

**ZONING BOARD OF APPEALS**

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ZBA 2010-68  
Petition of Riverview Builders  
59 Cliff Road

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Pursuant to due notice, the Special Permit Granting authority held a Public Hearing on Thursday, August 5, 2010 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of RIVERVIEW BUILDERS requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of an 11.8 foot by 12.5 foot second story addition and construction of a 4.2 foot by 10.4 foot second story deck, with less than required left side yard setbacks, in a 20,000 square foot Single Residence District, at 59 CLIFF ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 19, 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.

A Board member disclosed that his son and the homeowner's son are friends. He said that he could review the petition with impartiality. There was no objection to the Board member participating in the hearing.

Presenting the case at the hearing were William Gotschewski, homeowner, and Julie MacDonald, Architect, Riverview Builders (the "Petitioner").

Mr. Gotschewski said that he spoke with the abutters and showed them the plans. He submitted signed approvals from the immediate abutters.

Ms. MacDonald said that the proposal is to add a room above an existing sunroom on the west side of the property. She said that the existing sunroom is nonconforming. She said that the setbacks for the sunroom are 11.7 feet at worst and 11.9 feet at best.

Ms. MacDonald said that the proposed structure will be a master suite closet that will cover approximately three-quarters of the existing sunroom. She said that the addition will be over the rear part of the sunroom. She said that there will be a small ornamental deck on the side of the house that faces the street. She said that they will replace the existing railing with decorative railing.

Ms. MacDonald reviewed the plans with the Board. She said that most of the house is brick. She said that the sunroom is framed. She said that they will pick up some of the details from the existing structure. She said that they tried to minimize the appearance of the addition.

Ms. MacDonald discussed the photographs that were submitted. She said that there is a substantial amount of trees that will hide where the addition will be. She said that the property rises up from the street.

Ms. MacDonald said that they submitted Total Living Area plus Garage (TLAG) calculations. She said that they would be adding approximately 150 square feet, bringing the total to 5,140 square feet, which is less than the 5,900 Large House Review (LHR) threshold for the district.

The Board asked if there will be a change of use in the existing sunroom. Ms. MacDonald said that it is an existing heated room. She said that it was designed to be a deck, which has higher load limit than living space.

Ms. MacDonald said that they thought that the sunroom was part of the original house.

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 59 Cliff Road, on a 24,130 square foot lot, with a minimum left side yard setback of 11.7 feet.

The Petitioner is requesting a Special Permit/Finding that construction of an 11.8 foot by 12.5 foot second story addition and construction of a 4.2 foot by 10.4 foot second story deck, with less than required left side yard setbacks, in a 20,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 7/9/10, stamped by stamped by Bruce Bradford, Professional Land Surveyor, Existing and Proposed Partial Floor Plans and Elevation Drawings, dated 7/12/10, prepared by Riverview Builders, and photographs were submitted.

On August 3, 2010, the Planning Board reviewed the petition and recommended that the request 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 although construction of an 11.8 foot by 12.5 foot second story addition and construction of a 4.2 foot by 10.4 foot second story deck, with less than required left side yard setbacks 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 for enclosure of an existing 10 foot by 16.4 foot porch, construction of a 3 foot by 7 foot landing, and construction of a 20 foot by 38.8 foot two-story addition, with less than required left side yard setbacks, in accordance with the submitted plot plan and construction 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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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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