

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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ZBA 98-59

Petition of J. Edward Carter and Anne M. Howard
381 Weston Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 23, 1998 at 8 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of J. EDWARD CARTER AND ANNE M. HOWARD requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a 26 foot by 12 foot deck, which will have less than the required right side yard setback, at their nonconforming dwelling with less than the required right side yard setback, at 381 WESTON ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 7, 1998, 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 Edward Carter, who said that they would like to add a deck which will conform to the lines of the house.

The Board commented that the Planning Board had recommended denial of the petition as the deck could be built to meet setback requirements, but agreed that, generally, requests of this type had been granted, where there is no further encroachment. An existing fence and a wooded border will serve to screen the proposed deck, which is slightly less nonconforming than the existing house.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 381 Weston Road, in a Single Residence District, on an 8,450 square foot lot and has a minimum right side yard clearance of 11.3 foot from the right front corner of the dwelling.

The petitioners are requesting a Special Permit/Finding that the construction of a 26.2 foot by 12 foot deck, which will have a minimum right side yard clearance of 11.8 feet from the right front corner and a minimum right side yard clearance of 12.1 feet from the right rear corner, will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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A Plot Plan dated September 1, 1996, drawn by Robert F. Drake, Registered Professional Land Surveyor; a floor plan and elevations; and photographs were submitted.

On July 21, 1998, the Planning Board reviewed the petition and recommended denial of the petition as the deck could be built to meet the setback requirements.

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 proposed deck will not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it will neither intensify the existing nonconformance, nor will it create additional nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, to construct the proposed deck, subject to construction 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 DECISIONS,
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

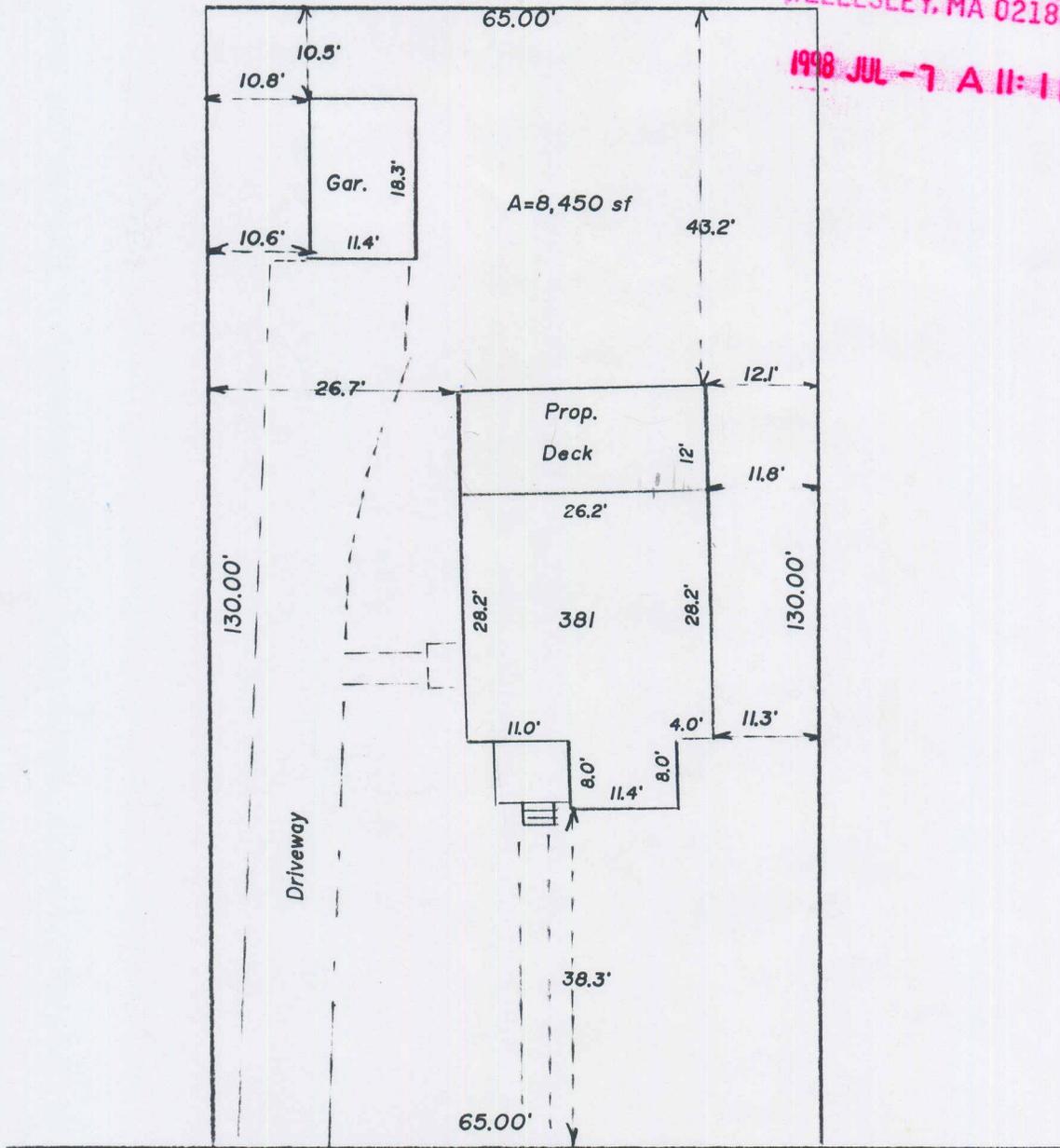
Cynthia S. Hibbard

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WESTON ROAD

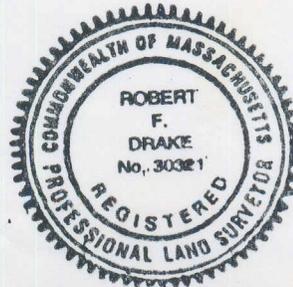
EXIST. LOT COVERAGE 12.3%
PROP. LOT COVERAGE 16.0%

I CERTIFY THAT THE LOT(S) SHOWN ON THIS PLAN AND THE
BUILDING(S) SHOWN ON SAID LOT ARE LOCATED ON THE GROUND
AS SHOWN HEREON.

SIGNED

DATE

SEPT. 1, 1996



CERTIFIED PLOT PLAN
IN
WELLESLEY MASS

SCALE 1" = 20 FEET

DRAKE ASSOCIATES INC.
CIVIL ENGINEERS LAND SURVEYORS
770 GROVE STREET FRAMINGHAM MASS.
(508) 877-0648