



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  
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Aug 9 10:25 AM '94  
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TOWN OF WELLESLEY  
ZONING BOARD OF APPEALS  
WELLESLEY, MA 02181

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

ZBA 94-48

Petition of Richard O. and Rebecca R. Hawkins  
14 Cushing Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, July 28, 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 RICHARD O. AND REBECCA R. HAWKINS requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow construction of a one-story addition comprised of a mudroom approximately 8.5 feet by 6.5 feet and a connecting family eating room approximately 14 feet by 17 feet at the left rear corner of their nonconforming dwelling with less than the required left side yard, at 14 CUSHING ROAD, in a Single Residence District. Said addition will have less than the required left side yard setback.

On July 11, 1994, 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 were Richard and Rebecca Hawkins, who were accompanied by their architect, John MacDonald. Mr. Hawkins explained that they would like to expand the space next to the kitchen to add an eating area accessible from the kitchen. Currently, the dining room is separated from the kitchen by a pantry, and the kitchen is not large enough to include an eating area. The existing mudroom has termite damage and must be removed. As the mudroom is too small to use as the eating area, they would like to demolish the mudroom, expand the space for use as an eating area, and reconstruct the mudroom to the left of the eating area.

The Board noted that the addition would come 1.1 feet closer to the left side line than the existing garage, and that the encroachment would be minimal.

The petitioners submitted a petition signed by Carolyn and John Fleming, 35 Bradford Road; William Reed, 1 Gilson Road; and Kathy Schwartz, 41 Bradford Road, expressing support for the project.

No other person present had any comment on the petition.

#### Statement of Facts

The subject nonconforming property is located on a 14,563 square foot lot at 14 Cushing Drive, in a Single Residence District, and has a minimum right side yard clearance of 13.6 feet and a minimum left side yard clearance of 11 feet.

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Petition of Richard O. and Rebecca R. Hawkins  
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The petitioners are requesting a variance to construct a one-story addition comprised of a 6.5 foot by 8.5 foot mudroom and connecting family eating room approximately 14 feet by 17 feet which would have a minimum left side clearance of 9.9 feet.

A plot plan dated July 5, 1994, drawn by Wesley T. Guillaume, Registered Land Surveyor; Floor plans and Elevations dated July 4, 1994, drawn by John S. MacDonald, Architect; and photographs were submitted.

Decision

This Authority has made a careful study of the material 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 one-story dwelling conforms to the present lines of the house, and that the additional encroachment of 1.1 foot on the left side lot line is minimal.

It is the opinion of this Authority that because of the shape of the lot and the location of the house on the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioners, and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested variance is granted 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 the construction upon his receipt and approval of a building application and detailed construction plans.

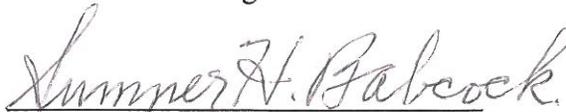
If the rights authorized by this variance are not exercised within one year of the date of grant of said variance, they shall lapse and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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

  
Kendall P. Bates, Acting Chairman

  
Robert R. Cunningham

  
Sumner H. Babcock

Aug 9 8 15 AM '94  
TOWN OF WELLS  
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MERIDIAN BASED UPON PLAN RECORDED  
IN BOOK 1790 AT PAGE 533

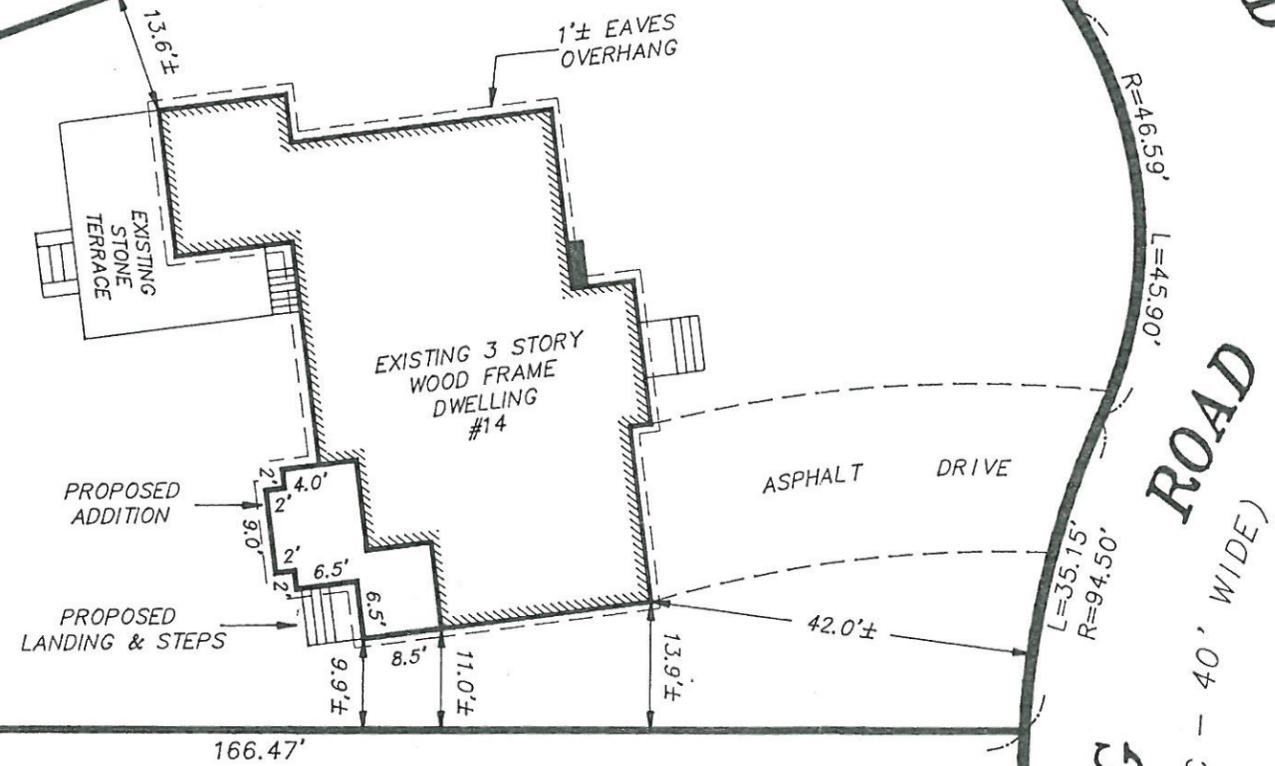
JUL 11 9 17 AM '94

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WELLESLEY, MASS.

NOW OR FORMERLY  
KATHLEEN A. SCHWARTZ

NOW OR FORMERLY  
JAMES E. FLEMING

14,563 SQ.FT±  
(RECORD AREA)



NOW OR FORMERLY  
WILLIAM REED

**REFERENCES:**

1. DEED IN BOOK 9018 AT PAGE 369 \*
2. PLAN IN BOOK 1790 AT PAGE 533 \*

\* DENOTES DOCUMENTS RECORDED AT THE  
NORFOLK COUNTY REGISTRY OF DEEDS.

*Handwritten signature and date: 7-5-94*

**NOTES:**

1. PHOTO REPRODUCTION OF THE SEAL AND SIGNATURE BELOW IS INDICATIVE OF UNAUTHORIZED REPRODUCTION AND USE OF THIS PLAN. THE ENFORCEMENT AUTHORITY SHALL NOT ACCEPT A PHOTO REPRODUCTION FOR ANY PURPOSE.
2. THIS PLAN IS NOT TO BE USED FOR THE RECONSTRUCTION OF BOUNDARY LINES NOR FOR TITLE INSURANCE PURPOSES.
3. THIS PLAN DOES NOT REPRESENT A CONFIRMATION OF BOUNDARY LINES NOR A DETERMINATION OF TITLE BUT IS SOLELY INTENDED TO DEPICT THE OFFSET DIMENSIONS OF THE PROPOSED STRUCTURE TO THE BOUNDARY LINES AS DEPICTED ON PLAN RECORDED AS PLAN 311 OF 1928.
4. THE SUBJECT PROPERTY IS DEPICTED AS LOT 61 ON WELLESLEY ASSESSOR'S MAP 85
5. OWNERS OF RECORD ARE RICHARD O. HAWKINS AND REBECCA R. HAWKINS.
6. ZONING: SINGLE RESIDENCE; 30' MIN. FRONT SETBACK; 20' MIN. SIDE SETBACK; 20' REAR SETBACK.

**PLOT PLAN of LAND  
LOCATED IN  
WELLESLEY, MASS.  
(NORFOLK COUNTY)**

PREPARED FOR  
**RICHARD O. HAWKINS**

SCALE: 1" = 20' DATE: July 5, 1994



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Winchester, MA 01890 Fax 617-721-4780

DWG No. 940645CPP

GRE No. 940645