



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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Petition of Richard Somerville

Pursuant to due notice, the Permit Granting Authority held a public hearing in the hearing room on the second floor of the Town Hall at 8:30 PM on July 1, 1980, on the Petition of Richard Somerville, requesting a Variance from the terms of Section XXIV-D of the Zoning Bylaw which will allow the construction of a screened porch and the renovation of an existing deck at their dwelling at 38 Hillside Road. The Variance is sought because they have less than the twenty (20) foot side yard requirement.

On June 5, 1980, the Petitioner filed his request for a hearing before this Authority, and thereafter due notice of the hearing was given by mailing and publication.

Richard Somerville spoke in behalf of this petition. Ted Merlo, an abutter at 36 Hillside Road also spoke in favor of this petition.

Statement of Facts

The deck is presently in existence along the easterly property line which abuts Town property. The deck is simply used as a means of entrance and egress from the house, it is essential due to slopping conditions, it is hardly large enough to place a chair.

Construction of the porch was begun prior to obtaining a building permit. The Building Inspector advised him that he would need to go before the Zoning Board of Appeal for a Variance. At this point, the construction was stopped. The porch at this time is all poured and ready to simply be screened in. The topography of the land and its soil conditions make it necessary to have a porch. Also, there is a large number of mosquitos due to the wetlands and thick vegetation.

Plot Plan dated April 26, 1980 signed by John J. Regan, Registered Land Surveyor, was submitted with the petition.

Decision

This petition requests a Variance from the terms of Section XIX of the Zoning Bylaw to allow the construction of a screen porch to the rear of the dwelling and to renovate and enlarge a side deck at 38 Hillside Road, as shown on the Plot Plan

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Petition of Richard Somerville

dated April 26, 1980.

The side deck is already in existance, having been renovated prior to applying. The Plot Plan submitted shows the side deck to extend an undefined distance beyond the easterly lot line. The foundation for the rear porch is already in place.

This Authority has made a careful study of the evidence submitted noting the overall shape of the lot, the Petitioner's stated need, and the fact that construction was begun prior to applying for a Building Permit or Variance. At least one member of this Authority has taken a view of the locus.

It is the unanimous opinion of this Authority that owing to the overall shape of the lot, as well as the other conditions, the Petitioner has shown a need for a screen porch to the rear of the dwelling and a side deck as shown on Plot Plan dated April 26, 1980, and that a literal enforcement of Section XIX would involve substantial hardship to the Petitioner.

It is the further opinion of this Authority that desirable relief may be granted subject to the conditions hereinafter imposed without substantial detriment to the public good or substantially derogating from the intent and purpose of the Zoning Bylaw.

Therefore, the Inspector of Buildings is authorized to issue a permit for the rear screen porch and renovation of the side deck, subject to the following conditions:

1. That the side deck be modified so as to eliminate the extension beyond the easterly lot line and when the modification is complete, a letter certifying compliance with this condition, signed by a Registered Land Surveyor, be submitted to this Authority.
2. A revised Plot Plan be submitted showing the side deck to extend no further than the easterly lot line.
3. The rear porch be constructed to allow only the installation of open mesh insect screening from floor to ceiling. In no case may the walls or porch be enclosed with anything other than the open mesh screening.
4. A set of architectural drawings showing construction details for this rear screened porch be submitted to this Authority prior to the issuance of a Building Permit. Under no circumstances may this porch be modified in the future without permission from this Authority.

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William F. Cullinane

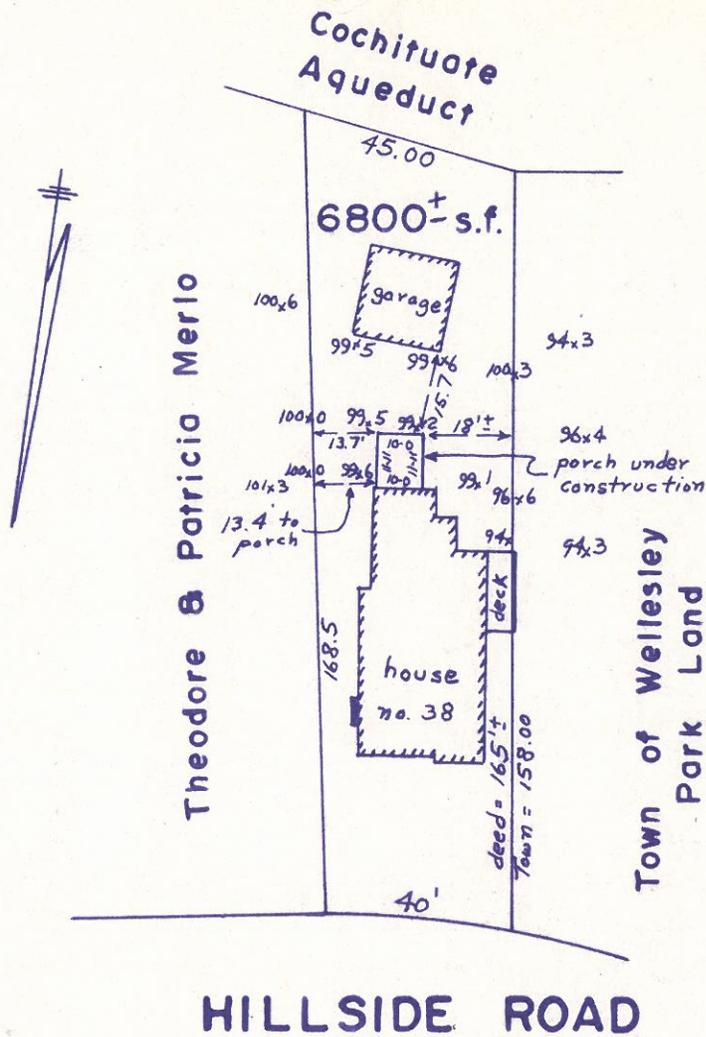
 William F. Cullinane, Chairman

John A. Donovan, Jr.

 John A. Donovan, Jr.

Stephen S. Porter

 Stephen S. Porter



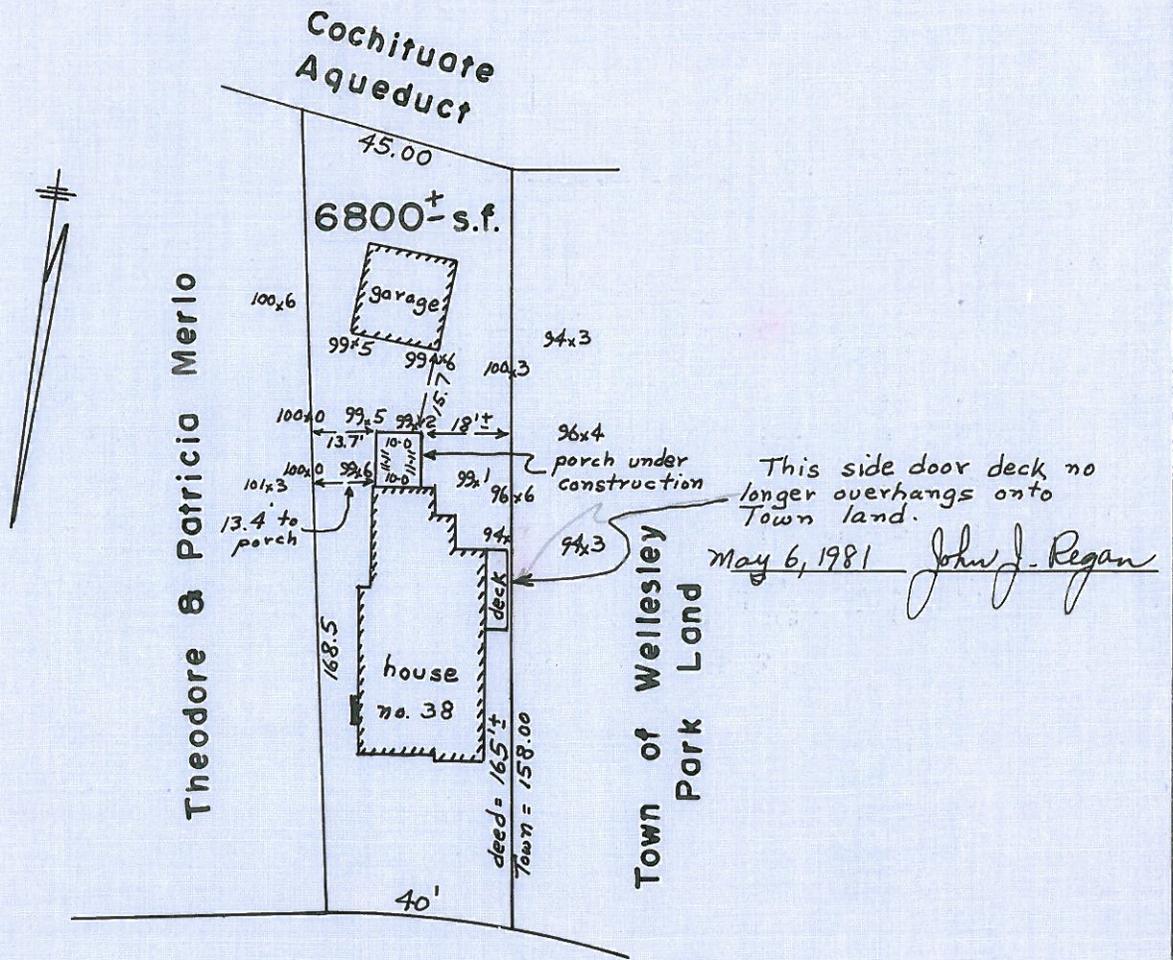
John J. Regan

PLAN OF LAND IN WELLESLEY MASS.

TO ACCOMPANY THE PETITION OF
RICHARD C. & ROSANNE E. SOMERVILLE
38 HILLSIDE ROAD
WELLESLEY

SCALE 1 IN = 40 FT
APEX ASSOCIATES
NEWTON HIGHLANDS

APRIL 26, 1980
LAND SURVEYORS
MASS.



John J. Regan

HILLSIDE ROAD

**PLAN OF LAND
IN
WELLESLEY MASS.**

TO ACCOMPANY THE PETITION OF
RICHARD C. & ROSANNE E. SOMERVILLE
38 HILLSIDE ROAD
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SCALE 1 IN = 40 FT
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Revised May 6, 1981
APRIL 26, 1980
LAND SURVEYORS
MASS.