

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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

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ZBA 2019-98

Petition of Mike Tirozzi & Denise Camera  
22 Cavanagh Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, December 5, 2019 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Mike Tirozzi requesting modification of a variance pursuant to the provisions of Section 14E, Section 19 and Section 25 of the Zoning Bylaw for demolition of an existing nonconforming addition and construction of a new two-story addition with less than required left side yard and right side yard setbacks, on an 8,450 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, at 22 Cavanagh Road.

On November 14, 2019, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Present at the public hearing were Annie Chow, Architect, and Denise Camera Tirozzi, the Petitioner.

Ms. Chow said that the request is modification of an existing variance for a nonconforming structure on a nonconforming lot in a 10,000 square foot Single Residence District. She said that the Tirozzi's are a young family who have lived in the house for seven years and love the neighborhood, the neighbors and the school district. She said that they are interested in updating the house to accommodate growing family needs. She said that the existing house has a poor layout and the massing is a hodgepodge of volumes, which makes it difficult to expand. She said that the first floor has a tight layout and poor circulation. She said that there is not adequate circulation on the second floor and the rooms are small. She said that they are looking to upgrade the house to make it more aesthetically and functionally pleasing while responding to the scale of the neighborhood.

Ms. Chow said that they will remove the existing portion of the back of the house and the existing portico at the front and replace them with a simple volume addition at the back and a farmers porch on the front that will help to scale down the house. She said that the addition at the back will be open concept living space that opens out to the back yard and redirects the focus from the side yard. She said that they added an entrance on the driveway side that will work better.

Ms. Chow said that the interior will be open concept on the first floor, a new side entrance with potential for a mudroom, and a large sliding glass door that opens out to the back yard. She said that they simplified the floor plan on the second floor, added an en suite and a larger fourth bedroom to accommodate the Petitioner's mother if she stays for longer term. She said that they will only increase the overall space by approximately 300 square feet.

2020 JAN 23 2021  
ZONING BOARD OF APPEALS  
WELLESLEY, MASSACHUSETTS

Ms. Chow said that they will replace the vinyl siding with wood and will add a trim band around the house to bring down the overall scale.

Ms. Chow said that the plans include a circular driveway in the front to help take the cars off of the street. She said that it will create more of a safety zone for people walking by and for kids to play. The Chairman said that this is a very small lot and the proposal is to add a lot of roof space. He said that he did not want to see more pavement. He said that the frontage is 65 feet. Ms. Chow said that they spoke with the Town Engineer and designed the circular driveway to town regulations. The Chairman said that this is a small lot and the proposal is to increase lot coverage to 22.3 percent. He said that they will create more roof runoff. He said that he did not think it would be appropriate to add a circular driveway. Ms. Camera said that the existing driveway is long and they currently pull the cars to the back of the house to park side by side. She said that the goal of the circular drive was to alleviate the long stretch of backing out to the street and to not get into a tandem parking situation. She said that the entire street has cars parked on it, which makes it difficult to navigate. She said that in addition to addressing safety concerns, the family will benefit by getting more back yard space.

A Board member said that the TLAG is within 52 square feet of the threshold. He said that it is an undersized lot. He said that the amount of structure will be increasing within the setback area. He said that it will maintain the edge that is closest to the side lot line and continue it.

The Chairman said that two letters in favor of the proposed construction were submitted to the Board. Ms. Camera said that they have lived on Cavanagh Road since 2013. She said that they immediately realized that they were moving into a tight knit community. She said that they have taken a lot of pride in their home over the years. She said that they invited the neighbors to see the plans and received an outpouring of positive responses. She said that the home does not work for their family's long term and evolving needs. She said that their goal is to bring in modern amenities such as central air conditioning, a mudroom and an open concept that connects to the back yard. She said that they need a fourth bedroom to accommodate their aging parents. She said that the dormer bathroom will make the space for their parents work. She said that the plans will fit in with the neighborhood and the enhance the curb appeal of their home. She said that many of the homes on the street have similar expansions into the back yards.

Marc and Ranjani Hild, 20 Cavanagh Road, said that they are the direct abutters to 22 Cavanagh Road. Ms. Hild said that they have lived there since 2010 and have two kids in school. She said that they love the neighborhood and the neighbors. She said that they looked at the plans and thought that they were tasteful but they do have concerns. She said that they understand that the front of the house is nonconforming and they will be building over the existing structure. She said that adding a second floor really squeezes the space between the houses and will affect their privacy. She said that they were concerned about placement of the air conditioning (ac) condensers and the noise that they will generate. The Chairman said that the location of the ac condensers will be conforming.

Ms. Hild said that bumping out the house brings it that much closer to them and their windows. She said that it is more of an issue of privacy.

Mr. Hild said that the house will be expanding into the setback area. He said that the addition will move five to six feet closer to his property where it could have expanded to the back. He said that the patio is already in the side yard and there will be more noise. He said that in the summer when the neighbors are entertaining on the side patio, they hear a lot from their bedroom window. He said that everything will be

moving closer and the patio will remain on the side. He said that their hope is that the patio could be moved to the back of the house or that the addition be built at the back and not closer to the neighbors. He said that the existing addition is conforming. He said that the proposed addition will be nonconforming. He discussed concerns about the orientation of the roof. He said that the house will look much bigger. He said that they were contacted by their neighbors after the public hearing was announced.

A Board member asked if any trees are proposed. Ms. Camera said that there are existing tall arbor vitae trees.

The Chairman said that he was concerned that the Applicant had not shown the plans to all of the neighbors before they got this far in the process. He said that the Board has to determine how the neighborhood in general feels about it. He said that the proposed construction will have an effect on the property next door.

The Board discussed continuing the hearing to allow the Petitioner time to explore options to move the patio to the back and provide landscaping screening between 20 and 22 Cavanagh Road, eliminating the circular drive, and if feasible, moving the ac units.

The Board voted unanimously to continue the petition to January 9, 2020.

**January 9, 2020**

Present at the public hearing were David Himmelberger, Esq., Jacob Lilley, Architect, Mike Tirozzi and Denise Camera Tirozzi, the Petitioner.

2020 JAN 23 P2: 14  
JOHN HILDEBRAND  
CLERK'S OFFICE  
WELLESLEY MASS 02482

Mr. Himmelberger said that the Applicants made revisions to the plans to eliminate the circular drive and replace it with a parking pad immediately adjacent to the existing driveway. He said that the two ac condensers were moved from their originally conforming location to the rear of the property next to the garage, in response to the neighbors at 20 Cavanagh Road's concerns. He said that the patio has been there since before the Applicant purchased the home and pre-dates the neighbors. He submitted an aerial photograph taken in 2010 from the Town's GIS system that clearly depicted the side yard patio at the same size and location as when the Hild's purchased their home in 2010. He said that it is believed that the patio was constructed shortly after the 1992 addition. He said that photographs that were submitted show how well screened the patio is with a fence, a row of mature arbor vitae trees and a gated entry from the front yard. He said that the patio will not change with or without reconstruction of the addition, other than being slightly more narrow.

Mr. Himmelberger said that the neighbors at 20 Cavanagh Road expressed concerns about a proposed dormer on the left side of the house. He said that although the window will face the Hild's bedroom, the interior floor plans show that the dormer room is for a bathroom and the window is above the tub, which is a use that is typically not associated with open blinds. He said that under the Bjorklund decision, dormers do not intensify nonconformities. He said that the Applicants have elected to plant additional arbor vitae trees to further screen the Hild's property line.

Mr. Himmelberger said that the proposed removal and reconstruction of a two story addition will slightly expand the width of the 1992 addition with an increased footprint of 308 square feet, for a total TLAG of 3,548 square feet.

Mr. Himmelberger said that the Applicants believe that the combination of all of the changes to the plans result in a proposal that will not be substantially more detrimental to the neighborhood. He said that additional letters from abutters were sent to the Board, including a letter from the neighbor directly across the street at 21 Cavanagh Road. He said that, of the 24 homes on Cavanagh Road, 22 have less than required side yard setbacks. He said that six other homes have been granted Zoning relief to build two story additions with less than required side yard setbacks. He said that four of the six homes have side yard setbacks that are less than what is proposed for 22 Cavanagh Road. He said that because the proposed construction is similar to what is already in place in the neighborhood and that there is strong support from almost all of the neighbors, except for the neighbor on the left side, he urged the Board to conclude that the proposed construction will not be substantially more detrimental to the neighborhood and grant the proposed relief.

The Chairman said that all of his concerns from the previous hearing have been addressed.

A Board member said that the lot coverage is increased on the revised plot plan from 22.3 to 23.1 percent. Mr. Himmelberger said that he did not know the basis of that change because there were no physical changes made to the proposed structure.

A Board member said that relocation of the ac condensers was a nice thing to do. He asked if any consideration had been given to adjusting the patio. Mr. Himmelberger said that the patio is getting smaller because the house is pushing out. He said that it is well screened. The Board member said that plantings will not reduce the noise measurably. Mr. Lilley said that the intent of the new design was to rediscover the back yard. He said that a large array of sliders will open up to the rear yard. He said that in many ways they will be turning the use of the yard away from the patio. The Chairman said that he could not dispute the homeowners' right to use the patio as it exists now. He said that the overall plan is to shift the activity to the rear of the house. He said that the side yard is approximately 17 feet, the size of the trees there is substantial and the proposal is to add more trees.

A Board member asked about existing or proposed lighting. Mr. Lilley said that there will be a light over the door that goes out to the side, per code to provide enough lumens on the landing. He said that the lighting can be dark sky friendly.

A Board member questioned whether the one car Belgian block parking area will be usable. He said that it appears that it will be difficult to maneuver into that space. He said that he would like to see that it not be included because it adds impervious area that is not needed and there is already plenty of parking. Mr. Himmelberger said that the goal was to avoid jockeying cars that will continue without the parking pad. He said that the block is not porous but the joints are.

Ranjani Hild, 20 Cavanagh Road, said that she and her husband, Marc Hild, are not trying to veto the renovation, co-design the house or impose themselves on the process but are hoping to find the right balance between the interest of their neighbors and their own interests as abutters to the home. She said that they appreciated that the ac condensers were moved next to the garage, away from the side yard setbacks. She said that they have a mutual understanding with the neighbors about the need for better shielding for privacy reasons. She asked that the shielding be the same height as on other side of the property that abuts 18 Cavanagh Road, high enough to cover the second floor because of the addition of the dormer on the side facing 20 Cavanagh Road will look directly into their window. A Board member

said that the Petitioner could use frosted glass in the bathroom windows. Mr. Tirozzi said that they were planning to put in some sort of window treatment. Ms. Camera said that she is open to looking at solutions that will still bring light in. She said that it will be their daughter's bathroom and privacy is a concern. She said that they will look at the options. The Chairman said that the plans that go to the Building Inspector should show the possibility of frosted glass.

Marc Hild discussed the slope of the trees. He said that some of them are dwarfed. He asked that the tree be raised one level to provide privacy for both parties. He said that they met with the neighbors yesterday and understand that this is something that they both want. Ms. Camera said that there are three trees toward the back that were dwarfed by a large maple that had a low canopy when they bought the house. She said that the canopy has since been raised, so the other trees now get more sun. She said that they discussed filling in the ones that were dwarfed.

Ms. Hild said that the revised plan does not relocate the patio. She said that with the walls moving closer to them, there will be an increase in noise. The Chairman said that he did not think that the Board has jurisdiction to make the patio smaller.

Jay Althoff, 21 Cavanagh Road, said that he sent a letter to the Board. He said that he has lived on Cavanagh Road for 22 years and plans to stay there. He said that he does not want to have mcmansions built on the street. He said that he appreciates that the owners of 22 Cavanagh Road will not demolish the existing house and he is supportive of their building an addition. He said that the proposed dormer will improve the shape of the house.

#### Statement of Facts

The subject property is located at 22 Cavanagh Road, on an 8,450 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, with a minimum left side yard setback of 16.5 feet and a minimum right side yard setback of 13.9 feet where 20 feet is required.

The Petitioner is requesting modification of a variance pursuant to the provisions of Section 14E, Section 19 and Section 25 of the Zoning Bylaw for demolition of an existing nonconforming addition and construction of a new two-story addition with less than required left side yard and right side yard setbacks, on an 8,450 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District.

Letter to Zoning Board of Appeals, dated 1/31/19, from David Himmelberger, a Plot Plan, dated 10/17/19, revised 1/7/20, stamped by Christopher C. Charlton, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 10/28/19, revised 11/28/19, prepared by JacobLilleyArchitects, and photographs were submitted.

On December 5, 2019 and January 8, 2020, the Planning Board reviewed the petition and recommended that modification of the variance be approved.

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.

The Board found that the Design and Operation Standards in Part F are adequately satisfied and not otherwise prohibited in Part D.1, of Section XIVE of the Zoning Bylaw for Water Supply Protection Districts.

The Board is of the opinion that in granting modification of previously granted Variance, ZBA 92-40, it was determined by a previous Board in 1988 that a hardship existed.

Therefore, in reliance on the prior findings of that Board, this Board amends the Variance to permit demolition of an existing nonconforming addition and construction of a new two-story addition with less than required left side yard and right side yard setbacks, on an 8,450 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, subject to the following conditions:

1. Approval is accordance with the revised floor plan and elevation drawings, dated 11/8/19 and revised plot plan dated 1/7/20.
2. There shall be no additional parking area as shown on the plan as part of this project.

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, modification of this Variance shall expire one year after the date time stamped on this decision.

RECORDED  
TOWN CLERK'S OFFICE  
WILMINGTON MA 02481  
2020 JAN 23 P 2:14

ZBA 2019-98  
Petition of Mike Tirozzi & Denise Camera  
22 Cavanagh 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.



Richard L. Seegel, Acting Chairman



Walter B. Adams



Derek B. Redgate

2020 JAN 23 P 2: 14  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02481

ZBA 2019-98  
Applicant Mike Tirozzi & Denise Camera  
Address 22 Cavanagh Road

**NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK**

In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Date:

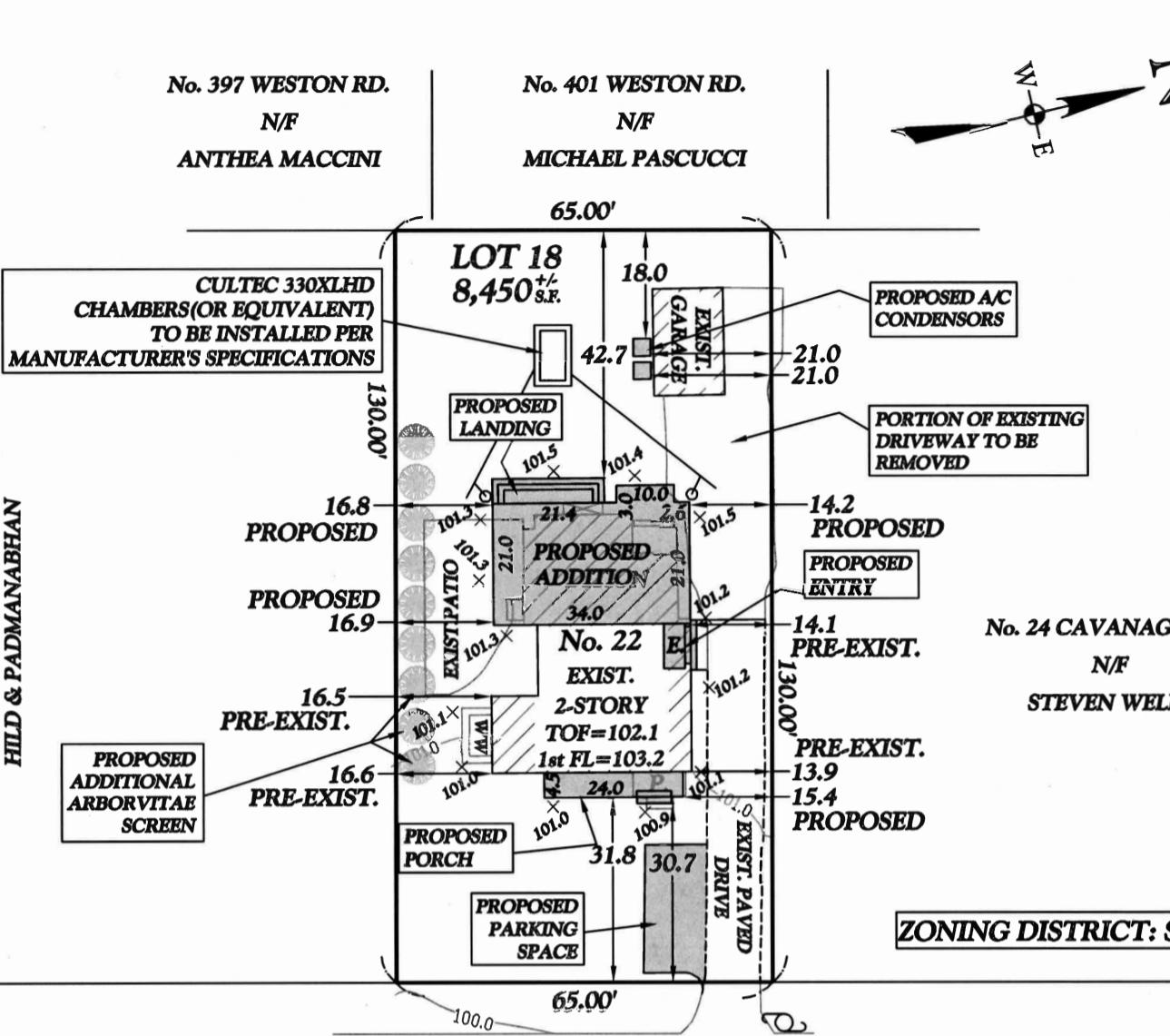
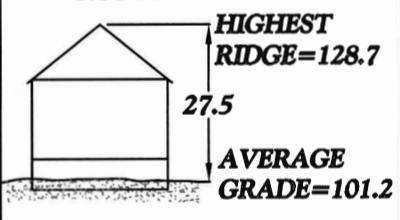
Attest:

Cathryn Jane Kato  
Town Clerk

cc: Planning Board  
Inspector of Buildings  
lrm

No. 20 CAVANAGH RD.  
N/F  
HILD & PADMANABHANNo. 397 WESTON RD.  
N/F  
ANTHEA MACCININo. 401 WESTON RD.  
N/F  
MICHAEL PASCUCCI

**CULTEC 330XLHD  
CHAMBERS (OR EQUIVALENT)  
TO BE INSTALLED PER  
MANUFACTURER'S SPECIFICATIONS**

**HEIGHT PROFILE****NOT TO SCALE**

<b>EXISTING LOT COVERAGE %</b>	<b>18.7</b>
<b>PROPOSED LOT COVERAGE %</b>	<b>23.1</b>

<b>EXISTING LOT COVERAGE (sqft)</b>	<b>1,578</b>
<b>PROPOSED LOT COVERAGE (sqft)</b>	<b>1,952</b>

**PREPARED FOR:**

**MICHAEL TIROZZI AND  
DENISE CAMERA  
22 CAVANAGH ROAD  
WELLESLEY, MA 02481**

**REFERENCES:**

**DEED: BOOK 31616, PAGE 364  
PLAN: BOOK 1874, PAGE 422**

**CERTIFIED PLOT PLAN****LOCATED AT****22 CAVANAGH ROAD****ASSESSORS PARCEL # 0180-0025****WELLESLEY, MA****NORFOLK COUNTY****CONTINENTAL LAND SURVEY, LLC****105 BEAVER STREET, FRANKLIN, MA****(508) 528 - 2528****SCALE: 1"=30' JANUARY 7, 2020**

**I CERTIFY THAT THIS  
PLAN WAS CREATED BY  
AN INSTRUMENT  
SURVEY ON THE  
GROUND AND THAT ALL  
STRUCTURES ARE  
LOCATED AS SHOWN  
HEREON.**

**CHRISTOPHER C. CHARLTON, PLS**