

**ZONING BOARD OF APPEALS**

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

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ZBA 2011-49

Petition of Stephen & Jennifer Noxon  
56 Wareland Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 4, 2011 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of STEPHEN & JENNIFER NOXON requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing deck and construction of an 18 foot by 24 foot basement and first floor addition and a 15.8 foot by 22.2 foot deck that will meet all setback requirements on an existing nonconforming structure with less than required left side yard setbacks, at 56 WARELAND ROAD, in a 20,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 19, 2011 the Petitioner 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 Rob Currie, Project Designer, who said that he was representing Stephen and Jennifer Noxon (the "Petitioner"). He said that the homeowners would like to construct an 18 foot by 24 foot addition on the rear of the house. He said that it will consist of a basement with a first floor addition on a sloping lot. He said that the Petitioner is seeking relief for an existing nonconforming left side yard setback of 19.2 feet. He said that the new addition will meet all setback requirements.

There was no one present at the Public Hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 56 Wareland Road, in a 20,000 square foot Single Residence District, with a minimum left side yard setback of 19.2 feet.

The Petitioner is requesting a Special Permit/Finding that demolition of an existing deck and construction of an 18 foot by 24 foot basement and first floor addition and a 15.8 foot by 22.2 foot deck that will meet all setback requirements on an existing nonconforming structure with less than required left side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A plot plan dated 6/20/11, stamped by Frank Iebba, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 6/7/11, prepared by Currie Design, and photographs were submitted.

On August 3, 2011, the Planning Board reviewed the petition and recommended that the Special Permit be granted.

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 demolition of an existing deck and construction of an 18 foot by 24 foot basement and first floor addition and a 15.8 foot by 22.2 foot deck that will meet all setback requirements on an existing nonconforming structure with less than required left side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it shall neither increase an existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted for demolition of an existing deck and construction of an 18 foot by 24 foot basement and first floor addition and a 15.8 foot by 22.2 foot 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.

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

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.

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J. Randolph Becker, Acting Chairman

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Cynthia S. Hibbard

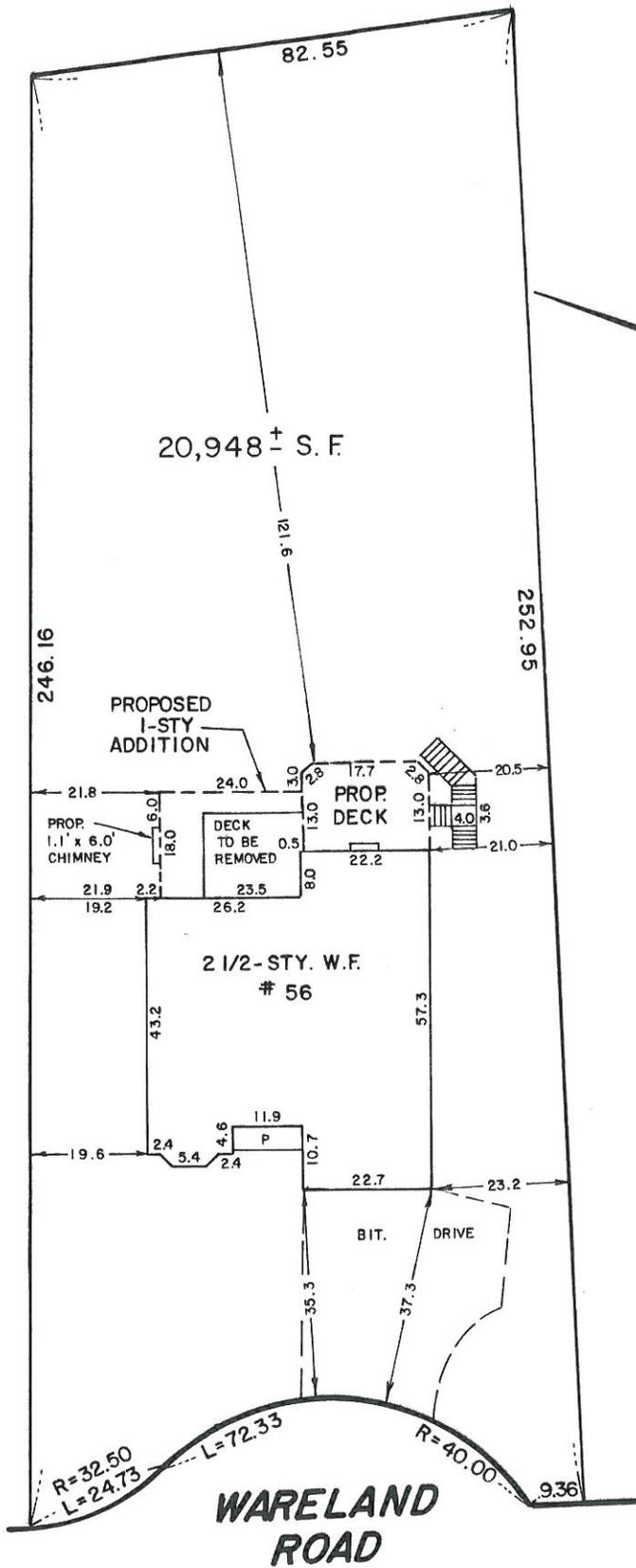
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Robert W. Levy

cc: Planning Board  
Inspector of Buildings  
lrm

AREA = 20,948 ± S.F.  
 EXISTING LOT COVERAGE = 12.7%  
 (2,662 ± S.F.)  
 PROPOSED LOT COVERAGE = 15.2%  
 (3,179 ± S.F.)

ASSESSORS REFERENCE:  
 MAP 54, PARCEL 46  
 BUILDING ZONE: SRD 20-SINGLE  
 RESIDENCE



RECEIVED  
 TOWN CLERK'S OFFICE  
 WELLESLEY MA 02182  
 2011 JUL 19 AM 11



PLAN OF LAND  
 IN  
**WELLESLEY, MASS.**

SCALE: 1" = 20'  
 ESSEX ENGINEERING & SURVEY, INC.  
 617-797-7342

JUNE 20, 2011  
 NEWTON, MASS.