



ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5918

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ZBA 2020-25

Petition of James & Maureen Parziale

39 Jackson Road

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, April 2, 2020 at 7:30 pm, on the petition of James & Maureen Parziale requesting a Special Permit/Finding pursuant to the provisions of Section 14E, Section 17 and Section 25 of the Zoning Bylaw that demolition of an existing nonconforming structure with less than required right side yard setbacks and construction of a new two-story structure that will meet all setback and height requirements, on a 14,857 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District, at 39 Jackson Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On March 11, 2020, 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 Laurence Shind, Esq., representing James and Maureen Parziale, the Petitioner. He said that the proposal is for replacement of the existing house at 39 Jackson Road, which is small cape of approximately 1,250 square feet. He said that his client would like to build a new house with a TLAG of 4,296 square feet, which is just under the applicable threshold for a 15,000 square foot district. He said that the lot is undersized at 14,857 square feet and the existing house has a nonconforming right side yard setback. He said that the new house will be compliant with all dimensional setbacks. He said that Jackson Road has undergone a good amount of transition over the past few years where there has been a large number of replacement homes or large additions. He said that there are replacements homes on either side of this property and the proposed design is in keeping with the homes that are nearest to it. He said that project was reviewed by the Historical Commission in November for demo delay, which was originally imposed and subsequently granted a waiver.

The Chairman said that the property is located in a Water Supply Protection District. He asked how stormwater will be handled. Mr. Shind said that downspouts from the roof will infiltrate into the ground. He said that his client is amenable to more specific drainage components. A Board member recommended that an underground infiltration system that could handle a one inch storm, as shown on an engineered plan that is approved by the DPW, be imposed as a condition.

A Board member said that the elevation to the ridge was not labeled on the plan as being to the average grade. He said that should be noted on the drawings. Mr. Shind said that they will make that clear.

A Board member asked if the trees in the front are to be saved. Mr. Shind said that they will do their best to retain both of them. He said that the one on the left may not be able to be saved due to the construction.

A Board member asked about the lights at the garage. He said that he wanted to be sure that what appear to be carriage lights do not cast a horizontal glare. Mr. Shind said that is the intent and was the request of the Historical Commission as well.

Board members agreed that the scale of the proposed house is in keeping with the other homes in the neighborhood.

No member of the public wished to speak to the petition.

Statement of Facts

The subject property is located at 39 Jackson Road, on a 14,857 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District, with a minimum right side yard setback of 19.3 feet where 20 feet is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 14E, Section 17 and Section 25 of the Zoning Bylaw that demolition of an existing nonconforming structure with less than required right side yard setbacks and construction of a new two-story structure that will meet all setback and height requirements, on a 14,857 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 2/25/20, stamped by Alfred M. Berry, Professional Land Surveyor, Proposed Floor and Elevation Drawings, dated 1/3/20, prepared by Jeffrey Yates Architects LLC, and photographs were submitted.

On April 2, 2020 the Planning Board reviewed the petition and recommended that a 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.

The Board found that the Design and Operation Standards in Part F are adequately satisfied and not otherwise prohibited in Part D.1, of Section XIVE of the Zoning Bylaw for Water Supply Protection Districts.

It is the opinion of this Authority that demolition of an existing nonconforming structure with less than required right side yard setbacks and construction of a new two-story structure that will meet all setback and height requirements, on a 14,857 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 right side yard setbacks and construction of a new two-story structure that will meet all setback and height requirements, on a 14,857 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District, subject to the following conditions:

1. Lighting at the garage shall not cast a horizontal glare.
2. A plan shall be submitted that shows the height of the structure from average grade.
3. A subsurface drainage system shall be approved by the Department of Public Works.

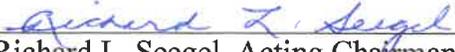
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed constructions plans.

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

2020 Jun 16 PM 1:38

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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, Acting Chairman


David G. Sheffield


Derek B. Redgate

DEC 16 11 P 1:38

ZBA 2020-25
Applicant James & Maureen Parziale
Address 39 Jackson Road

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