

**ZONING BOARD OF APPEALS**

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ZBA 2010-43  
Petition of Grignaffini Construction Co., Inc.  
11 Rockridge Road

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Pursuant to due notice, the Special Permit Granting authority held a Public Hearing on Thursday, June 3, 2010 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of GRIGNAFFINI CONSTRUCTION CO., INC. requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 24 foot by 26 foot two-story addition that will meet all setback requirements on a 16,920 square foot lot in a district in which the minimum lot size is 20,000 square feet, at 11 ROCKRIDGE ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On May 17, 2010, 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 Joe Grignaffini, President, Grignaffini Construction Company, Inc. (the "Petitioner"), and Mike Grignaffini, Project Superintendent.

Mr. Joe Grignaffini said that he purchased the house. He said that because the house is a 1920 English Tudor, he decided to renovate and add onto it rather than demolish it. He said that he thought that this would be better for the neighborhood.

Mike Grignaffini said that it will be a 24 foot by 26 foot two-story addition, roughly 500 square feet. Joe Grignaffini said that he submitted Total Living Area plus Garage (TLAG) calculations to the Board. The Board asked if the addition that is already under construction was included in the 4,113 square foot calculation. Joe Grignaffini said that it is included.

The Board said that there are large and substantial trees on the left side of the property. The Board asked what protection for the roots will be provided during construction. The Board asked if the intent was to take down any of those trees.

Joe Grignaffini said that no trees will be taken down. Mike Grignaffini said that typically they put plywood down if they think they are getting too close to the tree roots. He said that the large excavator is on a track, which causes less damage than one with tires. He said that they do their own in-house landscaping. He said that they will try their best to protect everything. He said that they only need to go down four feet in that area for a frost wall.

The Board asked if a temporary fence could be installed around the tree root ball area. Mike Grignaffini said that they could do that.

Bruce and Becky Epstein, 15 Rockridge Road, said that the trees that were discussed are shared trees with them. Ms. Epstein said that the trees are on the 11 Rockridge property. She said that they have cared for the trees over the last 15 years. She said that they were glad that the house was not torn down.

Ms. Epstein said that their concern is that the proposed addition will be two stories. She said that it appears on the plans that there will be a third floor that will not be used. Joe Grignaffini said that was there to keep the same roof pitch. Ms. Epstein said that the tree barrier will soften the very large addition that will be close to their property. She said that there will also be a driveway on their side of the house.

Mr. Epstein said that it will be a 32 foot high addition, 20 feet from their property. He said that a concern is that not only the trees be preserved but also any landscaping elements to preserve the privacy.

The Board asked if additional landscaping is planned. Mike Grignaffini said that most likely there will be more landscaping. Joe Grignaffini said that his son owns the landscaping company. He said that his son is very careful about protecting trees and planting mature landscaping. He said that they can show the Landscape Plans to the Epsteins.

The Board said that it would insert a condition that the existing trees will be cared for to ensure that they are not damaged or removed, in consultation with the Epsteins and, if necessary, with an arborist.

#### Statement of Facts

The subject property is located at 11 Rockridge Road, on a 16,920 square foot lot in a district in which the minimum lot size is 20,000 square feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 24 foot by 26 foot two-story addition that will meet all setback requirements on a 16,920 square foot 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 5/7/10, stamped by Bradley Simonelli, Professional Land Surveyor, existing and proposed floor plans and elevation drawings, dated 4/8/10, prepared by John Staniunas, and photographs were submitted.

On June 2, 2010, the Planning Board reviewed the petition and withheld its recommendation.

#### 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 opinion of this Authority that construction of a 24 foot by 26 foot two-story addition that will meet all setback requirements on a 16,920 square foot 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 construction of a 24 foot by 26 foot two-story addition, subject to the following condition:

- The existing trees shall be cared for to ensure that they are not damaged or removed, in consultation with the homeowners at 15 Rockridge Road and, if necessary, with an arborist.

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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Richard L. Seegel, Chairman

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J. Randolph Becker

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David G. Sheffield

cc: Planning Board  
Inspector of Buildings  
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