



ZONING BOARD OF APPEALS

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

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2020 JAN 23 P 10:56
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WELLESLEY, MA 02482

ZBA 2020-02
Petition of High End Homes LLC
11 Dunedin Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 9, 2020 at 7:30 pm in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of High End Homes LLC requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that demolition of an existing nonconforming structure with less than required left side yard setbacks, and construction of a new two story structure that will meet all setback requirements, on a 10,000 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, at 11 Dunedin Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On December 12, 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.

Present at the public hearing was Dan Brown, representing High End Homes LLC, the Petitioner. He said that it is a nonconforming lot. He said that the request is to raze an existing structure and construct a new two story single family home with an attached two car garage. He said that the proposed construction will meet all Zoning and TLAG requirements except for lot size of 10,000 square feet in 15,000 square foot Single Residence District.

A Board member asked if the plans were reviewed with any of the neighbors. Mr. Brown said that they had not done that yet.

A Board member said that an existing conditions plan was not submitted. He said that it appears that the existing house is nonconforming as to setbacks and land area. He said that the proposal is to make the house more compliant. Mr. Brown said that the left side yard setback will increase from 11 feet to 22 feet.

Alex Kreopolides, 27 Dunedin Road, said that he lives one house down and he grew up in the neighborhood. He said that he would like to see the house rebuilt. He said that it has been an eyesore for quite a while and he would like to see the neighborhood get fixed up.

A Board member asked about the retaining wall between the entrance walk and the driveway. He said that it appears to be approximately seven feet high. Mr. Brown said that it will be less than that because the lot slopes. He said that it will be built to code. The Chairman said that the Retaining Wall Bylaw does apply to this project.

A Board member said that the proposed home will join the scale of a number of adjacent houses and many that are in the neighborhood.

The Chairman said that TLAG will be 3,242 square feet.

A Board member said that the Board received a letter from Kray Small regarding the trees. He said that the Tree Bylaw is not under ZBA jurisdiction and the Board will not be granting any relief from it.

Statement of Facts

The subject property is located at 11 Dunedin Road, on a 10,000 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, with a minimum left side yard setback of 11.2 feet where 20 feet is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that demolition of an existing nonconforming structure with less than required left side yard setbacks, and construction of a new two story structure that will meet all setback requirements, on a 10,000 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 11/4/19, stamped by Terrence M. Ryan, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 9/24/19 and 12/2/19, prepared by Egan Associates were submitted.

On January 8, 2020, the Planning Department staff reviewed the petition and recommended that the special permit be approved.

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 with less than required left side yard setbacks, and construction of a new two story structure that will meet all setback requirements, on a 10,000 square foot lot in a Single Residence District in which the minimum lot size is 15,000 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 with less than required left side yard setbacks, and construction of a new two story structure that will meet all setback requirements, on a 10,000 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, subject to the following condition:

- The Board's decision does not address the Retaining Wall or Tree Preservation bylaws.

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, the 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.


J. Randolph Becker, Chairman


David G. Sheffield


Robert W. Levy

ZBA 2020-02
Applicant High End Homes LLC
Address 11 Dunedin Road

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02481
2020 JAN 23 2:16

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

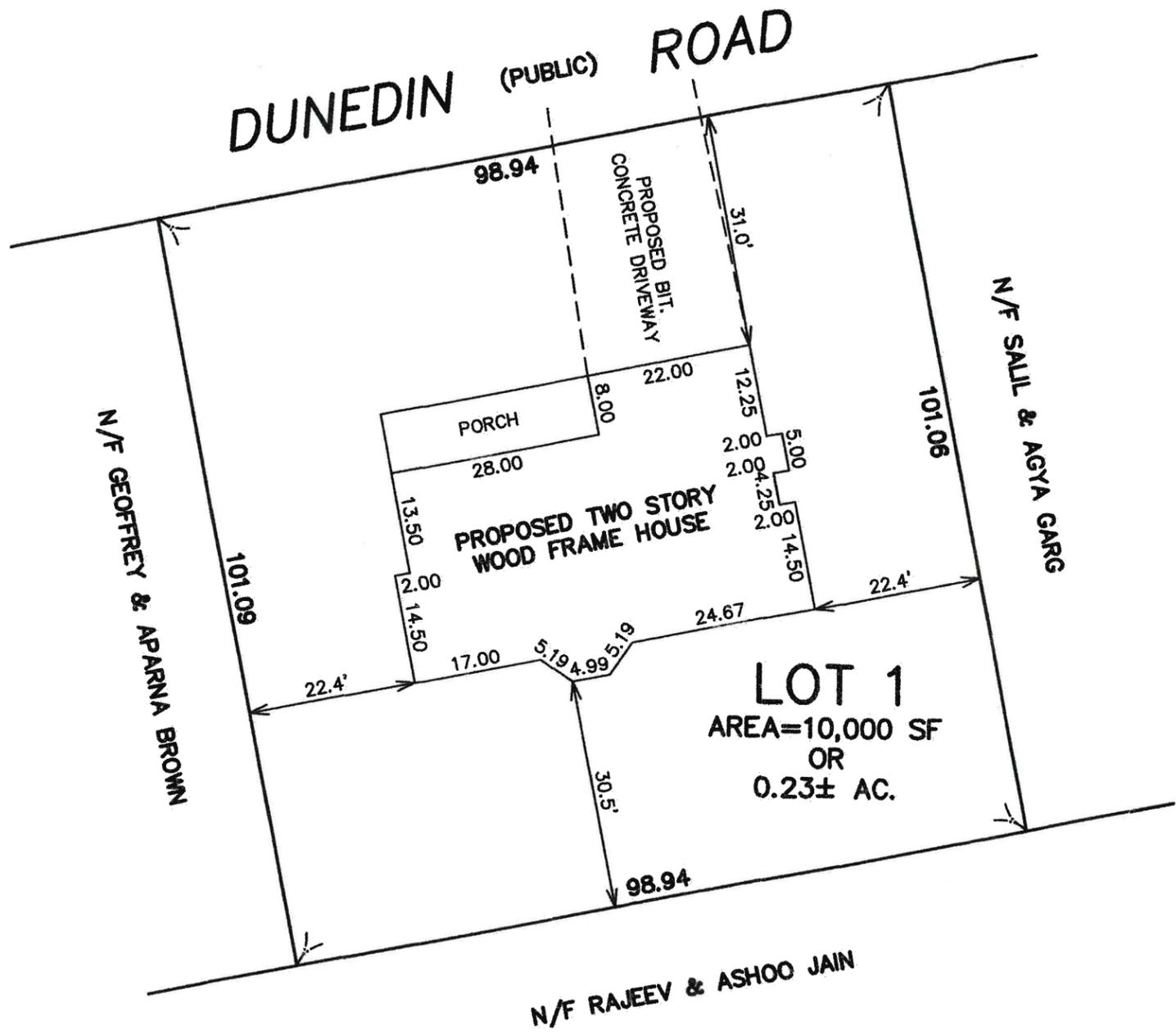
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed,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

Date:

Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm



PROPOSED PLOT PLAN 11 DUNEDIN ROAD WELLESLEY, MASS.

DATE: NOVEMBER 2, 2019 SCALE: 1" = 20'

PREPARED FOR:

HIGH END HOMES, LLC.
 36 HARWOOD ROAD
 NATICK, MASS. 01760

ENGINEERS & SURVEYORS:

APPLEWOOD SURVEY CO. LLC
 21 GREEN STREET
 HOLLISTON, MASS. 01746
 TERENCE M. RYAN R.L.S. 37057

ZONED: SR-15
 AREA: 15,000 SF
 FRONTAGE: 60 FT
 SETBACK: 30 FT
 SIDEYARD: 20 FT
 REARYARD: 15 FT
 COVERAGE: 2,500 SF

DEED BOOK 37075 PAGE 194
 ASSESSORS MAP 11 BLOCK 7
 PROPOSED COVERAGE: 1,900 SF = 19.0%



I CERTIFY THAT THE LOT SHOWN PREDATES THE DIMENSIONAL REGULATIONS OF THE WELLESLEY ZONING BYLAWS AND THE PROPOSED HOUSE SHOWN THEREON CONFORMS TO THE DIMENSIONAL OFFSET REGULATIONS OF THE WELLESLEY ZONING BYLAWS.

I CERTIFY THAT THE LOT SHOWN AND PROPOSED HOUSE SHOWN THEREON ARE LOCATED IN A FEDERAL FLOOD HAZARD ZONE "X" - SUBJECT TO MINIMAL FLOODING (SOURCE: F.I.R.M. 25021C0036E).