

**ZONING BOARD OF APPEALS**

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ZBA 2019-52  
Petition of James Tau  
35 Clifford Street

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 6, 2019 7:30 pm in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of James Tau requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition and reconstruction of an existing nonconforming structure with less than required front and side yard setbacks with the addition of a two-car garage with living space above, at 35 Clifford Street, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On May 8, 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.

**WITHDRAWN WITHOUT PREJUDICE**

Present at the public hearing was James Tau, the Petitioner.

Mr. Tau said that the proposal is to tear down the existing structure and rebuild, according to the plans that were submitted. He said that the existing building has a couple of nonconformities. He said that the proposal is to build on the existing footprint and to build an addition on the other side of the property that will meet setback requirements. He said that the request is to build on the existing footprint.

Mr. Sheffield said that the front yard setback is nonconforming.

Mr. Adams confirmed that Mr. Tau is a different owner from the person who came before the Board in 2018. He asked if the previous owner acted on the relief that the Board granted. Mr. Tau said that they did not. He said that the currently proposed design is similar to the previous design.

Mr. Becker asked about TLAG calculations. Mr. Tau said that it will be 5,751.3 square feet, including the garage. Mr. Adams said that the TLAG is much larger than the threshold of 3,600 square feet for the district. Mr. Tau said that the calculations include the attic and the garage. He said that the replacement house will be on the same footprint. He said that most of the additional square footage is from the attic. He said that the existing ridge is 24 feet, which is significantly lower than the houses next to it. He said that the proposed ridge will be 31.6 feet, similar to the houses next to it. He said that it will not appear to be massive from the street because the façade is narrow and goes way back. He said that the house is deceptively big. He said that the garage to the left is set back 30 to 31 feet. He said that because the garage is set behind the porch, it does not seem to add mass and bulk to the house.

Mr. Adams asked if the Applicant could have maintained the compliant setbacks and still got the size house that he wanted. He said that the front yard setback is more than what is proposed. Mr. Becker said that because they are tearing down the house, why not build a compliant house. Mr. Tau said that there are time constraints. He said that they would like to move in before the next school year starts. He said that in trying to work with the existing footprint and trying to come up with a floor plan that they liked, they needed the kitchen to be in a certain position in the house. He said that they also wanted a first floor bedroom. He said that they were to make the front of the house conforming, that would make it too small. He said that they did not like the idea of a porch. He said that keeping the existing footprint seemed like a good compromise.

Mr. Becker read the Planning Board recommendation.

Mr. Sheffield said that the proposed flat uninterrupted façade is 76 feet long with dormers at the third level. He said that marrying the two large rectangles changes the scale of the neighborhood. He said that there is a house on Clifford Street that already changes the scale of the neighborhood dramatically. He said that the current house has more texture and character than the proposed house. He suggested that this continue in the design phase for a while.

Mr. Becker discussed the options for moving forward with the petition.

Mr. Becker said that the trigger for Large House Review (LHR) in a 10,000 square foot district is 3,600 square feet and the proposed structure is 5,700 square feet, which is the trigger for a 20,000 square foot district. He said that something that is much closer to 3,600 square feet would be easier to get over the size. He said that looking around the neighborhood, the houses are smaller. He said that, at 5,750 square feet, the Planning Board said that it would be substantially more detrimental to the neighborhood.

Mr. Tau requested that the petition be allowed to be withdrawn without prejudice.

Mr. Adams moved, Mr. Sheffield seconded the motion, and the Board voted unanimously to allow the petition to be withdrawn without prejudice.