

**ZONING BOARD OF APPEALS**

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

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ZBA 2010-93
Petition of Daniel O'Connor
5 Alden Road

Pursuant to due notice, the Special Permit Granting authority held a Public Hearing on Thursday, December 2, 2010 on the petition of DANIEL O'CONNOR requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of an 11.7 foot by 22 foot second story addition over an existing one-story structure that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard setbacks, on a 14,468 square foot lot in a district in which the minimum lot size is 20,000 square feet, at 5 ALDEN ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Property Owner: Michael F. & Christy A. Refojo

On November 15, 2010, 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 Daniel O'Connor (the "Petitioner"), who said that he was representing the homeowners, Michael F. and Christy A. Refojo. He said that Mr. Refojo just changed jobs and now works out of his home. He said that the Refojos would like to construct a home office at the back of the house, located off of the master bedroom, that will meet all setback requirements.

Mr. O'Connor said that the lot is nonconforming. The Board said that there is a nonconforming left side yard setback. The Board said that the proposed addition is on the right side of the house.

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 5 Alden Road, on a 14,468 square foot lot in a district in which the minimum lot size is 20,000 square feet, with a minimum left side yard setback of 10.5 feet.

The Petitioner is requesting a Special Permit/Finding that construction of an 11.7 foot by 22 foot second story addition over an existing one-story structure that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard setbacks, on a 14,468 square foot lot in a district in which the minimum lot size is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 11/3/10, stamped by Bruce Bradford, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 11/7/10, prepared by Dan O'Connor, and photographs were submitted.

On December 1, 2010, 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 construction of an 11.7 foot by 22 foot second story addition over an existing one-story structure that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard setbacks, on a 14,468 square foot lot in a district in which the minimum lot size is 20,000 square feet, 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 an 11.7 foot by 22 foot second story addition over an existing one-story structure that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard setbacks, on a 14,468 square foot lot in a district in which the minimum lot size is 20,000 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.

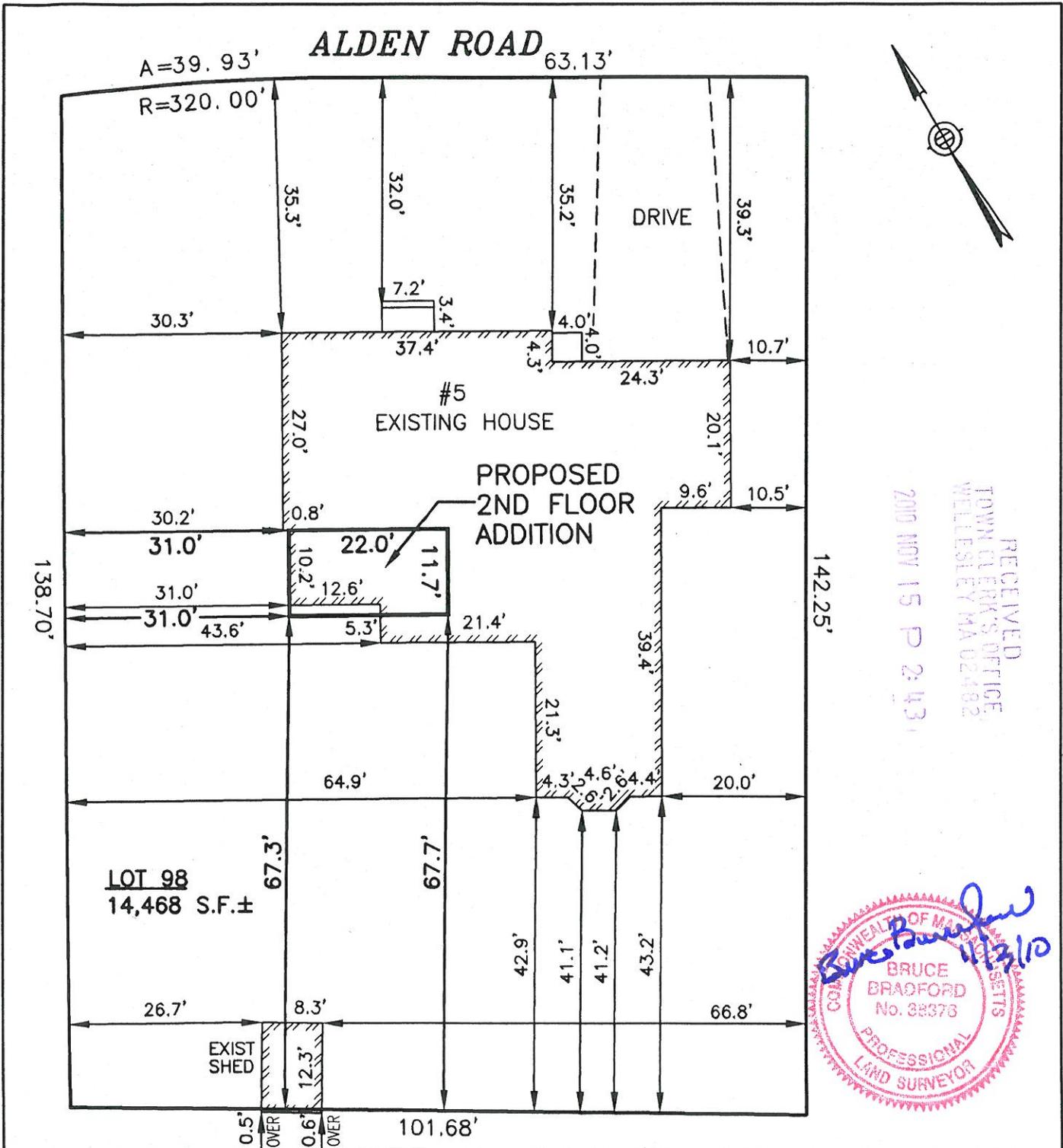
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.

J. Randolph Becker, Acting Chairman

Robert W. Levy

David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm



ESTABLISHED 1916

EMB

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	STRUCUTRES	LOT COVERAGE
EXISTING	2,780 S.F.	19.2%
PROPOSED	2,799 S.F.	19.3%

PLAN OF LAND IN WELLESLEY, MA

5 ALDEN ROAD
PROPOSED ADDITION

SCALE: 1 IN. = 20 FT.
DATE: NOVEMBER 3, 2010
DRAWN: ES
CHECK: BB

PROJECT NO. 23646