

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

2003 JUL 23 A 8:27

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ZBA 2003-57

Petition of Edward and Kathleen Kelly
5 Sessions Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 10, 2003 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of EDWARD AND KATHLEEN KELLY requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the demolition of their existing nonconforming 14.2 foot by 13.9 foot deck and construction of an 8 foot by 11.6 foot roofed deck on a portion of the existing slab, with less than the required right side yard setback, at their nonconforming dwelling with less than the required left, right and front yard setbacks, at 5 SESSIONS STREET, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 23, 2003, 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 Edward Kelly.

The Board stated that the Planning Board had no objection to the granting of the Special Permit as the lot coverage would be decreased.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 5 Sessions Street, in a 10,000 square foot Single Residence District, on a 4,954 square foot lot, and has a minimum left side yard clearance of 14.4 feet, a minimum front yard clearance of 15.9 feet and a minimum right side yard clearance of 7.7 feet.

The petitioners are requesting a Special Permit/Finding that the demolition of a 13.9 foot by 6.2 foot portion of their existing nonconforming deck, with a minimum right side yard clearance of 11.21 feet, and construction of a 8 foot by 11.6 foot roofed deck, with a minimum right side yard setback of 11.21 feet, on the remaining portion of the existing slab, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 5/28/03, stamped by Joyce E. Hastings, Registered Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated 5/24/03, prepared by Harrington Construction Company; and photographs were submitted.

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The Planning Board reviewed the petition and had no objection to the granting of the request.

Decision

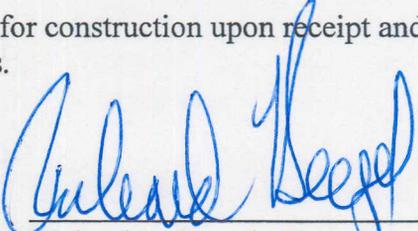
This Authority has made a careful study of the material submitted. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

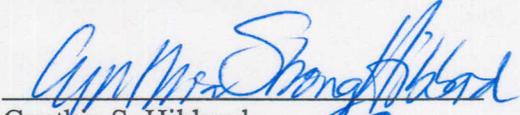
It is the finding of this Authority that the proposed demolition of the deck and construction of a new 8 foot by 11.6 foot roofed deck shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as the proposed deck shall decrease the area of nonconformance and shall not create new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of the existing deck and construction of the new deck in accordance with the submitted plot plan and construction drawings.

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.


Richard L. Seegel, Chairman


Cynthia S. Hibbard


David G. Sheffield

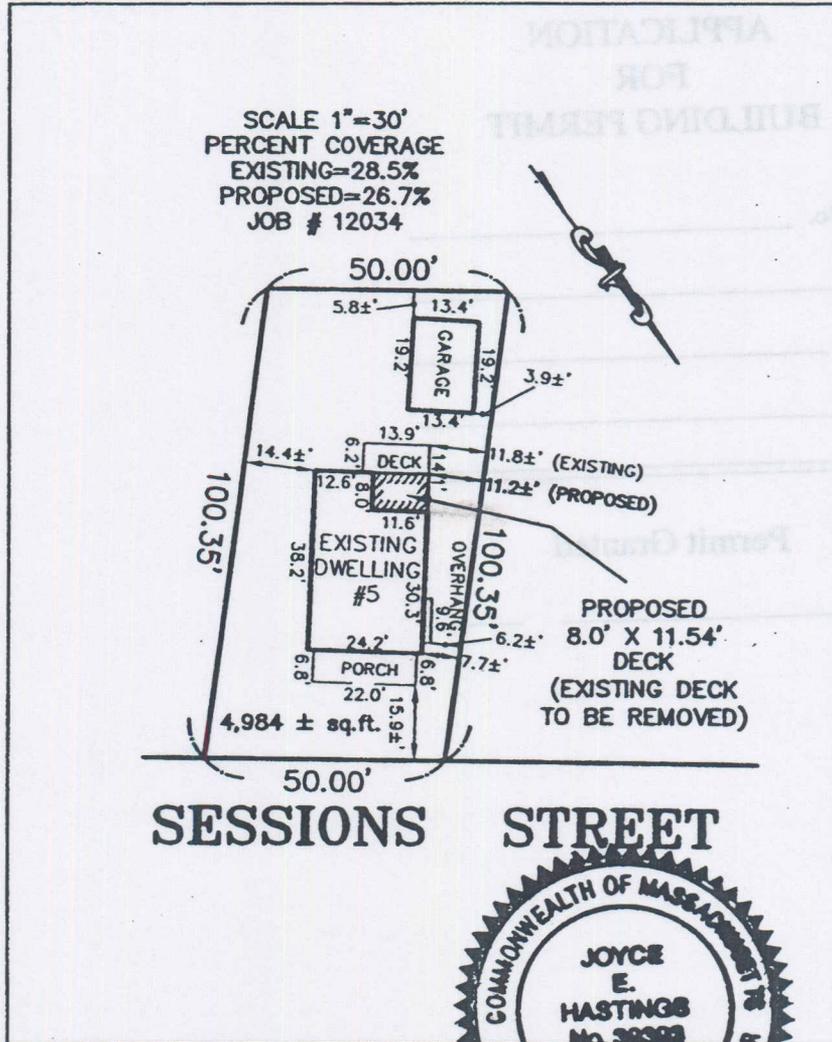
Cc: Planning Board
Inspector of Buildings
edg

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PROPOSED CONSTRUCTION
CERTIFIED PLOT PLAN

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2003 JUN 23 A 8:32



5/28/03
DATE

508-429-1100
PHONE

Joyce E. Hastings
REG. LAND SURVEYOR
GLM ENGINEERING CONS. INC
19 EXCHANGE ST. HOLLISTON, MA

ADDRESS