



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman  
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WELLESLEY, MA 02181

ZBA 95-69

Petition of Douglas W. and Tanya M. Noonan  
16 Summit Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 28, 1995 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 DOUGLAS W. AND TANYA M. NOONAN 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 addition approximately 13 feet by 6 feet 8 inches, which will have less than the required left side yard setback, at their nonconforming dwelling with less than the required left side yard setback, at 16 SUMMIT ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On September 11, 1995, 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 Douglas Noonan. It was the opinion of the Board that the petition spoke for itself, and discussion was unnecessary.

No other person present had any comment on the petition.

#### Statement of Facts

The subject property is located at 16 Summit Road, in a Single Residence District, on a 14,363 square foot lot, and has a minimum right side yard clearance of 13 feet and a minimum left side yard clearance of 13 feet.

The petitioners are requesting a Special Permit/Finding to allow construction of a deck addition approximately 6 feet 8 inches by 13 feet, which would have a minimum left side setback of 15 feet from the left rear corner of the addition.

A Plot Plan dated August 31, 1995, drawn by Kevin Harley, Registered Professional Land Surveyor; Floor Plans and Elevations dated 9/1/95, drawn by Archadeck; and photographs were submitted.

On September 26, 1995, the Planning Board reviewed the petition and voted to offer no objection to the granting of the request.

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Decision

This Authority has made a careful study of the materials submitted. The subject dwelling does not conform to the current Zoning Bylaw as noted in the foregoing Statement of Facts.

It is the finding of this Authority that the proposed 13 foot by 6 foot 8 inch deck addition will not intensify the existing nonconformity, nor will it create additional nonconformity, as the proposed deck addition will have a minimum left side yard clearance of 15 feet, which is two feet farther from the left side line than the existing house.

It is the unanimous decision of this Authority to grant the requested Special Permit subject to construction 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



John A. Donovan, Jr., Chairman



Kendall P. Bates



William E. Polletta

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LOT D<sup>7</sup>

N 47°30'00" E  
179.14'

SUMMIT (PUBLIC - 40' WIDE) ROAD  
S 42°30'00" E  
78.00'

LAND COURT PLAN 7058<sup>A</sup>

GARAGE  
BREEZEWAY

#16  
2 STORY  
WOOD

Brick Planter

56.3'

30" OAK

Existing Deck

Proposed Deck

16" CEDAR

Conc wall

LOT D<sup>8</sup>  
14,363 s.f.±

LOT D<sup>9</sup>

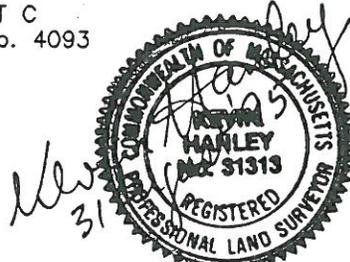
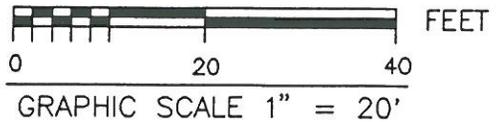
N 35°17'39" W  
78.64'

S 47°30'00" W  
111.5'

### CERTIFIED PLOT PLAN IN WELLESLEY, MA.

#### LAND COURT PLAN REFERENCE

SUBDIVISION OF LOT D AND PART OF LOT C  
SHOWN ON PLAN 7058<sup>A</sup> SH. 1, CERT. No. 4093  
FARNHAM & GLEASON, INC.  
1"=80' DATED NOV. 12, 1925



|                  |                         |
|------------------|-------------------------|
| DRAWN BY: FDR    | DATE: 08/31/95          |
| CHECKED BY: KH   | DRAWING NO.: F12300.DWG |
| JOB NO.: F123.00 | SHEET 1 OF 1            |

**SMC**  
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