



ZONING BOARD OF APPEALS

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ZBA 2016-69
 Petition of Marcia Alevizos
 11 Pickerel Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 8, 2016, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Marcia Alevizos requesting a Variance and a Special Permit pursuant to the provisions of Section XIVB, Section XIVE, Section XIX, Section XXIV-D and Section XXV of the Zoning Bylaw for demolition of an existing nonconforming structure and garage and construction of a two-story structure with walk-out basement, with less than required front yard, left and right side yard setbacks, construction of a deck with less than required left side yard setbacks and located in a Flood Plain, and construction of a dock in a Flood Plain, on a 9,530 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 and a Flood Plain District, at 11 Pickerel Road.

On August 22, 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 Michael Peirce, Esq., who said that he is the Attorney representing Marcia Alevizos, the Petitioner. He said that the Alevizos family has ties to the community. He said that Ms. Alevizos' brother has a house on the pond.

Mr. Peirce said that the proposed home would replace a tired home that is an example of decades old architecture. He said that a lot of people on Pickerel Road have upgraded their properties. He said that the hope is that this will fill in one of the gaps.

Mr. Peirce said that he filed extensive materials. He said that the property is located in a SR 10 District and is 470 square feet short of the 10,000 square foot minimum. He said that it is a pre-existing nonconforming structure from 1915. He said that the proposed house was designed to meet all of the TLAG and Zoning requirements except for those requirements that the Applicant is asking for relief from. He said that in two instances they will make the situation better. He said that the existing home is 16.1 feet from the street and the proposed house will be 17 feet from the street. He said that there is a hardship here with the pond covering a percentage of the property and the 25 foot wetlands buffer. He said that they have to squeeze whatever they want to put on the property up to the front. He said that squeezing out another 0.9 at the front was the best that they could do. He said that the existing garage is 1.7 from the right side property line. He said that if this is approved, the closest it will be is 5.9 feet, making that side a lot more conforming. He said that the other side will be more conforming at 7 feet. A Board member asked how it will be more conforming. He said that the dimension is 10 or 12 feet to the property line.

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Mr. Peirce said that the existing garage is 1.7 feet from the lot line and that will be increased to 5 feet 9 inches. The Board said that the garage will be incorporated into the house.

Mr. Peirce said that they are asking for a slight increase in lot coverage. He said that 75 percent is allowed and this will be 69.4 percent. He said that the existing house and garage are a few feet over the limit. He said that the proposal is to increase that by 200 square feet. He said that they believe that will be mitigated with the substantial additional landscaping that they will add to the property.

Mr. Peirce said that the project went through Wetlands Protection Committee (WPC) review and approval. He said that a robust mitigation plan was requested and supplied by a Wetlands specialist. He said that Joseph Porter designed a drainage system. He said that WPC now has a policy of drainage to the 100-year storm and this will meet that requirement. He said that there is substantial underground drainage designed to ensure that runoff goes into the system and not have any negative impact to the pond.

Mr. Peirce said that the house will be conforming to height and size.

Mr. Peirce said that the house was designed to fit in with the neighborhood. He said that it is a modest home that was designed for a more modern living experience.

Mr. Peirce submitted seven letters of support. He said that before they went before the WPC, Ms. Alevizos showed the plans to her neighbors.

The Board asked about the actual height of the house from average grade. Mr. Peirce said that it is shown on the top right hand side of the Zoning Plan that was stamped by Mr. Porter. He said that the house will be a fraction shorter than the allowed 36 feet. He said that there will be a slight modification to the existing grade to stabilize the front of the property. He said that as you go toward the back, there is a natural slope to the pond. A Board member said that his concern is that the peak on the front elevation is very high compared to other houses in the area, including newly constructed ones. He asked if there is any way the peak can be brought down a little. Mr. Peirce said that it appears from a number perspective to be close to 36 feet but that is because of the drop off at the back.

The Board asked if there is an actual measurement of the height at the front of the house from the finished grade to the peak. Mr. Peirce said that the front elevation on Plan A5 shows 35 feet to the peak. A Board member confirmed that there will be no living space in the attic. He asked if it would be a problem to change the peak. Mr. Peirce said that Mr. Sacks made the effort to design this house to integrate this with others in the neighborhood. He said that it had to be squeezed onto the lot. He said that part of the request is for relief for the side yard setbacks because the lot is so narrow. He said that an attempt to apply two 20 foot side yard setbacks and 30 feet at the front, would require the house to be turned on its side to meet the setbacks. He said that the struggle was to come up with something that fit in with the neighborhood and also provided a reasonable amount of living space. The Board said that there are other ridge lines on the street that are high.

The Board said that the lakeside elevation expresses a larger façade because of the slope. Mr. Peirce said that there will be more landscaping at the back.

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A Board member said that he was more concerned that there was not more effort to stay away from the neighbor on the left. He said that this comes within one to two percent of the maximum height and TLAG, and he is inclined to worry a bit that this might be overbuilt. He said that those neighbors are among those who signed a letter of support.

Mr. Peirce said that part of the problem is that were attempting to remedy some situations. He said that in comparison to what this is replacing, it is easy to understand why they have so much support. He said that people think that this will fit in and be a substantial upgrade. He said that this will be fully drainage compliant and have additional landscaping. He said that they will spruce up the front and will have a pervious driveway, which is important to WPC and ZBA. He said that the effort has been made to integrate the house into a difficult site.

The Board asked about the purpose of the retaining walls at the front. Mr. Peirce said that it is to level it off a bit for an appropriate area for the drainage. He said that the Topographic Site Plan shows a contour of 130 running across to a 129. Mr. Peirce said that the retaining wall is 3.25 feet.

Mr. Sacks said that he meets with his clients and they describe to him what their objectives are. He said that they look at the neighborhood very carefully. He said that he stressed to Ms. Alevizos that the most important thing in his job is to make sure that his clients communicate with the neighbors that the proposed designs meet the standards that the neighbors would expect. He said that they were open and transparent about their intent.

Mr. Peirce said that the existing decking on the house is three feet from the side lot line. Mr. Sacks said that the current house is further from the lot line. He said that the rather large deck is far more of an encroachment to the neighbor in terms of looking into their yard and through their windows than what they are proposing to do. He said that they have gone to the extent to ask the neighbors if the proposed plans were okay with them. He said that the building envelope meets a standard that is appreciated by the neighborhood.

Mr. Sacks said that the topography of the lot goes from street level to the pond. He said that to put the basement in this house above the flood plain requires that the basement is out of the ground. He said that it is, by definition, a two-story house at the front that happens to be taller at the back. He said that there are elements of the architectural expression that mitigate the scale that is seen from the pond. He said that there was no intent to take advantage of volumetrics or size of the building. He said that the height of the building and the angle of the roofs are intended to reflect a more shingle or Victorian style era architecture which you can see throughout Wellesley. He said that it would be easy to lower the roof pitches but that would create more of a Colorado style home. He said that there was a strong effort to provide references to older homes and architecture. He said that the materials are sensitive to other houses in the neighborhood. He said that it is not just architecture by volumetrics but architecture by the materials and choices of design.

A Board member said that the design is very nice. He said that his concern is that it is too much for this lot. He said that it is one thing to have an existing condition where it is some distance from the property line but the Applicant is not just asking to build up but also to encroach another four or five feet closer to the property line and almost to the TLAG limit to accommodate all of the volume.

Mr. Sacks said that the existing house has large dilapidated garage that is 1.9 feet from the lot line. He said that he did have a choice to move the building closer to that side but chose to balance the building more evenly between one side and the other. He said that the abutter to the left has a very large driveway and the aggregate setback between the houses includes the 20 to 25 foot driveway for the adjacent building. He said that it seemed sensible to him from an architectural and balance standpoint to set it evenly on either side.

A Board member said that the scale of this community is different from the rest of the town. He said that the neighborhood supports this size house and configuration, based on the existing neighbors doing very similar things in scale.

Mr. Peirce said that part of this application is for a special permit for construction in the Flood Plain. He said that Ms. Alevizos chose the same dock and dock manufacturer as the town beach. He said that it is designed to allow sunlight and water to flow through and is flexible. He said that it will have very little impact in that area. He said that they took a lot of care to not go into the wetlands buffer and to stay as far away as possible. He said that is part of what squeezes the house closer to the street. He said that they tried to establish a balance. He said that Mr. Sacks tried to slide the house a little closer to the side on the left because it made sense to try to get the house away from the abutter on the right. He said that, in looking at derogation and impact to neighborhood, Ms. Alevizos has the support of the neighbors and the layout and design are an improvement to the existing nonconformities.

Kara Cressy, 29 Pickerel Road, said that she has lived there for 20 years. She said that she went before the Zoning Board for her house. She said that the street is unique because it is one car width wide. She said that it is a unique neighborhood because the houses are so close together and that actually makes it a better neighborhood because the neighbors see each other all the time. She said that even though the houses are closer together, backyard living there is amazing because everyone has a spectacular view no matter where they are on the street. She said that the Board was concerned about the property to the left. She said that there is a driveway on the right side of the neighboring property that is two car widths wide. She said that she totally supports the project because it is a huge improvement. She said that the former neighbor was a wonderful man but did not have the resources to improve the property. She said that she is excited for this. She said that with respect to the peak, all of the houses are at street level and then drop down to the pond at the back.

Joel Lunger, 25 Pickerel Road, said that he lives across the street. He said that he built his house 14 years ago and dealt with similar issues. He said that what is proposed will be great. He said that moving the house to the side will look much better. He said that the roofline is flatter than his. He said that it was difficult to achieve the 36 feet because of the drop off to the pond. He said that he supports this.

The Board said that Pickerel Road is an unaccepted street and the Applicant will have to submit an application for Review of Adequacy to the Planning Board before she can get a building permit. Mr. Peirce said that they have talked about that and Mr. Porter is aware of all of the requirements.

Statement of Facts

The subject property is located at 11 Pickerel Road, on a 9,530 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 and a

Flood Plain District, with a minimum front yard setback of 16.1 feet, a minimum left side yard setback of 3 feet and a minimum right side yard setback of 1.7 feet.

The Petitioner is requesting a Variance and a Special Permit pursuant to the provisions of Section XIVB, Section XIVE, Section XIX, Section XXIV-D and Section XXV of the Zoning Bylaw for demolition of an existing nonconforming structure and garage and construction of a two-story structure with walk-out basement, with less than required front yard, left and right side yard setbacks, construction of a deck with less than required left side yard setbacks and located in a Flood Plain, and construction of a dock in a Flood Plain, on a 9,530 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 and a Flood Plain District.

Letter to Zoning Board of Appeals, dated 7/19/16, from G. Michael Peirce, Esq., re: Variance/Special Permit Application for 11 Pickerel Road, Zoning Plan, dated 11/19/16 & Topographic Site Plan, dated 12/29/15, revised 3/8/16, stamped by Joseph R. Porter, Professional Land Surveyor, Topographic Site Plan, dated 2/23/16, revised 3/8/16, 3/30/16 & 4/19,16 & Detail Sheet, dated 3/1/16, revised 3/30/16, stamped by Joseph R. Porter, Professional Land Surveyor and Marc Besio, Professional Engineer, Proposed Floor Plans and Elevation Drawings, dated 7/11/16, prepared by Peter Sachs, Architect, and photographs were submitted.

On May 4, 2015, the Wetlands Protection Committee issued Order of Conditions – MA DEP #324-0822.

On September 7, 2016, the Planning Board reviewed the petition and recommended that the variance and the special permit be granted.

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.

It is the opinion of this Authority that literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner owing to circumstances relating to the shape, topography and soil condition of such land, which does not generally affect the zoning district in which it is located, the hardship has not been self-created, and desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested Variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw is granted for demolition of an existing nonconforming structure and garage and construction of a two-story structure with walk-out basement, with less than required front yard, left and right side yard setbacks, and construction of a deck with less than required left side yard setbacks, on a 9,530 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 and a Flood Plain District, in accordance with the submitted plot plan and construction drawings and subject to:

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- Order of Conditions, MA DEP #324-0822, dated 5/4/16.

It is the opinion of this Authority that construction of a deck and construction of a dock in a Flood Plain District shall make adequate provision for the protection, preservation and maintenance of the water table and water recharge areas; the preservation of the natural river channel plus sufficient width of overbank areas for the passage of flood flows; the retention of existing floodwater storage capacity; the design of proposed construction in a manner which ensures anchoring to prevent flotation, collapse and/or excessive movement of structures; and the design of public utilities including sewer, water, gas and electrical systems in a manner which will minimize or eliminate flood damage.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of deck and construction of a dock in a Flood Plain District, in accordance with the submitted plot plan and construction drawings and subject to:

- Order of Conditions, MA DEP #324-0822, dated 5/4/16.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed constructions plans.

If construction has not commenced, except for good cause, this Variance shall expire one year after the date time stamped on this decision.

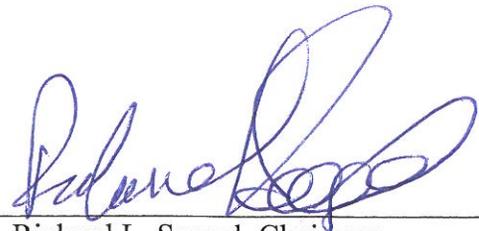
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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Petition of Marcia Alevizos
11 Pickrel Road

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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.



Richard L. Seegel, Chairman



David G. Sheffield

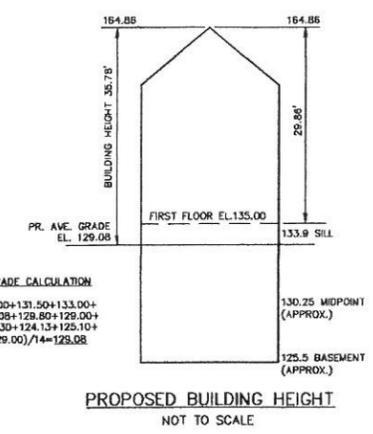
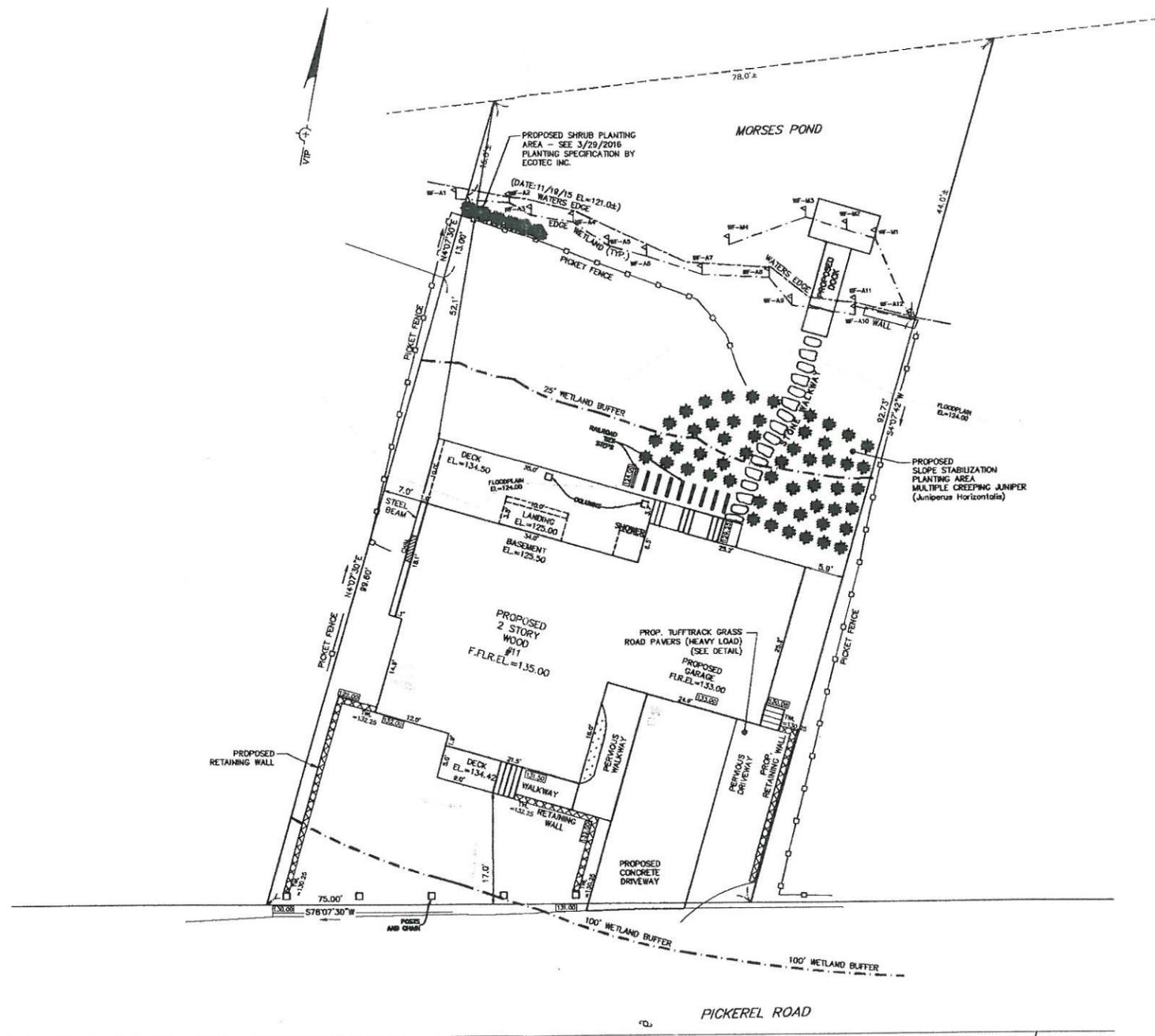


Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm

LEGEND

- BUILDING
- PROPERTY LINE W/
BEARING DISTANCE S81°58'34"E
116.23'
- STOCKADE FENCE
- CHAINLINK FENCE
- PICKET FENCE
- UTILITY POLE
- LIGHT POLE
- DECIDUOUS TREE DEC. 22'
- CONIFEROUS TREE CON. 12'

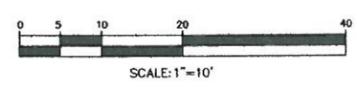


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ZONING CHART			
WELLESLEY, MASSACHUSETTS			
ZONE: SR-10		SUBMISSION: PROPOSED	
REGULATION	REQUIRED	EXISTING	PROPOSED
LOT AREA	10,000 s.f.	9,530 s.f.	N/C
LOT FRONTAGE	60.0'	75.0'	N/C
FRONT SETBACK	30.0'	16.1'	17.0' *
SIDE SETBACK	20.0'	3.0'	5.9' *
REAR SETBACK	10.0'	61.3'	52.1'
AVERAGE GRADE	-	128.26	129.08
BUILDING HEIGHT	36.0'	15.95'	35.78'
B.F.	-	-	-
MAX. LOT COVERAGE	25%	17.6% (1,677.3 s.f.)	23.4% (2,233.6 s.f.)
MIN. OPEN SPACE	75%	71.5% (6,813.9 s.f.)	69.4% (6,613.6 s.f.)

* Does not comply, needs variance

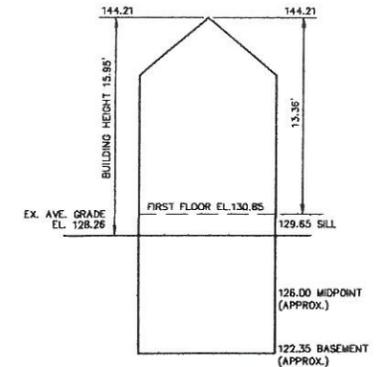
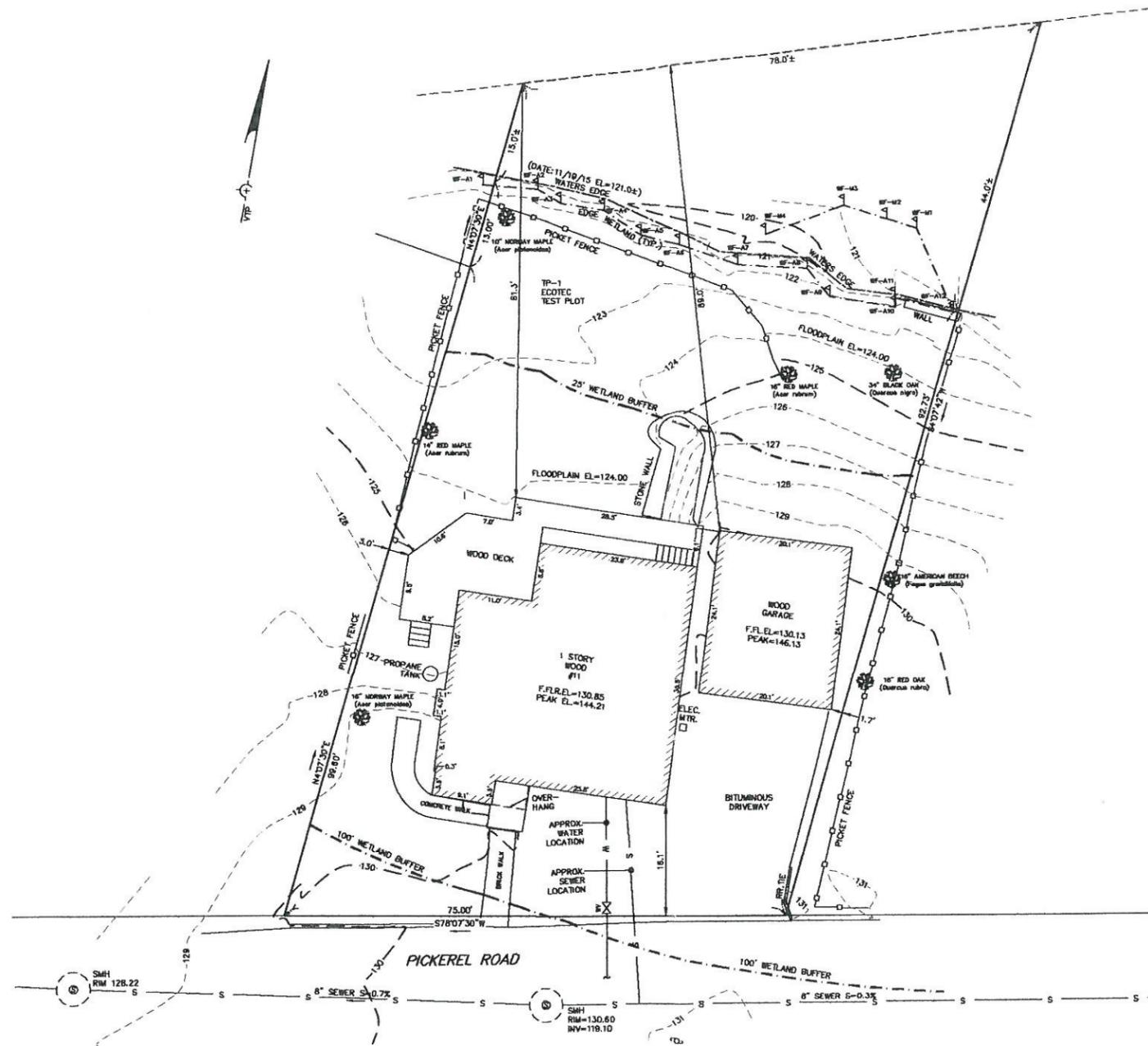
ZONING PLAN WELLESLEY,
 MASSACHUSETTS
 SHOWING PROPOSED CONDITIONS AT
 #11 PICKEREL ROAD
 SCALE: 1in.=10ft. DATED: JULY 19, 2016



PROJECT: 215234
VTP
 ASSOCIATES
 INC.
 LAND SURVEYORS - CIVIL ENGINEERS, 132
 ADAMS STREET 2ND FLOOR SUITE 3
 NEWTON, MA 02458
 (617) 332-8271
 SHEET 1 OF 1

LEGEND

- BUILDING
- PROPERTY LINE W/
BEARING DISTANCE
- CONTOUR
- STOCKADE FENCE
- CHAINLINK FENCE
- PICKET FENCE
- SEWER LINE
- DRAIN LINE
- WATER LINE
- GAS LINE
- GAS VALVE
- WATER VALVE
- DRAIN MANHOLE
- SEWER MANHOLE
- CATCH BASIN
- UTILITY POLE
- LIGHT POLE
- DECIDUOUS TREE DEC. 22"
- CONIFEROUS TREE CON. 12"



EXISTING BUILDING HEIGHT
NOT TO SCALE

EXISTING AVERAGE GRADE CALCULATION:
 $(129.6+130.3+130.2+130.1+130.1+129.8+129.8+124.4+124.3+125.1+126+126.7+129.1)/14=128.26$

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ZONING CHART WELLESLEY, MASSACHUSETTS		
ZONE: SR-10	SUBMISSION: EXISTING	
REGULATION	REQUIRED	EXISTING
LOT AREA	10,000±±	9,530±±
LOT FRONTAGE	80.0'	75.0'
FRONT SETBACK	30.0'	16.1'
SIDE SETBACK	20.0'	3.0'
REAR SETBACK	10.0'	81.3'
AVERAGE GRADE	-	128.26
BUILDING HEIGHT	36.0'	15.95'
B.F.	-	-
MAX. LOT COVERAGE	25%	17.6% (1,677.3 ±/)
MIN. OPEN SPACE	75%	71.5% (6,813.9 ±/)

* Does not comply, needs variance

**TOPOGRAPHIC SITE PLAN
WELLESLEY, MASSACHUSETTS**

SHOWING EXISTING CONDITIONS AT
#11 PICKEREL ROAD
SCALE: 1/4"=10'1/4" DATED: DECEMBER 29, 2015
REVISED: MARCH 8, 2016

PROJECT: 215234



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