

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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

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ZBA 2000-86  
Petition of Kevin M. and Patricia J. Barry  
20 Elmwood Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 16, 2000 at 7:30 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of KEVIN M. AND PATRICIA J. BARRY requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a two-story addition with a 16 foot by 17.5 foot first floor and a 16 foot by 18 foot second floor, with less than the required left side yard setback; and a 9.83 foot by 4.16 foot conforming deck, at their nonconforming property with less than the required front, right and left side yard setbacks, at 20 ELMWOOD ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On October 30, 2000, 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 were Kevin and Patricia Barry. Mr. Barry said their intention is to build a two-story addition with a family room on the first floor and a bedroom on the second floor. The house is nonconforming as to the left side yard setback, but the addition will be less nonconforming.

The Board 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 20 Elmwood Road, in a Single Residence District, on a 6,800 square foot lot and has a minimum front setback of 28.8 feet, a minimum right side yard setback of 13 feet and a minimum left side yard setback of 9 feet.

The petitioners are requesting a Special Permit/Finding that the construction of a two-story addition with a 16 foot by 17.5 foot first floor and a 16 foot by 18 foot second floor, with a minimum left side yard setback of 9.5 feet; and a 9.83 foot by 4.16 foot conforming deck, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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Petition of Kevin M. and Patricia J. Barry  
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A Plot Plan dated October 1, 2000, drawn by Philip L. Pattison, Registered Land Surveyor; Existing and Proposed Floor Plans and Elevations dated 10/17/00, drawn by Advantage Design & Construction; and photographs were submitted.

On November 14, 2000, the Planning Board reviewed the petition and had no objection to the granting of the request as the proposed addition does not extend beyond the existing nonconforming structure.

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 two-story addition shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as the addition will neither intensify the existing nonconformance, nor will it create new nonconformity as it is 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 two-story addition with a minimum left side yard setback of 9.5 feet and the conforming deck, in accordance with the submitted plot plan and construction drawings.

The Inspector of Buildings is hereby authorized to issue a building permit 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

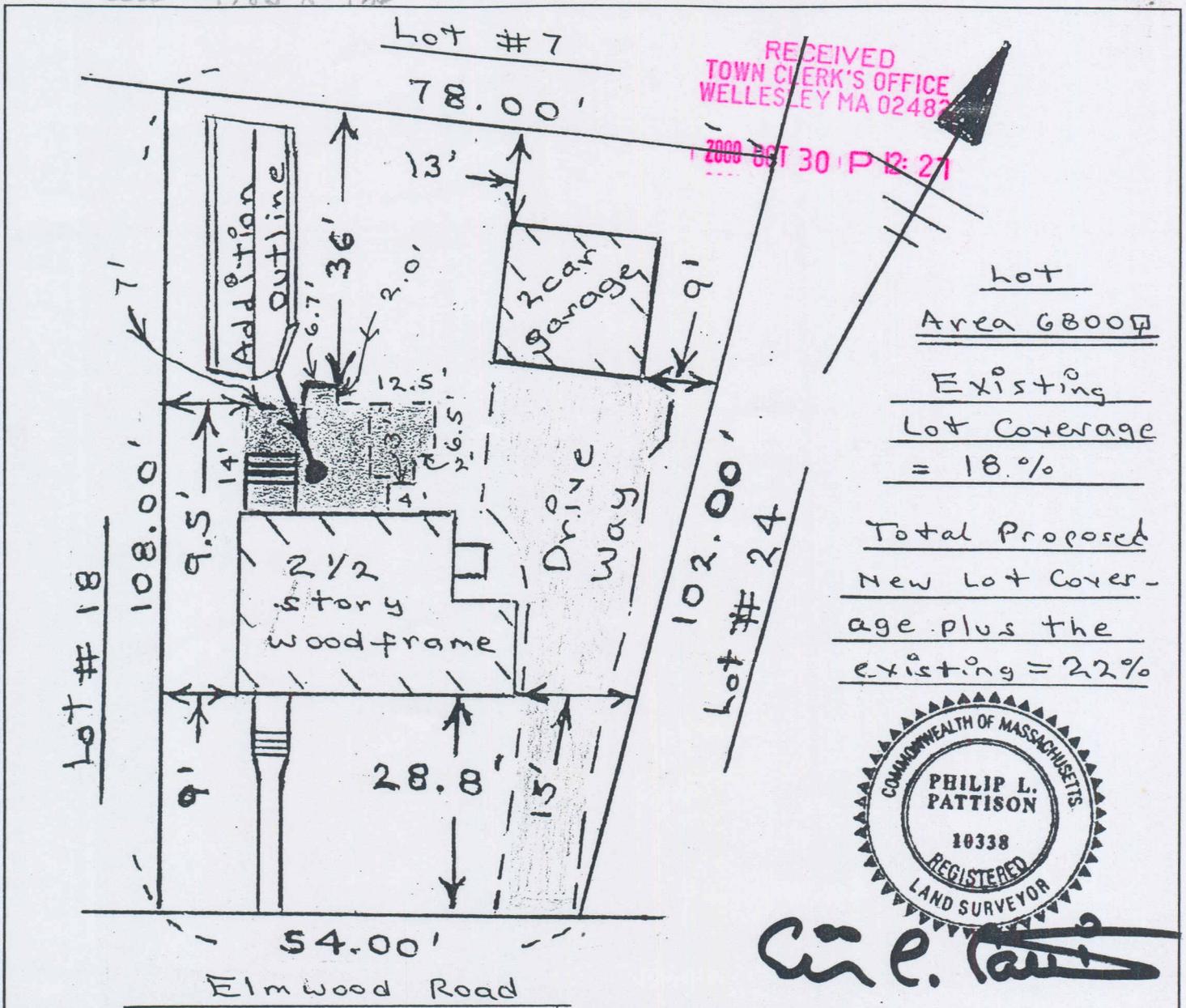
Kendall P. Bates, Chairman

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16' x 17.5 feet - second floor 2' overhang 16' x 18'  
 Deck 9.83 x 4.6



The dwelling/building setbacks (if any) shown on this plot plan are measured from building siding unless otherwise noted.

This plot plan is to be used only by the owner listed below, and contains only as much accuracy as is required to obtain a permit for the proposed improvements shown hereon (if any). Setbacks (distances shown from proposed or existing improvements to property lines) cannot be used to establish property lines or to locate fences, landscaping, or any other improvements not shown on this plan.

The surveyor is not responsible for takings, easements or conveyances not contained in the deed provided (or referenced) by client or by the local municipal Assessor or Engineer.

Name: Kevin + Atta Barry  
 Address: 20 Elmwood Road  
Wellesley, Mass.

Scale: 1" = 30'      Date: October 01, 2000

Deed Book: \_\_\_\_\_ Page: \_\_\_\_\_  
 Plan: Book 1737 - Page 598  
 County Registry: Norfolk County

**Philip L. Pattison, P.E. & P.L.S.**  
 17 Snake Brook Road  
 Wayland, MA 01778