

**ZONING BOARD OF APPEALS**

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ZBA 2011-58

Petition of Gregory & Tracy Simko
21 Cushing Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Wednesday, August 17, 2011 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of GREGORY & TRACY SIMKO requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition on an existing garage, deck and porch, and construction of an 18 foot by 22.3 foot deck and construction of a 24.5 foot by 36 foot two-story addition with a three-car garage underneath, that will meet all setback requirements, on a 15,362 square foot corner lot in a district in which the minimum lot size is 20,000 square feet, at 21 CUSHING ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On August 3, 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 were John Burke, Esq., Gregory Simko, (the "Petitioner") and Dean Yeaton, Architect.

Mr. Burke submitted an updated plot plan and re-formatted existing and proposed floor plans and elevation drawings. He said that the only change on the plot plan was that the dimensions for the garage were added.

Mr. Burke said that the existing house is a 4,000 square foot gambrel colonial. He said that the lot is nonconforming. He said that the proposal is to demolish the 229 square foot garage and construct a completely conforming two-story addition that will include a three-car garage under. He said that the Total Living Area plus Garage (TLAG) will be 5,595 square feet. He said that that the project will not trigger the Tree Preservation Bylaw or Large House Review. He submitted a letter of support signed by three immediate neighbors. Mr. Simko said that he spoke with another neighbor as well.

Mr. Burke said that the goal was to build an addition that looks like it belongs there. He said that it will be architecturally consistent with the existing house and will be in keeping with the character of other homes on the street.

The Board asked about grading. The Board said that the lot has a shallow slope and the plan is to put a garage under. Ken Barber, Principal of Barber Fine Homes in Natick, said that he will be the builder. He said that there will be two to three foot retaining walls adjacent to the driveway at either side.

Mr. Yeaton said that they tried to put the garage at grade but it didn't seem to work. He said that the existing site lends itself to a more natural garage under. The Board said that there is precedent for a garage under in the neighborhood. The Board said that the proposed design is very attractive. The Board said that if the retaining walls are only going to be two or three feet, it does not appear that any significant grading changes will take place. The Board said that the basement level is somewhat elevated, so they will not have to do a lot of grading to accomplish what they propose to do.

The Board said that there did not appear to be any significant trees on the side of the house where the additional will go. Mr. Barber said that the nice trees near the existing driveway will remain. Mr. Simko said that the small tree on the porch side will be taken down. The Board confirmed that the big tree and the ones along the left side of the house as you face it will remain.

The Board said that lot coverage will be increased by approximately 500 square feet. The Board asked about additional runoff from the addition. Mr. Barber said that they will put chambers in the ground to handle runoff from the entire house.

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 21 Cushing Road, on a 15,362 square foot corner lot in a district in which the minimum lot size is 20,000 square feet.

The Petitioner is requesting a Special Permit/Finding that demolition on an existing garage, deck and porch, and construction of an 18 foot by 22.3 foot deck and construction of a 24.5 foot by 36 foot two-story addition with a three-car garage underneath, that will meet all setback requirements, on a 15,362 square foot corner lot in a district in which the minimum lot size is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A plot plan dated 6/14/11, stamped by Joseph R. Sullivan, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 6/14/11, revised 8/16/11, prepared by HPA Design, Inc. Architects, and photographs were submitted.

On August 12, 2011, 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 demolition on an existing garage, deck and porch, and construction of an 18 foot by 22.3 foot deck and construction of a 24.5 foot by 36 foot two-story addition with a three-car garage underneath, that will meet all setback requirements, on a 15,362 square foot corner lot in a district in which the minimum lot size is 20,000 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 on an existing garage, deck and porch, and construction of an 18 foot by 22.3 foot deck and construction of a 24.5 foot by 36 foot two-story addition with a three-car garage underneath, 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.

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

Cynthia S. Hibbard

Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm

