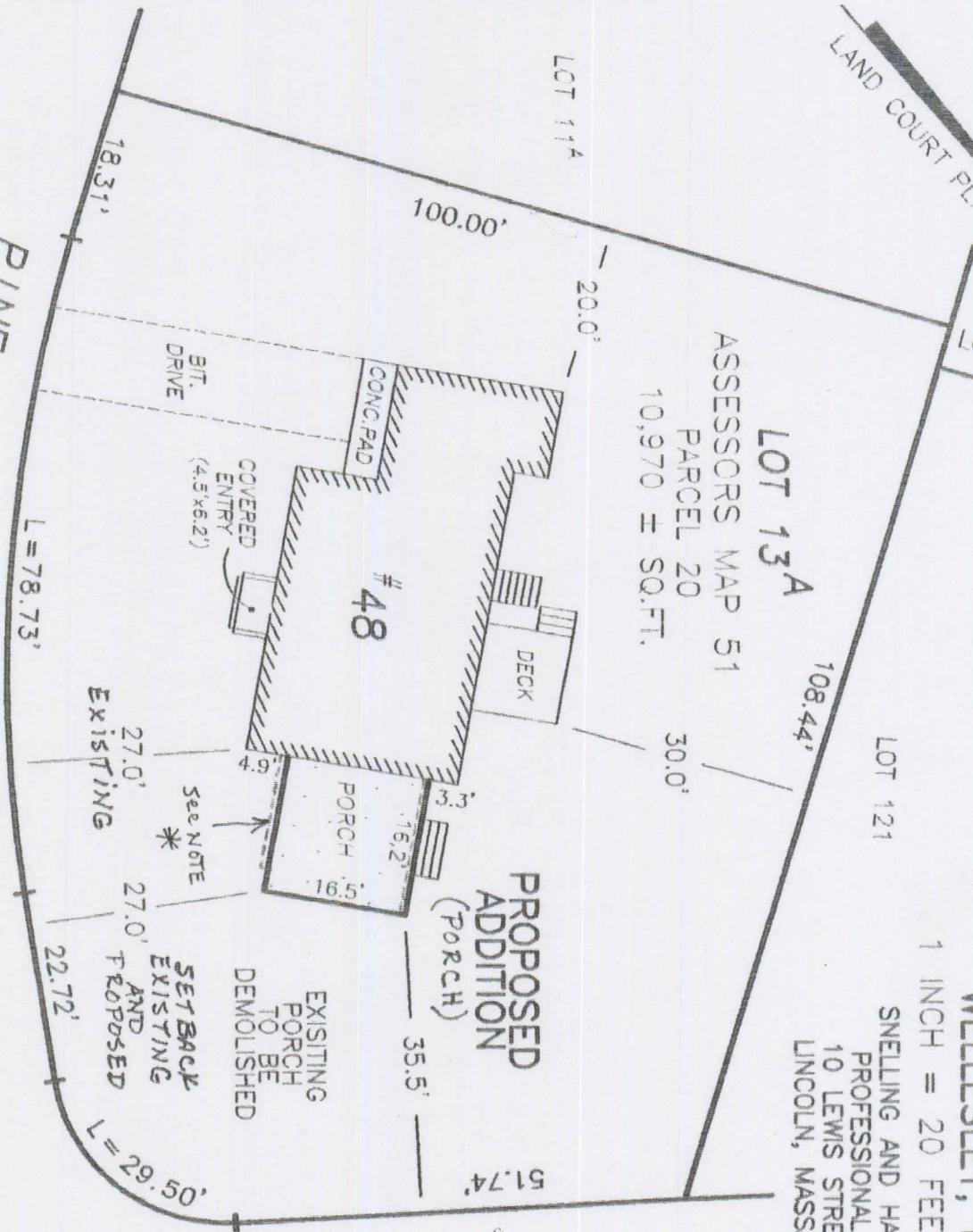
  
Robert A. Bastille

  
Robert W. Levy

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LAND COURT PLAN 16178C

\* NOTE: DOTTED LINE ON PLOT PLAN SIGNIFIES EXISTING PORCH FOOTPRINT



SITE PLAN TO ACCOMPANY  
SPECIAL PERMIT/FINDING APPLICATION  
**WELLESLEY, MASSACHUSETTS**  
1 INCH = 20 FEET  
OCTOBER 5, 2004

SNELLING AND HAMEL ASSOCIATES, INC.  
PROFESSIONAL LAND SURVEYORS  
10 LEWIS STREET P.O. BOX 102  
LINCOLN, MASSACHUSETTS 01773

ZONING DISTRICT  
SINGLE RESIDENCE  
10,000 SQ.FT.



12/8/04

*John R. Hamel*  
JOHN R. HAMEL  
PROFESSIONAL  
LAND SURVEYOR

PLAN REFERENCE:  
- LAND COURT PLAN NUMBER 16178C

EXISTING LOT COVERAGE = 13.7%  
PROPOSED LOT COVERAGE = 13.7%  
EXISTING BUILDING COVERAGE = 1,503 SQ.FT.  
PROPOSED BUILDING COVERAGE = 1,505 SQ.FT.

I HEREBY STATE THAT THE LOCATIONS OF THE FEATURES SHOWN HEREON IS BASED ON A FIELD SURVEY PERFORMED AS OF MAY 14, 2004.