

**ZONING BOARD OF APPEALS**

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

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ZBA 2010-75
Petition of Patrick Ahearn
22 Valley Road

Pursuant to due notice, the Special Permit Granting authority held a Public Hearing on Thursday, September 16, 2010 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of PATRICK AHEARN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 934 square foot two-story addition that will meet setback requirements, and construction of a 9 foot by 16.1 foot second story addition with less than required right side yard setbacks, in a 20,000 square foot Single Residence District, at 22 VALLEY ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On August 30, 2010, the petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Property Owner: Second Run LLC

Presenting the case at the hearing was Patrick Ahearn (the "Petitioner"). Also present was Michael Tartamella.

Mr. Ahearn said that the project involves a Royal Barry Wills house that built in the 1930's. He said that they are proposing to construct an addition at the rear of the house that will include a new family room and a new garage bay that will meet all setback requirements. He said that there is a wing on the right side of the house that has a 12.9 foot side yard setback. He said that there is an existing one-story element with a deck above it. He said that the proposal is to improve the house architecturally.

Mr. Ahearn displayed the front Elevation on Valley Road (retained by proponent). He said that there is a notch on the left hand side of the house. He said that the plan is to bring the roof out to align with the face of the existing garage.

Mr. Ahearn said that the addition that was put onto the right side of the house competes with it architecturally. He said that the plan is to improve the area within the footprint of the existing one-story. He displayed on the Elevation Drawing the proposed changes (retained by proponent). He said that the intent was to make the addition look like it had been an original wing to the house.

The Board said that a very large third floor dormer is proposed. The Board asked if the attic space was counted in the Total Living Area plus Garage (TLAG) calculations. Mr. Ahearn said that it was included

in the calculations. He said that they were under the threshold for Large House Review. Mr. Tartamella said that the TLAG calculation would be the same even if the space is finished.

Stephen Rabin, 28 Valley Road, said that his house is two houses away from 22 Valley Road, approximately 70 feet from the property. He asked if the roofline will match the roofline of the existing house. The Board said that there will now be a gable end where the deck was. Mr. Tartamella said that the roof will be slate to match the existing roof. The Board said that the proposed addition will be the same height as the existing addition.

Mr. Rabin said that he has lived there for several years. He said that he has two windows that will face the proposed addition. He said that the road curves. He said that optically the addition will be closer to his house. The Board said that the peak of the house will be 9 feet 0 ½ inches closer to the side lot line.

Mr. Rabin said that there is vegetation there to block the view. Mr. Ahearn said that the vegetation will remain. He said that the vegetation will not be affected by the proposed construction.

Mr. Ahearn said that, by eliminating the deck and having no window facing Mr. Rabin's house, there is a better situation with respect to privacy.

Mr. Rabin said that he objects to the project because it will be closer to his property.

Statement of Facts

The subject property is located at 22 Valley Road, on a 23,932 square foot lot, with a minimum right side yard setback of 12.9 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 934 square foot two-story addition that will meet setback requirements, and construction of a 9 foot by 16.1 foot second story addition with less than required right side yard setbacks shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 8/26/10, stamped by stamped by George C. Collins, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 8/25/10, prepared by Patrick Ahearn AIA, and photographs were submitted.

On September 14, 2010, the Planning Board reviewed the petition and recommended that the Special Permit be granted.

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 although construction of a 934 square foot two-story addition that will meet setback requirements, and construction of a 9 foot by 16.1 foot second story addition with less than required right side yard setbacks 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 for construction of a 934 square foot two-story addition that will meet setback requirements, and construction of a 9 foot by 16.1 foot second story addition with less than required right 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 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.

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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, Chairman

Cynthia S. Hibbard

Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm