



ZONING BOARD OF APPEALS

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

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ZBA 2003-49
 Petition of Kevin and Cindy Malloy
 48 Clovelly Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 19, 2003 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of KEVIN AND CINDY MALLOY requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a three-story 15.7 foot by 29 foot addition with less than the required left side yard setback at their nonconforming dwelling with less than the required left side yard setback and front yard setback from CLOVELLY ROAD, at 48 CLOVELLY ROAD on the corner of FOREST STREET, in a 20,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 2, 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 was Cindy Malloy, who was accompanied by her husband, Kevin, their older son, and their new triplets. Mrs. Malloy said that in designing the addition, they were cognizant of the existing nonconformance and had pulled the addition farther away from the left side line than the existing house. They have increased their family by "six feet" and are in need of more space.

The Board noted that the addition would come closer to the detached garage than the existing house. Mrs. Malloy said they had check with the Building Inspector to ensure compliance with the Building Code.

The Board further noted that the Planning Board had no objection to granting the request.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 48 Clovelly Road, on the corner of Forest Street, in a 20,000 square foot Single Residence District, on an 8,232 square foot lot, and has a minimum front yard setback of 16.1 feet from Clovelly Road and a minimum 9.88 foot left side yard setback.

The petitioners are requesting a Special Permit/Finding that the construction of a 15.7 foot by 29 foot three-story addition, with a minimum left side yard clearance of 11.07 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated May 23, 2003, stamped by Joseph Macklinger, Registered Land Surveyor; Existing and Proposed Floor Plans and Elevations dated 5/19/03, drawn by Amy Nastasi, Architect; and photographs were submitted.

On June 10, 2003, 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 dwelling does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

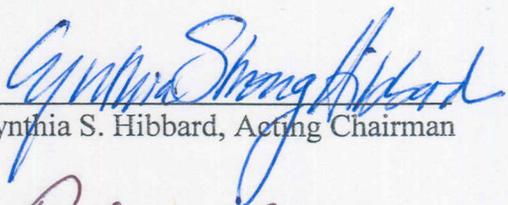
It is the finding of this Authority that construction of the proposed three-story 15.7 foot by 29foot three-story addition, with less than the required left side yard setback, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure for although the addition shall intensify the existing nonconformance, it shall not create new nonconformity as it shall be less nonconforming than the existing structure.

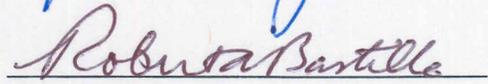
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of the three-story addition in accordance with the submitted plot plan and construction drawings.

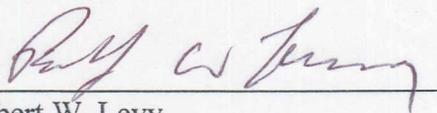
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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


Cynthia S. Hibbard, Acting Chairman


Robert A. Bastille


Robert W. Levy

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BOOK 11,487 PAGE 085

PLAN OF LAND IN WELLESLEY, MA.

PLAN REFERENCE:
PLAN 1010 OF 1927

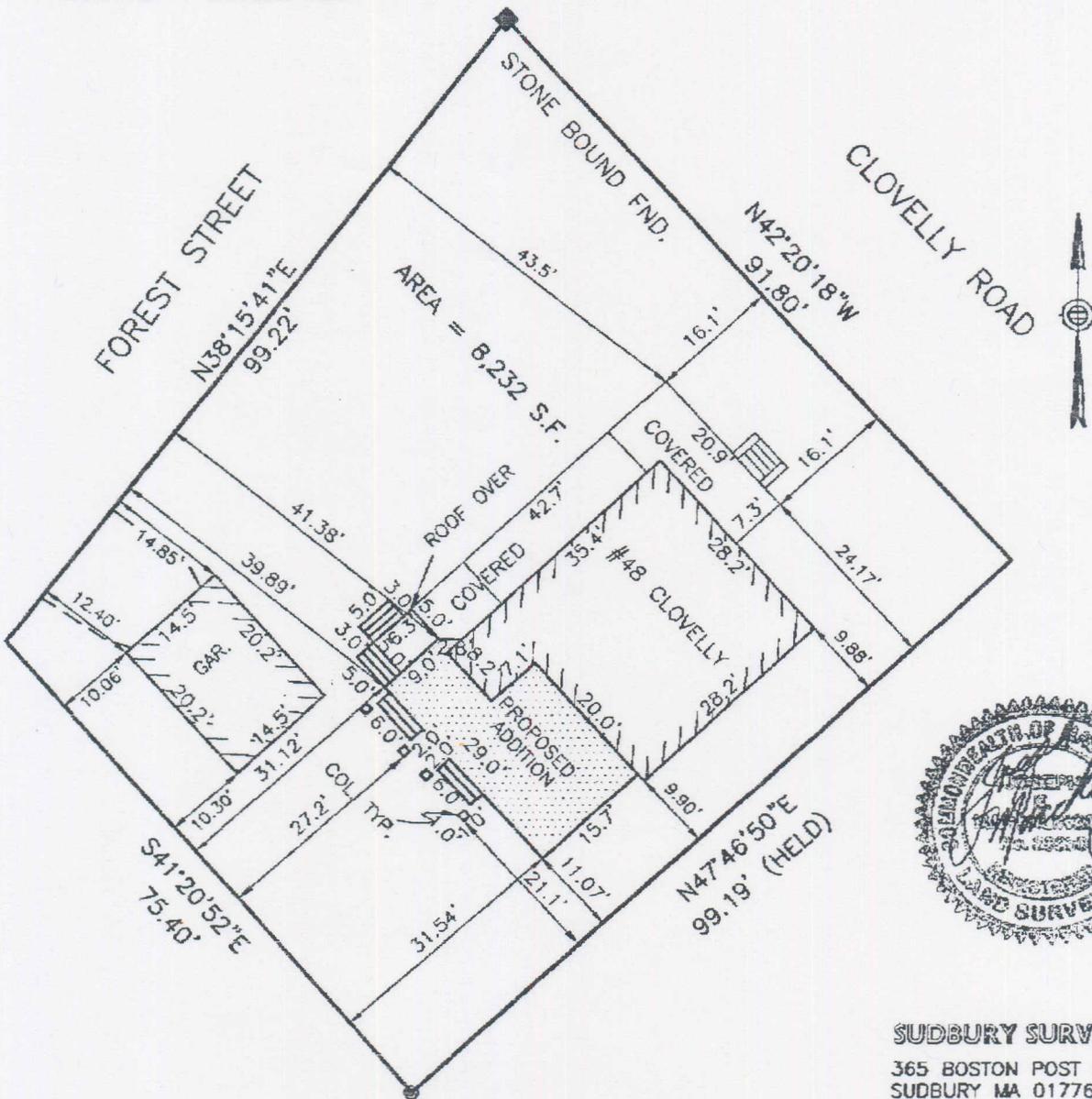
48 CLOVELLY ROAD
BOARD OF APPEALS PLAN

EXISTING BUILDING COVERAGE = 19.24%
PROPOSED BUILDING COVERAGE = 24.53%

TO: ACCOMPANY PETITION OF MALLOY

AREA OF BUILDINGS = 2,019 S.F. (PROP.)
AREA OF BUILDINGS = 1,583 S.F. (EXIST.)
ZONING = SINGLE RES.

SCALE 1 IN. = 20 FT
MAY 23, 2003



SUDBURY SURVEYING
365 BOSTON POST ROAD
SUDBURY MA 01776
(978) 443-0335
PROJECT NO. 2003-202