

**ZONING BOARD OF APPEALS**

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

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ZBA 2009-29
Petition of Peter & Jessica Walter
57 Damien Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 11, 2009 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of PETER & JESSICA WALTER requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing 21.6 foot by 22.3 foot one-story garage and construction of a two-car garage consisting of a two-story garage with an attached one-story garage with less than required right side yard setbacks, and construction of an 8 foot by 11.6 foot second story addition, in a 15, 000 square foot Single Residence District , at 57 DAMIEN ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On May 26, 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 were Peter & Jessica Walter (the "Petitioner") and Doug Ruther, Architect.

Mr. Ruther said that the house is nonconforming because of a previously granted Variance for the garage.

Mr. Ruther said that there were two proposals, Options A & B. He said that Option B was the original proposal that was discussed with the Building Department.

Mr. Ruther said that the plan is to keep the existing footprint of the garage but to change the roof. He said that Option B kept the portion of the garage that is in the setback area and added a new garage with a second story addition.

He said that Option A will slightly increase the elevation of the garage. He said that the gabled roof will be changed to a hip roof.

The Board said that the Special Permit would be subject to the conditions of the Variance that was previously granted.

Nancy Morrow, 61 Damien Road, said that she is an abutter to the south and east. She said that she and her husband have lived there for 44 years. She said that in the 1980's the second owners, Mr. and Mrs. Herman, were granted a Variance to build the two-car garage at surface level to replace a one-car garage underneath.

The Board said that modifying the roof shape will help to diminish the mass. The two story portion of the garage will be within the setback area. Ms. Morrow said that the addition will cause the neighbors, the Peelers, who live on the garage side to lose some sunlight. The Board said that the top of the roof of the proposed one-story garage will be lower than the top of the roof of the existing one-story garage.

Statement of Facts

The subject property is located at 57 Damien Road, on a 16,304 square foot lot, with a minimum right side yard setback of 16.8 feet.

The Petitioner is requesting a Special Permit/Finding that demolition of an existing 21.6 foot by 22.3 foot one-story garage and construction of a two-car garage consisting of a two-story garage with an attached one-story garage with less than required right side yard setbacks, and construction of an 8 foot by 11.6 foot second story addition, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 4/7/09, stamped by Stephen P. DesRoche, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 4/8/09, prepared by Douglas Ruther Architects, were submitted.

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 demolition of an existing 21.6 foot by 22.3 foot one-story garage and construction of a two-car garage consisting of a two-story garage with an attached one-story garage with less than required right side yard setbacks, and construction of an 8 foot by 11.6 foot second story addition, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it shall neither increase an existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of an existing 21.6 foot by 22.3 foot one-story garage and construction of a two-car garage consisting of a two-story garage with an attached one-story garage, and construction of an 8 foot by 11.6 foot second story addition, subject to the following condition:

1. Option A shall be allowed provided that it does not violate any conditions of the Variance that is in full force and effect.

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

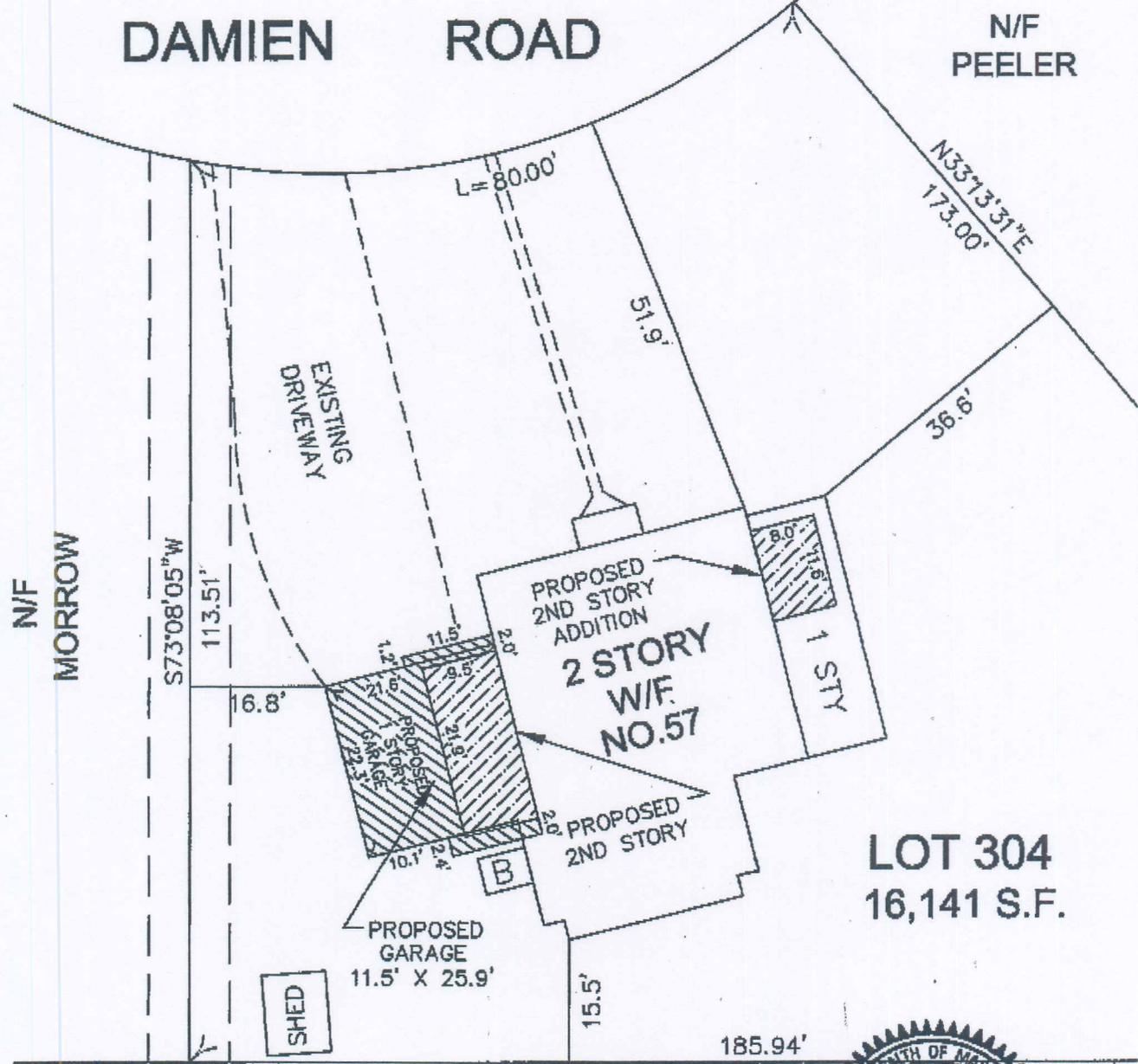
David L. Grissino

cc: Planning Board
Inspector of Buildings
lrm

FRONT YARD SETBACK - 30'
 SIDE YARD SETBACK - 20'
 REAR YARD SETBACK - 15'
 EXISTING LOT COVERAGE IS 2,298 S.F. (14.2%)
 PROPOSED LOT COVERAGE IS 2,311 S.F. (14.3%)

RECEIVED
 TOWN CLERK'S OFFICE
 WELLESLEY, MA 02482
 2009 MAY 26 P 12:35

OPTION A



LOT 304
 16,141 S.F.

N/F MOY

N/F ROBERTSON



PLOT PLAN OF LAND
 WELLESLEY, MA.
 APRIL 7, 2009 SCALE 1"=20'
 NEPONSET VALLEY SURVEY ASSOC., INC.
 95 WHITE STREET
 QUINCY, MA.
 SHEET 1 OF 1

STEPHEN P. DesROCHE PLS No. 27699
 0 10 20 40 60

TMF (08-0776)