



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

APR 16 1 38 PM '93

JOHN A. DONOVAN, JR., Chairman
ROBERT R. CUNNINGHAM
KENDALL P. BATES

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WILLIAM E. POLLETTA
FRANKLIN P. PARKER
SUMNER H. BABCOCK

ZBA 93-24
Petition of James V. Cerulle
20 Avon Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 25, 1993 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of JAMES V. CERULLE requesting a Special Permit pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the addition of a deck approximately 10 feet by 12 feet at the rear of their pre-existing nonconforming dwelling, with less than the required left side yard and less than the required front setback, at 20 AVON ROAD, in a Single Residence District, shall not intensify the existing nonconformities or create additional ones. Said deck will comply with all zoning requirements.

A Special Permit/Special Permit Finding is also requested for the construction of a shed dormer, approximately 8 feet by 12 feet on the left side of the nonconforming dwelling with less than the required left side yard. Said construction will include raising the ridge line of the existing roof approximately 5 feet.

On March 8, 1993, the petitioner requested 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 James Cerulle. The Board questioned if construction had started as the submitted pictures show the roof covered with plastic. Mr. Cerulle responded that the roof was leaking, and had to be retarped. The dormer will be located on the left side of the dwelling where the leaking is occurring.

No other person present had any comment on the petition.

Statement of Facts

The pre-existing nonconforming dwelling is located at 20 Avon Road, in a Single Residence District, on an 8,000 square foot lot, with a minimum front setback of 26 feet and a minimum left side yard clearance of 19.9 feet.

The petitioner is requesting a Special Permit to construct a deck approximately 10 feet by 12 feet at the rear of the dwelling. The deck will have a conforming left side yard of 27.8 feet, a conforming

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right side yard of over 30 feet and a conforming rear setback of 35.9 feet.

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A Special Permit/Special Permit Finding is also requested for construction of a shed dormer approximately 12 feet by 8 feet, which will necessitate raising the ridge line of the roof approximately 5 feet. The shed dormer will have a minimum left side yard clearance of 19.9 feet.

A Plot Plan dated February 25, 1993, drawn by Paul J. Sawtelle, Registered Land Surveyor; floor plans and elevations; and photographs were submitted.

Letters of support for the petition were received from Phyllis Maya, 14 Avon Road; Jane Amara and Neil Simister, 19 Avon Road; David Rhodes, 12 Avon Road; Robert Cerulle, 10 Avon Road; and Ruth Hodgkinson, 8 Avon Road.

On March 15, 1993, the Planning Board reviewed the petition and voted to offer no objection to the granting of the Special Permit and Special Permit Finding.

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 opinion of this Authority that as the proposed deck conforms to all zoning requirements, it will not increase the nonconformities or result in additional ones.

It is the opinion of this Authority that as the proposed shed dormer will not further encroach on the minimum left side yard, the proposed construction will not intensify the existing nonconformities or result in additional ones.

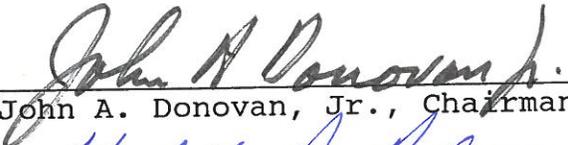
Therefore, a Special Permit is granted for construction of both the conforming deck and the nonconforming shed dormer subject to construction in accordance with the submitted plot plan and construction sketches.

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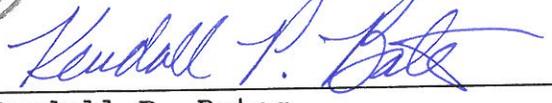
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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



John A. Donovan, Jr., Chairman



Kendall P. Bates



Robert R. Cunningham

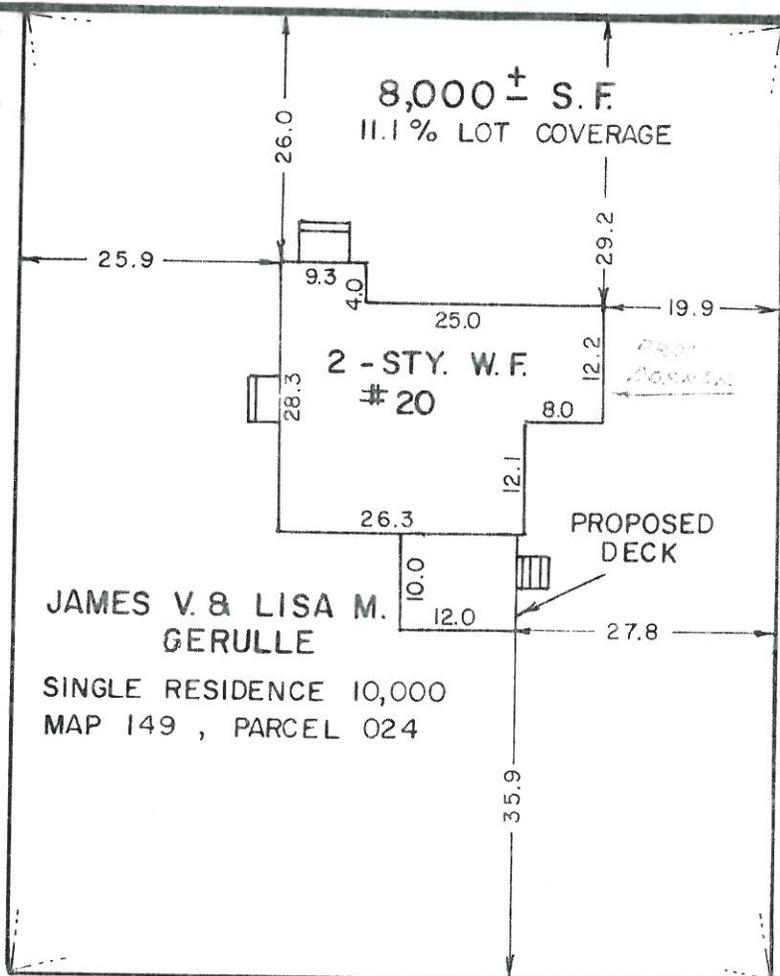
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AVON ROAD

N/F NICHOLAS & ANNA CONSTANTINE

MARY C. STOCK, ET AL



JAMES V. & LISA M. GERULLE
SINGLE RESIDENCE 10,000
MAP 149, PARCEL 024

N/F DIANE L. MCOSCAR

N/F RUFUS C. & ELIZABETH S. KING

N/F J. & P. POLEY

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Paul J. Sawtelle

PLAN OF LAND
IN

WELLESLEY, MASS.

SCALE : 1" = 20'
MASS BAY SURVEY, INC.

FEB. 25, 1993
NEWTON, MASS.