



## ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

RICHARD L. SEEGEL, CHAIRMAN  
CYNTHIA S. HIBBARD  
DAVID G. SHEFFIELD

LENORE R. MAHONEY  
EXECUTIVE SECRETARY  
TELEPHONE  
(781) 431-1019 EXT. 2208

J. RANDOLPH BECKER, VICE CHAIRMAN  
ROBERT W. LEVY  
DAVID L. GRISSINO

ZBA 2010-49  
Petition of Patrick Ahearn  
62 Woodcliff Road

---

Pursuant to due notice, the Special Permit Granting authority held a Public Hearing on Thursday, July 15, 2010 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of PATRICK AHEARN 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 19.9 foot by 48.3 foot one-story addition that will meet all setback requirements, on an existing nonconforming structure with less than required right side yard setbacks, in a 20,000 square foot Single Residence District at 62 WOODCLIFF ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

The Petitioner is requesting a Variance pursuant to the provisions of Section XIX-B and Section XXIV-D of the Zoning Bylaw for construction of a 22.2 foot by 30.5 foot two-story addition with less than required side yard setbacks.

On June 28, 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 was Patrick Ahearn, who said that he was representing Dan Palmier (the "Petitioner"). He submitted a revised landscape plan. He said that letters of support had been submitted to the Board.

Mr. Ahearn displayed photographs of the existing house (retained by proponent). He said that the lot is conforming. He said that the structure is nonconforming on the right hand side. He said that the plan is to add on to the left side of the house.

Mr. Ahearn displayed the proposed plan (retained by proponent). He said that the addition will meet the 20 foot side yard setback. He said that there is a triangle of new structure that will exceed the 30 foot setback requirement for side-facing garages. He said that the triangle goes from zero to 5 foot 4 inches for a total of 64 square feet. He said that the third bay of the garage does meet the 30 foot setback requirement.

Mr. Ahearn displayed the existing front elevation (retained by the proponent). He said that the existing garage is on the right side of the house. He said that they felt strongly that the addition of a three-car garage should not be on the front elevation. He displayed the location of the proposed addition.

Mr. Ahearn displayed the left elevation (retained by the proponent). He said that the wing of the addition at the back of the house will be fully compliant.

Dan Gordon, Landscape Architect, said that he spoke with the neighbor, John Carberry. He displayed the area of concern for Mr. Carberry, the direct abutter. He said that the plan that was submitted at the hearing shows a dense planting along the left side lot line of 10 foot dark arborvitae. He said that there is an existing stone wall. He said that there will be a transition fence up to five feet in height on top of the wall.

Mr. Ahearn said that the existing garage is used on a daily basis. He said that the proposed garage would be used infrequently. He said that it would be used for storage of the homeowner's car collection.

The Board asked if collector cars require the same clearances. The Board asked if the Petitioner had considered making the garage less deep. Mr. Ahearn said that the outside dimension is 21 feet, which is 20 feet inside. He said that is the minimum depth for a garage.

Mr. Ahearn displayed the layout of the proposed driveway. He displayed patterns for entering and exiting the proposed garage bays.

The Board asked if Mr. Ahearn had considered options for sliding the garage back. Mr. Ahearn said that they were trying to balance the symmetry of the architecture by stepping the addition back so that they did not create a long line on the front façade. He said that they wanted to have access from the study to the garage. He said that they did not want to overload the back of the house and push everything into the back yard. He said that there is a fair amount of hardscape with the existing circular drive and the driveway to the active garage. He said that they have addressed the abutter's concern by adding screening.

The Board said that the Petitioner is asking for a Variance, not a Special Permit. The Board discussed standards for granting a Variance.

Mr. Ahearn said that the lot shaped as a parallelogram and placement of the house on the lot creates a triangular condition. The Board said that this was not what it would consider to be an irregular lot. The Board said that the lot is fairly level and regular.

The Board questioned the issue of substantial hardship. The Board said that the issue seems to be architectural preference. The Board said that it seems to be a solvable problem.

The Board said that the proposed lot coverage will be at the limit. The Board said that reducing the size of the garage would reduce lot coverage.

Mr. Ahearn said that he could step back the garage doors to meet the 30 foot setback requirement. The Board said that would eliminate the need for a Variance. Mr. Ahearn requested that the petition for a Variance be allowed to be withdrawn without prejudice. After duly moved and seconded, the Board voted unanimously to allow the petition for a Variance to be withdrawn without prejudice.

Mr. Ahearn said that Total Living Area plus Garage Space (TLAG) would exceed the threshold for Large House Review (LHR). The Board said that it would proceed with a Special Permit application applying LHR standards.

Mr. Ahearn said that they met with the abutter and gave him full access to the Landscape Architect to develop a landscape plan. He said that hemlocks have been replaced. He said that they will install a dark green board fence interspersed with the landscaping. He said that they have eliminated the existing large parking area near the road to provide more lawn and greenery. He said that parking will now be tucked away behind the landscaped area.

Mr. Ahearn discussed mass and scale. He said that they respected the hierarchy of the dominant architectural element of the house. He said that the addition was stepped back and the windows and dormers are smaller. He said that the roof pitches reflect the existing ones. He said that the existing house tends to be fairly loaded onto one side. He said that adding the wing on the left side will balance the design.

Mr. Ahearn said that gutters and downspouts will go into a collection cistern on the site for the new addition. He said that they will not be increasing impervious surface. He said that it is a flat lot. The Board said that it was concerned about impervious surface going from the proposed garage to the property line. Mr. Ahearn said that they could install a catch basin in the driveway. The Board said that would be a condition of the Special Permit.

Mr. Ahearn said that there will be no additional lighting on the front façade of the house. He said that there will be two coach lights on the garage side. He said that the lights would be 40 watt incandescent fixtures that will be shielded for down-lighting.

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 62 Woodcliff Road, on a 25,019 square foot lot, with a minimum right side yard setback of 10.3 feet.

The Petitioner is requesting a Special Permit/Finding that demolition of an existing deck and construction of a 19.9 foot by 48.3 foot one-story addition and construction of a two-story addition consisting of a three-car garage underneath and a room with deck on the second floor that will meet all setback requirements, on an existing nonconforming structure with less than required right side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 5/10/10, stamped by Daniel J. Tivnan, Professional Land Surveyor, Proposed Site Plan, dated 7/15/10, prepared by Patrick Ahearn, Proposed Landscape Plan, dated 5/12/10, revised 7/13/10, prepared by Dan K. Gordon Associates, Existing and Proposed Floor Plans and Elevation Drawings, dated 5/12/10, revised 7/15/10, prepared by Patrick Ahearn, and photographs were submitted.

On July 13, 2010, the Planning Board reviewed the petition and recommended that the Special Permit be granted and that the Variance be denied.

### Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing.

It is the opinion of this Authority that demolition of an existing deck and construction of a 19.9 foot by 48.3 foot one-story addition and construction of a two-story addition consisting of a three-car garage underneath and a room with deck on the second floor that will meet all setback requirements, on an existing nonconforming structure with less than required right side yard setbacks, 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 demolition of an existing deck and construction of a 19.9 foot by 48.3 foot one-story addition and construction of a two-story addition consisting of a three-car garage underneath and a room with deck on the second floor, subject to the following conditions:

1. The garage shall be stepped back to meet the 30 foot side yard setback requirement.
2. A catch basin or other stormwater management design shall be implemented to capture a 25-year storm event.
3. There shall be curbing and grading to capture runoff.
4. There shall be no additional lighting other than the two fixtures on the garage.
5. A revised plot plan with the stepped back garage shall be submitted showing lot coverage in detail.

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.

ZBA 2010-49  
Petition of Patrick Ahearn  
62 Woodcliff Road

---

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.

---

Cynthia S. Hibbard, Acting Chairman

---

Robert W. Levy

---

David L. Grissino

cc: Planning Board  
Inspector of Buildings  
lrm