

**ZONING BOARD OF APPEALS**

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

RICHARD L. SEEGEL, CHAIRMAN  
CYNTHIA S. HIBBARD  
DAVID G. SHEFFIELDLENORE R. MAHONEY  
EXECUTIVE SECRETARY  
TELEPHONE  
(781) 431-1019 EXT. 2208J. RANDOLPH BECKER, VICE CHAIRMAN  
ROBERT W. LEVY  
DAVID L. GRISSINO

ZBA 2007-80

Petition of Susan Shepard & James Marchetti  
5 Marvin Road

---

Petition of SUSAN SHEPARD & JAMES MARCHETTI requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that enclosure of an existing 8.7 foot by 20.8 foot porch with less than required right side yard setbacks, enclosure of an existing 2 foot by 4.8 foot porch, and construction of a 4 foot by 4.8 foot portico, with less than required left side yard setbacks, in a 10,000 square foot Single Residence District, at 5 MARVIN ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On November 26, 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 Staniunas, who said that he was representing Susan Shepard and James Marchetti (the "Petitioner"). He said that the proposal is to enclose the 2 foot by 5 foot back porch and change the door from the back to the front of the house. He said that the existing screened porch on the right side of the house will also be enclosed.

Mr. Staniunas said that there is an existing stair that is located within the 20 foot setback at the back that will be removed.

Mr. Staniunas said that the proposed family room and the second floor bedroom are interior renovations that do not affect the setback.

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 Marvin Road, on an 11,093 square foot lot, with a minimum front yard setback of 29.7 feet, a minimum left side yard setback of 15 feet, and a minimum right side yard setback of 15.3 feet.

The Petitioner is requesting a Special Permit/Finding that enclosure of an existing 8.7 foot by 20.8 foot porch with less than required right side yard setbacks, enclosure of an existing 2 foot by 4.8 foot porch, and construction of a 4 foot by 4.8 foot portico, with less than required left side yard setbacks shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

ZBA 2007-80  
Petition of Susan Shepard & James Marchetti  
5 Marvin Road

---

A Plot Plan dated 11/15/07, stamped by Frank Iebba, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 5/10/07, drawn by John Staniunas Architects, and photographs were submitted.

On December 3, 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 enclosure of an existing 8.7 foot by 20.8 foot porch with less than required right side yard setbacks, enclosure of an existing 2 foot by 4.8 foot porch, and construction of a 4 foot by 4.8 foot portico 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 enclosure of an existing 8.7 foot by 20.8 foot porch with less than required right side yard setbacks, enclosure of an existing 2 foot by 4.8 foot porch, and construction of a 4 foot by 4.8 foot portico, 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.

ZBA 2007-80  
Petition of Susan Shepard & James Marchetti  
5 Marvin Road

---

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.

---

Cynthia S. Hibbard, Acting Chairman

---

David G. Sheffield

---

David L. Grissino

cc: Planning Board  
Inspector of Buildings  
lrm