

**ZONING BOARD OF APPEALS**

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ZBA 2009-67

Petition of Barbara McLaughlin  
32 Boulevard Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 8, 2009, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of BARBARA McLAUGHLIN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 6.1 foot by 9.4 foot one story addition and construction of a 6.1 foot by 11.3 foot deck with less than required left side yard setbacks, on a 6,080 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 32 BOULEVARD ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On September 21, 2009 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 Barbara McLaughlin (the "Petitioner").

Ms. McLaughlin said that there is an existing porch that they would like to make approximately three feet wider. She said that the proposed deck is really stairs from the porch.

Ms. McLaughlin submitted signed letters of support for the project from the neighbors.

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 32 Boulevard Road, on a 6,080 square foot lot in a district in which the minimum lot size is 10,000 square feet, with a minimum front yard setback of 26.2 feet, and a minimum left side yard setback of 12.4 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 6.1 foot by 9.4 foot one story addition and construction of a 6.1 foot by 11.3 foot deck with less than required left side yard setbacks, on a 6,080 square foot lot in a district in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 7/30/09, stamped by Bradley Simonelli, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 7/17/09, and photographs were submitted.

On October 7, 2009, the Planning Board reviewed the petition and had no objection to granting the request.

### 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 construction of a 6.1 foot by 9.4 foot one story addition and construction of a 6.1 foot by 11.3 foot deck with less than required left side yard setbacks, on a 6,080 square foot lot in a district in which the minimum lot size is 10,000 square feet, 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 construction of a 6.1 foot by 9.4 foot one story addition and construction of a 6.1 foot by 11.3 foot deck, 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.

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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Richard L. Seegel, Chairman

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J. Randolph Becker

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David G. Sheffield

cc: Planning Board  
Inspector of Buildings  
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