

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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2004 SEP 22 A 9:55

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ROBERT W. LEVY

ZBA 2004-64  
Petition of Joseph and Virginia Braccia  
24 Colby Road

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 9, 2004 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of JOSEPH AND VIRGINIA BRACCIA, requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that enclosure of the existing nonconforming 12 foot by 16 foot porch with less than required right side yard setback, at their nonconforming dwelling with less than required left side and right side yard setbacks, at 24 COLBY ROAD, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On August 23, 2004, 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 Joseph Braccia.

The Board asked if outside work had begun on the porch. Mr. Braccia responded that outside work had been done because he was not aware of the Zoning Bylaw. The Building Department would not issue a Building Permit until a Special Permit was issued by the Zoning Board of Appeals.

The Board noted that the Planning Board had no objections to granting the request.

Statement of Facts

The subject property is located at 24 Colby Road, in a 10,000 square foot Single Residence District, and has a minimum left side yard setback of 19 feet, and a minimum right side yard setback of 17 feet.

The petitioner is requesting a Special Permit/Finding that enclosure of the existing 12 foot by 16 foot porch, with a minimum right side yard setback of 17 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 8/8/04, stamped by Todd P. Chapin, Registered Land Surveyor, Existing and Proposed Floor Plans and Elevations Drawings, dated 8/16/04, prepared by J. D. Braccia, Homeowner, and photographs were submitted.

On August 31, 2004, the Planning Board reviewed the petition and had no objection to the granting of the request.

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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.

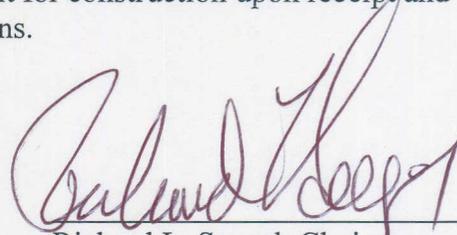
It is the finding of this Authority that enclosure of the existing nonconforming 12 foot by 16 foot porch, with a minimum right side setback of 17 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as the enclosure of the porch shall neither intensify the existing nonconformance, nor shall it create a new nonconformity as the right side yard setback shall remain the same.

Therefore, a Special Permit is granted, as voted unanimously by this Authority, for enclosure of the porch and construction of an addition, in accordance with the submitted plot plan and construction drawings.

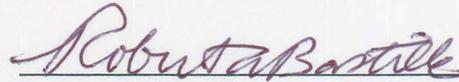
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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.

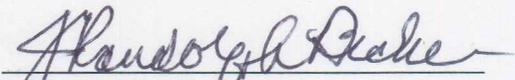
Cc: Planning Board  
Inspector of Buildings  
lrm



Richard L. Seegel, Chairman



Robert A. Bastille



J. Randolph Becker

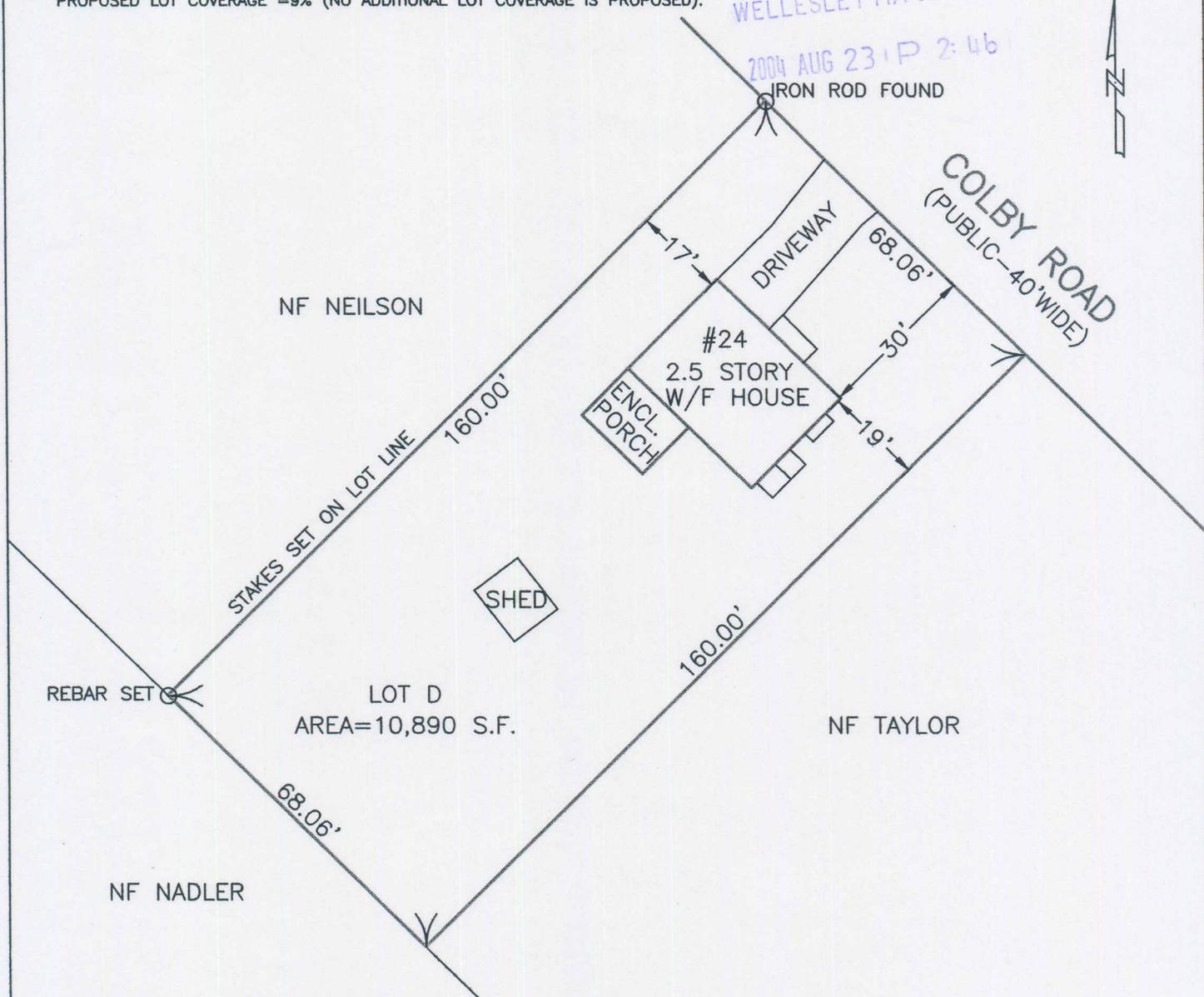
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**NOTES:**

1. THIS PLOT PLAN SHALL NOT BE RECORDED OR USED TO ESTABLISH PROPERTY LINES.
2. ZONING DISTRICT: SRD 10-SINGLE; MINIMUM BUILDING SETBACKS, FY=30', SY=20', RY=10'
3. EXISTING HOUSE AREA=980 SF., =9% LOT COVERAGE,  
PROPOSED LOT COVERAGE =9% (NO ADDITIONAL LOT COVERAGE IS PROPOSED).

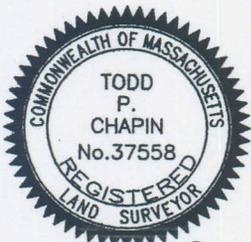
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2004 AUG 23 P 2:46



I HEREBY CERTIFY THAT THE BUILDING(S) SHOWN ON THIS PLAN ARE LOCATED AS SHOWN HEREON, AND DO CONFORM TO THE DIMENSIONAL REQUIREMENTS OF THE ZONING BY-LAWS OF THE TOWN OF WELLESLEY, MASS. WHEN CONSTRUCTED OR ARE EXEMPT FROM VIOLATION ENFORCEMENT ACTION UNDER MASS. GENERAL LAWS CHAPTER 40A SECTION 7.

**OWNER OF RECORD:**  
DARREN J. & VIRGINIA V. BRACCIA  
24 COLBY ROAD  
WELLESLEY, MA. 02482



*T.P.C.*  
9/8/04

ASSESSORS MAP 203	PARCEL 55	<b>CERTIFIED PLOT PLAN</b> OF LAND IN <b>WELLESLEY, MASS.</b>	
ZONING DISTRICT: SRD 10-SINGLE			
F.I.R.M. COM. PANEL 250255 0005B ZONE C			
<b>ATLAS LAND SURVEYING</b>		SCALE: 1"=30'	DATE: 08/08/2004
8 MOORE LANE NORTHBOROUGH, MASS 01532 508-523-4559		DEED REF. BOOK 15284	PAGE 441
		PLAN REF. PLAN BOOK 3019	PLAN 355
RECORDED @ NORFOLK REGISTRY OF DEEDS			