



## ZONING BOARD OF APPEALS

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

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ZBA 96-78

Petition of Peter and Elizabeth McMahan  
41 Laurel Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 21, 1996 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 PETER AND ELIZABETH McMAHAN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a one-story addition approximately 14 feet by 7 feet, with less than the required front setback from LAUREL TERRACE, at their nonconforming dwelling at 41 LAUREL AVENUE, with less than the required front setbacks from both LAUREL AVENUE and LAUREL TERRACE, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On November 4, 1996, 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 Peter and Elizabeth McMahan. Mr. McMahan said that they were requesting a Special Permit to construct a 14 foot by 7 foot addition at the back of their house. The addition will be one-story with a shed roof, and will be less nonconforming than their existing house. The addition will be used for a full bath on the first floor.

No other person present had any comment on the petition.

### Statement of Facts

The subject property is located at 41 Laurel Avenue, on the corner of Laurel Terrace, on a 5,757 square foot lot, in a Single Residence District. The nonconforming dwelling has a minimum front yard clearance of 29.5 feet from Laurel Avenue and a minimum front yard clearance of 23.8 feet from Laurel Terrace.

The petitioners are requesting a Special Permit/Finding to allow the construction of a one-story, 14 foot by 7 foot addition which will have a minimum front yard clearance of 25.2 feet from Laurel Terrace.

A Plot Plan dated October 28, 1996, drawn by Carmen A. Testa, Registered Professional Land Surveyor; undated, unsigned floor plans and elevations; and photographs were submitted.

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A letter in support of the petition was received from Barbara Wells, 41 Forest Street.

On November 12, 1996, the Planning Board reviewed the petition and voted to recommend no objection.

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.

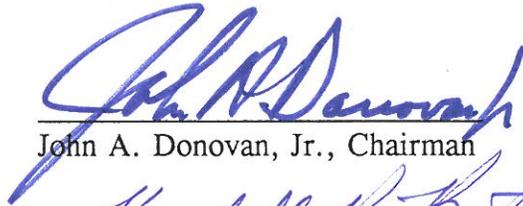
It is the finding of this Authority that the proposed one-story addition will neither increase the nonconformity nor will it create additional nonconformities, as the encroachment on the front yard setback from Laurel Terrace will be less than the existing nonconforming dwelling.

Therefore, a Special Permit is hereby granted, as voted unanimously by this Authority at the Public Hearing, for the proposed one-story addition, 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 his 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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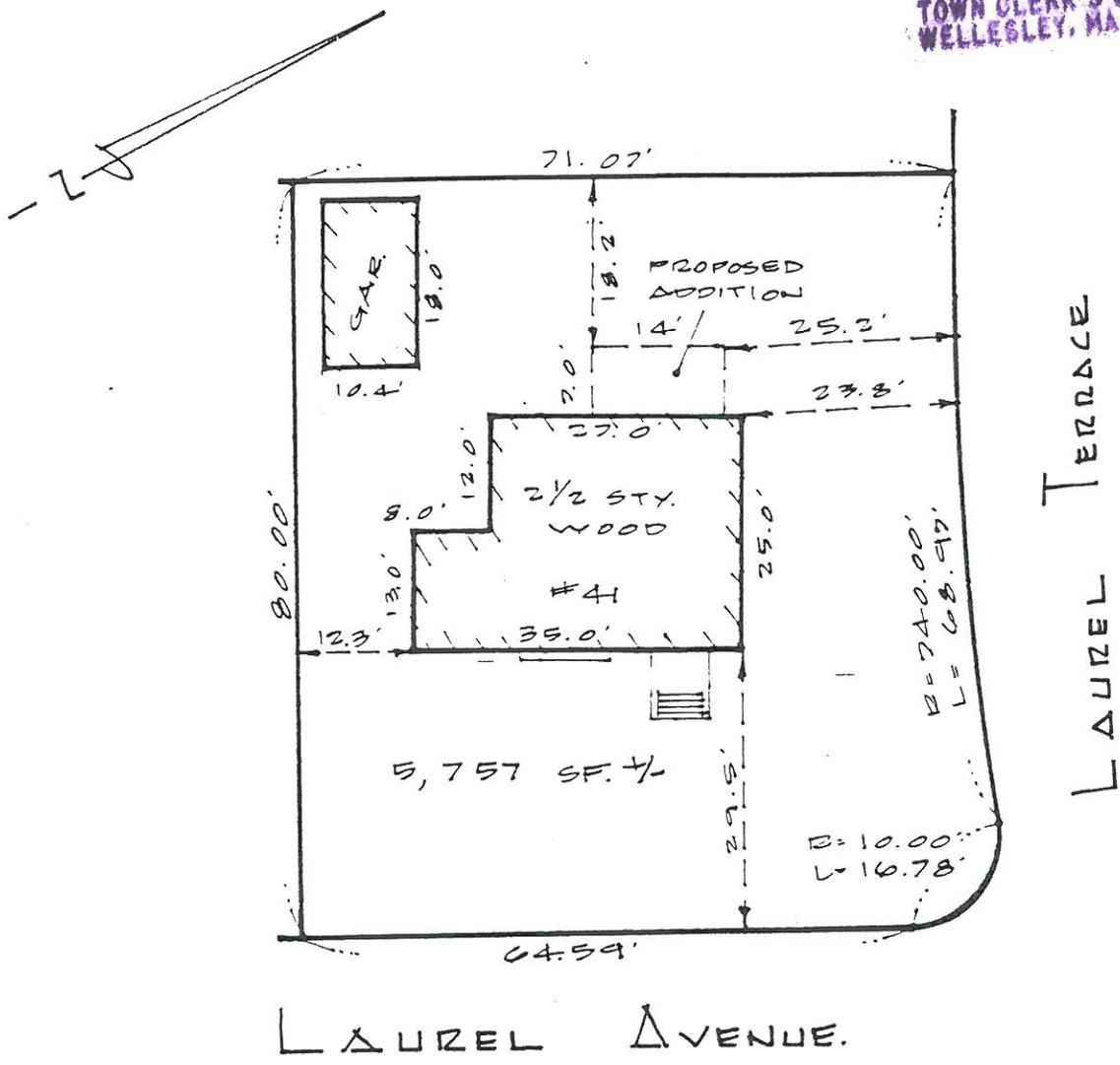
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# CERTIFIED PLOT PLAN

( PROPOSED ADDITION )

Nov 4 1 05 PM '96

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NOTE: I CERTIFY THAT THE PROPERTY IS NOT LOCATED WITHIN A FLOOD HAZARD AREA  
FLOOD IS DETERMINED FROM THE LATEST FEDERAL INSURANCE RATE MAP PANEL  
# 250255 - 0005B DATE: SEPT. 5, 1979

PREPARED FOR:  
PETER McMAHAN  
41 LAUREL AVENUE  
WELLESLEY MA



PREPARED BY:  
NORTHERN ASSOCIATES INC.  
342 NORTH MAIN STREET  
ANDOVER MA 01810  
SCALE: 1" = 20' DATE: OCT. 28, 1996