



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman  
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KENDALL P. BATES

ELLEN D. GORDON  
Executive Secretary  
Telephone  
431-1019 X208

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WELLESLEY, MASSACHUSETTS  
DEC 18 8 29 AM '93  
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ZBA 93-88  
Petition of John J. and Patricia DeAngelis  
6 Marigold Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 18, 1993 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 J. AND PATRICIA DeANGELIS requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw to allow construction of a second-story addition approximately 8 feet by 18 feet above an existing kitchen at their nonconforming dwelling, with less than the required left side yard, at 6 MARIGOLD AVENUE, in a Single Residence District. This request is in conjunction with the construction of a two-story addition, which is conforming in all respects with the exception of the 8 foot by 18 foot portion of the second story.

On November 2, 1993, the petitioners requested 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 DeAngelis, who was accompanied by his architect, John Staniunas. Mr. Staniunas said that the second-story addition would be used for a master bedroom. The house presently has two bedrooms for the parents and three sons, and there is a real need for additional living space. The existing nonconformance will not be increased, as the addition will be directly above the existing first floor. A building permit has been issued for the conforming portion of the addition. The addition will have a gambrel roof, which will make the addition appear to be lower in height.

No other person present had any comment on the petition.

Statement of Facts

The subject nonconforming dwelling is located at 6 Marigold Avenue, in a Single Residence District, on a 7,500 square foot lot, and has a minimum left side yard clearance of 13.8 feet.

The petitioners are requesting a Special Permit/Finding to construct an 18 foot by 8 foot second story addition in conjunction with a conforming two-story addition approximately 30.2 feet by 30 feet. Only the 8 foot by 18 foot portion of the second story addition has a minimum left side yard clearance of 13.8 feet.

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A Plot Plan dated July 23, 1993, drawn by John J. Regan, Registered Professional Land Surveyor; Floor Plans and Elevations dated October 10, 1993, drawn by John C. Staniunas, Architect; and photographs were submitted.

On November 9, 1993, the Planning Board reviewed the petition and voted to recommend that the petition be denied.

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.

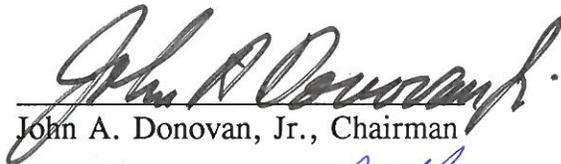
It is the unanimous finding of this Authority that the proposed 8 foot by 18 foot portion of the second story addition will not intensify the existing nonconformity, nor will it result in additional nonconformities as the addition will come no closer than the existing dwelling, nor will there be any further encroachment of the footprint into the nonconforming left side yard due to the proposed addition.

Therefore, a Special Permit for the proposed addition is granted subject to construction in accordance with the plot plan and construction sketches as submitted.

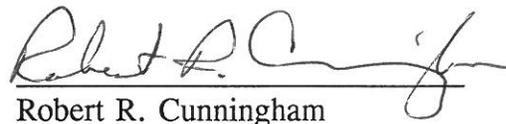
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and detailed construction plans.

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.

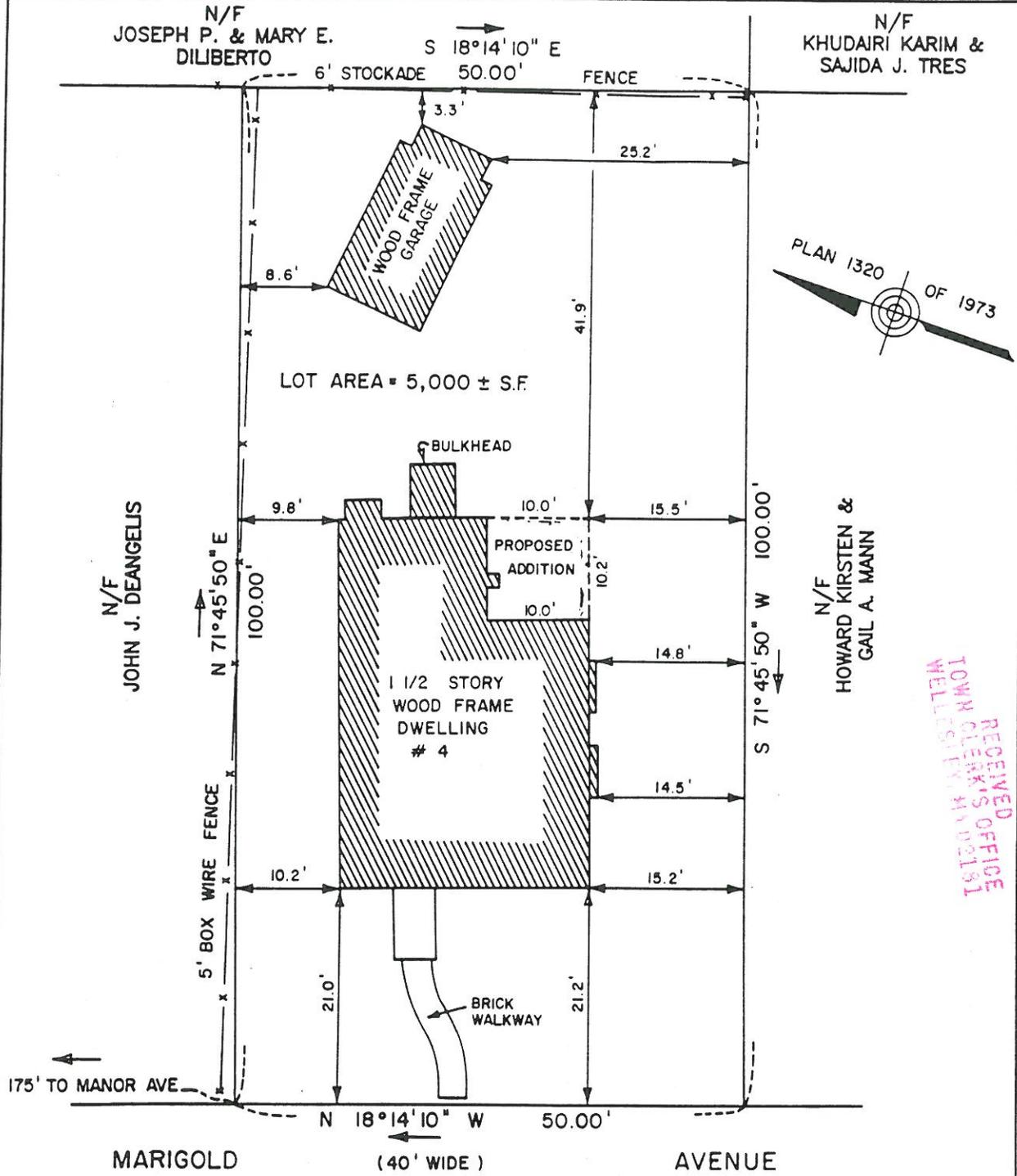
cc: Planning Board  
Inspector of Buildings  
edg

  
John A. Donovan, Jr., Chairman

  
Kendall P. Bates

  
Robert R. Cunningham

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WELLESLEY, MASS. 02151  
JAN 30 9 07 AM '95

ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, I CERTIFY TO WILLIAM JAMES AND THE TOWN OF WELLESLEY BUILDING INSPECTOR THAT AS A RESULT OF A SURVEY MADE ON THE GROUND TO THE NORMAL STANDARD OF CARE OF PROFESSIONAL LAND SURVEYORS PRACTICING IN MASSACHUSETTS, I FIND THAT THE PARCEL FALLS WITHIN ZONE "C" AS SHOWN ON F.I.R.M. MAP FOR WELLESLEY MASSACHUSETTS. COMMUNITY PANEL # 2502550005 B DATED: SEPTEMBER 5, 1979 THE LOCATION OF THE STRUCTURES AND PROPOSED ADDITION AS SHOWN HEREON DO NOT CONFORM WITH THE CURRENT ZONING BY-LAW OF THE TOWN OF WELLESLEY, MA. AS TO SIDE, REAR, AND FRONT SETBACKS, AREA AND FRONTAGE REQUIREMENTS.

*Henry E. Thomas Jr.*  
PROFESSIONAL LAND SURVEYOR  
DATE: January 18, 1995



**PLOT PLAN**  
OF LAND IN  
**WELLESLEY, MASS.**

SCALE: 1" = 10' DATE: JANUARY 18, 1995  
PREPARED FOR: WILLIAM JAMES

**SCHOFIELD BROTHERS OF NEW ENGLAND, INC.**  
PROFESSIONAL ENGINEERS &  
PROFESSIONAL LAND SURVEYORS  
1071 WORCESTER ROAD,  
FRAMINGHAM, MASSACHUSETTS 01701

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