

**ZONING BOARD OF APPEALS**

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ZBA 2009-80

Petition of Dennis Ceru & Roxanne Lyman  
25 Damien Road

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 5, 2009, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of DENNIS CERU & ROXANNE LYMAN 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 4 foot by 13.9 foot deck and construction of a 10 foot by 15.4 foot two-story addition that will meet setback requirements on an existing nonconforming structure, on a 14,250 square foot lot in a district in which the minimum lot size is 15,000 square feet, at 25 DAMIEN ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On October 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 Dennis Ceru (the "Petitioner").

Mr. Ceru said that the height of the addition will not exceed the existing roof peak.

Mr. Ceru said that the proposed construction will not be visible from the street. He said that the neighbors on the sides will see a slight widening in that portion of the house but not a height increase.

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 25 Damien Road, on a 14,250 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 11 feet and a minimum right side yard setback of 15.5 feet.

The Petitioner is requesting a Special Permit/Finding that demolition of an existing deck and construction of a 4 foot by 13.9 foot deck and construction of a 10 foot by 15.4 foot two-story addition that will meet setback requirements on an existing nonconforming structure, on a 14,250 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 10/9/09, stamped by Bruce Bradford, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 8/6/09, prepared by Architectural Services, and photographs were submitted.

On October 29, 2009, the Planning Department Staff 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 an existing deck and construction of a 4 foot by 13.9 foot deck and construction of a 10 foot by 15.4 foot two-story addition that will meet setback requirements on an existing nonconforming structure, on a 14,250 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 shall it create a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing for demolition of an existing deck and construction of a 4 foot by 13.9 foot deck and construction of a 10 foot by 15.4 foot two-story addition that will meet setback requirements on an existing nonconforming structure, on a 14,250 square foot lot in a district in which the minimum lot size is 15,000 square feet, in accordance with the submitted plot plan and constructions 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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Cynthia S. Hibbard, Acting Chairman

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Robert W. Levy

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David L. Grissino

cc: Planning Board  
Inspector of Buildings  
lrm