



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

APR 12 7 49 AM '96  
RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY, MASSACHUSETTS

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

ZBA 96-14

Petition of James P. and Donna D. Conlin  
10 Emerson Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 28, 1996 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 P. AND DONNA D. CONLIN 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 30 feet by 18 feet, which would have less than the required right side yard setback, at their nonconforming dwelling with less than the required right side yard setback at 10 EMERSON ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On March 11, 1996, 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 James Conlin, who said that over 20 years ago, Mr. Hale, a former owner, was given permission by the Zoning Board to build a deck 40 feet along the right side of the house, but the deck was never built. About 14 years ago, the Conlins received permission to construct a 14 foot by 18 foot deck, which was built on the right side of the house. Now, they would like to expand the deck to the approximate dimensions of Mr. Hale's original request.

Mr. Conlin said that there is a retaining wall along the right side about 10 feet inside the right side lot line. There is a substantial drop in the grade. The proposed deck would be level with the top of the retaining wall, leaving a storage area beneath the deck.

The Board stated that Mr. Conlin should understand that the proposed deck would not be allowed to form the basis for future construction on the deck, or enclosure of the deck.

No other person present had any comment on the petition.

#### Statement of Fact

The subject property is located at 10 Emerson Road, in a Single Residence District, on a 14,300 square foot lot, and has a minimum right side yard clearance of 10.1 feet.

ZBA 96-14  
Petition of James P. and Donna D. Conlin  
10 Emerson Road

APR 12 7 49 AM '96

In 1976, the Board of Appeals granted a variance (ZBA 76-33) to construct a platform deck and screened porch to Robert H. Hale. The deck was to be 33 feet long and 11.5 feet from the right side line. The deck was never constructed.

In 1985, the petitioner requested and was granted a variance (ZBA 85-4) to construct a deck approximately 18 feet 3 inches by 14 feet coming no closer than 11 feet to the right side line.

The petitioners are now requesting a Special Permit/Finding to construct a second deck approximately 18 feet by 30 feet, attached to the aforementioned deck, which will have a minimum right side yard clearance of 10.5 feet from the right rear corner.

A plot plan dated March 4, 1996, drawn by Bruce Bradford, Professional Land Surveyor; a plan and elevations; and photographs were submitted.

On March 19, 1996, the Planning Board reviewed the petition and voted to offer no comment.

#### Decision

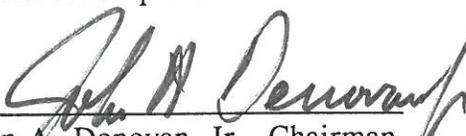
This Authority has made a careful study of the materials submitted and the information presented at the hearing. Neither the subject dwelling nor the proposed deck conform to the Zoning Bylaw as noted in the aforementioned Statement of Facts.

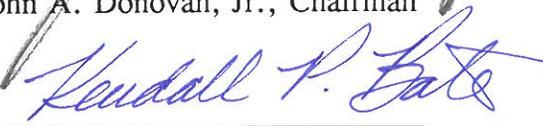
It is the unanimous finding of this Authority, as voted at the Public Hearing, that the proposed deck will not intensify the existing nonconformance, nor will it create new nonconformities as it will not encroach as far as the existing dwelling and deck on the right side lot line.

Therefore, a Special Permit is granted for the construction of the 18 foot by 30 foot deck subject to construction in accordance with the submitted plot plan and construction sketches.

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  
THE FILING OF THIS DECISION IN  
THE OFFICE OF THE TOWN CLERK.

  
John A. Donovan, Jr., Chairman

  
Kendall P. Bates

  
Robert A. Bastille

cc: Planning Board  
Inspector of Buildings  
edg

# PLAN OF LAND IN WELLESLEY, MASS.

10 EMERSON ROAD  
SHOWING PROPOSED ADDITIONS

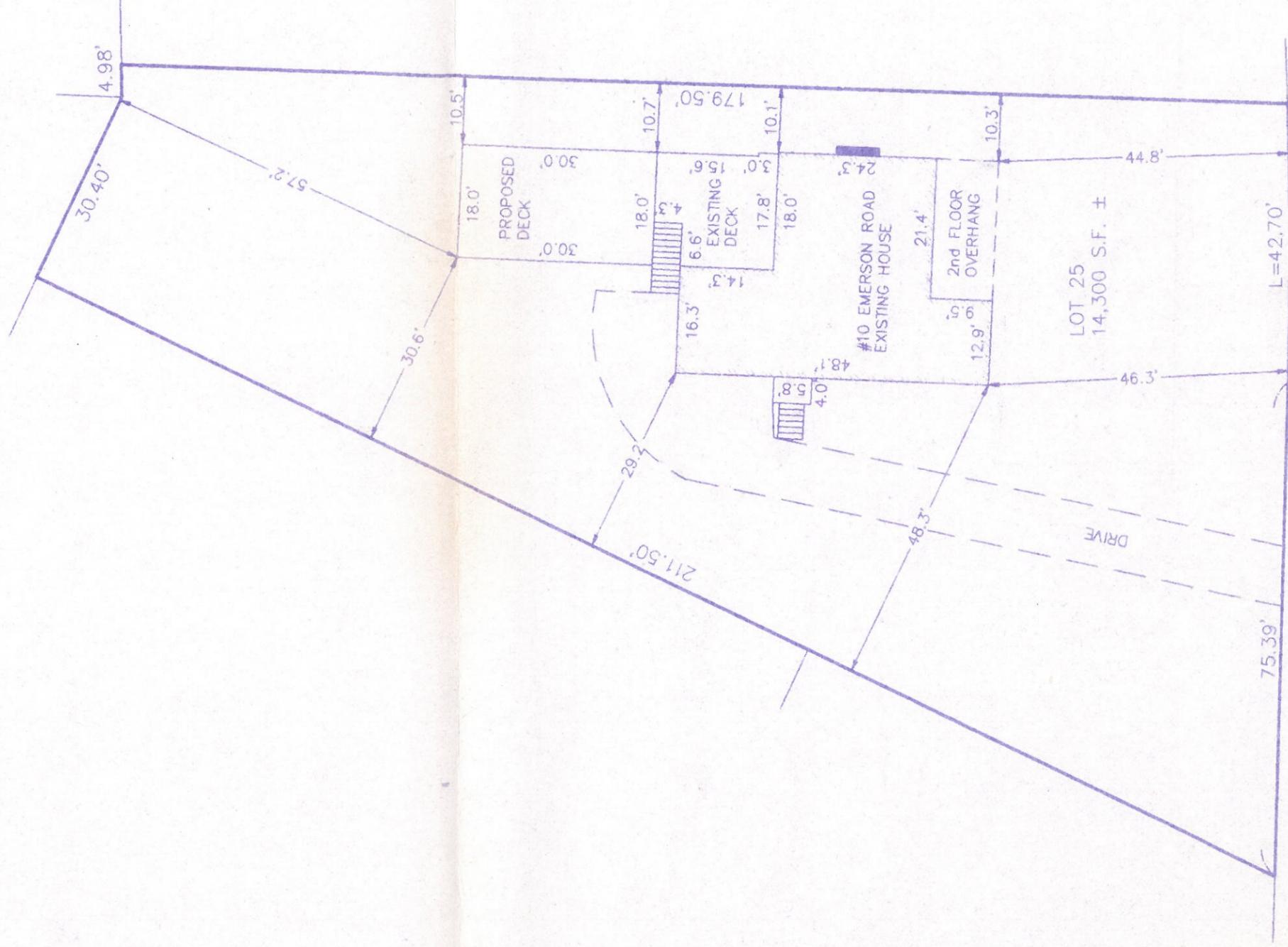
SCALE 1 IN. = 20 FT MARCH 4, 1996

PREPARED BY:  
EVERETT M. BROOKS COMPANY  
49 LEXINGTON STREET  
WEST NEWTON MA 02165  
(617) 527-8750

PROJECT NO. 15026



MAR 11 8 46 AM '96  
RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY, MA 02181



EMERSON ROAD