

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

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ZBA 2020-13
Petition of Krassen Draganov
148 Walnut Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 5, 2020 at 7:30 pm in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Krassen Draganov 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 structure with less than required left side yard and right side yard setbacks, at 148 Walnut Street, in a 10,000 square foot Single Residence District, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On February 6, 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.

WITHDRAWN WITHOUT PREJUDICE

Present at the public hearing was David Himmelberger, Esq., representing Krassen Draganov, the Petitioner. Mr. Himmelberger said that the request is for a special permit. He said that there was a misunderstanding on the Petitioner's part with regard to an abutter's concerns and his client would like to address those concerns. He said that when he was contacted by Counsel for an abutter, he told Counsel that he had requested that the Board allow the petition to be continued.

The Board voted unanimously to continue the petition to May 7, 2020.

In accordance with Chapter 53 of the Acts of 2020, the hearing was continued to June 4, 2020.

June 4, 2020

Mr. Himmelberger said that the hearing was continued from March 5, 2020 to try to address abutter concerns with respect to retaining walls. He said that due to issues surrounding the pandemic and the ability to get surveys done in a timely basis, the abutter has been working diligently to try to determine how this proposed project would impact his property but has not been able to finalize the survey and his thinking on this.

Mr. Himmelberger requested that the Board grant a continuance to the September 10, 2020 public hearing. He said that his client is trying to work with the abutter at 156 Walnut Street. He said that this is a somewhat nuanced project in how it will relate and integrate with the abutter's property. He said that the properties to the east have been significantly modified with significant terraforming at the rear of the

lots. He said that there is some desire on the part of 156 Walnut Street to try to combine with 148 Walnut Street to get a better set of elevations. He said that there is an opportunity to find agreement with the abutter at 156 Walnut Street, who is represented by Laurence Shind, Esq., with whom Mr. Himmelberger has been in contact with. He said that he advised Mr. Shind that he would be requesting a continuance of the hearing until September.

The Chairman said that it was not clear to him that this project should be considered as a special permit. He said that the left side conformed before and one could argue that the right side conformed. He said that on the proposed structure, those setbacks are no longer conforming and it looks like there will be two new nonconformities. He questioned why this would be a special permit rather than a variance. He said that three or four of the retaining walls are currently shown on the plan extending off of the lot at 148 Walnut Street and there should be something in the package to indicate what is going on there and why. He said that he was not sure that the Board can take action on retaining walls at 156 Walnut Street. He said that there are some questions that need to be worked out.

The Chairman said that the property is located in a Water Supply Protection District (WSPD) and there is nothing in the materials that were submitted that addresses that. He said that there looks to be 11 feet of fill, which is subject to certain requirements in the WSPD. He said that the Applicant needs to indicate how the requirements will be met.

The Chairman said that the site or civil drawings and the architectural do not fit together exactly.

A Board member asked about any proposed changes to the road that goes from Walnut Place to 148 Walnut Street. Mr. Himmelberger said that currently there is no intention to change the location of the driveway. He said that it is an easement over 156 to 148 Walnut Street. He said that Mr. Shind pointed out that the location of the existing easement driveway does not match up with the original plan of land, being forward to Walnut Street rather than at the rear of 156 Walnut Street. He said that it is not a level surface to the rear of the lot and not easily pushed back.

The Board discussed allowing the petition to be withdrawn without prejudice and resubmitted. The Board voted unanimously to allow the petition to be withdrawn without prejudice and to waive the application fee upon resubmittal.

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