

**ZONING BOARD OF APPEALS**

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ZBA 2009-24
Petition of Ephrat Most & Sheldon Oppenheim
38 River Ridge

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 2, 2009 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of EPHRAT MOST AND SHELDON OPPENHEIM requesting a Special Permit/Finding pursuant to the provisions of Section XVII, Section XIVE and Section XXV of the Zoning Bylaw that construction of a 10.2 foot by 30.9 foot two story addition with less than required left side and right side yard setbacks, on a 6,350 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 38 RIVER RIDGE, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On March 16, 2009 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 David Howe, Builder, who said that he was representing Mr. Oppenheim (the "Petitioner"). Mr. Howe said that the proposal is for an addition to the existing structure that will be similar architecturally to other structures in the neighborhood. He said that the existing house is small and plain.

The Board said that there are three nonconformances, left and right side setbacks, and lot size.

Mr. Howe said that they circulated a letter among the neighbors and the neighbors were supportive of the proposal.

The Board asked if there were any three-dimensional representations of the project. The Board said that although the proposed addition will follow the letter of the bylaw, it is designed in an usual way by angling the front portion of the right side wall to maintain the current non-conformance on the right hand side. The Board said that it was concerned about the impact of such awkward massing on the character of the neighborhood.

The Board said that the proposed gable on the front will be done in an awkward way and the oddly angled wall is a blank two stories when viewed from the right side. The Board said that the addition will be very visible and the house is sited in a prominent location.

Mr. Howe said that they had seriously considered a much more traditional right angled addition. He said that the proposed design was preferred. He said that they made sure that the front façade is symmetrical. He said that helped to soften and de-emphasize the angle along the right hand side.

Mr. Howe said that there is a detail shown on the lower right hand corner on Plan A-3 showing gutters on all new roofs that represents a discreet secondary roof line. The Board said that although the roof lines are shown on the plans as dashed lines, it is hard to visualize what they will really look like. The Board said that elevations can mask things sometimes when shown in two dimensions. The Board said that it would prefer to see drawings that show more than one side at a time.

The Board said that there is no break in the plane in the transition from the dining room to the playroom. The Board asked if the plan could be modified to pull the playroom addition in by one foot from the edge of the existing house.

The Board said that it was concerned that the proposed mass and bulk could be substantially more detrimental to the neighborhood because of the angled right side wall, the roof pitch and the unbroken planes along the entire right hand sides. The Board said that it would need to see a plan showing a perspective view or simple model to visualize the proposed structure more clearly.

Mr. Howe said that they had been considering some sort of decorative element on the right elevation to soften the look even though it will only be visible to the abutters. He said that the roof line will not be any higher and the pitch of the roof will not change. He said that the angled portion of the right side wall will run parallel with the property line. He said that there will be landscaping at the front and the corner to soften the look.

Walter Adams, 36 River Ridge, said that there are many small lots in the neighborhood. He said that he and his wife are the abutters who would be most affected by the construction. He said that the Oppenheim's house is small. He said that they now have twins and will need more space. He said that they will be unable to expand anywhere else, given the layout of the property. He said that taking a foot or so off the side and expanding to the front would cut off the Adams' view no less than the proposed plan. He said that he is supportive of the proposed plans.

Mr. Howe said that throughout the design process the growing family was a consideration. He said that additional square footage was important. He said that they had considered pushing the house out in front and putting a garage underneath.

Fred Klingmeyer, 32 River Ridge, said that it is a small family neighborhood and that he is supportive of the proposal.

The Board asked what the setback would be if the line was carried straight forward from the 17.1 foot dimension. Mr. Howe said that it would probably be 15 feet.

Mr. Oppenheim said that when they started the design process they had considered moving out as far as possible. He said that they did not want to block the neighbors' view looking down the street. He said that with three children they do need as much space as they can get without being obtrusive. He said that they have been discussing putting some sort of decorative detail on the blank portions of the right side

wall, both at the engled portion and above the sunroom in the back portion. He said that it was not included in the plans because they still have not decided on what would be appropriate. He said that there is a bathroom on the second floor of the addition. He said that he does not like to have windows in showers. He said that there is a stove on the first floor where the blank wall is.

Mr. Oppenheim said that they had given Mr. Howe a firm budget. He said that the proposed design is what they can afford.

The Board said that a roof plan that shows how everything will fit together and a three-dimensional view or perspective view of the front corner showing both elevations at the same time should be submitted.

The Board voted unanimously to continue the Public Hearing April 13, 2009.

April 13, 2009

Presenting the case at the hearing was David Howe. He submitted existing and proposed floor plans and elevation drawings, roof framing plan, and three-dimensional renderings of the proposed structure.

The Board said that the elements that are shown on the right side wall that is angled to the street go a long way to alleviate some of its concerns about massing. Mr. Howe said that there has not been a final decision as to how the façade will be broken up. He said that they would like to have more time to thoroughly research all of their options. He said that what was submitted is a reasonable rendering of what they have in mind. He said that the trellis is similar to a window at the front. He said that it also complements a detail on one of the neighboring properties.

Mr. Howe said that the window on the second floor of the angled wall is in a bathroom, where they would prefer not to have a window. He said that they would like to construct a faux window. He displayed a photo of a structure with a clapboarded faux window. He said that they are considering taking that idea a step further by creating window panes and making it look more like a real window. He said that he has spoken with the architect about putting in a piece of glass to make it reflective. The Board said that something that is close to what is shown on the plans would be appropriate as it ties into the existing house and the neighborhood.

The Board said that although the massing is awkward, the roof line is not visible from the public street.

The Board asked if any decorative elements would be added to the façade over the sunroom. Mr. Howe said that they added a window on the plan for the satisfaction of the Board. He said that it is their preference to leave the wall as is, as previously approved by the Board in 1999. The Board said that the existing addition is not visible from the street.

Statement of Facts

The subject property is located at 38 River Ridge, on a 6,350 square foot lot in a 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 17.1 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 10.2 foot by 30.9 foot two story addition with less than required left side and right side yard setbacks, on a 6,350 square foot lot in a 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 3/11/09, stamped by Bruce Bradford, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 9/2/08, revised 3/10/09 & 4/8/09, and Street Perspective Drawings, dated 4/8/09, prepared b Streibert Associates, and photographs were submitted.

On March 20, 2009, the Planning Board reviewed the petition and had no objection to granting the request.

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 although construction of a 10.2 foot by 30.9 foot two story addition with less than required left side and right side yard setbacks, on a 6,350 square foot 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 a 10.2 foot by 30.9 foot two story addition, subject to the following conditions:

- The revisions shown on the plans dated April 8, 2009, including the faux window shown on Plan A3 and the trellis effect as shown on Plan A02, or something that is substantially similar, shall be incorporated into the final construction.

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.

If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

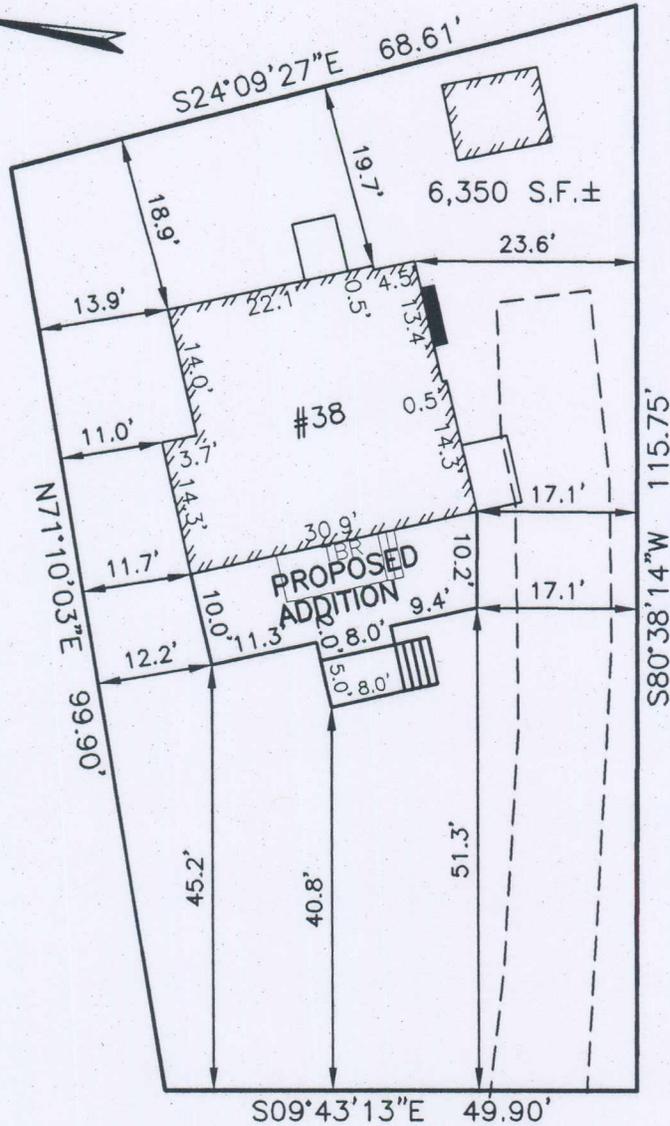
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.

J. Randolph Becker, Acting Chairman

Robert W. Levy

David L. Grissino

cc: Planning Board
Inspector of Buildings
lrm



EXISTING
STRUCTURES 982 S.F.
LOT COVERAGE 15.5%

PROPOSED
STRUCTURES 1327 S.F.
LOT COVERAGE 20.9%

ZONING DISTRICT
SINGLE RESIDENCE 10

RIVER RIDGE ROAD

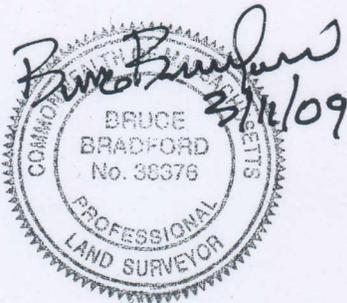
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PLAN OF LAND IN
WELLESLEY, MA

38 RIVER RIDGE ROAD
PROPOSED ADDITION

SCALE: 1 IN. = 20 FT.

DATE: MARCH 11, 2009

DRAWN: LP

CHECK: BB

PROJECT NO. 23326

RECEIVED
TOWN ENGINEER
WELLESLEY
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