

TOWN OF WELLESLEY



MASSACHUSETTS

77-38

ZONING BOARD OF APPEALS

FRANCIS L. SWIFT, Chairman
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WILLIAM O. HEWETT
WILLIAM E. POLLETTA
WILLIAM F. CULLINANE
FRANKLIN P. PARKER

KATHARINE E. TOY
Administrative Secretary
Telephone
235-1664

April 5, 1978.

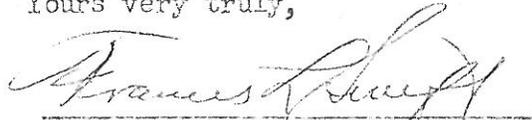
Mrs. Alice L. Mann
Town Clerk
Town Hall
Wellesley, Mass.

Dear Mrs. Mann:

On August 22, 1977, a petition was filed by Herbert C. Wells and Gail M. Wells, requesting permission to construct a swimming pool less than the required twenty feet from the side lot line of their property at 7 Chesterton Road.

The Zoning Board of Appeals has not filed its decision within seventy-five (75) days of the date of the filing of the petition, therefore, in accordance with Section XXIV-E-4 of the Zoning By-law, the relief sought is granted.

Yours very truly,



Francis L. Swift, Chairman

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MICHAEL D. ZIBEL

Attorney at Law

6 FAY LANE
NEEDHAM, MASS. 02194
TELEPHONE 449-3415
AREA CODE 617

March 8, 1978

Board of Appeal
Town of Wellesley
Town Hall
Wellesley, Massachusetts 02181

Re: Petition of Herbert C. Wells and Gail M. Wells
7 Chesterton Road, Wellesley, Mass.

Gentlemen:

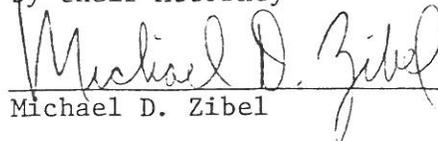
As your records indicate, the above named Herbert C. Wells and Gail M. Wells on August 22, 1977 filed a petition with your Board requesting a variance from the terms of Section XIX of the Zoning By-law of the Town of Wellesley. This petition was to allow the construction of a swimming pool less than the required twenty feet from the dwelling at said 7 Chesterton Road. This petition was filed in accordance with Section XXIV of the Zoning By-law, with plans attached to the petition. Notice of the Public Hearing which was held on September 8, 1977 was given to all abutters and Notice of Hearing was published for two consecutive weeks as required by M.G.L., C. 40A.

As indicated, a hearing on the above petition was held on September 8, 1977 before Board Members William O. Hewitt and William E. Cullinane, and Associate Member Henry H. Thayer, sitting in the absence of Board Member Francis L. Swift. All those appearing at said hearing spoke in favor of said petition, and to the best of my knowledge no opposition was expressed.

On behalf of the petitioners, I hereby formally request that a building permit issue to the petitioners for the construction of a swimming pool at the above location in accordance with the aforementioned plan. This formal request is being made in accordance with Section XXIV of the Zoning By-law of the Town of Wellesley, as subsection E(4) of that section pertaining to General Rules and Procedures provides in part as follows ". . . the decision of the ZBA shall be made within seventy-five(75) days after the date of the filing of an appeal, application, or petition. Failure by the ZBA to act within seventy-five (75) days shall be deemed to be grant of relief, application or petition sought. . . ." (Emphasis added.)

The above petition having been deemed granted by the Board's failure to act, this formal request for the issuance of a building permit is hereby made.

Hebert C. Wells and Gail M. Wells
by their Attorney


Michael D. Zibel

MDZ:jem

CERTIFIED MAIL -- Return Receipt Requested

