

**ZONING BOARD OF APPEALS**

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ZBA 2008-68  
Petition of Perry & Eva Smith  
42 Beechwood Road

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 11, 2008 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of PERRY & EVA SMITH 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 26 foot by 28 foot two story addition with a garage underneath, with less than required front and side yard setbacks, on a 6,330 square foot corner lot in a district in which the minimum lot size is 10,000 square feet, and a Water Supply Protection District, at 42 BEECHWOOD ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On August 25, 2008 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 Perry Smith (the "Petitioner"). Also present at the hearing was Henry Finch, Architect.

Mr. Smith said that the existing house is a 1928 colonial that they purchased in 1988. He said that the house is nonconforming on a nonconforming lot. He said that it is located at the corner of Beechwood and Lexington Roads.

Mr. Smith said that the proposal is to add a two-car garage under a family room-kitchen expansion with a master bedroom expansion at the top. He said that they have lived there for 20 years. He said that he would like to have better access to the garage space.

Mr. Finch said that house will change from a three bedroom, one and one-half bath house to a four bedroom, two and one-half bath house. He said that the house would not be subject to Large House Review. He said that the issues involved are the side and street setbacks.

Mr. Smith said that abutters at 32 Lexington Road and 46 Beechwood Road signed letters of support.

Mr. Smith said that there is a row of trees between the property and 32 Lexington Road as well as 46 Beechwood Road. He said that the trees will not be removed.

The Board said that on Plan A2-2, at the siding that is shown to the right of the door, there appears to be a step in the elevation. Mr. Smith said that is the location of the existing garage that they will no longer be using for that purpose. Mr. Finch said that they had contemplated building a wall to bring the grade up higher but decided to proceed with the proposed plan. Mr. Smith said that the granite wall under the sunporch will not move.

Mr. Smith said that the proposal is to construct an addition that is compatible with the existing structure.

Mr. Smith said that the Board approved plans for an addition in 1996. A year later the Petitioner purchased a property in New Hampshire. The goal changed to expanding a summer home on a lake in New Hampshire. Mr. Smith said that now that they are settled in New Hampshire, the goal is to work on the house in Wellesley. They would like to expand the house to make it more liveable, with covered parking, an expanded kitchen and a larger master bedroom.

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 42 Beechwood Road, on a 6,330 square foot corner lot, in a district in which the minimum lot size is 10,000 square feet and a Water Supply Protection District, with a minimum front yard setback of 18.6 feet and a minimum side yard setback of 9.7 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 26 foot by 28 foot two story addition with a garage underneath, with less than required front and side yard setbacks, on a 6,330 square foot lot in a district in which the minimum lot size is 10,000 square feet, and a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 8/18/08, stamped by George C. Collins, Professional Land Surveyor, Existing & Proposed Floor Plans & Elevation Drawings, dated 8/20/08, drawn by Henry Finch, and photographs were submitted.

September 8, 2008, 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 26 foot by 28 foot two story addition with a garage underneath 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 26 foot by 28 foot two story addition with a 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.

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J. Randolph Becker, Acting Chairman

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David G. Sheffield

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Robert W. Levy

cc: Planning Board  
Inspector of Buildings  
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