

**ZONING BOARD OF APPEALS**

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ZBA 2007-34  
Petition of John and Eve Barlow  
4 Jefferson Road

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Petition of JOHN AND EVE BARLOW (the "Petitioner") requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 19.6 foot by 22 foot second story addition with less than required side yard setbacks on an 11,199 square foot corner lot in a district in which the minimum lot size is 15,000 square feet, at 4 JEFFERSON ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On May 23, 2007, 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 John Barlow, who said that the proposal is to add a second story master bedroom over the existing footprint. He said there is an existing one-story garage that does not meet right side yard setback requirements when viewed from Jefferson Road, and the lot size does not meet the minimum required lot area. He said that the ridge line of the proposed addition will be lower than the ridge line of the existing house.

Mr. Barlow said that he showed the plans to the neighbor who abuts the property at the rear (when viewed from Oakland Street) and the neighbor has given his approval in writing. The Board commented that the abutter seems to be well screened from the Petitioner's property.

The Board asked about the future status of the large pine tree to the right of the proposed addition. Mr. Barlow said that the tall trees will remain but the shrubs will be removed.

Mr. Barlow said that he has discussed with the Town Engineer reconfiguring the driveway to exit to Jefferson Road instead of to Oakland Street as is the current case. He said that the reconfiguration will comply with the 50 foot clearance requirement from the intersection of Jefferson Road with Oakland Street.

There was no member of the public present who wished to speak to the petition.

Statement of Facts

The subject property is located at 4 Jefferson Road, with a minimum side yard setback of 17.7 feet, on an 11,199 square foot corner lot in a district in which the minimum lot size is 15,000 square feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 19.6 foot by 22 foot second story addition with less than required side yard setbacks shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 4/27/07, stamped by Bruce Bradford, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 3/28/07, drawn by Streibert Associates, and photographs were submitted.

On June 4, 2007, 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 although construction of a 19.6 foot by 22 foot second story addition with less than required side yard setbacks is increasing a nonconformity, such increase shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of a 19.6 foot by 22 foot second story addition, 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.

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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.

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Richard L. Seegel, Chairman

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David G. Sheffield

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J. Randolph Becker

cc: Planning Board  
Inspector of Buildings  
lrm  
cc: Planning Board