



ZONING BOARD OF APPEALS

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ZBA 2016-10
 Appeal of Elizabeth Harrington
 100 Brook Street

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 3, 2016 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the appeal of Elizabeth Harrington, pursuant to the provisions of Section XXIV C of the Zoning Bylaw of the determination of the Local Building Inspector on a zoning violation at 100 Brook Street.

On January 4, 2016, 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 Liz Harrington, 57 Radcliffe Road, the Appellant.

The Chairman said that action that is on the table is an appeal of the decision of the Building Inspector. He said that insofar as things relate to either what the Building Inspector did and, in particular, what Ms. Harrington's grievance is that was caused by what he did, is what is relevant to the task at hand. He said that it is not a de novo or new hearing for whether the wall complies with the Zoning Bylaw (ZBL) and what the height of it is. He said that it is an appeal of the decision of the Building Inspector.

The Chairman said that he has seen the documents and a lot of the things that Ms. Harrington talked about were related to issues that happened either before the Building Inspector's decision or may relate to other issues. He said that the action that the Board is asked to take is on the appeal of Building Inspector, what it is about the ZBL that he did or did not do, or why Ms. Harrington is aggrieved by the action that he took.

Ms. Harrington said that her understanding of the bylaw is that a retaining wall of no greater than four feet can be within 10 feet of her property line. She said that the retaining wall is within 10 feet of her property line. She said that the photographs that she submitted show the before and after. She said that you can see a very big difference between what was there before and after with the grading. She said that it is quite detrimental to her property. She displayed photographs from materials that she had submitted to the Board.

Ms. Harrington said that was what was discussed with the builder and owner of 100 Brook Street was a blue line shown on a picture that was about 10 feet off of her property line. She said that it was discussed that he was going to place the wall across that line. She said that while they were away, the location of the line changed. She said that the wall went straight back with two boulders of big rocks on either end and rip rap that goes across the top. She said that the boulders are greater than four feet. She displayed a

diagram of a 1 foot deep wall and a 3+ foot deep wall. She said that the bylaw is that the height is no more than four feet from the original grade, inclusive of the uneven fill to the height of the even fill to the back of the wall. She said that the height of the wall with the massive boulders should go up to where the uneven fill is. She said that, from her standpoint, this is a retaining wall. She said that it has rip rap that goes across the top that she has never seen anywhere other than on the highway.

Ms. Harrington said that she has tried to work with the builder. She said that she did go to the town. She said that she did not want to have to come before the Board. She said that she felt that she had to do her due diligence to make sure that this is in compliance. She said that she does not believe that it is.

Ms. Harrington said that she would like to know how the Building Inspector measured the wall. She said that she had taken pictures of a number of boulders that are over four feet. She said that she does not know how they measured it.

Ms. Harrington said that there were a number of corresponding documents. She said that a concern is the blue line across the back where the retaining wall was to go. She said that it was about 10 feet off of her property and was moved. She said that the large boulders were wrapped around either end. She said that when she spoke with the landscaper, he did not quite understand why the blue line was moved and why the boulders were on either end. He said that the owner must have done it for some good reason.

Ms. Harrington said that what she is asking is that the retaining wall be in compliance with the bylaw. She said that she wants to have the rocks moved back ten feet so that they are off of her property line. She said that it will be a difficult area to grow anything. She said that she did spoke with the builder about having a natural barrier. She said that this is not a natural barrier. She said that it just pops right up and is in your face. She said that she thought that the retention bylaw is in place to protect people like her so that people do not have huge walls in front of them that has allowed this owner to have a flat property that is way up high. She said that it is not beneficial to her property.

The Chairman said that he understood what Ms. Harrington was asking for but he questioned how it is related to the action that is being appealed, which is the decision of the Building Inspector that the wall does comply with the ZBL. Ms. Harrington said that she submitted documents to the town and a request for enforcement which was denied. She said that she wanted to have the Building Inspector and the Builder get together with her to go around the property to try to understand and show how they are in compliance. She said that the Building Inspector continued to deny her request for enforcement. She said that she sent another note seeing if they could get together. She said that Mr. Tardif sent a second denial of her request and he suggested that Ms. Harrington appeal to the MA State Building Code of Appeals, which she did not do because she would have lost the window of opportunity to come before the Board.

Ms. Harrington said that she would like to know how the wall was measured and she would like to have it pushed back. She said that the owner continued to talk about doing a natural barrier so that there will not be a big wall. She said that her understanding of the retention bylaw is that the wall should comply by being pushed back ten feet, go up four feet and then go back eight feet and terraced up. She said that way the natural plantings will not be high up but will be down on level soil. The Chairman said that it has to comply with the ZBL. He said that it does not mean that it has to move back. He said that it means that if it is too tall, it can get cut down or be allowed by a special permit. He said that the Board is not here to decide that but is here for an appeal of the decision of the Building Inspector.

Erik Tardif, Building Inspector, said that he was requested to go out to measure the wall. He said that the property owner built a template out of wood that Mr. Tardif double checked to be four feet high. He said that he and the property owner walked the entire property. He said that nowhere was any boulder higher than four feet. He said that the entire grade of the property was altered. He said that, in his opinion, there was nothing that was done that was trying to circumvent the bylaw by building up the grade on the opposite side. He said that they are boulders. He said that under the definition, they are not a retaining wall but are just boulders. He said that he fulfilled his obligation with respect to the requests for enforcement. He said that he did not find any violation of four feet or greater for the retaining wall.

Ms. Harrington asked about the template. The Chairman said that, instead of taking a tape measure and measuring X number of things, they made something out of wood and held it against different pieces of the wall. Ms. Harrington said that in her pictures she has a measuring tape and a red stick that is four feet. She said that if you measure to the back of the uneven fill, it is even higher than that because of the rip rap.

A Board member said that this is a complicated issue because it is boulders. He said that beyond the boulders is rip rap that goes up in varying degrees of slope. He said that if this was all mortise joined together, it would clearly be a retaining wall. He said that it is potentially a pile of stones. He questioned at what point the pile of stones is more than four feet and where do you measure that. He questioned whether you measure right at the face of the boulder with the boulder rounded at the top or do you measure up to a point where it starts to begin to round or do you measure to the top of the boulder that is retaining soil and small rip rap. He said that it is reasonable to conclude that if the owner wants to have something growing there, he will add something else to allow things to grow.

A Board member said that he was at property this afternoon. He said that he was convinced that at least a couple of the boulders at the far left side of property as your back is to the street, which would be in the middle of Ms. Harrington's property, there is clearly a boulder there that is higher than four feet. He questioned whether that makes it a retaining wall. He said that he went around in front as well. He said that the owner of the property did an enormous amount of earth moving. He said that he did not know of anything in the bylaw that regulates that. He said that what the bylaw does regulate is retaining walls. He said that it was hard for him to know how the Board should respond to a citizen who feels that the bylaw is being violated and the Building Inspector has done his due diligence and thinks that the bylaw has not been violated. He said that leaves it up to the Board to make the determination as to who is right. He said that if the Building Official found that the current situation is not compliant with the ZBL, the owner would have some options as to how address that. He said that the owner could lower the grade at that point, remove a boulder or somehow dig it out and tip it over so that its largest dimension is not going more or less straight up and down. He said that there are two boulders at the corner that appear to be at least 4.5 feet at their highest point where the boulders retain the material behind it. He said that it would seem that if the retaining wall section of the ZBL is the basis on which the Board is making that determination, some action would have to take place.

The Board member said that, in the backyard of 100 Brook Street, there is a whole line of boulders that are set back roughly ten feet and then there are two boulders at that corner that are at least three to five feet closer to the property line to 57 Radcliffe Road. Mr. Tardif said that he was very careful about the area around Ms. Harrington's because he wanted to be sure that there was not an issue. He said that he

made sure that he measured the highest boulders. The Board member asked if Mr. Tardif measured to the top of the boulder. Mr. Tardif said that they used the L shaped template.

A Board member asked when Mr. Tardif was at the property. Mr. Tardif said that he did not recall the exact date. He said that it was months ago, last fall. He said that he was very specific about checking the height of the boulders. He said that he was not sure which boulders the Board member was referring to. The Board member said that they are the ones that are in the corner. He said that the area could have changed after Mr. Tardif was at the property.

Ms. Harrington displayed photographs of the boulders that she said measured over four feet.

A Board member asked if Mr. Tardif made a determination that this is a retaining wall. He said that the Board is used to seeing retaining walls that are poured concrete or what one traditionally views as a retaining wall. He said that these are boulders, which he has seen used. He asked if Mr. Tardif agreed that the retaining wall section of the ZBL is the operative section to try to figure out compliance with. Mr. Tardif said that it is. He said that there is no definition of a boulder wall in the ZBL. He said that he looked at the Building Code and there is no definition in the Building Code. The Board member said that one can assume that the natural understanding is that a retaining wall is something that retains unbalanced fill. He said that there is a higher area and a lower area.

The Chairman discussed the typical definition of a concrete wall. He said that even though the wall may be higher than four feet, the definition is based on unbalanced fill. He said that the bylaw itself is based on a certain set of assumptions that are not applicable in every case where you have earth that is unbalanced. He said that the Board is struggling with what the bylaw says. He said that one could make an argument that a bunch of boulders is not a wall. He said that any expectation that a wall is going to move back from its current location is unrealistic. He said that all that the owner has to do is put in smaller rocks. He said that the owner can put the slope down flatter and raise the slope further on.

Ms. Harrington asked what will happen to her drainage. The Chairman said that is not the issue that Ms. Harrington put on the table. He said that she has the same issues with the current situation. He said that how the issues would change with changing the boulders is something to look at but there are not any issues that would be created anew by doing that. He said that all of the issues that Ms. Harrington discussed will be there with any other change to the rocks that comprise the wall. He said that those are some of the issues that the Board is struggling with.

The Chairman said that the Building Inspector is the final arbiter of questions under the ZBL. He said that when the Building Inspector comes back and says that the wall is four feet, the Board does not have a lot of wiggle room to say that he is wrong. He said that if Ms. Harrington had put forth evidence that the template that the Building Inspector used was actually three feet high, that would be a different story. He said that if person A says that it is four feet high and person B says that it is five feet high, how does the Board decide, because with the evidence that is on the table, it does not have much that really says that this is how to decide this case under this portion of the bylaw and that is where the Building Inspector erred in his decision.

A Board member said that the Appellant provided photographs that attempted to show that the boulders are more than four feet. The Chairman said that the Building Inspector put out his template, so now the

Board has two pieces of evidence. Ms. Harrington said that she would like to have been there when the Building Inspector measured the wall with the template.

A Board member said that a concern of his is that, since it is not a poured concrete wall, it is something that is subject to change. He questioned when the Building Inspector actually went out to the property. Mr. Tardif said that the date that he went to the property is listed on his letter. The Board member questioned whether something has changed since then. Ms. Harrington said that nothing has changed since the Building Inspector went out. She said that what changed was the blue line. She said that if the blue line was kept back, there would not be two bulbous, big huge mounds of dirt rip rap that are clearly not in compliance with the retention bylaw, as far as she can see. The Chairman said that the ZBL does not say that you cannot put a retaining wall one inch in from the property line. He said that it only says that if it is more than four feet of unbalanced fill, it cannot be put one inch from the property line. He said that things that are less than four feet are not regulated as to where they can go. Ms. Harrington said that they are more than four feet. The Chairman said that if the expectation is that the wall is going to move, it is not a realistic expectation.

Ms. Harrington asked about the purpose of the bylaw. She questioned if builders can put things out there and then citizens like herself have to come before the Board to try to challenge it. She said that this is over four feet. The Chairman said that the Building Inspector says that it is not over four feet. A Board member said that Ms. Harrington can appeal that. Ms. Harrington said that she has appealed that twice. The Board member said that if the Board agrees with Ms. Harrington, it could order the wall to be removed or the owner would have to come before the Board to request a special permit and attempt to persuade the Board that it should grant it. The Chairman said that the Board could order compliance. A Board member said that if the Board decided that it violates the bylaw because it is greater than four feet and the Board disagrees with the Building Inspector's determination, the Board could overrule the Building Inspector and order that the offending structure be removed or the that the violation be corrected. Ms. Harrington asked if an engineer would have to approve that. She said that she did not know why the line was moved. A Board member said that Ms. Harrington said that the owner did not know why the line was moved either. Ms. Harrington said that the landscaper said that it was probably for drainage or something. She said that he said that at that point it is an organic process. She said that if the line had stayed where it was originally shown, she would not be before the Board.

A Board member said that this is an important issue because there was a very dramatic modification of the topography. He said that it happened a year ago. He said that if the Board determines that the current condition is compliant with the ZBL, particularly in how the section for retaining walls is interpreted, the Board will probably see a lot more of these cases. He said that there are a lot of properties in Wellesley that are difficult to build on. He said that if the town will allow people to change the grade, it will impact neighbors in ways that the ZBL is trying to control.

The Chairman said that he did not think that there is anything in the ZBL that controls people putting fill into any site. He said that there are some provisions that prevent people from taking things out of a site.

A Board member said that you cannot do work that will cause additional drainage onto a neighbor's property. He said that to accomplish that, you typically have to follow geotechnical standards for the slope of the fill so that it stays on the property and does not erode onto a neighbor's property. He said that there are ways to legally do that without a retaining wall. The Chairman said that there are avenues of

redress in the event that any or all of those issues occur. He said that the methods of redress are not really the ZBL. He said that there is nothing in the ZBL that says you cannot bring in ten feet of fill onto your property. A Board member said that with a teardown, you have to use existing elevations for height calculations.

A Board member said that everyone would agree that if the boulders are greater than four feet, they do not comply with the ZBL. The Chairman said that the ZBL is based on the classically engineered retaining wall with a footing and a stem. He said that when you get away from that model to other methods for retaining soil, the way that the definition is applied gets cloudier.

A Board member said that walls containing more than four feet of unbalanced fill are not exempt from the ZBL. The Chairman questioned whether boulders that are lined up are a wall. The Board member said that the Building Inspector agreed that it is a wall. He said that its function is to retain soil. He said that the owner of the property wanted to have the rear and side higher. He said that the retaining wall on the side is clearly less than four feet.

A Board member asked about the original grade of the property. He said that the Appellant stated that there is fill under the rocks. Ms. Harrington said that the fill is at the front part. The Board member said that for walls that are not at a constant height, the highest measurement should be used.

A Board member said that there is a dramatic disagreement of the actual facts. He discussed continuing the Appeal to have the Building Inspector, the Owner and the Appellant go out onto the property together. He said that the Appellant had requested that but it did not happen. He said that if there was a willingness on the part of the Owner and the Appellant to agree to a time that was convenient for the Building Inspector, that would be reasonable.

Peter Holland, 100 Brook Street, said that he had two exhibits that he thought could bring a lot of clarity to the situation. He said that the first exhibit is photographs of the measuring tool that was used to measure the boulders. He said that it was checked by Mr. Tardif prior to measuring the boulders. He said that it was made specifically for this task by one of his carpenters. He said that it was placed at the original grade behind the boulders. He said that he and Mr. Tardif measured every boulder and every boulder was under four feet. He said that he disagreed with the concept that a photograph taken from the other side of a fence can clearly show that a boulder is over four feet. He said that the people who installed the boulders were given specific instructions in setting the boulders so that they would not be over four feet. He said that he checked them after installation and checked them with Mr. Tardif and they are all under four feet.

A Board member asked Mr. Holland to reconcile what he had told the Board with a picture with a tape measure that showed the boulder being more than four feet. Mr. Holland asked where the photo came from. The Board said that it was submitted by the Applicant. Mr. Holland asked how the photo could have been taken when there is a six foot fence around his property. He said that he has a pool on the property. He said that there is a lock. He said that there is no access to the property. He said that would be trespassing. A Board member said that he could not get onto the property. He said that he knocked on the door. Mr. Holland asked how it would be possible for the Applicant to get that photo. He said that he disagreed that the photo that the Applicant submitted is accurate.

A Board member asked if the photo that was submitted by the Applicant is of a boulder that is on Mr. Holland's property. Mr. Holland said that he could not tell from the photo. A Board member said that he was unable to get onto the property but he was convinced that at least the two boulders on the far left side, when measured from the ground below, are in excess of four feet.

Mr. Holland commented on the photo that Ms. Harrington had submitted. He said that it was done during the construction process because, at the bottom of the photo, it is all disturbed soil as the boulders were being set. He said that it is clearly not the status of the ground today. He said that it appears that the neighbor trespassed onto the property and put a tape measure to it, prior to the grade being reset. He said that now it is clearly not over four feet.

Mr. Holland said that when you are setting boulders you have an existing natural grade. He said that, in order to set the boulder, you have to disturb the soil where you are placing the boulder with a machine. He said that you set the boulder and put the earth back where it was and that is how the boulder gets set and holds its position. He said that is clearly what happened here and it is clear from the photo.

Mr. Holland said that he had a survey certified by a land surveyor. He said that the surveyor measured every single boulder, as shown on the plan. He said that there is a grade for the top of the boulder and a grade for the base of the boulder. He said that, in the note section it says, "as represented by the elevations. At no location along the boulder wall does the top of the boulders reach an elevation of four feet above the pre-construction natural grade at its base." A Board member asked how the surveyor knew what the pre-construction natural grade was. Mr. Holland said that they were the original surveyors who surveyed the land prior to construction. A Board member said that it would be good for it to see a topographical survey. He asked Mr. Holland to produce a copy of that. Mr. Holland said that it is on file with the Building Department. He asked if the Board is disputing the findings of the surveyor. The Board member said that he is eager to see an original condition survey of this property.

The Chairman asked Mr. Tardif about the process that he went through with the template to measure the heights. Mr. Tardif said that they walked the entire wall. He said that Mr. Holland held the template up, they made sure it was level and then measured every boulder.

Mr. Holland said that there was discussion about the rip rap and whether it was potentially part of this wall. He said that the only reason that the rip rap is on the property is because Ms. Harrington was being extremely difficult about several things, including drainage. He said that he spent an additional \$4,500 to add rip rap drainage material to address her concerns. He said that there have been significant 100 year rainstorms and there have been no complaints from another neighbor who tends to complain about everything. He said that there were no complaints that any runoff or excess water from his property has ever gone onto their property. He said that it is clearly serving a good function.

Mr. Holland said that there was another comment that was brought up that was relevant to this. He said that he wanted to make it clear that he has no willingness to have the Applicant on his property to be part of any measurement.

Elizabeth Fay, 51 Radcliffe Road, said that her property is kitty corner to 100 Brook Street. She said that the wall is too high. She said that what was built behind Ms. Harrington's house is inappropriate. She said that it is ugly and industrial and does not belong there. She said that she has lived in the

neighborhood for years. She said that the grades have always met in a very gentle manner. She said that what Mr. Holland has built does not belong in the neighborhood. She said that it is appalling that Wellesley lets these things happen. She said that it is a retaining wall. She said that Mr. Holland brought in fill. She said that she feels badly for Ms. Harrington that she now has to look at this because they are slightly downhill from Brook Street and it is accentuated. She said that it looks like a huge wall and now blocks Ms. Harrington's views and partially blocks some of hers. She said that she is in complete accord with Ms. Harrington. She said that what has been allowed to be built there is inappropriate. A Board member said that the Chairman has said that there is a discreet issue before the Board. He said that it seems that, at most, if there is any relief that the Board could give would be, if a boulder is two to three inches too high, it can to make owner lower the wall. He said that it will not change the whole scheme. He said that those are the rules. Ms. Fay said that is unfortunate. The Chairman said that the way to change that is to change the bylaw. He said that most Zoning changes emanate from the Planning Board.

The Chairman said that the plans are submitted to the Building Department and the Building Inspector reviews the plans and issues a building permit. He said that part of issuance of a building permit is a determination of compliance with the bylaw. Ms. Harrington said that there was not a wall in the plans. Mr. Tardif said that there was not. The Board said that he did not need to be shown on the plan as long it was under four feet.

A Board member said that this appears to have been an as of right project. He confirmed that no special permit was required for construction. He said that there is no basis for the Board to get involved until the issue of retaining wall compliance, which apparently was a change in the design at some point to add the wall. He said that presumably the Building Department did their best to ensure that the change in design also was in compliance with the code. He said that it is then a matter of seeing if it gets built. He said that the Board sees requests all of the time for buildings placed right at the 20 foot setback limit. He said that could be a plan for disaster because, in the construction world, things do change a little bit. He said that there is an established specific measurement that the Building Inspector is required to enforce. He said that if it is found out that there are a couple of boulders are more than four feet, some change will have to be made to drop it down below the four feet.

A Board member said that it is helpful when people try to work together to solve a problem. He said that when people do not try to work together, they oftentimes do not get solved.

Mr. Holland said that it was mentioned that there was a change of plans with regard to the wall. He said that there was no change in plans. He said that you are not required to show a retaining wall that is under four feet on a plan, which is why the wall was never shown. He said that it was always the intent to have it. He said that there is no requirement to submit it to the Building Department. A Board member said that if it did not show up on the plan, it was a change in the plan. He said that if Mr. Holland was intending to put in a retaining wall, most of the plans that the Board sees show retaining walls that are under four feet.

Ms. Harrington displayed a diagram. She discussed her understanding about the fill at the back of the wall and the rip rap.

The Chairman discussed options for the Board. He said that it would have been helpful to have the surveyor's plan long before today. A Board member said that he would have benefited by being able to

get onto the property. A Board member said that the Board members do site visits as part of their preparation for the hearings. He said that normally it is the Applicant's property, so they welcome the Board. He said that this a little bit of an anomaly.

A Board member said that he is of the opinion, without having been on the property, that there is a violation. He said that he does not doubt the veracity of a licensed professional but what he observed left him feeling fairly strongly that it was not just a matter of an inch but a matter of a number of inches. He said that the Applicant raised the issue that the unbalanced fill extends above and beyond the rocks. He said that it is applying the bylaw to a rock as opposed to a more common rectilinear wall. He said that the Board does not know what the current condition of the site is and what the initial grade was. He said that, to find out how much unbalanced fill the wall retains you have to know what the topography was. The Chairman disagreed. He said that it is the failure of the stem T model in the rock case. He said that the reason that it was added to the bylaw provision was to prevent someone from taking the stem T wall and building up fill on the toe to say that the wall complies. He said that with a rock there is no footing with a stem. He said that the issue is not the same. He said that you cannot construct a rock wall in the same way that you construct a stem T retaining wall.

A Board member said that if the Board has determined that the dimension goes to the top of the rock and there is a signed plan from the surveyor, it could be dispositive. He said that another Board member's anecdotal comments show that something is amiss here. He said that he is also concerned about the passage of time since the Building Inspector went out there and that this is not a poured concrete wall that could not be moved. He said that there could have been some change since the Building Inspector saw it. He said that the Board has no reason to doubt that at the time that Mr. Tardif inspected it, it complied. He said that the question is if something has transpired in the following months that has brought it out of compliance.

The Chairman said that the Board had the chance to ask questions about the measurement techniques with the template. He said that it would be nice to have similar questions about exactly what the elevations are that are represented on the drawing. He said that he would not be opposed to a remand. He said that if the Board was to do that, it would have to specify something that if you've done this and the result is x or if it is y it is this. He said that the Board needs a path to get to information that is missing, if something is missing. He said that one alternative is that the Board has the preponderance of the evidence including the stamped survey that says that it complies and that confirms the decision of the Building Inspector or that the Board needs more time to digest information.

A Board member said that although it is unprecedented, the Board could go out to property with the owner's permission. He said that the owner could bring whatever devices he wanted to show that his measurements are accurate. He asked Mr. Holland if he would allow the Board onto his property. Mr. Holland said that he was troubled by this. He said that he spent time and money to have a professional land surveyor come out and provide a certified document to the Board. He said that he did not think that it is appropriate to not take that in and make its decision based on that. He said that it is not appropriate that he should have to let the Board on the property to do their own measurement when he has spent the time and money to produce the documents.

Statement of Facts

The subject property is located at 100 Brook Street, in a 20,000 square foot Single Residence District.

The Appellant is appealing the decision of the Building Inspector denying a present zoning violation.

Submittals from the Appellant

- Letter of Appeal to Zoning Board of Appeals, dated 12/22/15, from Elizabeth G. Harrington, 57 Radcliffe Road.
- Application, dated 12/23/15
- Photographs
- Request for Enforcement, dated 10/23/15
- Narrative in support of Request for Enforcement
- Letter to Mrs. Elizabeth G. Harrington, dated 11/27/15, from Erik Tardif, Local Building Inspector
- Email to Michael Grant, dated 11/20/15, from Liz Grover Harrington
- Letter to Mrs. Elizabeth G. Harrington, dated 12/10/15, from Erik Tardif, Local Building Inspector, regarding Response to letter received December 8, 2015
- Letter to Michael, dated 12/8/15, from Liz Grover Harrington
- Email to Peter Holland from Andrew Harrington, dated 9/10/15
- Email to Peter Holland from Andrew Harrington, dated 9/15/15
- Email to Andrew Harrington from Peter Holland, dated 9/15/15
- Email to Liz & Andrew Harrington from Peter Holland, dated 9/16/15
- Planting Plan, dated 9/16/15
- Email to Peter Holland & Liz Harrington from Andrew Harrington, dated 9/23/15
- Email to Andrew & Liz Harrington from Peter Holland, dated 10/12/15
- Retention Wall Bylaw Height Calculation

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Submittals from Erik Tardif, Local Building Inspector

- Assessor's Map 89, Parcel 35, Area = 37,938 s.f.
- Residential Building Permit, dated 8/8/14
- Letter to Michael Grant, Chief Zoning Enforcement Officer, dated 9/2/14, from David J. Himmelberger, Esq., regarding Rescinding of Request for Zoning Enforcement, 100 Brook Street, Wellesley
- Letter to Michael Grant, Chief Zoning Enforcement Officer, dated 8/21/14, from David J. Himmelberger, Esq., regarding Request for Zoning Enforcement, 100 Brook Street, Wellesley
- Request for Enforcement, dated 8/20/14
- Photographs
- Request for Enforcement, dated 10/23/15
- Narrative in support of Request for Enforcement

- Email to Liza Harrington, dated 12/9/15, from Michael Grant, regarding 100 Brook Street: Request for Enforcement
- Letter to Michael, from Liz Grover Harrington
- Email to Michael Grant, dated 11/20/15, from Liz Grover Harrington
- Email to Erik Tardif, dated 12/8/15, from Michael Grant
- Letter to Mrs. Elizabeth G. Harrington, dated 12/10/15, from Erik Tardif, Local Building Inspector, regarding Response to letter received December 8, 2015
- Letter to Mrs. Elizabeth G. Harrington, dated 11/27/15, from Erik Tardif, Local Building Inspector

Decision

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

The appeal of the decision of the Building Inspector of the determination on a zoning violation at 100 Brook Street is allowed.

The Building Inspector shall return to the site to verify compliance of the retaining wall with the Zoning Bylaw.

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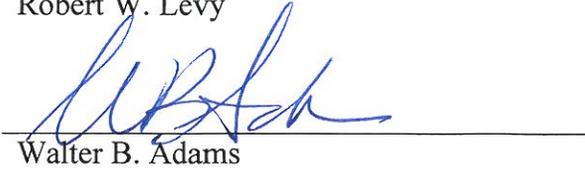
ZBA 2016-10
Appeal of Elizabeth Harrington
100 Brook Street

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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.


J. Randolph Becker, Acting Chairman


Robert W. Levy


Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm