



Nov 3 8 25 AM '95

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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

ELLEN D. GORDON
Executive Secretary
Telephone
431-1019 X208

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02181

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

ZBA 95-71

Petition of Scott R. and Kathryn B. McMullin
24 Oxbow Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 26, 1995 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 SCOTT R. AND KATHRYNE B. MCMULLIN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a deck approximately 33.6 feet by 13 feet at the rear of their nonconforming dwelling with less than the required left side yard setback at 24 OXBOW ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. Said deck will have less than the required left side yard setback.

On October 10, 1995, the petitioners 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 Scott McMullin, who said that their house has a set of french doors with stairs leading to the back yard. He would like to remove the stairs and construct a deck to make the yard more accessible. If the deck were set back 20 feet from the lot line, it would end 8 inches into one of the french doors. He is asking for an additional two feet to balance the deck. The deck will not extend to the end of the house, and will be less nonconforming than the existing house.

The Board asked if Mr. McMullin had any future plans to enclose the deck for use as a porch. Mr. McMullin responded that they have had to lower a bulkhead which is located in the deck area, and will construct a lift-up panel in the deck to access the bulkhead. Enclosing the deck with the bulkhead beneath it would not be feasible.

Russell V. Dennis, 2 Old Town Road, expressed support for the petition.

Statement of Facts

The subject property is located at 24 Oxbow Road, on a 16,940 square foot lot, in a Single Residence District, and has a minimum left side yard clearance of 10.35 feet from the left rear corner of the dwelling.

ZBA 95-71
Petition of Scott R. and Kathryne B. McMullin
24 Oxbow Road

The petitioners are requesting a Special Permit/Finding to construct a deck approximately 33.6 feet by 13 feet, which would have a minimum left side yard clearance of 14.92 feet.

A Plot Plan dated October 2, 1995, drawn by James R. Keenan, Registered Land Surveyor; Elevation and Top View dated 9/29/95 and photographs were submitted.

A letter was submitted from David J. Roberts, 20 Oxbow Road, in support of the petition.

On October 24, 1995, the Planning Board reviewed the petition and voted to offer no objection to the request.

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.

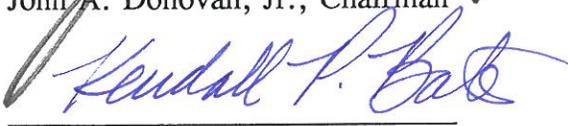
It is the finding of this Authority that the proposed 33.6 foot by 13 foot deck will neither intensify the existing nonconformance nor create additional nonconformities as the deck will have a greater setback from the left side lot line than the existing structure.

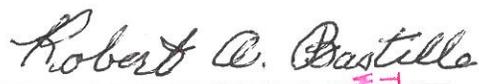
It is the unanimous decision of this Authority to grant a Special Permit for the construction of the requested deck in accordance with the submitted plot plan and construction sketches.

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

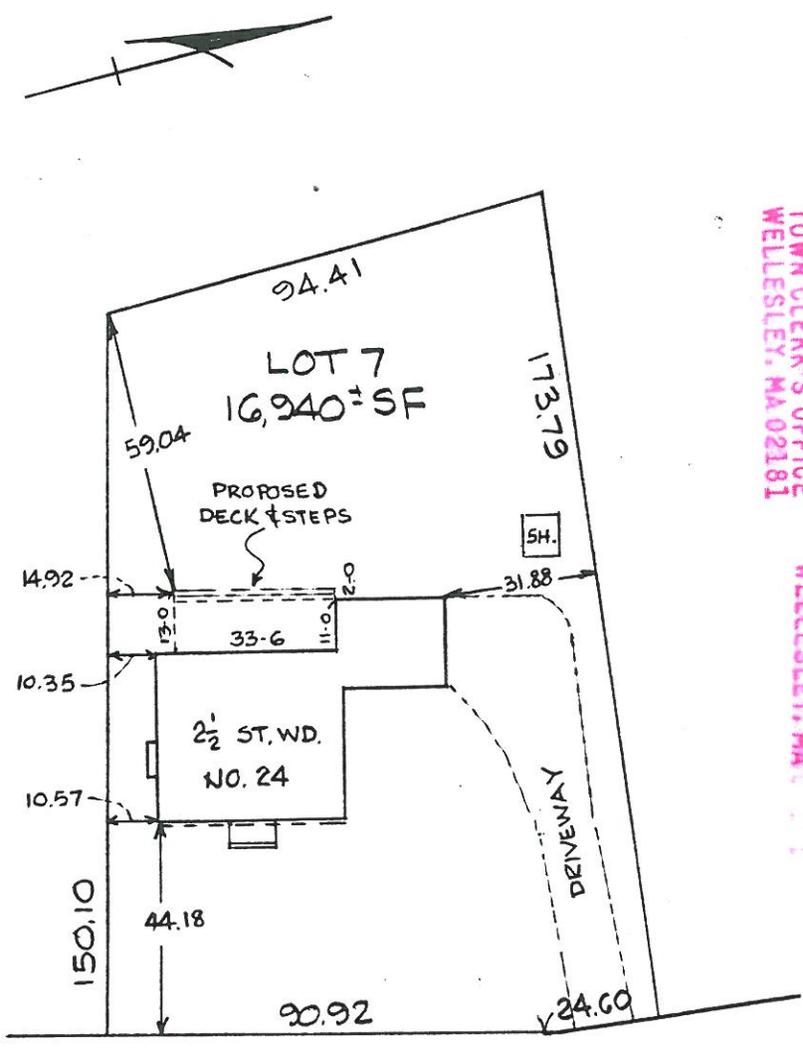
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.

cc: Planning Board
Inspector of Buildings
edg


John A. Donovan, Jr., Chairman

Kendall P. Bates


Robert A. Bastille

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02181
Nov 3 8 26 AM '95

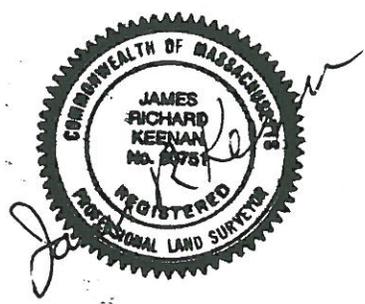


RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02181
OCT 10 9 10 AM '95

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02181

OX BOW ROAD

I certify that this plot plan is the result of an instrument survey.



PLOT PLAN
IN
WELLESLEY, MASS.
SCALE: 1 IN. = 40 FT. OCT. 2, 1995

James R. Keenan R.L.S.
8 Winchester Pl., Suite 208
Winchester, MA 01890