

**ZONING BOARD OF APPEALS**

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

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ZBA 2011-18
Petition of John Perdoni
22 Tennyson Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 16, 2011 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of JOHN PERDONI requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing deck and construction of a two-story rear addition and construction of a one-story front entry addition that will meet all setback requirements, on a 14,550 square foot lot in a district in which the minimum lot size is 15,000 square feet, at 22 TENNYSON ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On February 22, 2011 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 John Perdoni (the "Petitioner"), 125 Prospect Street, Wellesley. He said that the proposal was to construct an addition on a pre-existing nonconforming property and to construct a bedroom over the garage.

The Board asked if Total Living Area plus Garage (TLAG) calculations were done for the project. The Board said that it looks like there will be more than 5,000 square feet after construction and that the size of the house will be increased by more than 10 percent. The Board said that because this is a nonconforming lot, the petition would not be subject to Large House Review (LHR) but the Board would apply LHR standards.

The Board said that it would need to see the TLAG calculations including the basement.

The Board voted unanimously to continue the petition to May 5, 2011.

May 5, 2011

Presenting the case at the hearing was John Perdoni, who said that he submitted TLAG calculations.

The Board said that it would need to see a Landscape Plan, as described in the LHR Bylaw, Section XVII D. The Board said that the Landscape Plan should show trees over six inches of caliper and natural features. The Board said that before and after grades should be shown on the Landscape Plan. The Board said that the site is steep. The Board said that it appears that a substantial amount of fill will be brought in. The Board said that if any retaining walls are planned, it would need to see them as well as the heights

of the walls. The Board said that drainage structures should be shown on the plan including catch basins, drains or drywells.

The Board said that the house is located at the top of the hill. The Board said that the houses in that area are close to property boundaries. The Board said that it is interested in seeing that natural features and adequate screening are preserved.

The Board said that if there are any slopes in excess of 15 percent, it will need to see provisions for sedimentation and erosion control.

The Board voted unanimously to continue the petition to June 16, 2011.

June 16, 2011

Presenting the case at the hearing was John Perdoni. He said that he submitted a Landscape Plan to the Board. He said that he eliminated two bedrooms at the back so that the TLAG would work with the grading.

The Board said that it will still be a sizeable house. The Board said that a concern is that the house is on the top of a hill in a prominent location. The Board said that this will be the largest as well as the most visually prominent house in the area.

The Board said that eliminating two bedrooms off of the back is an improvement. Mr. Perdoni said that the TLAG calculations had been updated and were under the threshold for LHR.

Mr. Perdoni said that they changed the grades around a little bit. He said that they added a lot of trees and screening. He said that there are drywells shown on the plan. He said that there is an existing drywell system at the front. He said that a drywell will be added to the back to take care of that part of the house.

Mr. Perdoni said that they will be taking down two oaks at the back and a maple. He said that they will be replacing them with some oaks, dogwoods and spruces, as listed on the Landscape Plan.

The Board said that its concerns had been addressed.

The Board asked about the roofline over the first floor. Mr. Perdoni said that the roofline will be pitched. He said that they will have to change some of the windows. He said that there are three bathrooms on the second floor, one for the master bedroom, one at the top of the stairs and a smaller one over the garage. He said that the two bedrooms and the bathroom in middle at the back will be eliminated from the plans. He said that the existing second floor will remain as is. The Board confirmed that it will be a one-story addition instead of two.

The Board said that the bedroom shown on Plan A9 is the only ridge that is presented to the street. The Board suggested that Mr. Perdoni consider changing the roofline so that there is consistency to the front of the building. The Board said that the truncated roof calls more attention to that peak and that is not the entrance.

Mr. Perdoni said that there is a 12 inch cherry tree in the left side yard setback that is diseased that will be removed. The Board said that tree still shows on the plan. The Board said that it would make an exception for removal of the 12 inch cherry tree.

The Board said that a condition of the decision will be that an updated set of plans including elevation drawings be submitted before issuance of a building permit.

There was no one present at the Public Hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 22 Tennyson Road on a 14,550 square foot lot in a district in which the minimum lot size is 15,000 square feet, with a minimum left side yard setback of 16.5 feet and a minimum right side yard setback of 16 feet.

The Petitioner is requesting a Special Permit/Finding that demolition of an existing deck and construction of a one-story rear addition and construction of a one-story front entry addition that will meet all setback requirements, on a 14,550 square foot lot in a district in which the minimum lot size is 15,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 7/13/09, stamped by Peter M. Ditto, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 3/10/09, prepared by CBRS Design/Build, Landscape Plan and Landscape Detail, dated 6/8/11, prepared by Dan K. Gordon, Registered Landscape Architect, and photographs were submitted.

On June 15, 2011, the Assistant Planning Director reviewed the petition and recommended that the Special Permit be granted with a condition.

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 demolition of an existing deck and construction of a one-story rear addition and construction of a one-story front entry addition that will meet all setback requirements, on a 14,550 square foot lot in a district in which the minimum lot size is 15,000 square feet, 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 for demolition of an existing deck and construction of a one-story rear addition and construction of a one-story front entry addition that will meet all setback requirements, subject to the following conditions:

1. Trees within the setback area shall be preserved with the exception of the diseased 12 inch cherry tree.

2. Revised Floor Plans and Elevation Drawings shall be submitted to match the TLAG calculations for the one-story addition.
3. The project shall be subject to the Landscape and Grading Plans that were submitted.

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.

Richard L. Seegel, Chairman

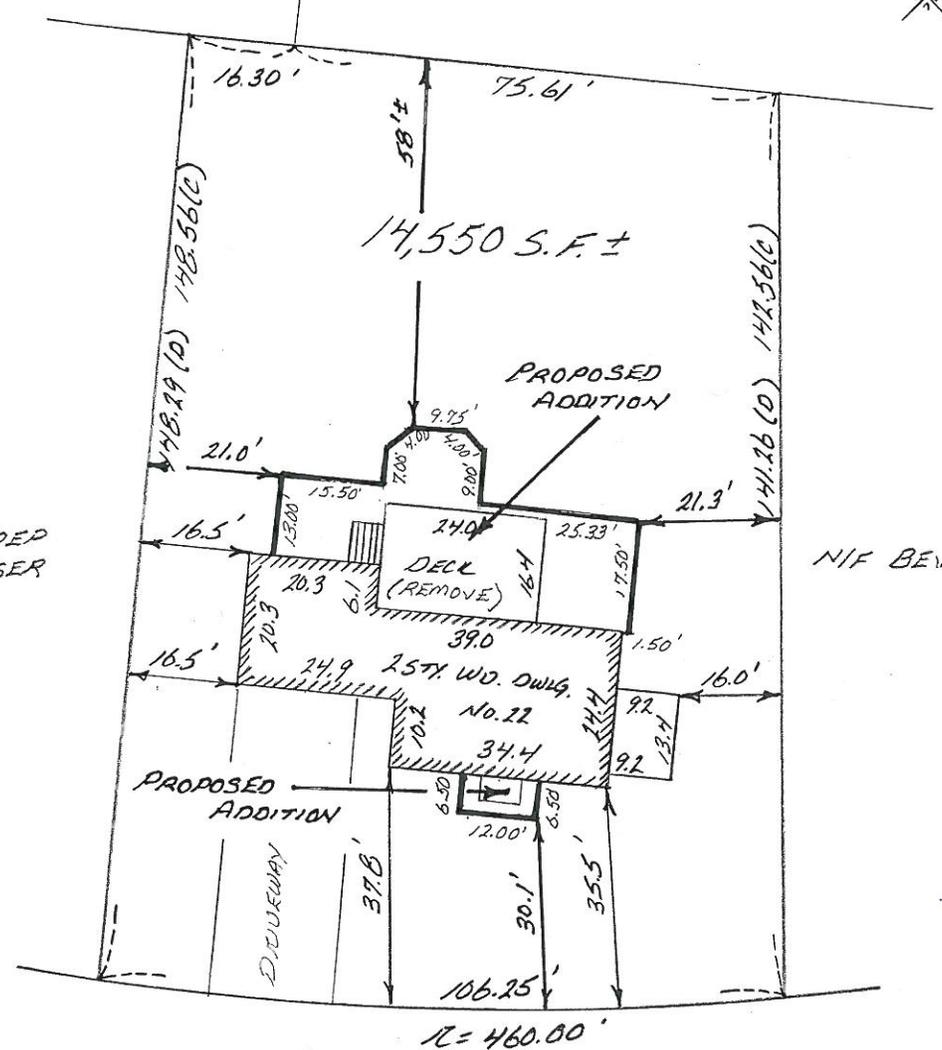
Cynthia S. Hibbard

David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm

LOT COVERAGE EXISTING PROPOSED
 12.8% 17.6%
 BUILDING COVERAGE 1863 S.F. 2557 S.F.
 ZONE DISTRICT SINGLE RES. "A"

NIF JESSICA & PETER WALTER



NIF ROBERT COOPER & MIRIAM LEESER

NIF BEVERLY GRIFFITHS

RECEIVED
 TOWN CLERK'S OFFICE
 WELLESLEY MA 02482
 2011 FEB 22 P 3:01

TENNYSON ROAD



Peter M. Ditto
 7/13/09

PREPARED BY: PETER M. DITTO
 4 CORDAIL WAY
 NATICK, MA 01760
 508-655-1830

PLOT PLAN SHOWING
 PROPOSED ADDITIONS
 22 TENNYSON ROAD
 WELLESLEY, MA 02481
 SCALE: 1 = 30' Date: JULY 13, 2009