

**ZONING BOARD OF APPEALS**

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ZBA 2005-18

Petition of Marc and Elise Busny  
12 Brookfield Road

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 10, 2005 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of MARC A. AND ELISE BUSNY requesting a Special Permit pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that enclosure of an existing 7.6 foot by 13 foot porch, with less than required right side yard setback, on a 9,000 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.

On February 22, 2005, 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 were Elise and Marc Busny, who said that they are the owners at 12 Brookfield Road. They are asking for a special permit to take down a screened in porch and build a four-season room on the same footprint.

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

The Board clarified the fact that the existing porch would be demolished.

Statement of Facts

The subject property is located at 12 Brookfield Road, with a minimum left side yard setback of 17.2 feet, and a minimum right side yard setback of 15.9 feet, on a 9,000 square foot lot, in a district in which the minimum lot size is 10,000 square feet.

The petitioner is requesting a Special Permit/Finding that demolition of an existing 7.6 foot by 13 foot screened in porch and construction of a 7.6 foot by 13 foot enclosed porch, with a minimum right side yard setback of 15.9 feet, on a 9,000 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.

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A Plot Plan dated 1/3/05, stamped by Paul G. Josephson, Professional Land Surveyor, Proposed and Existing Floor Plans and Elevation Drawings, dated 11/30/04, drawn by C. Rogers, and photographs were submitted.

On February 28, 2005 the Planning Board reviewed the petition and had no objection to granting 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 demolition of an existing 7.6 foot by 13 foot screened in porch and construction of a 7.6 foot by 13 foot enclosed porch, with a minimum right side yard setback of 15.9 feet, on a 9,000 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, as it will neither intensify the existing nonconformance nor will it create new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the demolition of the existing 7.6 foot by 13 foot screened in porch and construction of a 7.6 foot by 13 foot enclosed porch, 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.

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Richard L. Seegel, Chairman

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David G. Sheffield

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Randy Becker

cc: Planning Board  
Inspector of Buildings  
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