



## ZONING BOARD OF APPEALS

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

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ZBA 2011-24  
 Petition of Brian Loftus  
 412 Weston Road

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Pursuant to due notice, the Special Permit Granting authority held a Public Hearing on Thursday, April 7, 2011 on the petition of BRIAN LOFTUS requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 216 square foot two-story addition that will meet setback requirements, construction of a 35 square foot second story addition and construction of a 251 square foot deck with less than required right side yard setbacks, on an 8,090 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 412 WESTON ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On March 22, 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 Tom Timko, Copper Beech Designs. Also present was Brian Loftus (the "Petitioner").

Mr. Timko displayed large sized plans (retained by proponent).

Mr. Timko said that the lot is nonconforming. He said that the side yard setbacks are nonconforming. He said that his clients are seeking relief for a small addition that will be nonconforming.

Mr. Timko said that the Board granted a Special Permit to the prior owners in 2001 to build a second story over the nonconforming porch.

Mr. Timko said that, in order to maintain the existing line of the gambrel cape dormer, they will need to extend the shed dormer approximately three feet to the rear, which will then cantilever over the back porch.

Mr. Timko said that there will be a patio at the back, not a deck.

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 412 Weston Road, on an 8,090 square foot lot with a minimum right side yard setback of 10.3 feet.

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The Petitioner is requesting a Special Permit/Finding that construction of a 216 square foot two-story addition that will meet setback requirements and construction of a 35 square foot second story addition with less than required right side yard setbacks, on an 8,090 square foot lot in a 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 1/30/11, stamped by Jerry D. Gibbs, Professional Land Surveyor, Existing Floor Plans, dated 11/22/10, Existing Elevation Drawings, dated 3/14/11, Proposed Floor Plans, dated 3/8/11 and Proposed Elevation Drawings, dated 3/14/11, prepared by Copper Beech Design, and photographs were submitted.

On April 6, 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 although construction of a 35 square foot second story addition with less than required right side yard setbacks is increasing a nonconformity, such increase shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

It is the opinion of this Authority that construction of a 216 square foot two-story addition that will meet setback requirements 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 construction of a 216 square foot two-story addition that will meet setback requirements and construction of a 35 square foot second story addition with less than required right side yard setbacks, on an 8,090 square foot lot in a district in which the minimum lot size is 10,000 square feet, 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.

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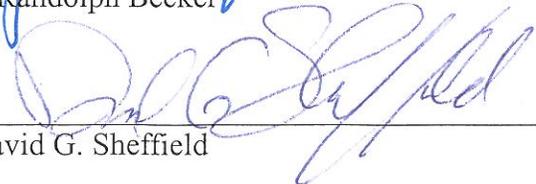
APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.



Richard L. Seegel, Chairman

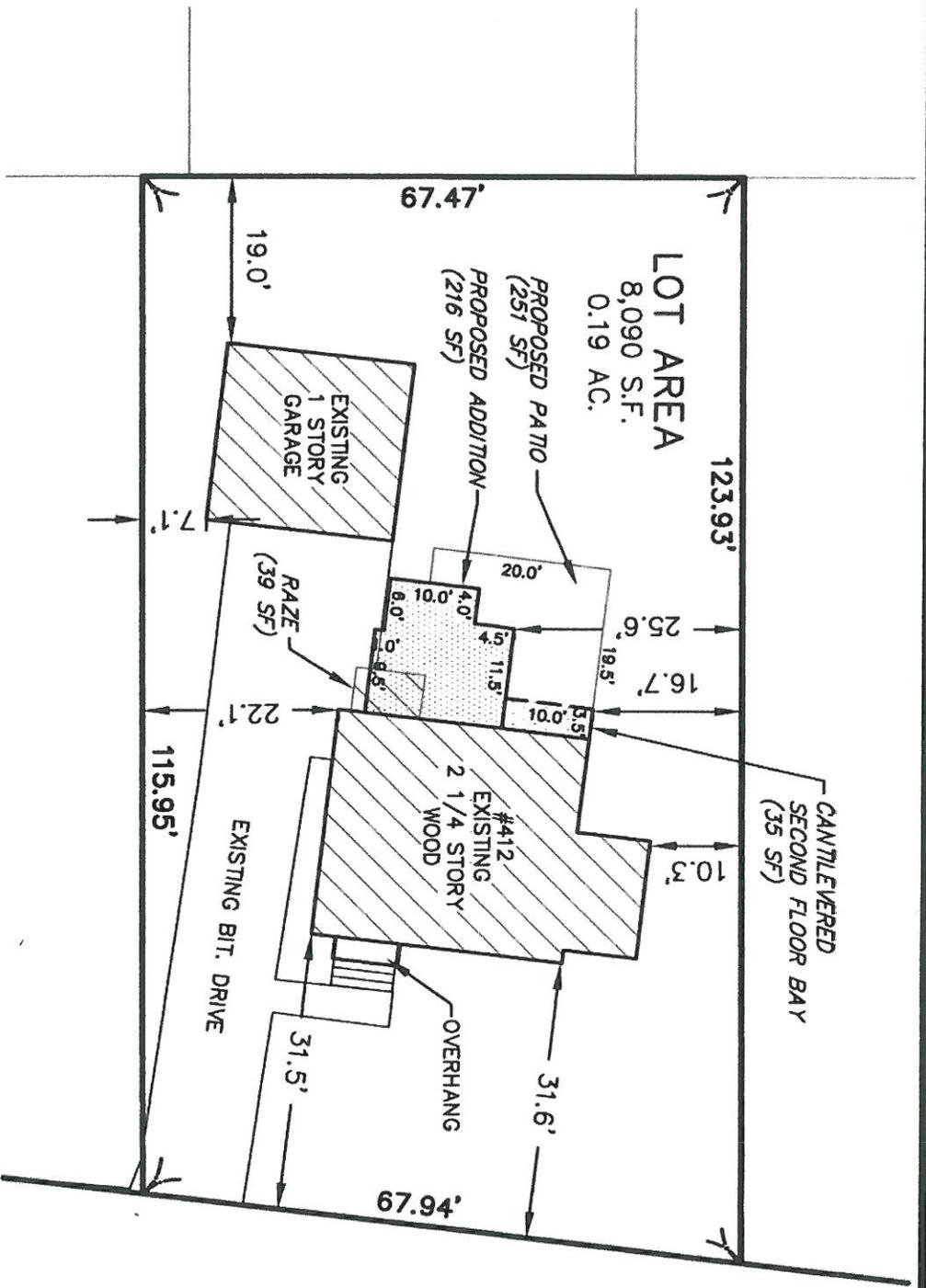


J. Randolph Becker



David G. Sheffield

cc: Planning Board  
Inspector of Buildings  
lrm



- NOTES:
1. ZONING CLASSIFICATION -- SRD-10
  2. PLAN REFERENCES:  
NORFOLK REGISTRY OF DEEDS PLAN BOOK 1571 PAGE 421
  3. LOCUS DEED:  
NORFOLK REGISTRY OF DEEDS BK. 27057 PG. 488  
ASSESSORS PARCEL ID 180-56
  4. EXISTING BUILDING COVERAGE = 1586 SF  
PROPOSED BUILDING COVERAGE = 1763 SF
  5. EXISTING LOT COVERAGE = 1586/8090 = 19.2%  
PROPOSED LOT COVERAGE = 1763/8090 = 21.8%



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PREPARED FOR  
CHRISTINA & BRIAN LOFTUS  
412 WESTON ROAD  
WELLESLEY, MA 02482

PLOT PLAN  
412 WESTON ROAD  
WELLESLEY, MASS.

SCALE: 1"=20' JANUARY 30, 2011  
C & G SURVEY COMPANY  
37 JACKSON ROAD  
SCITUATE, MA. 02066  
1-877-302-8440