

**ZONING BOARD OF APPEALS**

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02181-5992

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1997 SEP 26 A 8:11

SUMNER H. BABCOCK
ROBERT A. BASTILLE

ZBA 97-79

Petition of John and Marjorie A. Wiggins
27 Paine Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 18, 1997 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley on the petition of JOHN AND MARJORIE A. WIGGINS requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a 16.3 foot by 14 foot one-story addition and a 14 foot by 6 foot deck attached to the proposed addition, both of which would have less than the required left side yard setback, at 27 PAINE STREET, in a Single Residence District, would not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On August 28, 1997, 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 John and Marjorie Wiggins, who were accompanied by their builder, Ed O'Connor. Mrs. Wiggins said that they have two children, and would like to add a family room. Mr. O'Connor added that the project involves a one-story addition and a deck at the rear of the addition.

Priscilla Buchanan, 29 Paine Street, the left side abutter, said that as the space was very tight, she would like a fence erected to separate the properties. She would also like the fence to be constructed before construction began.

The Board stated that the fence would be a decision made mutually between the two parties. The Board could not enter into the action, nor could any agreement be part of the Board's decision. The Board has no legal authority to be a party to, or enforce any such a condition.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 27 Paine Street, in a Single Residence District, on an 11,010 square foot lot, and has a minimum left side yard clearance of 10 feet.

ZBA 97-79
Petition of John and Marjorie A. Wiggins
27 Paine Street

The petitioners are requesting a Special Permit/Finding that the construction of a 16.3 foot by 14 foot one-story addition, which would have a minimum left side yard clearance of 13.6 feet and a 14 foot by 6 foot deck, which would have a minimum left side yard clearance of 13.6 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated July 30, 1997, drawn by Paul N. Robinson, Jr., Registered Professional Land Surveyor; Floor Plans and Elevations dated 5/5/97; and photographs were submitted.

On September 9, 1997, the Planning Board reviewed the petition and voted to offer no comment.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject dwelling does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

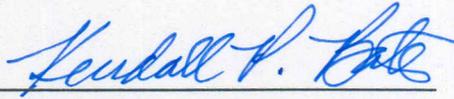
It is the finding of this Authority that the proposed one-story addition and deck will not intensify the existing nonconformance, as they will have a greater left side yard setback than the existing nonconforming dwelling; and will not create additional nonconformance for the same reason.

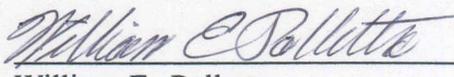
Therefore, a Special Permit is hereby granted, as voted unanimously by this Authority at the Public Hearing, for the construction of the one-story addition and deck subject to construction in accordance with the submitted plot plan and construction drawings.

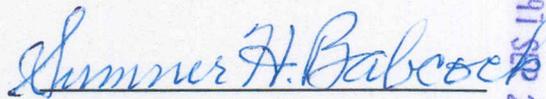
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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


Kendall P. Bates, Acting Chairman


William E. Polletta


Sumner H. Babcock

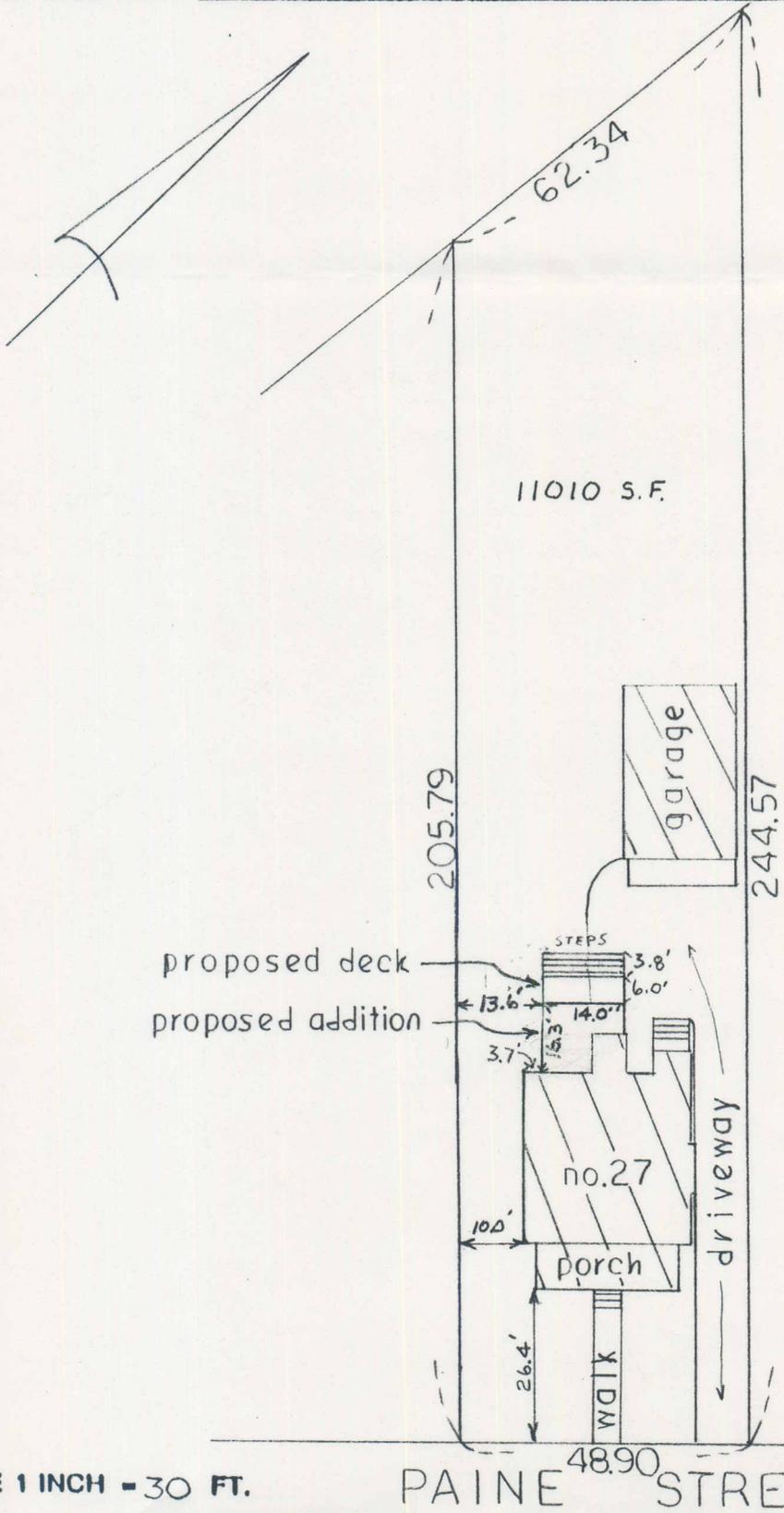
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PLOT PLAN

PAUL N. ROBINSON ASSOCIATES, INC. — SURVEYORS
37 EXCHANGE STREET — P.O. BOX 136
MILLIS, MASS. 02054
(508) 376-4440

LAND IN: WELLESLEY REGISTRY: NORFOLK
DEED REF: BOOK 7945 PAGE 67 RECORD PLAN: NO. 920 of 1925
PREPARED FOR: JOHN & MARJORIE WIGGINS



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AUG 28 2 10 PM '97

EXISTING LOT COVERAGE = 15%
PROPOSED LOT COVERAGE = 17%

SCALE 1 INCH = 30 FT.

FILE NO. 1719



Paul N. Robinson Jr.

Date: JULY 30, 1997

Professional Land Surveyor