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ZONING BOARD OF APPEALS

KATHARINE E. TOY
 Administrative Secretary
 Telephone
 235-1664

Petition of Robert W. and
Ann C. Dunlap

Pursuant to due notice the Permit Granting Authority held a public hearing in the hearing room on the second floor of the Town Hall at 8:30 p.m. on February 7, 1980, on the petition of Robert W. and Ann C. Dunlap, requesting a variance from the terms of Section XIX of the Zoning By-law which will allow the construction of a deck on the rear of their dwelling at 9 $\frac{1}{2}$ Crest Road with a side yard less than the required thirty feet, and a side yard less than the required twenty feet. Said request was made under the provisions of Section XXIV-D of the Zoning By-law.

On January 22, 1980, the petitioners filed their request for a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

Ann C. Dunlap spoke in support of the request at the hearing.

Ralph K. Stone, 1 $\frac{1}{4}$ Summit Road, spoke in favor of the petition at the hearing.

Statement of Facts

The property involved is located within a Single Residence District requiring a minimum lot area of 10,000 square feet. The house involved was built over seventy-five years ago and is located on a lot containing 9,363 square feet; it was built prior to the effective date of the yard requirements.

The petitioners seek a variance which will allow them to construct a deck across the rear and around a portion of the westerly side of their dwelling. The proposed deck is designed to be constructed ten feet from the line at the rear of the house and ten feet from Summit Road at the nearest point.

It was stated at the hearing that the property involved is subjected to flooding problems throughout the year, and it is felt that the solution to the problem is to construct a drainage system which will transport the water to the southwest corner of the property where natural ground water transport will occur. The proposed deck will conceal the drainage tiles and provide protection.

The alternative solution, it was stated, would be to regrade with the use of additional fill, so that drainage would be to the north and eastern boundary lines, however that would present several problems.

Not only would it be excessively expensive to reconstruct the existing driveway and built a dike to prevent flooding of the garage, which would be necessary, but it would change the natural land contours as well as the character of the lot. The proposed drainage system, however, would not alter the natural surface of the land, nor shift the surface/ground water problem onto abutting properties.

It was further stated that due to the outcropping of ledge to the north and east of the house, the natural drainage is limited and the water drains into the cellar of the house throughout the year.

A plot plan was submitted, drawn by Carmelo Frazetti, Land Surveyor, dated May 25, 1979, which showed the existing house on the lot as well as the proposed deck.

Decision

The Authority has made a careful study of the evidence submitted and has taken a view of the locus.

In its opinion, there is a real need for the proposed deck and subject to a condition hereinafter imposed, the location appears to be the most feasible place for it, both from an economical as well as a practical standpoint.

Although this Authority is cognizant of the need for the proposed deck, it does not believe that it needs to be located as close as ten feet to Summit Road, as shown on the plan submitted, to accomplish its purpose, nor does it feel that the posts above the deck need to exceed a height limitation of three feet. It feels that to allow an encroachment as proposed, would be detrimental to the neighborhood, and that a deck can be designed of adequate size and aesthetically which will accomplish the purpose for which it is being constructed.

Therefore, it is the unanimous opinion of this Authority that owing to circumstances relating to the soil conditions and topography of the land involved, a literal enforcement of the provisions of Section XIX of the Zoning By-law would involve substantial hardship to the petitioners. It is the further opinion of the Authority that desirable relief may be granted without substantial detriment to the public good and without substantially derogating from the intent or purpose of the Zoning By-law.

Accordingly, the requested variance is granted and the Building Inspector is authorized to issue a permit for a deck as shown on a revised plan to be filed and approved by this Authority, subject to the following conditions:

1. That a revised plot plan shall be submitted to this Authority, showing the proposed deck to be no closer than eighteen (18) feet to Summit Road.
2. That a revised architectural plan shall be filed and approved by this Authority, showing the posts no higher than three (3) feet above the deck at any location.

OK on plan dated 3/27/80 WSC 4-5-80

OK 3/27/80 WSC

RECEIVED
MAY 28 1979
BUILDING DEPARTMENT

*ok in
plan dated 7/2/80
WPC 4/8/80*

- 3. That the deck may be located no closer than ten (10) feet from the lot line on the northerly side.
- 4. That no building permit shall issue until all the above-mentioned conditions have been complied with.

Francis L. Swift
Francis L. Swift

Franklin P. Parker
Franklin P. Parker

Stephen S. Porter
Stephen S. Porter

Filed with Town Clerk _____

Copies of the decision and all plans referred to in the decision have been filed with the Planning Board and with the Town Clerk.

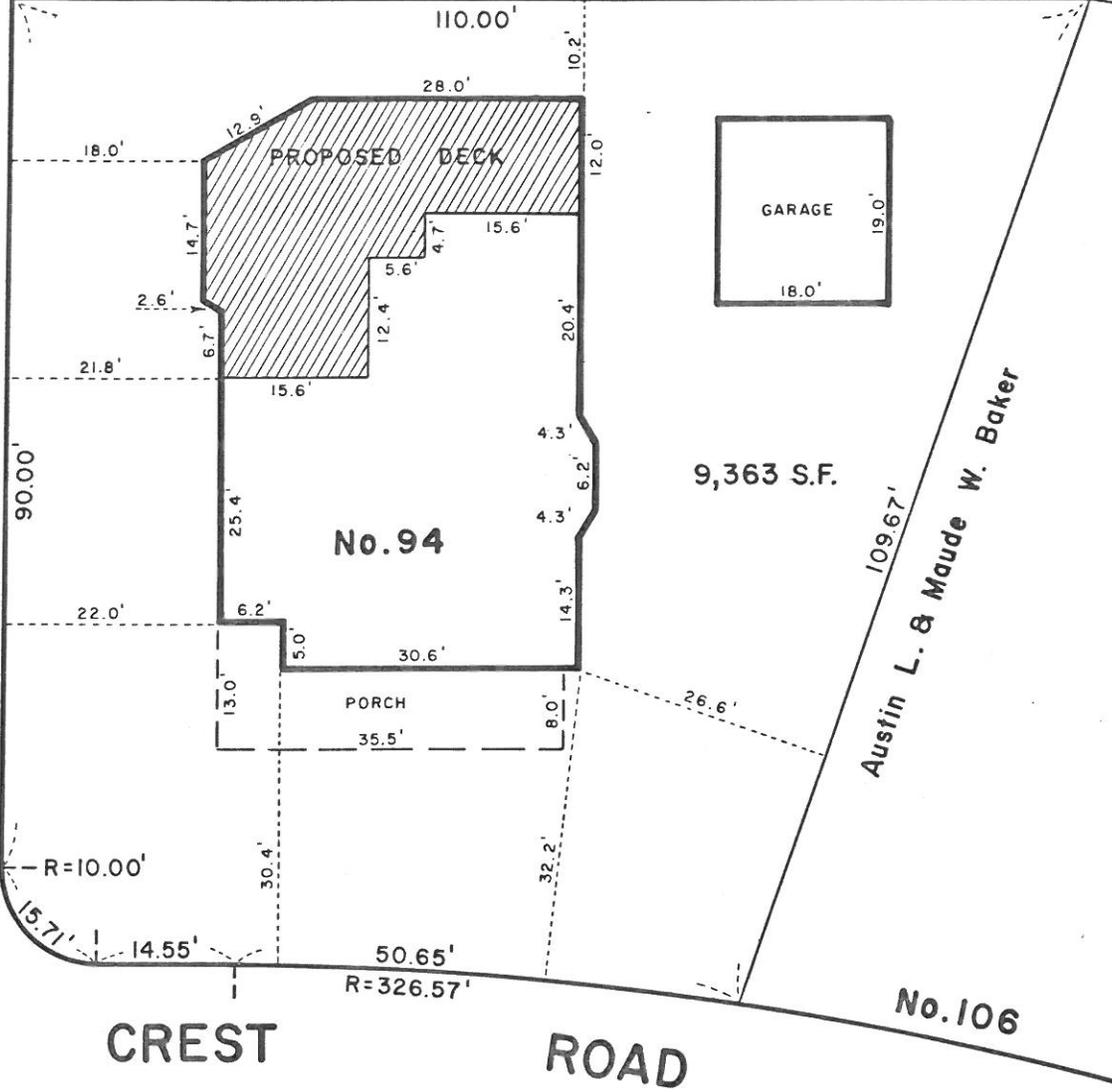
RECEIVED
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 SEP 13 9 51 AM '80

SUMMIT ROAD

No. 3

Anthony Thomas G. & Sandra J. Pallett

George T. & Janet S. Perkins



PLAN OF LAND
IN
WELLESLEY, MASSACHUSETTS

AT
No. 94 CREST ROAD
OWNED BY
Robert and Anne C. Dunlap
PROPOSED DECK

March 28, 1980

Carmelo Frazetti



Scale: 1" = 20'

Land Surveyor

*noted 4/5/80
arc*