

**ZONING BOARD OF APPEALS**

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ZBA 2005-19
Petition of C. Joseph Grignaffini
26 Thomas Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 10, 2005 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of JOSEPH GRIGNAFFINI requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of the existing nonconforming dwelling and garage, construction of a 59.6 foot by 38 foot two story dwelling which will conform to required setbacks, on an 9,931 square foot lot, in a district in which the minimum lot size is 10,000 square feet, at 26 THOMAS ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On February 22, 2005, the petitioners 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 Joseph Grignaffini, who said that they have an existing house that is nonconforming. The proposed structure will meet all of the setback requirements.

The Board asked if Mr. Grignaffini would be living in the house. Mr. Grignaffini said that he would not.

The Board asked if Mr. Grignaffini had considered adding to the existing structure. Mr. Grignaffini said that would be adding to a nonconforming structure.

The Board asked about the height of the proposed structure. Mr. Grignaffini said that the height was measured to grade. The lot is fairly level, sloping about 6-8 inches from front to back.

The Board said the construction plans show that the roof eaves will be raised above the windows. That will increase the height of the building by approximately 12 inches.

The Board asked if Mr. Grignaffini planned to put shutters only on the front of the structure. The existing structure has shutters on the side. Shutters may improve the scale of such a large structure.

Mr. Grignaffini said that he has added a dormer in the front, at the request of a neighbor.

The Board said that the only nonconformity that would remain would be the lot size.

Barbara O'Doherty, 25 Thomas Road, said that she has lived across the street for 45 years. The proposed house is large. It should be the same height as the houses on either side.

Todd Bida, 22 Thomas Road, said that he and his wife object to such a large house. He said that he is representing himself and the neighbors, who feel that the proposal would be substantially more detrimental to the neighborhood. They feel that building a spec house will have a permanent and negative impact on the neighborhood. Building a large house in the midst of much smaller ones will upset the balance. There are eight lots at the end of the street that are roughly 5,000 square feet. The houses on those lots are in the range of 700 to 1700 square feet. They request that the Board deny the current petition. The neighbors would prefer to see a proposal for a structure that is less dramatic in height and size.

Mr. Bida said that the large house will cast a shadow on his property. Their property will be sandwiched between houses that are twice the size of theirs. He asked if there was any way to restrict the height of the roof to make it less overwhelming to the neighborhood.

The Board asked what the footprint of the house is. Mr. Grignaffini said that it is 1,787 square feet of living space plus the garage.

The Board asked if it would be possible for Mr. Grignaffini to reduce the mass and bulk of the structure. It is not a large lot. A large house could overwhelm the neighborhood.

The Board asked if there is another roof design that would keep the peak lower. Mr. Grignaffini said that they tried to tone the house down by not putting on high gables. He said that they could eliminate the raised plate over the windows on the second floor to reduce the height.

Mr. Grignaffini said that he is not opposed to putting shutters on the sides.

The Board asked the proposed third floor. Mr. Grignaffini said that would be for storage and air conditioning units.

Dorothy Webb, 21 Thomas Road, said that she supports having a new structure there but would like to have something that is more in line with what is on the street.

The Board said that Mr. Grignaffini had come before the Board because the lot is undersized by about 69 square feet. The existing house is nonconforming. The Courts have upheld that it is unreasonable for Zoning Boards to impose too many conditions if the proposed reconstruction meets the required setbacks.

Mr. Grignaffini is offering to add a dormer, lower the roof and add shutters.

The Board said that Thomas Road provides access to Perrin Park. Perrin Park is used by citizens from all over Wellesley. The proposed structure will be seen by many people.

The Board recommended that shutters be installed on the sides of the house and that every effort be made to reduce the height of the building.

Statement of Facts

The subject property is located at 26 Thomas Road, with a minimum front yard setback of 27.2 feet, a minimum right side yard setback of 12.2 feet, a minimum left side yard setback of 12.7 feet, and a minimum rear yard setback of 7 feet, on a 9,931 square foot lot, in a district in which the minimum lot size is 10,000 square feet.

The petitioner is requesting a Special Permit/Finding that demolition of the existing nonconforming dwelling and garage, construction of a 59.6 foot by 38 foot two story dwelling which will conform to required setbacks, on an 9,931 square foot lot, in a district in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 2/3/05, stamped by Steven G. Donnini, Professional Land Surveyor, Proposed Floor Plans and Elevation Drawings, drawn by Grignaffini Construction Co., and photographs were submitted.

On February 28, 2005 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 demolition of the existing nonconforming dwelling with a minimum front yard setback of 27.2 feet and a minimum right side yard setback of 12.2 feet, demolition of the existing nonconforming garage with a minimum left side yard setback of 12.7 feet and a minimum rear yard setback of 7 feet, construction of a 59.6 foot by 38 foot two story dwelling which will conform to required setbacks, on an 9,932 square foot lot, in a district in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it will neither intensify the existing nonconformance nor will it create new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the demolition of the existing dwelling and garage, and construction of a 59.6 foot by 38 foot two story dwelling.

The Board recommends that shutters be installed on the sides of the house and that every effort be made to reduce the height of the building.

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.

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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

David G. Sheffield

Randy Becker

cc: Planning Board
Inspector of Buildings
lrm