

**ZONING BOARD OF APPEALS**

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web: [www.wellesleyma.gov](http://www.wellesleyma.gov)J. RANDOLPH BECKER, VICE CHAIRMAN  
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ZBA 2009-47  
Petition of Thomas Sheahan  
79 Edgemoor Avenue

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 6, 2009 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of THOMAS SHEAHAN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 22 foot by 30 foot two-story addition, on a 9,473 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 79 EDGEMOOR AVENUE, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 20, 2009 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 Brian Howland. Also present was Tom Sheahan (the "Petitioner").

Mr. Howland said that the plan is to build a two-story addition with a garage underneath. He said that the proposed addition will meet all Zoning requirements.

Mr. Howland said that the existing garage will be removed. He said that a new portion will be added to the driveway.

Mr. Howland said that the first floor of the addition is set back to allow for a wraparound farmers porch.

The Board asked why the eave lines are not aligned on the front elevation. Mr. Howland said that the façade of the existing house is set forward. He said that aligning the eave lines would have raised the porch up and affected window sizes. He said that the details of the existing house will be carried over.

The Board said that above the existing bow front there is a closet. The Board said that to the right of the bow on the first floor is a family room and on the second floor is a bedroom. The Board said that there is a lot of mass there with no relief. Mr. Howland said that there are some very large coniferous trees that separate 79 Edgemoor Avenue from the neighbor's house. He said that the family room has sliders out to the porch and the stair. He said that adding a window would reduce the useable wall space. He said that they decided to put the solid wall there because it will not be seen. He said that they had a similar concern for the second level. He said that they could introduce some transom windows.

The Board asked if the Petitioner had spoken with the neighbors. Mr. Howland said that he had not spoken with the neighbors.

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 79 Edgemoor Avenue, on a 9,473 square foot corner lot in a district in which the minimum lot size is 10,000 square feet, with a minimum front yard setback of 11.7 feet and 16.2 feet, and a minimum side yard setback of 9.4 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 22 foot by 30 foot two-story addition with a garage underneath, on a 9,473 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 5/30/09, stamped by Bruce Bradford, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 5/29/09, prepared by Howland Design Group, and photographs were submitted.

#### 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 22 foot by 30 foot two-story addition with a garage underneath, on a 9,473 square foot lot in a district in which the minimum lot size is 10,000 square feet 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 22 foot by 30 foot two-story addition with a garage underneath, subject to the condition that:

- The plans shall be presented to the neighbor at the rear of the property within two weeks of the Public Hearing so that they have the ability to respond to the Board.

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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Robert W. Levy

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David L. Grissino

cc: Planning Board  
Inspector of Buildings  
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