



APR 8 8 40 AM '94

ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181JOHN A. DONOVAN, JR., Chairman  
ROBERT R. CUNNINGHAM  
KENDALL P. BATESELLEN D. GORDON  
Executive Secretary  
Telephone  
431-1019 X208TOWN RECEIVED  
WELLESLEY  
WILLIAM E. POLLETTA  
FRANKLIN P. PARKER  
SUMNER H. BABCOCKZBA 94-18  
Petition of Barbara F. Wells  
41 Forest Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 24, 1994 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 BARBARA F. WELLS requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the addition to her nonconforming dwelling with less than the required right, front and left side setbacks, at 41 FOREST STREET, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. Said addition shall consist of a deck and stair approximately 20.1 feet by 12 feet, which will have less than the required right side yard setback.

On March 7, 1994, the petitioner requested 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 Barbara Wells, who presented additional pictures of the right side of the property.

The Board noted that the Planning Board had recommended that the deck be repositioned so as not to extend further than the existing dwelling. Ms. Wells said that the entrance to the deck would be directly next to the stairs, which is the reason for the slight extension.

The Board determined that the additional encroachment was one and one-half inches, which could be allowed.

#### Statement of Facts

The subject dwelling is located at 41 Forest Street, on an 11,427 square foot lot, in a Single Residence District, and has a minimum front setback of 24.9 feet, a minimum left side yard setback of 16.1 feet and a minimum right side yard setback of 7.2 feet.

The petitioner is requesting a Finding that the proposed construction of a deck, approximately 20.1 feet by 12 feet with stairs will not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling. The proposed deck will have a minimum right side yard setback of 7.1 feet, and the bottom stair will have a minimum right side setback of 7.0 feet.

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A Plot Plan dated December 30, 1993, drawn by Sidney R. Vaughan, Registered Professional Land Surveyor; Floor plans and elevations dated March 1, 1994, drawn by A.K. Wells, Jr.; and photographs were submitted.

On March 15, 1994, the Planning Board reviewed the petition and voted to recommend granting approval on the condition the proposal be modified so that the deck has the same setback as the main body of the dwelling rather than that of the extended bay.

Letters in support of the petition were received from Mr. and Mrs. Joseph Senecal, 5 Paine Street; Mr. and Mrs. Ward Fearnside, 39 Forest Street; and Mr. and Mrs. William Price, 45 Forest Street.

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 opinion of this Authority that the proposed deck does represent an intensification of the existing nonconformity, and does, in fact, create an additional nonconformity of .1 feet. However, it is the finding of this Authority that the additional nonconformity of .1 foot is de minimus, and that such a change will not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling subject to construction of the proposed deck and stair according to the plot plan and construction sketches submitted.

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

  
John A. Donovan, Jr., Chairman

  
Kendall P. Bates

  
William E. Polletta

cc: Planning Board  
Inspector of Buildings  
edg

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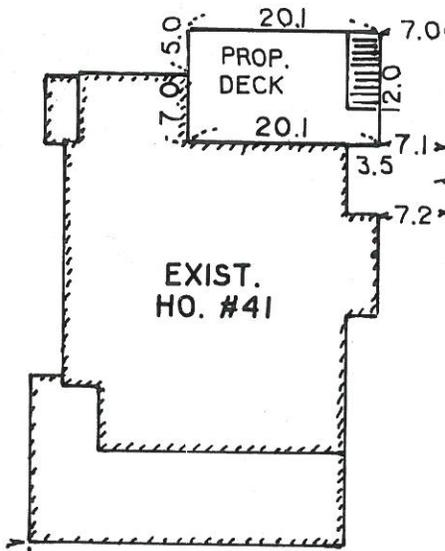
EXIST.  
GARAGE



11,427 S.F.

168.37

177.21



EXIST.  
HO. #41

PROP.  
DECK

16.1

24.9

56.31

FOREST STREET

PLAN OF LAND  
41 FOREST STREET  
WELLESLEY, MASS.

SCALE: 1" = 20'  
OWNER: BARBARA WELLS  
SINGLE RESIDENCE ZONE

PREPARED BY:  
CHENEY ENGINEERING CO., INC.  
32 JUNCTION STREET  
NEEDHAM, MASS.

DECEMBER 30, 1993

THIS SURVEY AND PLAN WERE PREPARED  
IN ACCORDANCE WITH THE PROCEDURAL  
AND TECHNICAL STANDARDS FOR THE  
PRACTICE OF LAND SURVEYING IN THE  
COMMONWEALTH OF MASSACHUSETTS BY:



*Sidney R. Vaughan*

DATE: Dec 30, 1993

TOWN OF WELLESLEY  
BOARD OF APPEALS:

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DATE: \_\_\_\_\_