

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

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

2000 JAN 31 P 2:04

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ZBA 2000-3  
Petition of Patrick J. Mullooney  
41 Hunnewell Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Wednesday, January 19, 2000 at 8 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of PATRICK J. MULLOWNEY requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a 17.3 foot by 12 foot deck, with less than the required left side yard setback, at his nonconforming dwelling with less than the required left side yard setback, at 41 HUNNEWELL STREET, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On January 3, 2000, the petitioner filed a request for a hearing before this Authority, and thereafter due notice was given by mailing and publication.

Presenting the case at the hearing was Patrick Mullooney, who said he had purchased the house in October, and is in the process of doing extensive renovation to the house. When he applied for a building permit for the deck, the plot plan showed that the existing building was 8.6 feet from the left side lot line. The proposed deck will be 16 feet from the left side line.

The Board asked if Mr. Mullooney intended to enclose the deck in the future. Mr. Mullooney said he had no such plan. The Board agreed that approval of the deck construction would include a condition that the deck never be enclosed to be used as internal living space.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 41 Hunnewell Street, in a Single Residence District, on a 31,060 square foot lot, and has a minimum left side yard clearance of 8.6 feet.

The petitioner is requesting a Special Permit/Finding that the construction of a 17.3 foot by 12 foot deck at the left rear corner of his dwelling, which will have a minimum left side yard setback of 16 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated November 30, 1999, drawn by Joseph R. Sullivan, Registered Professional Land Surveyor; Floor Plans and Elevations dated November 19, 1999, drawn by Joseph M. Welch, Architect; and photographs were submitted.

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On January 18, 1999, the Planning Board reviewed the petition, and had no objection to granting the request.

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2000 JAN 31 P 2:05

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 deck, with less than the required left side yard clearance, 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 new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, to construct the requested deck in accordance with the submitted plot plan and construction drawings and with the condition that said deck shall never be enclosed and/or incorporated into the internal living space of the structure.

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.

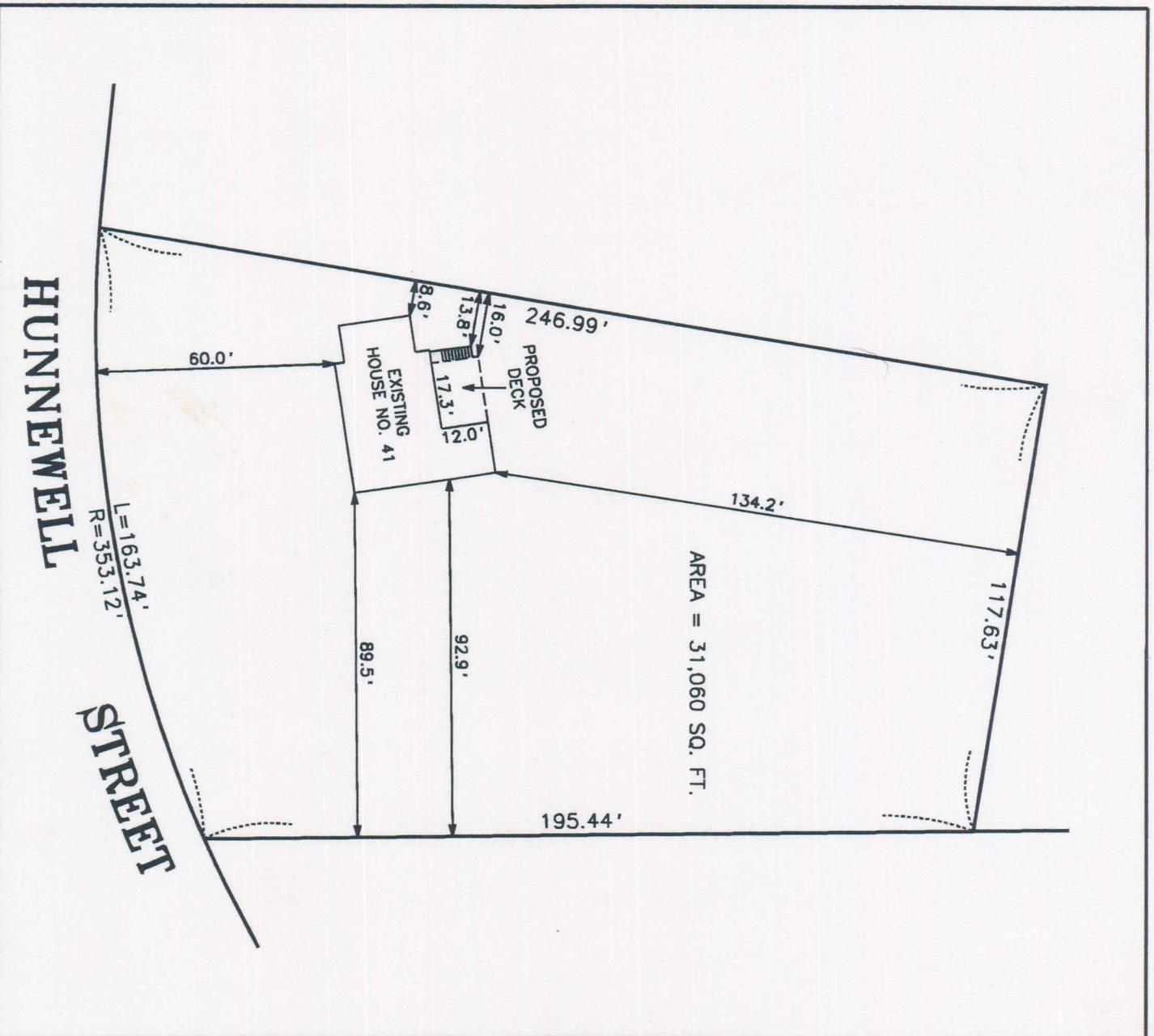
APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN  
THE OFFICE OF THE TOWN CLERK.

Cc: Planning Board  
Inspector of Buildings  
edg

Kendall P. Bates, Chairman

William E. Polletta

Richard L. Seegel



**BOARD OF APPEALS  
PLAN OF LAND IN  
WELLESLEY, MASS.**

APPLICANT : PATRICK MULLOWNEY  
SCALE : 1" = 40' NOVEMBER 30, 1999

EXISTING COVERAGE = 3.75%  
PROPOSED COVERAGE = 4.42%

JOSEPH R. SULLIVAN  
REG. PROF. SURVEYOR  
No. 18846  
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WELLESLEY MA 02452  
NOV 10 1999



**MaccARTHY & SULLIVAN  
ENGINEERING, INC.**

41 BEACON STREET FRAMINGHAM, MASS.  
508-826-8101 01701