

TOWN OF WELLESLEY



MASSACHUSETTS

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WELLESLEY MA 02482

ZONING BOARD OF APPEALS

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

2004 JUL 23 A 8:19

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ROBERT A BASTILLE
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ZBA 2004-45
Petition of Daniel Mangiacotti
59 Leighton Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 15, 2004 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley on the petition of DANIEL MANGIACOTTI requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the demolition of his existing nonconforming greenhouse and construction of a two-story 14.4 foot by 8.5 addition and a one-story 10.7 foot by 8.5 foot addition, both of which will be located on the existing greenhouse foundation with less than the required left side yard setback, at his nonconforming dwelling with less than the required left and right side yard setbacks, at 59 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. There shall be no change in the footprint.

On June 28, 2004, 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 Jeffrey Bump, project designer, who accompanied Daniel Mangiacotti, the petitioner. Mr. Bump said they are building on an existing foundation. The larger portion would be two-story and the smaller portion one-story, which would be an expansion of the dining room. The greenhouse was a later addition to the original house.

The Board asked if the greenhouse had been permitted when constructed. Mr. Bump said he didn't know, but there is a full foundation beneath the greenhouse. He added that Mr. Maniacotti had spoken to the two abutting neighbors, who had no objections.

The Board noted that the Planning Board had no objection to the granting of the request.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 59 Leighton Road, in a 10,000 square foot Single Residence District, on a 7,150 square foot lot, and has a minimum left side yard setback of 11 feet and a minimum right side yard setback of 9.5 feet.

The petitioner is requesting a Special Permit/Finding that the demolition of the 16 foot by 25.1 foot greenhouse with a minimum left side yard setback of 11 feet, and construction of a two-story 14.4 foot by

8.5 foot addition and a one-story 8.5 foot by 10.7 foot addition on the greenhouse foundation with the same minimum left side yard setback of 11 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There shall be no change in the footprint.

A Plot Plan dated 6/23/04, stamped by George C. Collins, Professional Land Surveyor; Existing and Proposed floor plans and elevation drawings dated 6/21/04, prepared by Jeffrey Bump; and photographs were submitted.

On July 13, 2004, 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 Public 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 demolition of the existing nonconforming greenhouse, with a minimum left side yard setback of 11 feet, and construction of a two-story 14.4 foot by 8.5 foot addition and an 8.5 foot by 10.7 foot one-story addition on the greenhouse foundation, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure as neither addition shall intensify the existing nonconformance, nor shall either addition create new nonconformity.

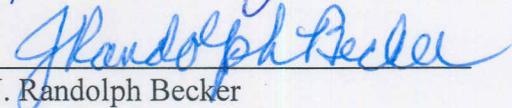
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of the existing greenhouse and construction of the two-story and one-story additions on the existing greenhouse foundation with less than the required left side yard setback, in accordance with the submitted plot plan and construction drawings.

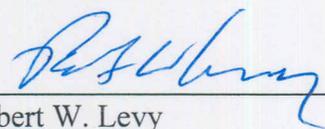
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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.

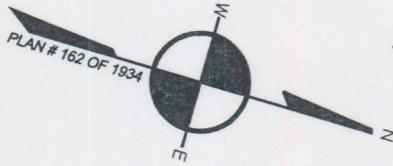
Cc: Planning Board
Inspector of Buildings
edg


Cynthia S. Hibbard, Acting Chairman


J. Randolph Becker


Robert W. Levy

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2004 JUN 28 A 9:06

S40°15'24"E
45.52'

7,150 S.F.



N60°00'00"E

DECK

PROPOSED 1 STORY ADDITION
(HATCHED)

PROPOSED 2 STORY ADDITION
ON FOOTPRINT OF GREENHOUSE
(HATCHED)

87.50'

11.0'

11.3'

16.0'

S85°50'39"E

L=100.36'

R=174.48

6.2

8.5

10.7

14.4

14.4

14.4

14.4

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2 STORY w/f

No. 59

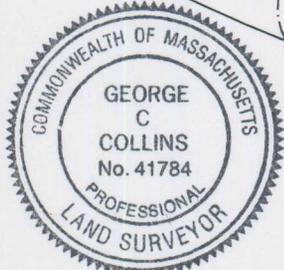
111.76' (M)

112.78' (R)

30.0'

D W

LEIGHTON ROAD



I CERTIFY THAT THIS PLAN WAS MADE FROM AN INSTRUMENT SURVEY ON THE GROUND BETWEEN THE DATES OF JUNE 19 AND JUNE 20, 2004 AND ALL STRUCTURES ARE LOCATED AS SHOWN HEREON.

George C. Collins

GEORGE C. COLLINS

6-23-04

DATE

EXISTING:
LOT AREA: 7,150 S.F.
STRUCTURE AREA: 1,565 S.F.
LOT COVERAGE: 21.9%

PROPOSED:
LOT AREA: 7,150 S.F.
STRUCTURE AREA: 1,565 S.F.
LOT COVERAGE: 21.9%



**BOSTON
SURVEY, INC.**
UNIT C-4 SHIPWAYS PLACE
CHARLESTOWN, MA. 02129
(617)242-1313

PLAN OF LAND SHOWING PROPOSED ADDITION AT 59 LEIGHTON ROAD WELLESLEY, MA.

DATE: JUNE 22, 2004
SCALE: 1 INCH = 20 FEET

JOB #: 04-04488

PREPARED FOR:
DANIEL MANGIACOTTI
59 LEIGHTON ROAD
WELLESLEY, MA.

REFERENCES
BOOK 16774 ; PAGE 82
PLAN # 162 OF 1934