



ZONING BOARD OF APPEALS

MAY 6 8 56 AM '97

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02181-5992

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WELLESLEY, MA 02181
SEMMER H. BABCOCK
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ZBA 97-27

Petition of David E. and Susan B. Clapham
3 Atwood Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 24, 1997 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 DAVID E. AND SUSAN B. CLAPHAM requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a 29.9 foot by 11.3 foot deck, with less than the required left side yard setback, at their nonconforming dwelling with less than the required left side yard setback, at 3 ATWOOD STREET, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On April 7, 1997, 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 David Clapham, who was accompanied by his builder, Peter Fallon. Mr. Clapham said that they have been renovating their house, and would like to add a deck in the back. The back falls below the basement level, and they have small children who would have a safer place to play. It also would provide better access from the garage.

No other person present had any comment on the petition.

Statement of Facts

The subject nonconforming dwelling is located at 3 Atwood Road, in a Single Residence District, on an 11,880 square foot lot, and has a minimum left side yard clearance of 12.5 feet.

The petitioners are requesting a Special Permit/Finding that the construction of a 29.9 foot by 11.3 foot deck, with a minimum left side yard clearance of 12.5 feet, at the rear of their nonconforming dwelling, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 10/31/96 drawn by Terrence M. Ryan, Registered Professional Land Surveyor; Floor Plan and Elevations dated March 11, 1997, drawn by Carr Associates, Inc.,

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and photographs were submitted.

On April 15, 1997, the Planning Board reviewed the petition and voted to offer no objection provided the deck remains uncovered.

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 with the Zoning Bylaw as noted in the foregoing Statement of Facts.

It is the finding of this Authority that the construction of the proposed 29.9 foot by 11.3 foot deck will not be substantially more detrimental to the neighborhood than the existing nonconforming structure as it will not create new nonconformity, nor will it intensify the existing nonconformity.

A Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the construction of the 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.

cc: Planning Board
Inspector of Buildings
edg



Kendall P. Bates, Acting Chairman



William E. Polletta



Robert A. Bastille

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PROPOSED PLOT PLAN WELLESLEY, MASS.

SCALE: 1" = 20'

DATE: OCTOBER 30, 1996

PREPARED FOR:

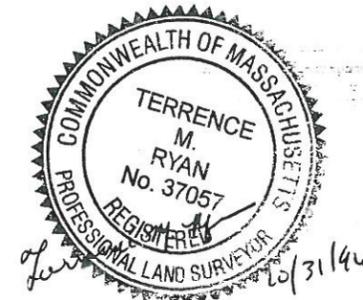
FALLOU DEVELOPMENT, INC.
10 CUSHING ROAD
WELLESLEY, MASS. 02181

ENGINEERS & SURVEYORS:

APPLEWOOD SURVEY CO.
761 WASHINGTON STREET
HOLLISTON, MASS. 01746
TERRENCE M. RYAN R.L.S. 37057

ZONED: SF RESIDENTIAL
AREA: 10,000 SF
SIDEYARD: 20 FT
REARYARD: 10 FT

DEED BOOK 2479 PAGE 157
ASSESSORS MAP 99 LOT 55



RELIEF IS SOUGHT AGAINST THE DIMENSIONAL OFFSET REGULATIONS OF THE WELLESLEY ZONING BYLAWS TO ALLOW CONSTRUCTION WITHIN THE SIDEYARD OFFSET REQUIREMENT.

NOTE: THIS PLAN IS FOR DISCUSSION PURPOSES ONLY AND IS NOT TO BE CONSTRUED AS A BUILDING PLAN.

NOTE: PROPOSED DECK TO ATTACH TO EXISTING PORCH 0.1 FEET SOUTHERLY OF PORCH CORNER IN ORDER TO PREVENT NORTHEASTERLY CORNER OF PROPOSED DECK FROM ENCRUCHING ANY CLOSER TO THE SIDE LOT LINE THAN DOES THE EXISTING PORCH.

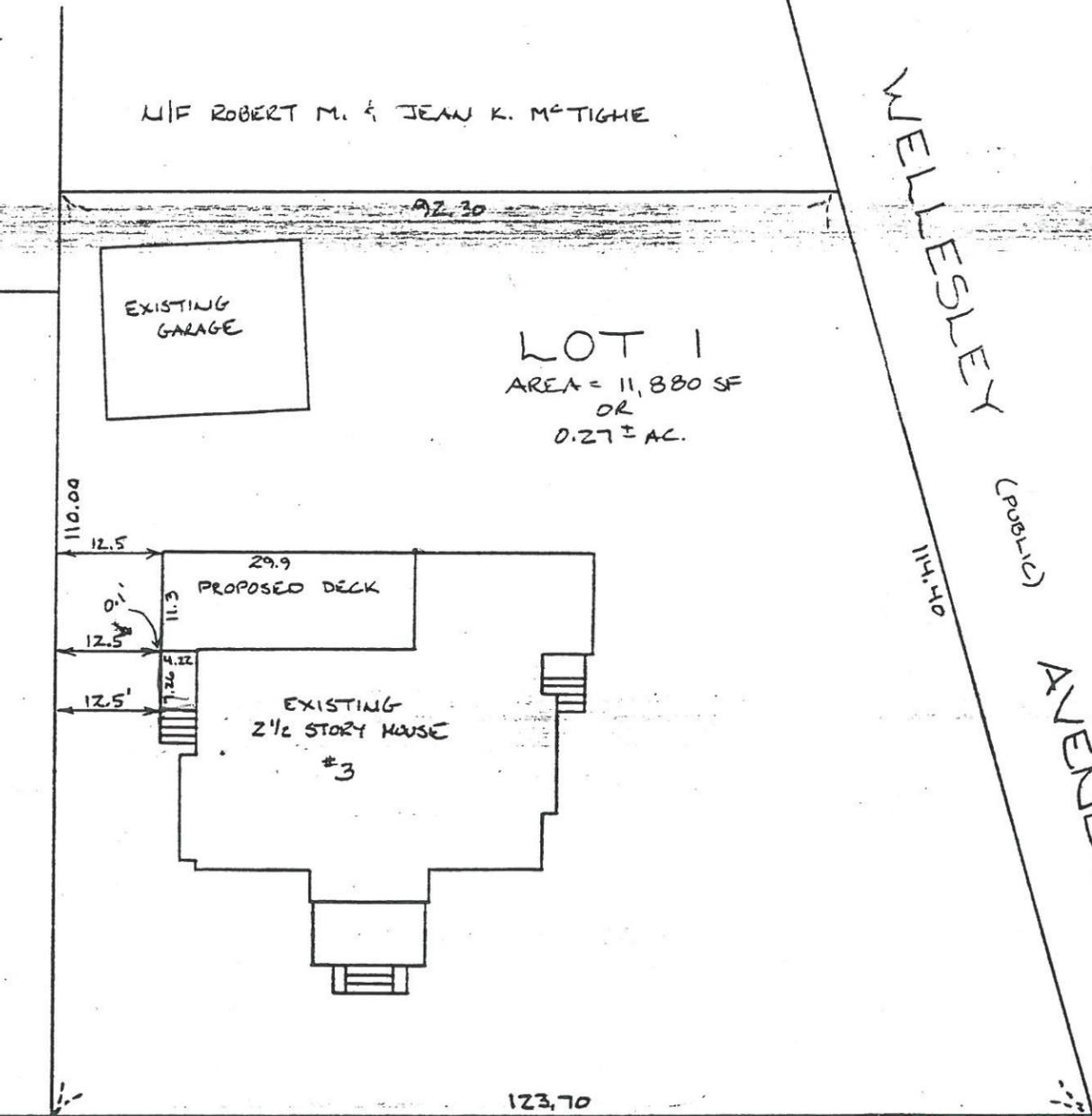
PLAN 774 OF 1976

N/F ANTHONY C. CORBOSIERO

N/F ROBERT M. & JEAN K. MCTIGHE

N/F JOHN A. SEAVENUS, JR.

WELLESLEY AVENUE (PUBLIC) 114.40



ATWOOD STREET (PUBLIC - 40' WIDE) 123.70

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