



ZONING BOARD OF APPEALS

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

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2019 AUG 22 P 2: 24
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TOWN CLERK'S OFFICE
WELLESLEY MA 02482

ZBA 2019-70
Petition of BuildRite LLC
375 Linden Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 8, 2019 at 7:30 pm in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of BuildRite 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 nonconforming structure and construction of a new two-story structure with an attached two-car garage, on a 9,690 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, at 375 Linden Street, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 9, 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.

Presenting the case at the hearing were David Himmelberger, Esq., Michael Cremin, BuildRite LLC, and Paul Beaulieu, Field Resources, Inc.

Mr. Himmelberger said that the request is for a special permit/finding to raze an existing single family dwelling on a nonconforming lot of 9,960 square feet. He said that the dwelling was built with nonconforming side yard setbacks pursuant to a variance in the 1940's. He said that it was the Building Inspector's opinion that because the existing home will be razed, the proper relief from the Board would be granting a special permit to rebuild the home rather than modification of an existing variance. He said that, other than lot size, the proposed home will be fully compliant with all Zoning dimensional requirements.

Mr. Himmelberger said that he lives nearby on Linden Street. He said that a few years ago a 20,000 square foot lot at the foot of Kirkland Circle and Shaw Road was divided into two 10,000 square foot lots and two very imposing houses were built out to every Zoning setback and dimension. He said that he has previously worked with Mr. Cremin and told him that he would only represent him on this property if a house was designed to fit in with the neighborhood. He said that Mr. Cremin made design changes after Mr. Himmelberger consulted with another architect. He said that Bruce Howlett, 369 Linden Street, also made several requests, the most notable of which was to flip the location of the garage from the right side along his driveway, to the left side where the existing driveway is located. Mr. Himmelberger said that Mr. Cremin met with all of the neighbors and has been extremely responsive to them, including relocating subsurface drainage.

Mr. Himmelberger said that at 44 feet wide, the proposed home is significantly more narrow than the two abutting houses at 369 and 383 Linden Street, which are 63 and 53 feet wide. He said that mass on the proposed home was minimized by taking advantage of the deep lot. He said that the proposed home is attractive, well proportioned, and will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

The Chairman said that the Board received an email from Mr. Howlett expressing concerns about changes to the plans. Mr. Himmelberger said that he had seen the email and Mr. Howlett does support the project. He said that Mr. Howlett expressed a preference for a single width driveway but there are numerous homes on Linden Street that have two car width entry onto Linden Street. He said that the proposed driveway is fully compliant with town curb cut and driveway apron regulations. He said that Mr. Howlett's concerns about drainage are well noted. He said that two subsurface infiltration systems that will capture all of the roof runoff are proposed. He said that there was a drainage issue further down the street at a home with a two car garage that acted as a detention pond for the neighborhood. He said that the Board granted a variance to allow a two car garage to be built into the setback. He said that this is a flat lot where all drainage will be taken to the drainage systems, one in the front and one in the rear.

The Chairman discussed the Planning Board recommendation. He said that it is a very large house for the lot, 20 percent over the TLAG. He said that if the lot was 400 square feet bigger, the house would be subject to Large House Review. Mr. Himmelberger said that the data in the Planning Board recommendation relies on Total Living Area from Assessor's records. He said that the average size of adjacent homes on Linden Street is 2,203 square feet if you add in just the garages. He said that using the old calculations, the TLAG excluding the garage and the attic would be very close to 3,600 square feet. A Board member said that the house is on the large size but that is what people are looking for. He said that it has been creatively and effectively designed to minimize the impacts on the neighborhood. Mr. Himmelberger said that the issue is how the house appears on the street. He said that it is more narrow than the two homes on either side and takes advantage of the deepness of the lot to bring square footage to the rear. He said that the homes across Linden Street are two to three feet higher due to elevation. He said that this will be a very attractive house that sits back and is not imposing compared with the other homes in the neighborhood.

Martha Kiley, 18 Geraldine Drive, said that she lives directly behind. She said that her concern is the proposed infiltration because it will be close to the property line. She said that the setback will be reduced from 52 to 27 feet, with two ac units beneath her bedroom window. The Chairman said the Zoning Bylaw allows a 10 foot setback to the rear property line and the proposed rear setback of 27 feet will be more than double what they could do as a matter of right. He said that the ac units have to comply with the setback requirements. Ms. Kiley asked about moving the ac units to another location around the house. A Board member said that there does not appear to be enough room on the sides for the units. The Board discussed mitigation for the ac units. Mr. Beaulieu said that ac units are much quieter than when the bylaw was passed. He said that there will be quite a lot of planting to hide the units.

Mr. Beaulieu said that Wellesley's Engineering Division likes to have a certain separation from the house and boundary line for infiltration systems. He said that the system was designed to meet DPW guidelines. He said that the system will be well below grade. He said that water will collect in a PVC pipe and run to large chambers that are surrounded by stone, and then into the ground. He said that they took neighborhood impacts into consideration.

Ms. Kiley said that the flow of water changed when the house at the corner of Linden Street and Geraldine Drive was renovated. She said that her neighbor had to put drains in at the back of her property because all of the water that used to go somewhere else ended up on her property and flooded her garage every time it rained. Mr. Beaulieu said that this property will have an infiltration system where all of the water that hits the roof will be captured, as opposed to regrading and redirecting the water. He said that currently the water goes onto the grass and they made sure that the system could handle the displacement.

of the grass. A Board member said that the grades appear to go toward 369 Linden Street, not 18 Geraldine Drive. Mr. Himmelberger said that this is a flat lot.

A Board member said that the drainage calculations are based on one inch storm events. Mr. Beaulieu said that it will be full capture of a one inch storm, not taking into account infiltration or the collection pipe. He said that they did not take a full Massachusetts State level of review for this project but considered that 85 percent of all storms are one inch or less. He said that in that event, they will be able to capture water immediately. He said that two inches of rain would typically come down over the course of hours, and as that happens, the water gets to the infiltration chambers and soaks into the ground below. He said that his preference is to divide the chambers to the front and back to minimize bottlenecks. He said that there will be four chambers, each with a capacity of 54, for a total capacity over 200 cubic feet.

Statement of Facts

The subject property is located at 375 Linden Street, on a 9,690 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with a minimum left side yard setback of 18.4 feet and a minimum right side yard setback of 17.5 feet where 20 feet is required.

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 nonconforming structure and construction of a new two-story structure with an attached two-car garage, on a 9,690 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, Proposed Stormwater Infiltration Plan, Allowable Height Plan, Basement TLAG Exemption, & Tree Bylaw Mitigation Plan, dated 6/26/19, stamped by Bradley J. Simonelli, Professional Land Surveyor, Proposed Floor Plans and Elevation Drawings, dated 6/24/19, prepared by Scott Lewis, and photographs were submitted.

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 demolition of an existing nonconforming structure and construction of a new two-story structure with an attached two-car garage, on a 9,690 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet will not result in the intensification of existing nonconformities, will not result in additional nonconformities, and will 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 nonconforming structure and construction of a new two-story structure with an attached two-car garage, on a 9,690 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in accordance with the submitted plot plan and construction drawings.

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

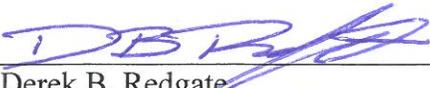
2019 AUG 22 P 2: 54
RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02459

ZBA 2019-70
Petition of BuildRite LLC
375 Linden Street

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

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 0248
2019 AUG 22 P 2:21

ZBA 2019-70
Applicant BuildRite LLC
Address 375 Linden Street

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

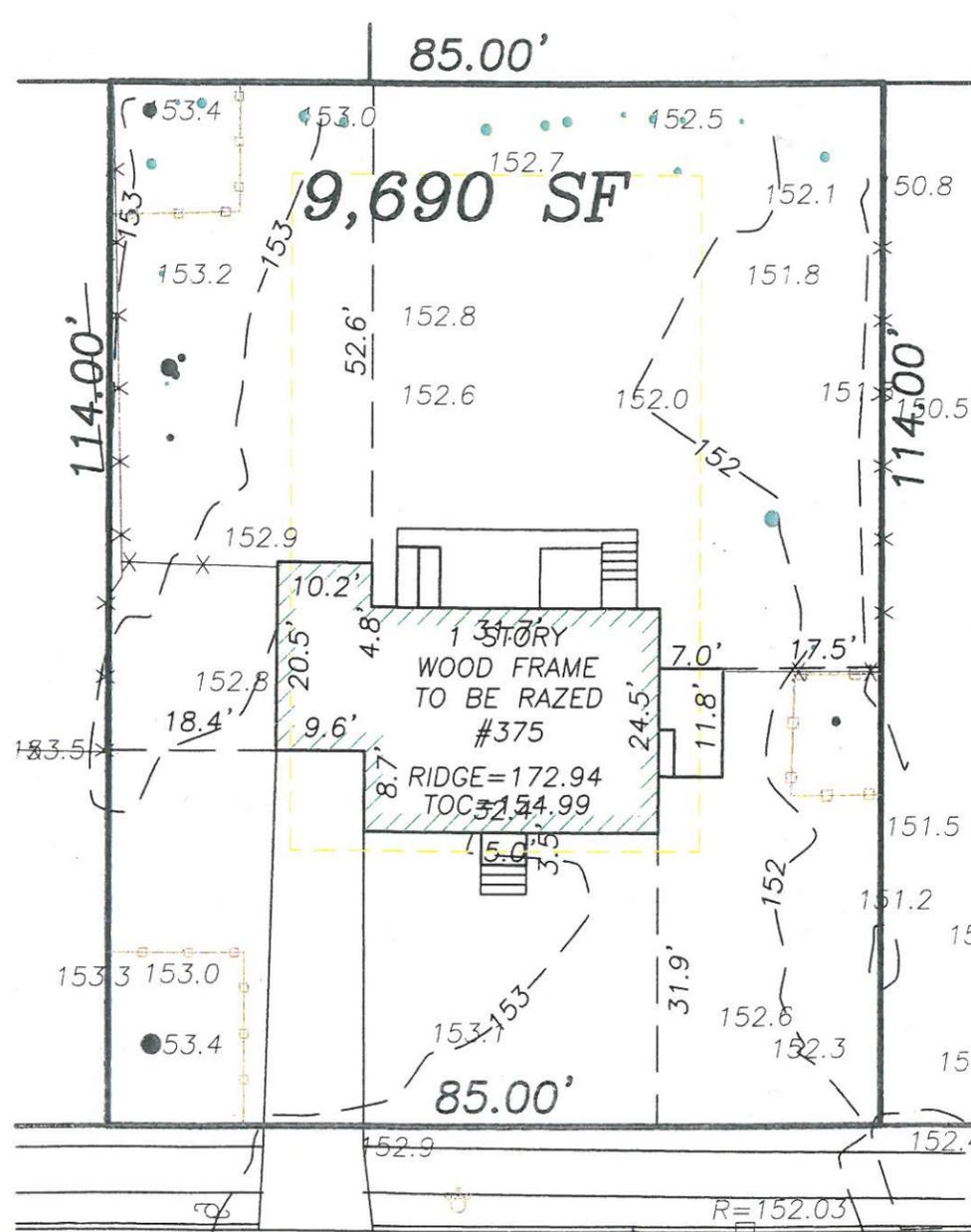
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed,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

Date:

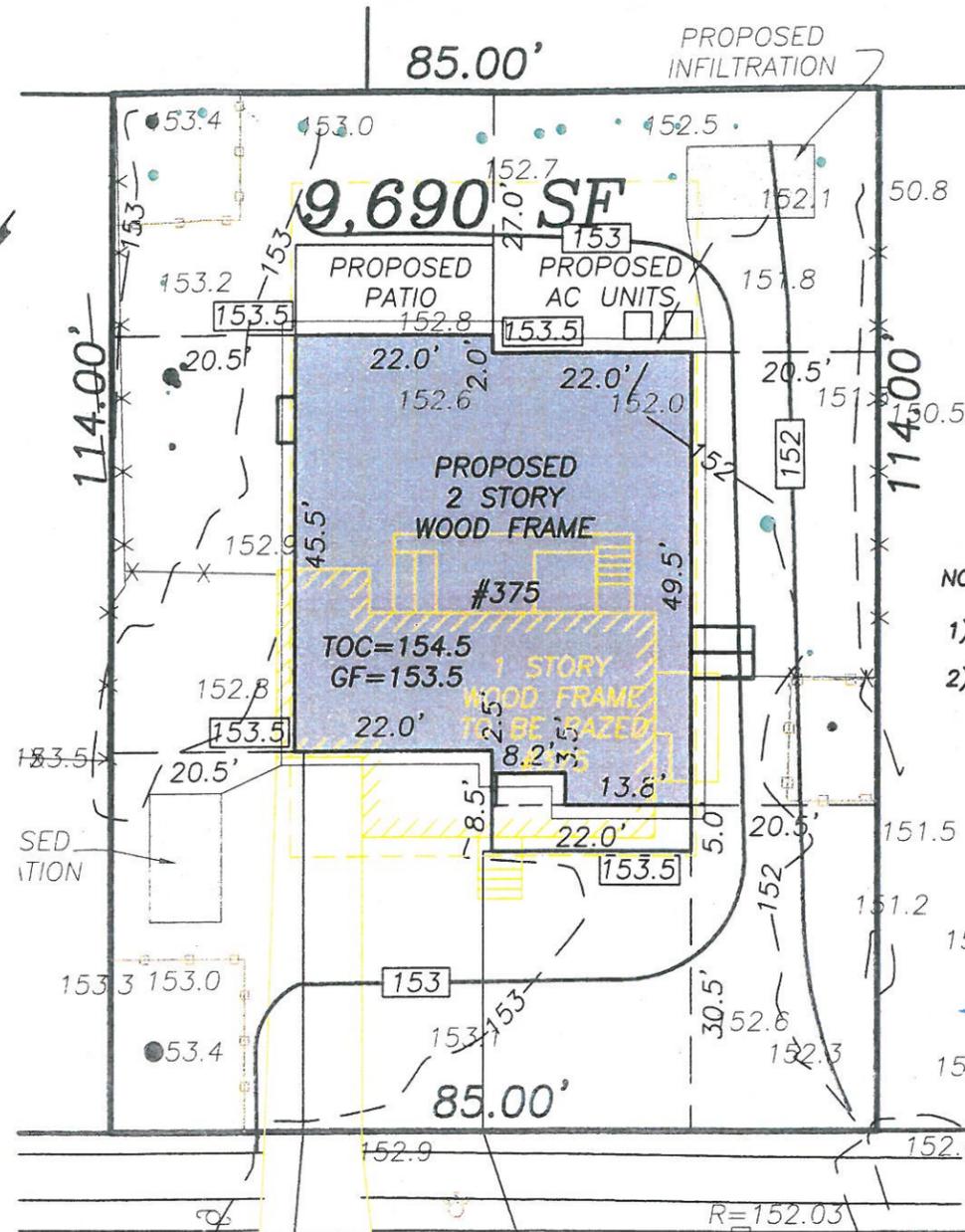
Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm



LINDEN STREET



LINDEN STREET

NOTES:

- 1) ELEVATIONS REFER TO TOWN OF WELLESLEY BASE
- 2) CONTOUR INTERVAL EQUALS ONE (1) FOOT.



ZONING BOARD OF APPEALS
 PLAN OF LAND
 375 LINDEN STREET
 WELLESLEY, MASS.

ZONING INFORMATION: SINGLE RESIDENCE 10 (SR10)

	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA	10,000 SF	9,690 SF	9,690 SF
MINIMUM LOT FRONTAGE	60 FEET	85.00 FEET	85.00 FEET
MINIMUM FRONT SETBACK	30.0 FEET*	31.9 FEET	30.5 FEET
MINIMUM SIDE YARD	20 FEET	17.5 FEET	20.5 FEET (24.1 TO ADDITION)
		18.4 FEET	20.5 FEET (32.7 TO ADDITION)
MINIMUM REAR YARD	10 FEET	52.6 FEET	27.0 FEET
MAXIMUM BUILDING COVERAGE	25%	11.7%(1,138 SF)	23.2%(2,249 SF)
MAXIMUM BUILDING HEIGHT	36 FEET	20.5± FEET	32.5 FEET**
MAXIMUM BUILDING HEIGHT	2 1/2 STORIES	1 STORIES	2 STORIES

*FRONT SETBACK DETERMINED BY 500 FOOT RULE

**AS PER THE TOWN OF WELLESLEY ZONING BYLAW, ALL HEIGHTS ARE DERIVED BY MEASURING FROM THE RIDGE TO THE AVERAGE GRADE PLANE.

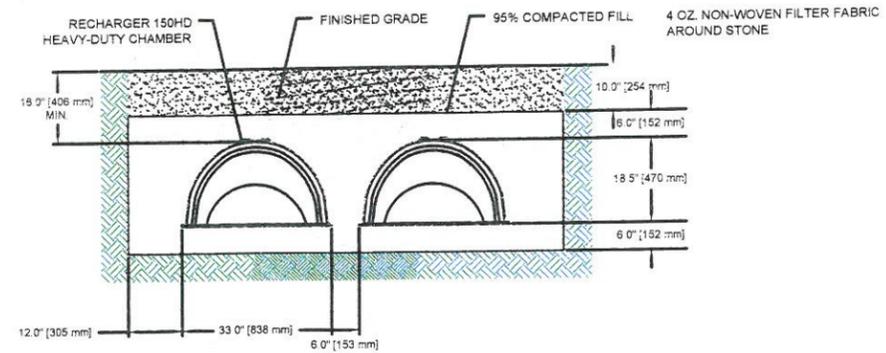
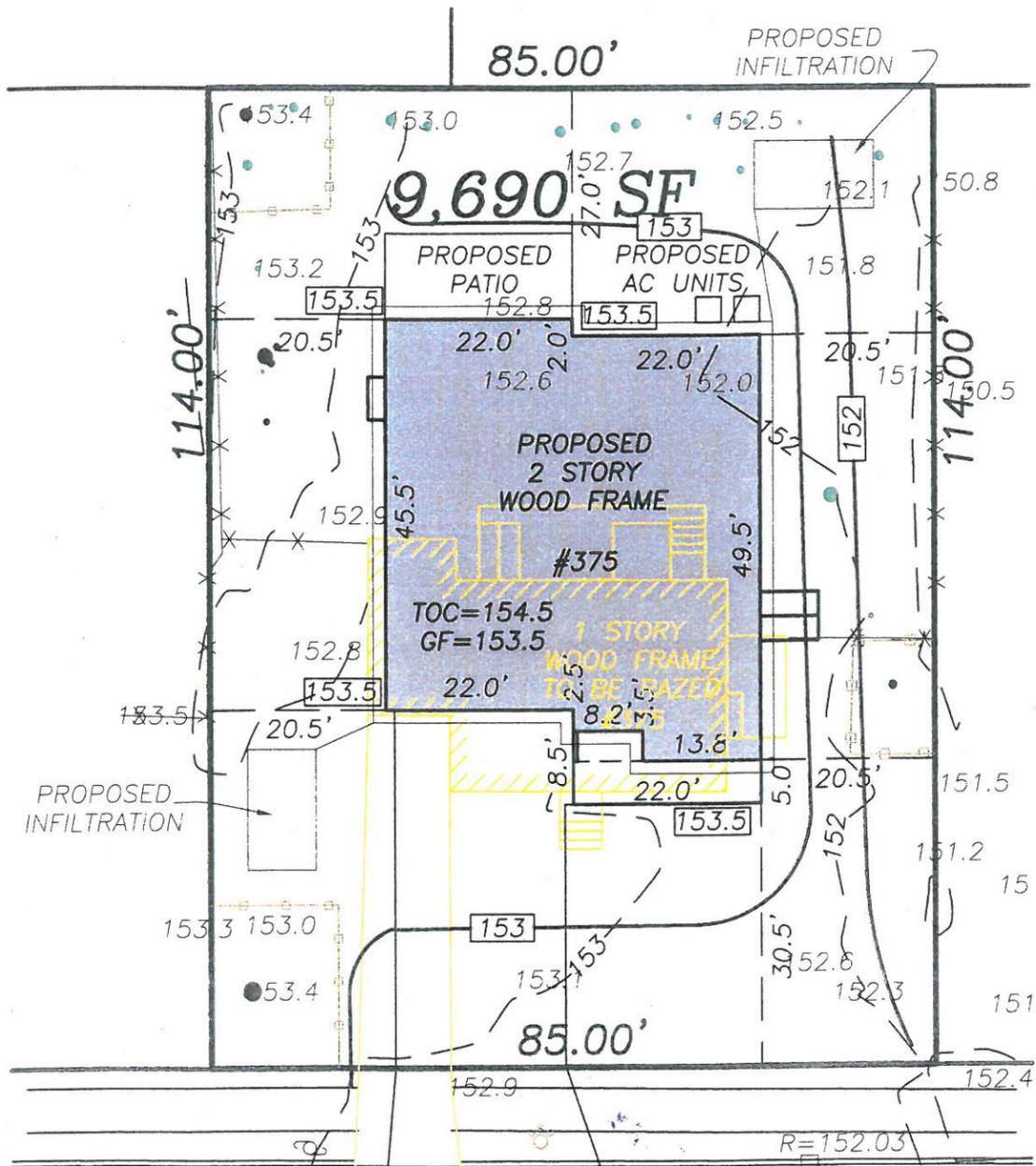
TOWN OF WELLESLEY
 MAP 86 PARCEL 35

NORFOLK COUNTY
 REGISTRY OF DEEDS
 BOOK 36847 PAGE 004
 PLAN 344 OF 1935

OWNER/APPLICANT:
 BUILDRITE LLC.
 5 CONCORD AVENUE
 CANTON MA

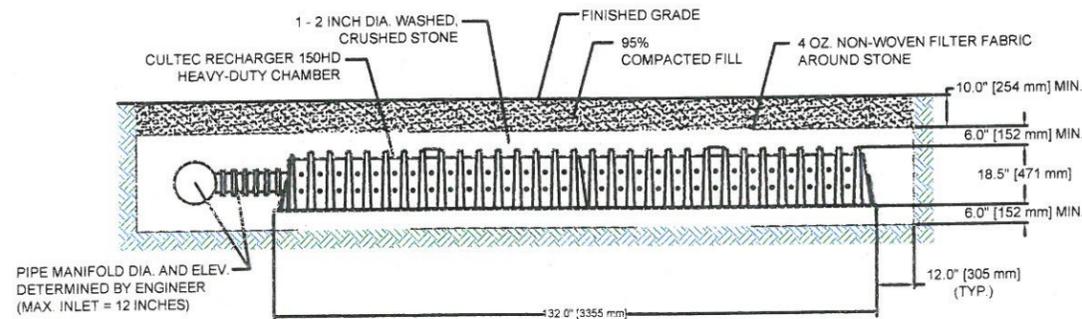
Field Resources, Inc.
 LAND SURVEYORS

JUNE 26, 2019 SCALE 1"=20'
 P.O. BOX 324 281 CHESTNUT ST.
 AUBURN, MA NEEDHAM, MA.
 508 832 4332 781 444 5936
 fieldresources@hotmail.com



GENERAL NOTES
 RECHARGER 150HD BY CULTEC, INC. OF BROOKFIELD, CT.
 STORAGE PROVIDED = 4.89 CF/FT PER DESIGN UNIT.
 REFER TO CULTEC, INC.'S CURRENT RECOMMENDED INSTALLATION GUIDELINES.
 USE RECHARGER 150HD HEAVY-DUTY FOR TRAFFIC AND/OR H2O APPLICATIONS.

ALL RECHARGER 150HD HEAVY-DUTY UNITS ARE MARKED WITH A COLOR STRIPE FORMED INTO THE PART ALONG THE LENGTH OF THE CHAMBER.
 ALL RECHARGER 150 CHAMBERS MUST BE INSTALLED IN ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL REGULATIONS.



INFILTRATION SYSTEM DETAILS

NOT TO SCALE

LINDEN STREET

PROPOSED BUILDING FOOTPRINT = 2,249 SF

(2,249 S.F. X 1") / 12 = 187.4 Cu. Ft.

MITIGATED WITH 4 CULTEC CONTRACTOR 150 HD RECHARGER DRYWELL CHAMBERS (OR SUITABLE REPLACEMENT) CAPACITY OF 53.79 CU FT EACH.
 RECHARGE WILL MITIGATE COMPLETELY FOR A 1" STORM FOR THE PROPOSED FOOTPRINT
 SEE DRYWELL DETAIL FOR SPECIFICATIONS AND PLAN FOR LOCATIONS. LOCATIONS AS SHOWN.

039-19

PROPOSED STORMWATER INFILTRATION PLAN

375 LINDEN STREET
 WELLESLEY, MASS.



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 LAND SURVEYORS

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