



ZONING BOARD OF APPEALS

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

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2015
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ZBA 2015-07
 Petition of 18 Park Ave LLC
 18 Park Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 8, 2015, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of 18 PARK AVE LLC requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing structure and a nonconforming garage and construction of a two-story structure that will meet all setback requirements, on a 14,803 square foot lot in a district in which the minimum lot size is 20,000 square feet, at 18 PARK AVENUE, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On December 22, 2014, 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 were David Himmelberger, Esq. and David Silverstein, Copper Leaf Development, representing 18 Park Ave LLC, (the Petitioner).

Mr. Himmelberger said that the request is for a special permit for reconstruction of a home that is currently pre-existing nonconforming due to insufficient lot size of 14,803 square feet in a 20,000 square foot Single Residence District. He said that there is an existing detached garage that is nonconforming with a side yard setback of 10.8 feet. He said that the proposed new home will be fully compliant with all Zoning regulations.

Mr. Himmelberger said that, looking at the elevations of the proposed home, it is a tasteful design and the hipping of the roof significantly reduces the sense of massing. He said that the Planning Board made note of the fact that a Total Living Area plus Garage (TLAG) calculation was not submitted. He said that the TLAG will be below that threshold of 5,900 square feet for a 20,000 square foot Single Residence District and will also be below the threshold of 4,300 square feet for a 15,000 square foot Single Residence District. He said that the Planning Board questioned the height of the building. He said that the plans that were submitted showed the proposed height at 29 feet 10 inches. He said that there was a question as to how that related to average grade. He said that he could provide calculations to show that the final average finished grade will be 1.28 feet above the existing grade, primarily because the lot currently pitches from back to front and they are going to level the front. He said that the modest leveling is shown on the plot plan. He said that the final height over existing grade is 31.11 feet compared to the height of the existing home at 30.33 feet. He said that the proposed house will be less than one foot taller.

Mr. Himmelberger said that elimination of the detached nonconforming garage eliminates one nonconformity. He said that the side yard setbacks will be improved by 1.5 feet. He said that the only further intrusion will be at the rear setback but this is a very deep lot and there will still be 43 feet at the rear. He said that, based on that, the request is that the Board find that the proposed structure will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

The Board asked the height calculation. Mr. Himmelberger said that the calculation shows the height measured from proposed grade. He said that it will be 31.1 feet from existing grade. The Board said that will still be under the allowed height of 36 feet from existing grade.

Mr. Himmelberger discussed TLAG calculations. He said that the basement, attic and garage are not calculated. The Board said that 75 percent of the basement will be below grade and the attic height is below 7 feet. The Board said that there are no stairs shown on the plans going up to the attic. The Board asked if there will be trusses in the attic. Mr. Silverstein said that there will not be trusses in the attic. The Board asked about the height in the center of the attic. Mr. Silverstein said that no part of the attic will be more than 7 feet. He said that the pitch of the roof does not allow for living space. He said that there will be a pull down ladder for access.

The Board said that it will be a massive structure that is two times the size of the existing structure but it will be fully compliant except for the size of the lot.

The Board asked if this will be a spec house. Mr. Silverstein said that it will be but it is located across from his own house. Mr. Himmelberger said that neighbors had submitted letters of support for the project. He said that the neighbor to the left provided verbal support for the project. Mr. Silverstein said that the existing house is not in good shape.

Colin Flynn 21 Whiting Road, asked if groundwater issues in the neighborhood had been looked at. He asked if there will be a finished basement. He asked if there was a mitigation plan for a sump pump or drywell. He said that there is a silent stream there. He said that there were no landscaping plans submitted to show screening. The Board said that because this was not subject to Large House Review, landscape plans were not required.

The Board said that in the submission it states that there will be two drywells with combined capacity of over 100 cubic feet. Mr. Flynn asked if the drywells will be collecting gutter runoff. He asked if there are any plans to have a sump pump so that there are no issues down the road. Mr. Silverstein said that part of the purpose of lifting the grade is to ensure that the new basement floor is slightly above the existing basement level. He said that a sump pump will be tied into the water retention system at the front of the property.

The Board asked if the water table is high. Mr. Silverstein said that there are water table issues on that side of the street. He said that he has lived on the street for two and a half years and has not had any water table issues. He said that water issues have changed over the years as to which houses are affected. He said that the grade of this lot is lower than the grade of lots on Whiting Road. He said that it is a concern that they have looked to address. The Board said that there will be twice the amount of roof with the new structure but they are required to keep the runoff on the property.

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The Board asked about dust during demolition. Mr. Silverstein said that they will run a sprinkler. The Board said that the Building Department does require an external source of water.

Statement of Facts

The subject property is located at 18 Park Avenue, on a 14,803 square foot lot in a district in which the minimum lot size is 20,000 square feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing structure and a nonconforming garage and construction of a two-story structure that will meet all setback requirements, on a 14,803 square foot lot in a district in which the minimum lot size is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 12/17/14, stamped by Bradley J. Simonelli, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 12/17/14, prepared by DNA Architecture LLC, and photographs were submitted.

On January 7, 2015, the Planning Board reviewed the petition and recommended that the petition be deferred.

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 although demolition of an existing structure and a nonconforming garage and construction of a two-story structure that will meet all setback requirements, on a 14,803 square foot lot in a district in which the minimum lot size is 20,000 square feet 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, as voted unanimously by this Authority at the Public Hearing, for demolition of an existing structure and a nonconforming garage and construction of a two-story structure that will meet all setback requirements, on a 14,803 square foot lot in a district in which the minimum lot size is 20,000 square feet.

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 Special Permit shall expire two years after the date time stamped on this decision.

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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.



Robert W. Levy, Acting Chairman

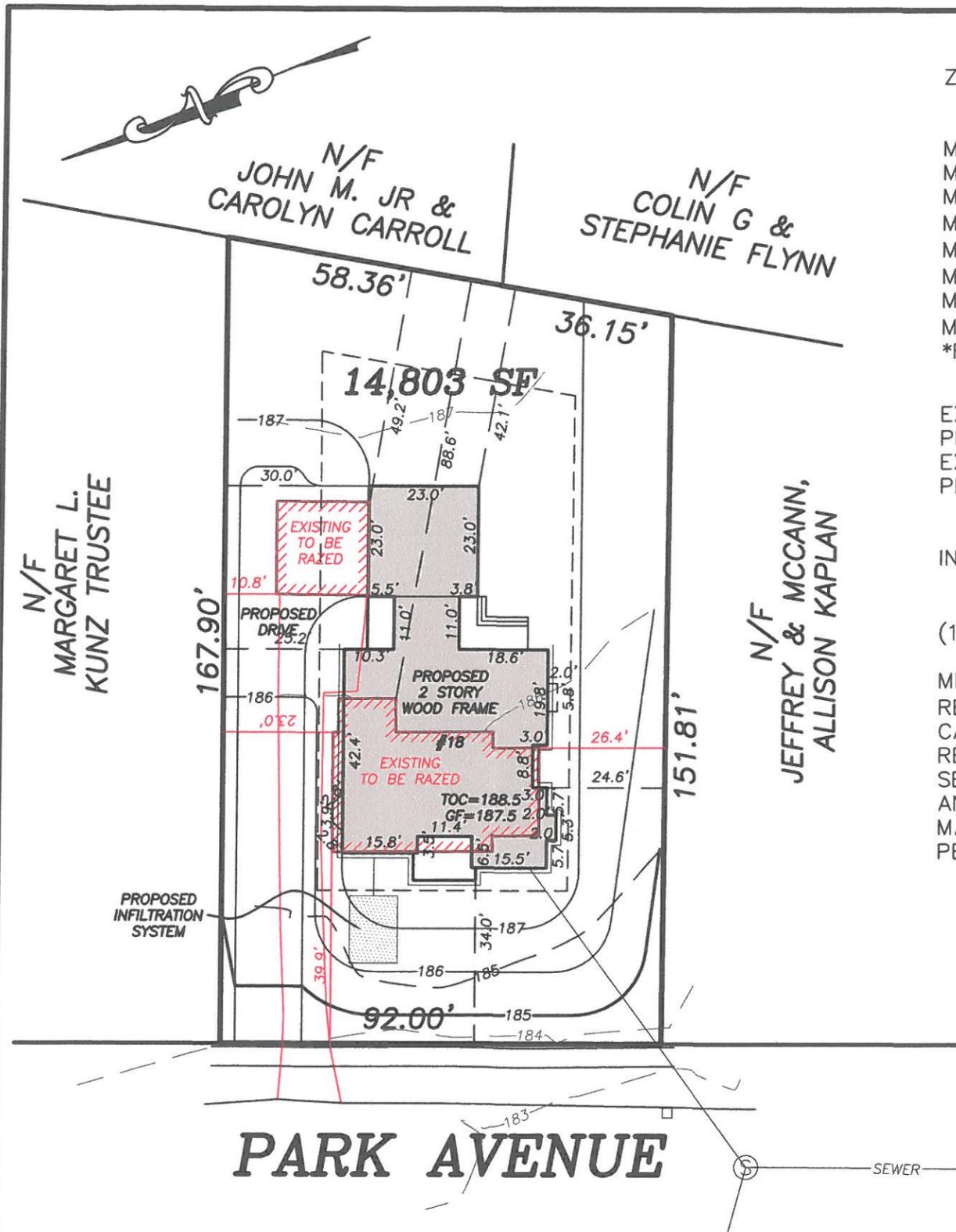


Walter B. Adams



Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm



ZONING INFORMATION: SINGLE RESIDENCE 20 (SR10)

	BYLAW	EXISTING	PROPOSED
MINIMUM LOT AREA	20,000 SF	14,803 SF	14,803 SF
MINIMUM LOT FRONTAGE	60 FEET	92 FEET	92 FEET
MINIMUM FRONT SETBACK	31.9 FEET*	39.9 FEET	34.0 FEET
MINIMUM SIDE YARD	20 FEET	23.0 FEET(10.8)	24.6 FEET
MINIMUM REAR YARD	20 FEET	88.6 FEET(49.2)	42.1 FEET
MAXIMUM BUILDING COVERAGE	2961 SF (20%)	9.9%	17.9%
MAXIMUM BUILDING HEIGHT	36 FEET		
MAXIMUM BUILDING HEIGHT	2 1/2 STORIES		

*FRONT SETBACK DETERMINED BY 500 FOOT RULE

EXISTING BUILDING COVERAGE = 9.9%
 PROPOSED BUILDING COVERAGE = 17.9%
 EXISTING BUILDING COVERAGE = 1469 SF
 PROPOSED BUILDING COVERAGE = 2747 SF

INCREASED BUILDING FOOTPRINT = 1,278 S.F.

$(1,278 \text{ S.F.} \times 1'') / 12 = 106.5 \text{ Cu. Ft.}$

MITIGATED WITH 2 CULTEC CONTRACTOR 150 XLHD RECHARGER DRYWELL CHAMBERS (OR SUITABLE REPLACEMENT) CAPACITY OF 53.79 CU FT EACH. RECHARGE WILL MITIGATE COMPLETELY FOR THE ADDITIONAL PROPOSED FOOTPRINT SEE DRYWELL DETAIL FOR SPECIFICATIONS AND PLAN FOR LOCATIONS. LOCATIONS AS SHOWN MAY BE ADJUSTED AFTER SOIL TEST PITS ARE PERFORMED PRIOR TO CONSTRUCTION.

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ZONING BOARD OF APPEALS
 PLAN OF LAND
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Field Resources, Inc.
 LAND SURVEYORS

DECEMBER 17, 2014 SCALE 1"=30'
 P.O. BOX 324 281 CHESTNUT ST.
 AUBURN, MA NEEDHAM, MA.
 508 832 4332 781 444 5936
 fieldresources@hotmail.com

149-14

ZONING INFORMATION: SINGLE RESIDENCE 20 (SR20)

MAP 76 PARCEL 60