

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

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

2002 JUL 15 A 11:58

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ZBA 2002-67

Petition of Mark E. and Clare S. Robinson  
78 Leighton Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 25, 2002 at 7:30 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of MARK E. AND CLARE S. ROBINSON requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a 2.5 foot by 12 foot dormer, with less than the required right side yard setback, at their nonconforming dwelling with less than the required right and left side yard setbacks, at 78 LEIGHTON ROAD, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 8, 2002, 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 Mark Robinson, who said they would like to push the edge of an existing dormer out to the existing foundation. There would be no further encroachment.

The Board commented that construction had begun on the site. Mr. Robinson said they are proceeding with other work on the house, but have not touched the dormer area.

The Board noted that the Planning Board had no objection to the petition.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 78 Leighton Road in a 10,000 square foot Single Residence District, on a 13,060 square foot lot, and has a minimum left side yard setback of 11.1 feet and a minimum right side yard setback of 18.2 feet.

The petitioners are requesting a Special Permit/Finding that the construction of a 12 foot by 2.5 foot dormer with a minimum right side yard setback of 18.2 feet shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There will be no change in the footprint.

A plot plan dated 6/19/02, stamped by Clifford E. Rober, Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated April 29, 2002, drawn by John H. Cunningham, Registered Architect; and photographs were submitted.

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On July 3, 2002, the Wetlands Protection Committee issued an Order of Conditions (DEP 324-399) for the installation of footings for a deck and of electrical cable.

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On July 16, 2002, the Planning Board reviewed the petition and had no objection to the granting of the request.

Decision

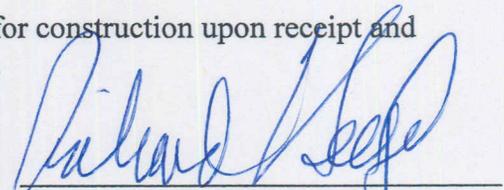
This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

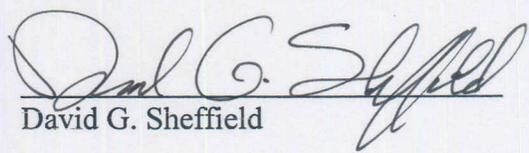
It is the finding of this Authority that the construction of the 2.5 foot by 12 foot dormer shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure as the dormer shall neither intensify the existing nonconformance, nor shall it create new nonconformance as there will be no change in the footprint.

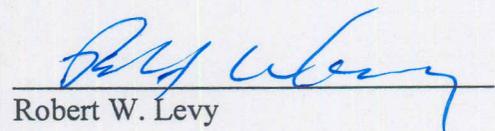
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of the 2.5 foot by 12 foot dormer in accordance with the submitted plot plan and construction drawings.

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

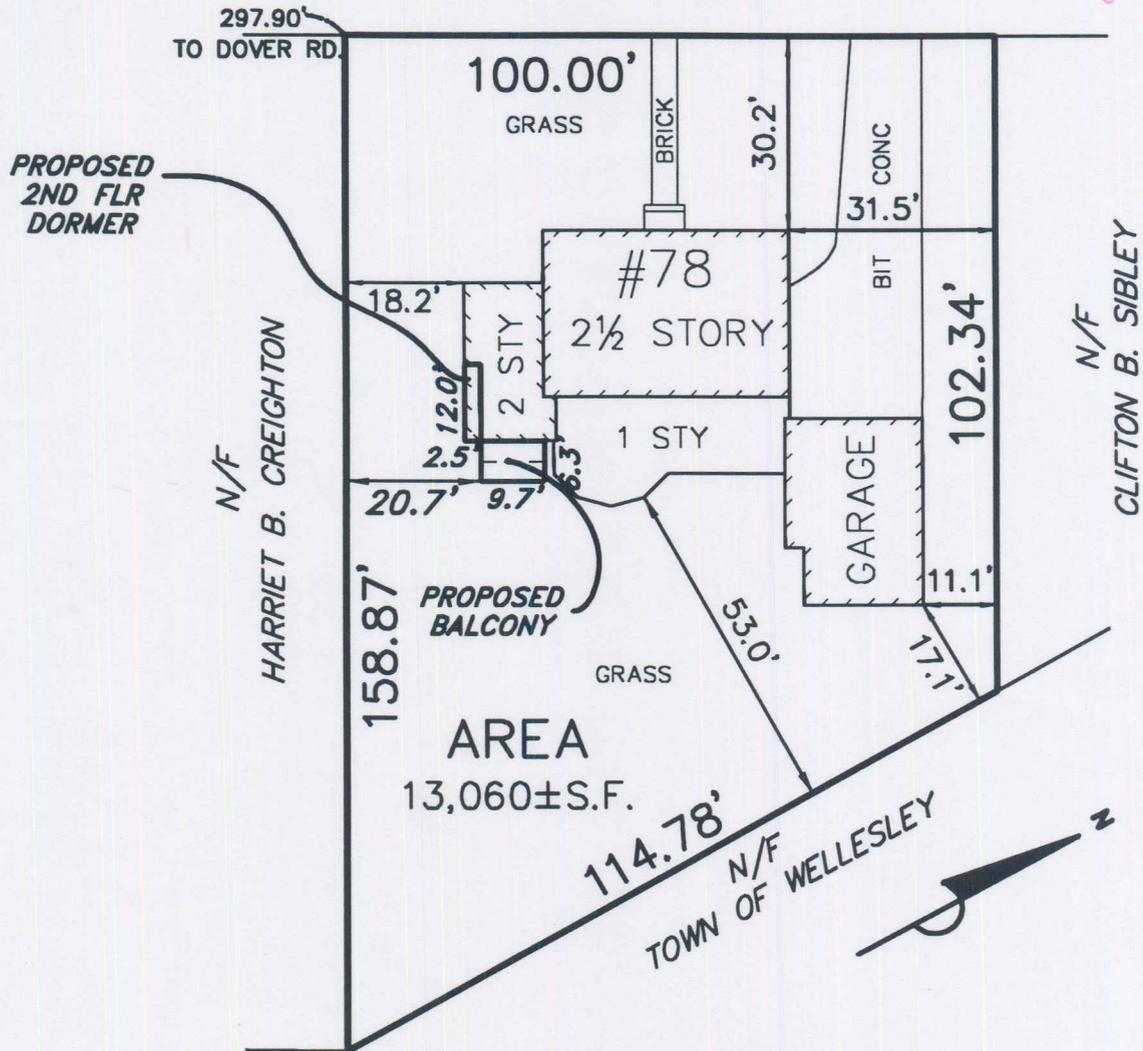
  
David G. Sheffield

  
Robert W. Levy

Cc: Planning Board  
Wetlands Protection Committee  
Inspector of Buildings  
edg

# LEIGHTON ROAD

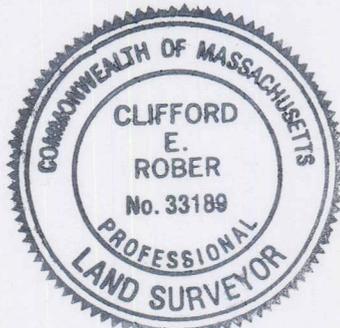
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PROP. LOT COVERAGE = 18.7%

OWNER: MARK & CLARE ROBINSON

I HEREBY CERTIFY THAT THE BUILDING IS LOCATED AS SHOWN.



*Clifford E. Rober*  
CLIFFORD E. ROBER, PLS DATE

THIS PLAN MAY HAVE BEEN ALTERED IF THE SIGNATURE IS NOT SIGNED IN BLUE.

CERTIFIED PLOT PLAN  
#78 LEIGHTON ROAD  
IN  
WELLESLEY, MA  
(NORFOLK COUNTY)

SCALE: 1" = 30' DATE: 6/19/2002



ROBER SURVEY  
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(781) 648-5533  
1219PP2.DWG