

TOWN OF WELLESLEY



MASSACHUSETTS

**ZONING BOARD OF APPEALS**  
888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

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2024 MAY 22 PM12:10  
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ZBA 2024-35  
Petition of Michael Brooks  
6 Appleby Road

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, May 9, 2024, at 7:30 pm, on the petition of Michael Brooks requesting a Special Permit/Finding pursuant to the provisions of Section 5.1 and Section 6.3 of the Zoning Bylaw that construction of a deck with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, at 6 Appleby Road, on a 9,290 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On April 4, 2024, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Present at the public hearing was Michael Brooks, the Petitioner, who said that the request is for a special permit to build an outdoor deck that does not meet the side yard setback requirements. He said that the house is nonconforming at over 16 feet to the right side property line. He said that a raised covered porch has a 10 foot right side yard setback. He said that the proposed deck will be aligned with the edge of the house at a little over 16 feet to the right side property line.

The Chairman identified existing nonconformities of front yard setback of 23 feet where 30 feet is required, right side yard setback of 10.4 feet where 20 feet is required, left side yard setback of 10.9 feet where 20 feet is required, and lot size of 9,290 square feet where 10,000 square feet is required.

No member of the public wished to speak to the petition.

Statement of Facts

The subject property is located at 6 Appleby Road, on a 9,290 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with a minimum front yard setback of 23 feet where 30 feet is required, a minimum left side yard setback of 10.9 feet and a minimum right side yard setback of 10.4 feet where 20 feet is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 5.1 and Section 6.3 of the Zoning Bylaw that construction of a deck with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, on a 9,290 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 3/28/24, stamped by Christopher C. Charlton, Professional Land Surveyor #48649, Floor Plans and Elevation Drawings, dated 3/11/24, prepared by Mikhail A. Rogers, and photographs were submitted.

On April 30, 2024, the Planning Board reviewed the petition and recommended that a Special Permit be approved.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing.

It is the opinion of this Authority that construction of a deck with less than required right side yard setbacks will result in the intensification of an existing nonconformity, will not result in additional nonconformities, and will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of a deck with less than required right side yard setbacks, in accordance with the submitted plans.

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.

If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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Petition of Michael Brooks  
6 Appleby Road

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.

*Robert W. Levy (km.)*  
Robert W. Levy, Acting Chairman

*David G. Sheffield (km.)*  
David G. Sheffield

*Derek B. Redgate (km.)*  
Derek B. Redgate

ZBA 2024-35  
Applicant Michael Brooks  
Address 6 Appleby Road

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

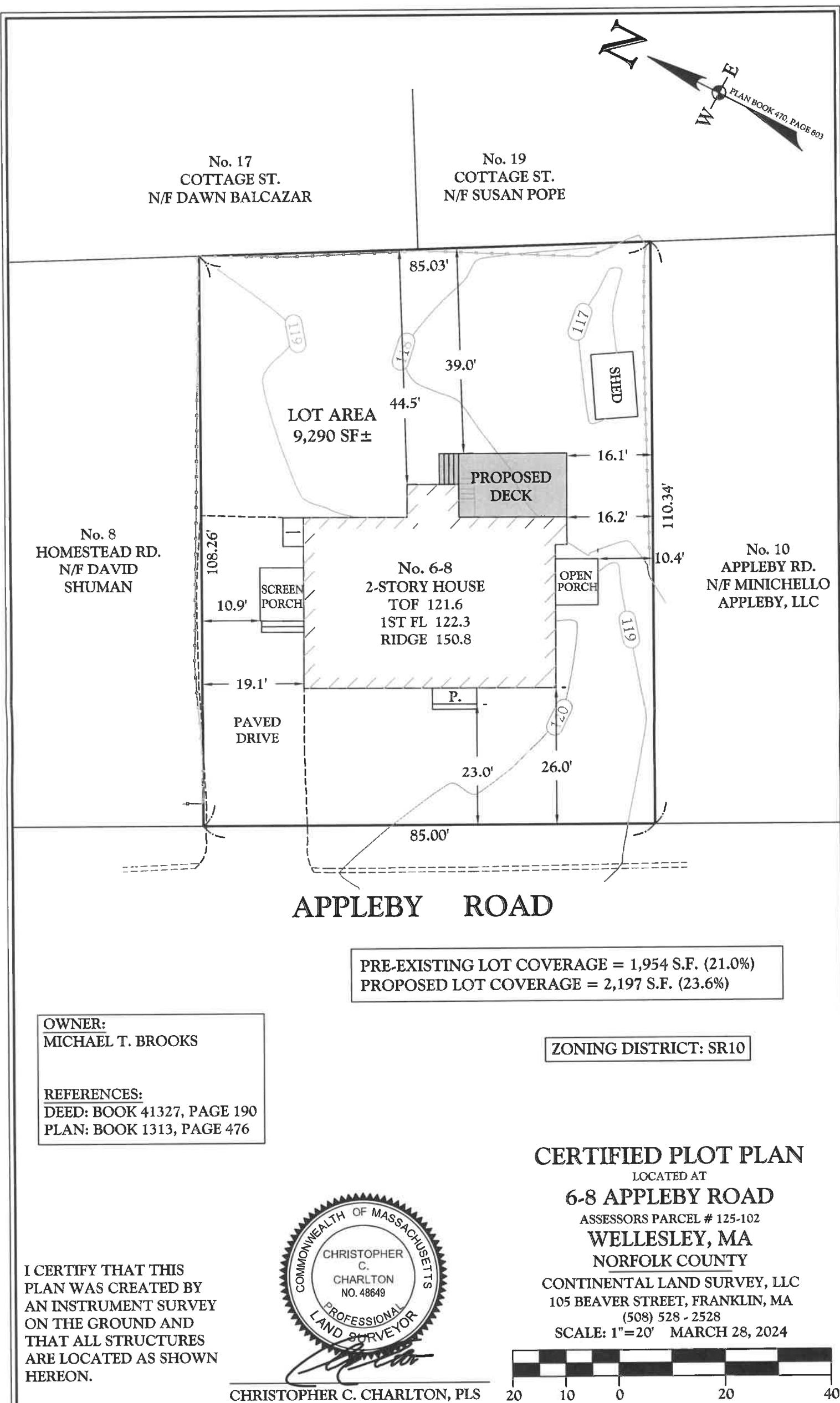
Date:

Attest:

Cathryn Jane Kato  
Town Clerk

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2024 MAY 22 PM12:10

cc: Planning Board  
Inspector of Buildings  
lrm



R E C E I P T

Printed: June 12, 2024 @ 11:44:12  
Norfolk Registry of Deeds  
William P O'Donnell  
Register

Trans#: 39023 Oper:CHRISCHRIS

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Book: 41825 Page: 224 Inst#: 35939  
Ctl#: 198 Rec: 6-12-2024 @ 11:44:08a  
WELL 6 APPLEBY ROAD

| DOC      | DESCRIPTION          | TRANS AMT |
|----------|----------------------|-----------|
| DECISION | # 2024-35            |           |
| 10.00    | rec fee              | 10.00     |
| 50.00    | Surcharge            | 50.00     |
| 5.00     | Tech.Surcharge       | 5.00      |
|          | Postage/Handling Fee | 1.00      |
|          | State Fee \$40.00    | 40.00     |
|          |                      | -----     |
|          | Total fees:          | 106.00    |
|          | *** Total charges:   | 106.00    |
|          | CHECK PM 2284        | 106.00    |