

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

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2021 DEC 16 P 12:06  
WALTER B. ADAMS  
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ZBA 2021-92

Petition of Nicole & Austin Moody  
30 Leighton Road

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, December 2, 2021 at 7:30 pm, in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Nicole & Austin Moody requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that construction of a one story addition with less than required left side yard setbacks, on an existing nonconforming structure with less than required front yard and left side yard setbacks, on a 9,135 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, at 30 Leighton Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On October 19, 2021, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Present at the public hearing was Kim Maleh, representing Nicole Moody, the Petitioner.

Ms. Maleh said that the request is to build an 8 by 14 foot one story mudroom, which will be a back entry for coats and shoes, a bathroom and a washer and dryer. She said that the addition will be 16 feet from the property line, as is the existing house. She said that they currently there is no bathroom on the first floor.

A Board member suggested design changes to the laundry/linen closet/bathroom area.

No member of the public wished to speak to the petition.

### Statement of Facts

The subject property is located at 30 Leighton Road, on a 9,135 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with a minimum front yard setback of 29.5 feet where 30 feet is required, and a minimum left side yard setback of 16 feet where 20 feet is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that construction of a one story addition with less than required left side yard setbacks, on an existing nonconforming structure with less than required front yard and left side yard setbacks, on a 9,135 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 10/4/21, stamped by Christopher C. Charlton, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 9/17/21, revised 10/11/21, stamped by Christopher M. Kirby, P.E., and photographs were submitted.

On November 30, 2021, the Planning Board reviewed the petition and recommended that a special permit be approved.

#### Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing.

It is the opinion of this Authority that construction of a one story addition with less than required left side yard setbacks, on an existing nonconforming structure with less than required front yard and left side yard setbacks, on a 9,135 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet will result in the intensification of an existing nonconformity, will not result in additional nonconformities, and will 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 a one story addition with less than required left side yard setbacks, 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 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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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, Acting Chairman

  
David G. Sheffield

  
Derek B. Redgate

ZBA            2021-92  
Applicant    Nicole & Austin Moody  
Address      30 Leighton Road

2021 DEC 16 P 12:07

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

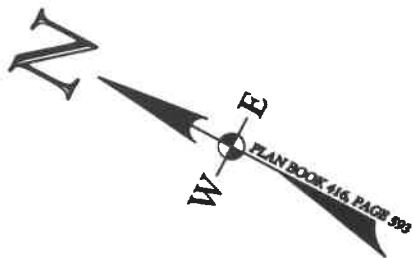
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Date:

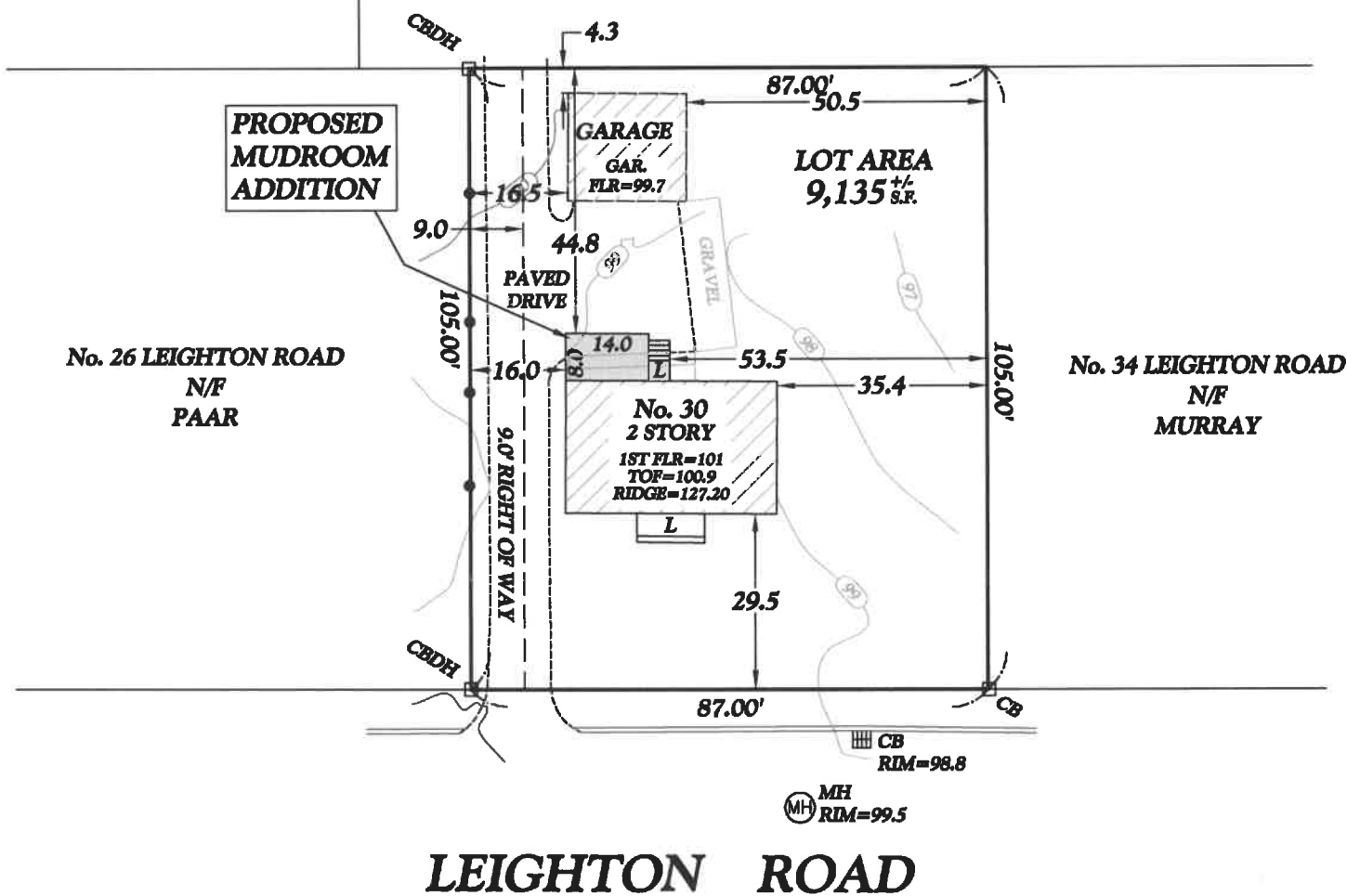
Attest:

\_\_\_\_\_  
Cathryn Jane Kato  
Town Clerk

cc: Planning Board  
Inspector of Buildings  
lrm



No. 11-17 APPLEBY ROAD  
N/F  
JOSEPH L HOZID TRUST



### LEIGHTON ROAD

EXISTING LOT COVERAGE: 1,218 S.F. (13.3 %)  
PROPOSED LOT COVERAGE: 1,354 S.F. (14.8 %)  
PROPOSED INCREASE LOT COVERAGE: 136 S.F.

OWNER OF RECORD:  
AUSTIN D. & NICOLE L. MOODY

ZONING DISTRICT: SR10

REFERENCES:  
DEED: BOOK 32036, PAGE 333

I CERTIFY THAT THIS PLAN WAS CREATED BY AN INSTRUMENT SURVEY ON THE GROUND AND THAT ALL STRUCTURES ARE LOCATED AS SHOWN HEREON.



CHRISTOPHER C. CHARLTON, PLS

### CERTIFIED PLOT PLAN

LOCATED AT  
30 LEIGHTON ROAD  
ASSESSORS PARCEL # 125-126  
WELLESLEY, MA  
NORFOLK COUNTY  
CONTINENTAL LAND SURVEY, LLC  
105 BEAVER STREET, FRANKLIN, MA  
(508) 528 - 2528  
SCALE: 1"=30' OCTOBER 4, 2021

