



BOARD OF APPEAL

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 235-1664

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 WELLESLEY, MASS.

Petition of James H. Jr. and Judith E. Harrington

Pursuant to due notice the Board of Appeal held a public hearing in the hearing room on the second floor of the Town Hall at 8:00 p.m. on October 9, 1975, on the petition of James H. Jr. and Judith E. Harrington, requesting an exception from the terms of Section XIX of the Zoning By-law which will allow them to construct a deck on the rear of their dwelling at 17 Belair Road with a side yard less than the required thirty feet.

On September 22, 1975, the petitioners filed their request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

James H. Harrington, Jr., spoke in support of the request at the hearing.

A letter was received from Mary E. Rich, 16 Midland Road, in which she stated that she had some reservations about the construction of the proposed deck, relative to noise level from entertaining and family usage on an elevated wooden surface, which in her opinion, would be greater than use at ground level where lawn and shrubbery have sound-absorbing properties. She also questioned what the resulting coverage would be of the lot and the measurement between the rear edge of the deck and the rear lot line.

Statement of Facts

The dwelling involved is located within a Single-residence District requiring a minimum lot area of 10,000 square feet. It was built approximately seventy years ago, prior to the enactment of the By-law requiring a twenty-foot side for all dwellings and a thirty-foot side yard for dwellings located on a corner lot.

The petitioners seek permission to construct a wooden deck 10' x 20' to be attached to the rear of their dwelling. The proposed deck will be twenty feet from the lot line on the southerly side and twenty feet from Birch Road, rather than the required thirty feet. It was pointed out that the existing house is only 11.65' from Birch Road and the proposed deck, if built, will set back approximately eleven feet.

A plot plan was submitted, drawn by James H. Harrington, Surveyor, which showed the existing house and the proposed deck.

Decision

It is the unanimous opinion of this Board, after viewing the premises that the requested special exception may be granted. The Board feels that the proposed deck is reasonably necessary and will not prove detrimental to the neighborhood.

The lot is narrow, 60' x 125' and is located on a corner which imposes greater setback requirements from both street lines and lot lines, and, therefore, makes compliance with the requirements of Section XIX of the Zoning By-law impracticable because of its width and shape. It was held of record on April 1, 1940, under a separate and distinct ownership from adjacent lots, therefore, the facts in this case meet the criteria required for this Board to find under the provisions of Section XIX of the Zoning By-law.

It is, therefore, the unanimous opinion of this Board that requested exception may be granted for the proposed deck as shown on the plan submitted and on file with this Board, and the Building Inspector is hereby authorized to issue a permit for such construction.

Francis L. Swift
Francis L. Swift

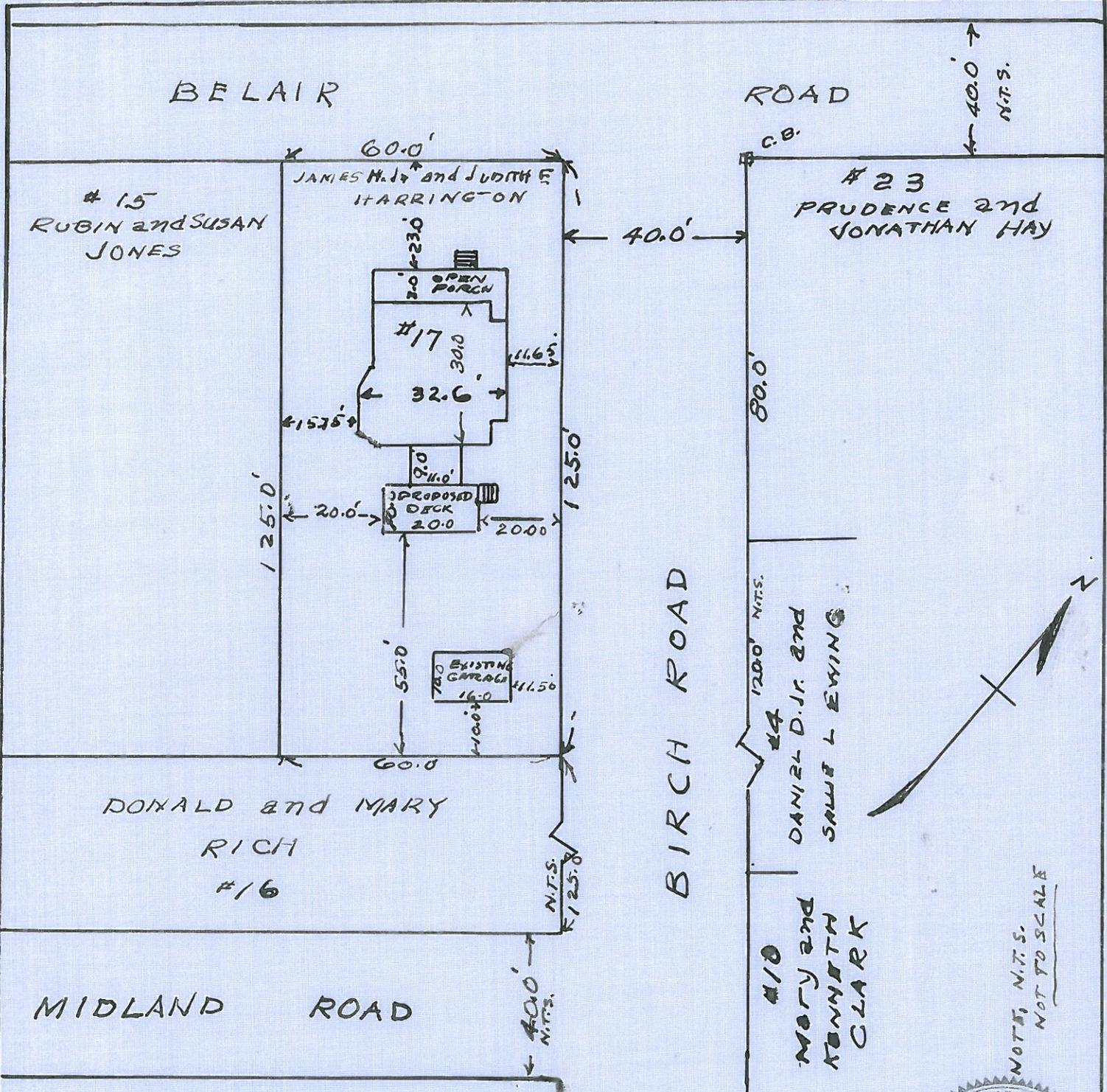
F. Lester Fraser
F. Lester Fraser

William O. Hewett
William O. Hewett

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PLOT PLAN of LAND and HOUSE Owned By

JAMES H. JR. and JUDITH E. HARRINGTON.

#17 BELAIR ROAD WELLESLEY MASS

PLAN SHOWS PROPOSED LOCATION OF a, 10.0' X 20.0'

DECK, ABUTTING REAR SECTION OF HOUSE, AT A DECK

HEIGHT OF 7 1/2" BELOW REAR DOOR SILL.

Registered Surveyor James H. Harrington #5021
 Dated August 22, 1975 Scale = 1" = 30.0'

