



ZONING BOARD OF APPEALS

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

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ZBA 2016-28
 Petition of Daniel & Susan Mangiacotti
 59 Leighton Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 7, 2016, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Daniel & Susan Mangiacotti requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of second story addition on an existing nonconforming structure with less than required right side yard setbacks, construction of a one-story addition and construction of a second story addition that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard and right side yard setbacks, on a 7,150 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, at 59 Leighton Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On March 21, 2016, 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 were Dan Mangiacotti, the Petitioner and Leah McGavern, Architect.

Mr. Mangiacotti said that he has lived there for 12 years.

Ms. McGavern said that the request is for a Special Permit for a nonconforming lot and for a second floor addition on an existing nonconforming garage.

A Board member questioned whether the large pine trees immediately behind the garage will be impacted by the construction. Mr. Mangiacotti said that the trees are located in the neighbor's rear yard. The Board member said that the Petitioner should work with the neighbor to monitor the trees during construction.

Mr. Mangiacotti said that he met with all of the abutters and has letters of support from all of them.

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 59 Leighton Road, on a 7,150 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with 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 pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of second story addition on an existing nonconforming structure with less than required right side yard setbacks, construction of a one-story addition and construction of a second story addition that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard and right side yard setbacks, on a 7,150 square foot lot in a Single Residence 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.

A Plot Plan, dated 3/4/16 and a 500' Front Setback Rule Plan, stamped by George C. Collins, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 3/7/16, prepared by McGavern Design, and photographs were submitted.

On April 6, 2016, the Planning Board reviewed the petition and recommended that the Special Permit be granted.

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 opinion of this Authority that although construction of second story addition on an existing nonconforming structure with less than required right side yard setbacks, construction of a one-story addition and construction of a second story addition that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard and right side yard setbacks, on a 7,150 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet 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 second story addition on an existing nonconforming structure with less than required right side yard setbacks, construction of a one-story addition and construction of a second story addition that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard and right side yard setbacks, on a 7,150 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, subject to the following condition:

- The Petitioner shall work with the neighbor at 55 Leighton Road to protect and monitor the large pine trees immediately behind the garage during construction.

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

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ZBA 2016-28
Petition of Daniel & Susan Mangiacotti
59 Leighton Road

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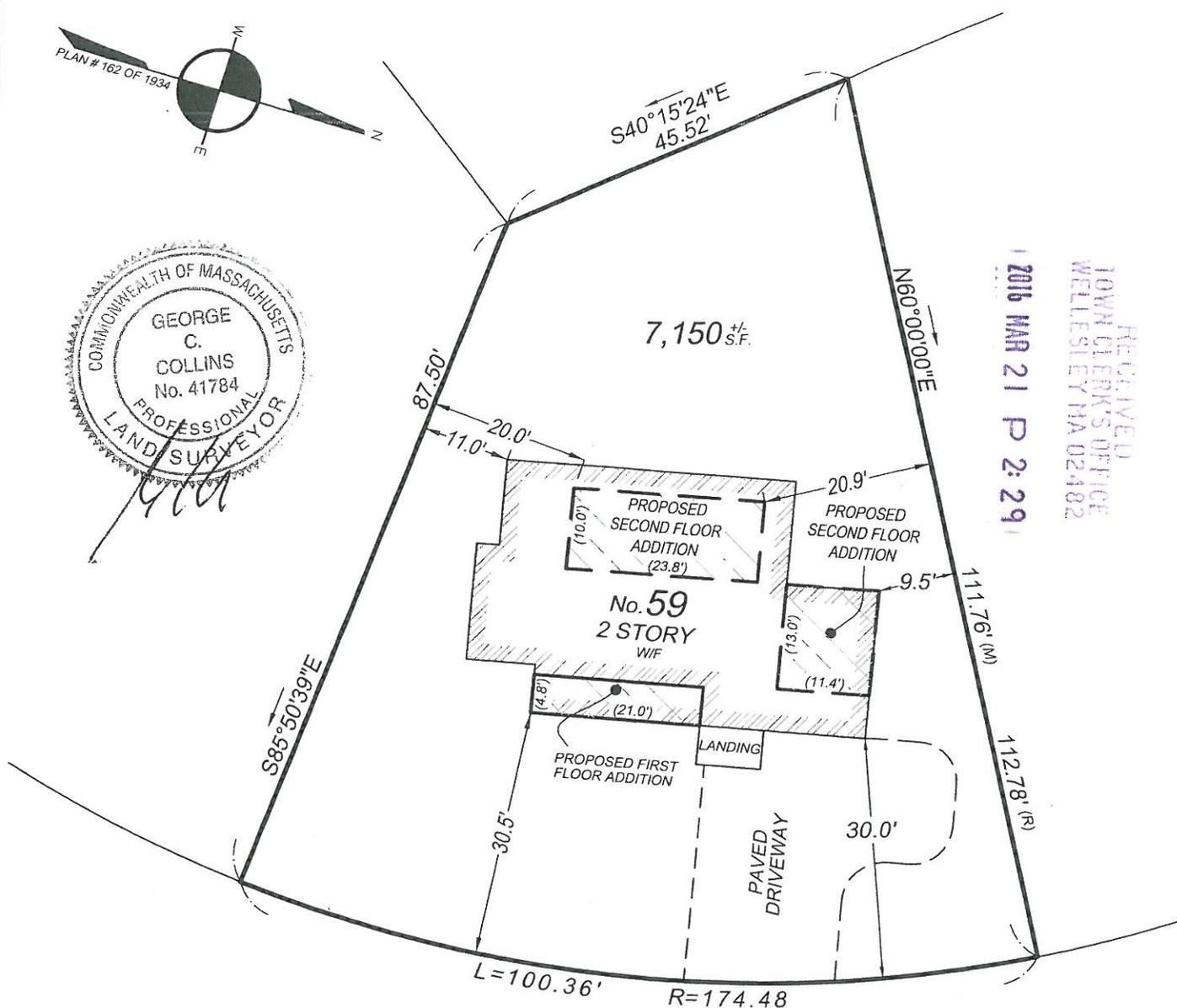
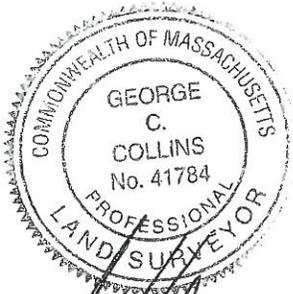
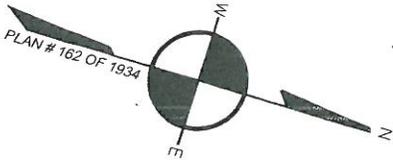
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.


Richard L. Seegel, Chairman


David G. Sheffield


Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm



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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.

EXISTING:
LOT AREA: 7,150 S.F.
STRUCTURE AREA: 1,273 S.F.
LOT COVERAGE: 17.8%

PROPOSED:
LOT AREA: 7,150 S.F.
STRUCTURE AREA: 1,368 S.F.
LOT COVERAGE: 19.1%

GEORGE C. COLLINS _____ DATE _____



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: MARCH 4, 2016
SCALE: 1 INCH = 20 FEET

JOB #: 16-00231

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

REFERENCES
BOOK 16774 ; PAGE 82
PLAN # 162 OF 1934