



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

May 1 8 26 AM '96

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ZBA 96-20
Petition of Don Hutchins
11 Brookfield Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 18, 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 DON HUTCHINS 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 32 feet by 12 feet, which would have less than the required left side yard setback, at his nonconforming dwelling with less than the required left side yard setback, at 11 BROOKFIELD ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On April 1, 1996, the petitioner 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 Don Hutchins, who said that he has two lots with the house on one situated 7 feet from the left side lot line. The house was built in the early 1930s and no additions have been constructed. He would like to add a deck which will be set in from the house on both sides.

Benjamin Howe, 5 Brookfield Road, expressed support for the petition.

Statement of Facts

The subject property is located at 11 Brookfield Road, in a Single Residence District, on a 10,099 square foot lot. The nonconforming dwelling has a minimum right side yard clearance of 16.8 feet and a minimum left side yard clearance of 7.0 feet.

The petitioner is requesting a Special Permit/Finding to construct a deck approximately 32 feet by 12 feet which will have a minimum left side yard clearance of 11.1 feet.

A Plot Plan dated March 19, 1996, drawn by Bruce Bradford, Professional Land Surveyor; Floor Plans and Elevations dated March 19, 1996, drawn by Briarwood Custom Builders; and photographs were submitted.

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The Planning Director commented that the staff believes that the project will not be substantially more detrimental to the neighborhood than the existing nonconforming house.

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 unanimous finding of this Authority, as voted at the Public Hearing, that the proposed deck will not be substantially more detrimental to the neighborhood than the existing nonconforming structure as it will not intensify the existing nonconformance nor will it create additional nonconformities.

Therefore, a Special Permit is issued for the construction of the proposed deck in accordance with the submitted Plot Plan and construction drawings.

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.



Kendall P. Bates
Kendall P. Bates, Acting Chairman



Sumner H. Babcock
Sumner H. Babcock



William E. Polletta
William E. Polletta

cc: Planning Board
Inspector of Buildings
edg

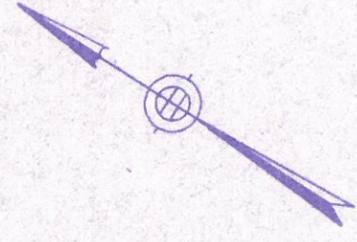
PLAN OF LAND IN WELLESLEY, MASS.

11 BROOKFIELD ROAD
SHOWING PROPOSED ADDITIONS

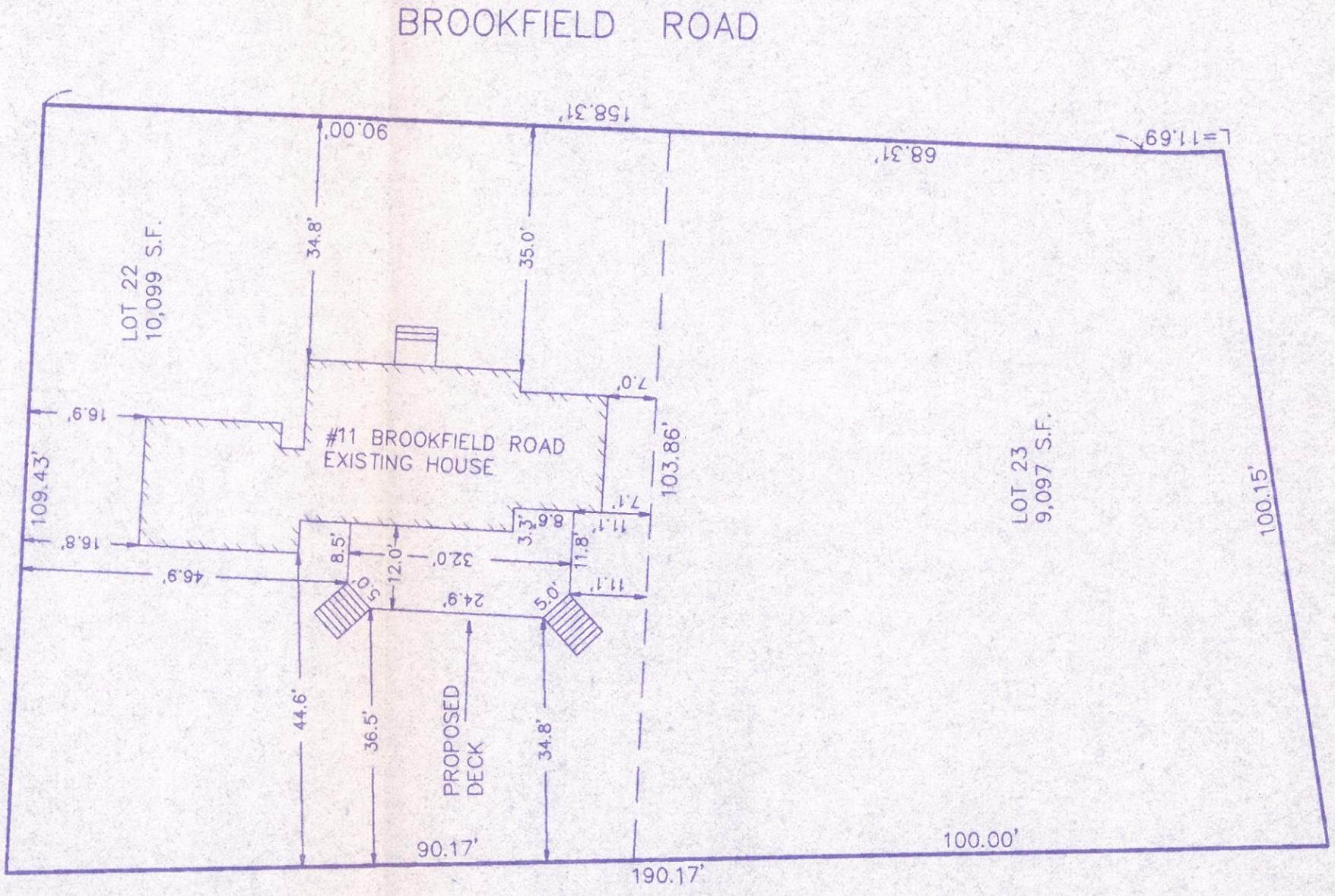
SCALE 1 IN. = 20 FT MARCH 19, 1996

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

PROJECT NO. 18291



LOT COVERAGE = 17.1 % (LOT 22)



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