

**ZONING BOARD OF APPEALS**

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

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ZBA 2007-70  
Petition of Christine Cahill  
386 Weston Road

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Petition of CHRISTINE CAHILL requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw for demolition of an existing 14 foot by 16 foot deck and construction of a 14 foot by 20 foot deck with less than required right side yard setbacks, at 386 WESTON ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On September 24, 2007, the Petitioner 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 Christine Cahill (the "Petitioner"), who said that the Board granted a Variance for the existing nonconforming deck in 1994. She said that the existing deck is rotting. She said that the request is to replace the deck and extend it five feet to open to the backyard instead of the driveway, for the safety of her grandchildren.

The Board said that there is a good amount of buffer between the proposed deck and the neighbors on the right side.

There was no one present at the public hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 386 Weston Road, on a 11,735 square foot lot, in a 10,000 square foot Single Residence District, with a minimum right side yard setback of 17.1 feet.

The Petitioner is requesting a Special Permit/Finding that demolition of an existing 14 foot by 16 foot deck and construction of a 14 foot by 20 foot deck with less than required right side yard setbacks shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 7/17/07, stamped by Frank Iebba, Professional Land Surveyor, Proposed Floor Plans and Elevation Drawings, dated 9/19/07, drawn by Paul C. Morgan, Jr., and photographs were submitted.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that although demolition of an existing 14 foot by 16 foot deck and construction of a 14 foot by 20 foot deck with less than required right side yard setbacks is increasing a nonconformity, such increase shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of an existing 14 foot by 16 foot deck and construction of a 14 foot by 20 foot deck with less than required right side yard setbacks, 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.

If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision"

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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.

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Cynthia S. Hibbard, Acting Chairman

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David G. Sheffield

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David L. Grissino

cc: Planning Board  
Inspector of Buildings  
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