

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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TELEPHONE
(781) 431-1019 EXT. 2208

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ZBA 2020-19
Petition of Stephan Gauldie
229 Weston Road

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, April 2, 2020 at 7:30 pm, Wellesley, on the petition of Stephan Gauldie 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 garage and construction of a one and two addition that will meet setback requirements, construction of a front porch and changing the roof line on an existing nonconforming structure with less than required left side yard setbacks, on a 9,309 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with less than required frontage, in a Water Supply Protection District, at 229 Weston 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 David Hornstein, Architect, representing Stephan Gauldie, the Petitioner.

Mr. Hornstein said that when his client bought the house, it had a pre-existing addition that was built with a variance for the left side yard setback to continue the existing plane of the house. He said that the current proposal is to build a conforming addition on the right side at the front of the house. He said that the right side yard setback will be 20.6 feet and the front yard setback will be 33 feet. He said that the surveyor's plan shows that 223 Weston Road, which is within 500 feet, has a front yard setback of 32.6 feet. He said that the addition will mimic the existing style of the house in terms of massing and detailing.

The Chairman read the Planning Board recommendation. He said that he concurred with them that the circular driveway is inappropriate at this location. Mr. Hornstein said that the adjacent three houses have a similar driveway, so the precedent is established on the street. He said that this property preserves more open space than the adjacent properties.

The Chairman said that the basement stairwell appears to be within the setback. Mr. Hornstein said that it is a below grade structure where a railing is required. He said that the railing design is a cable rail that is fairly invisible.

A Board member discussed concerns about means of egress and that the function of the rooms was not labeled on the plans that were submitted. Mr. Hornstein displayed a floor plan of the basement level. He said that Room B5 is meant to be a guest room. He displayed the location of the stairway that leads up to

the first floor from the basement level. He said that the door in the bedroom is a compliant egress. The Board member said that the internal stairway is not shown on his drawing. Mr. Hornstein said that he submitted a simpler version of the plans because he thought that the petition before the Board dealt only with the new work and his intention was to show in a complete and accurate way all of the information relative to Zoning. The Chairman said that the plans that were submitted do not give the Board enough information.

A Board member said that the height of the proposed structure from average grade must be shown on the plans.

The Chairman discussed concerns about adding another driveway that may not be needed on what is the main walking route for children going to Hardy School from that side of Weston Road. A Board member said that he agreed with the Planning Board that the layout of the front yard that will be presented to the public is an important feature. He said that there are a number of circular drives on Weston Road because of the traffic situation and they have been greatly enhanced by landscaping. Mr. Hornstein said that the inside of the radius of the circle will be landscaped to shield the road. He said that they kept the driveway as small as possible to serve its purpose. He said that it would be far more dangerous to back out of a driveway. The Board member said that it would be helpful to show an existing condition of the site to prove that the amount of pavement will be reduced.

The Chairman said that the property is located in a Water Supply Protection District. Mr. Hornstein said that he spoke with the Building Inspector about subsurface drainage. He said that the Building Inspector indicated that this is an extremely well drained area, so no subsurface containment of any kind would be required and downspouts and splash pans would be adequate.

A Board member said that the site plan is very difficult to read for Zoning purposes. He said that there are two dimensions on the site plan, one at 40 feet and the other at 33.33 feet that are virtually identical, so one of them is inaccurate.

Mr. Hornstein said that there appear to be two issues, one is whether this is compliant from a design standpoint and the other is whether his client should plan to go forward with this design or invest more funds for landscape plans without knowing if the basic plan is acceptable. He said that the proposed construction will be conforming but they are required to get relief due to the existing variance for the left side of the structure. The Chairman said that he did not have a problem basically with what the applicant has proposed to do but he had a problem with the documentation. He asked that the applicant look at the Zoning Board Rules & Regulations and the Planning Board's recommendation and submit a landscape plan and a better survey plan.

The Board voted unanimously to continue the hearing to June 4, 2020.

June 4, 2020

Mr. Hornstein discussed his prior experience working on projects in Wellesley over the last 35 years.

Mr. Hornstein said that the new room on the lower level has egress to an outdoor stairway and through the rec room to a stairway that goes upstairs. He said that he put descriptive labels on the rooms on the first and second floor. He said that the height above average natural grade will be 27.2 feet. He said that he

eliminated the railing on the exterior stair on the right side and covered the stair with safety glass with an end panel that hinges up, which will eliminate any view from the street or adjacent properties. He said that the egress will be Building Code compliant. A Board member said that this approval would assume that the stairway access from the basement is not considered a structure, in accordance with Massachusetts Building Code.

Mr. Hornstein discussed the open space analysis on the site plan. He said that the existing driveway, the area of concrete pavers, the garage and the rear deck will be removed.

Mr. Hornstein said that the diagonally hatched area shown on the plan that encompasses the existing 113 square foot addition will be absorbed into the new building. He said that they will add a front porch.

Mr. Hornstein said that impervious surface will be decreased by 353 feet. He said that there will be significant visual improvement to not have cars parked on the concrete pavers by the sidewalk. He said that parking will be moved back to the garage.

Mr. Hornstein said that all of the dimensions, including setbacks, have been expressed on the site plan. He said that the total square footage including the garage will be 2,867 square feet.

A Board member questioned whether the proposed stairway out of the basement will create a new nonconformity on the right side. Mr. Hornstein said that his understanding is that if it is below grade, it does not count against setback. He said that the top of wall is pretty much at grade, approximately four inches above grade. A Board member suggested that it not just be labeled "basement stairwell" because it should be described further.

A Board member said that his experience bicycling on Weston Road is that a circular driveway is probably safer than someone backing out of a driveway. Mr. Hornstein displayed a plan that shows properties with circular drives on Weston Road, where they are the norm, not the exception. The Chairman said that he was no longer troubled by the circular drive. He said that landscaping should be kept at a maximum height so that cars coming down Weston Road can see a vehicle on the driveway. Mr. Hornstein said that they chose the shrubs in height order. He said that the shrubs on the outside are lower to create a line of sight before the nose of the car is on the sidewalk. He displayed a perspective view of the landscape.

A Board member said that when the town rebuilt Weston Road less than 10 years ago, it was a delicate operation with the curbing set at certain elevations for good drainage in the roadway. He said that by adding a driveway, they will cut into something that is fairly new. He said that getting the curbing, sidewalk and elevations to working nicely on town land could be a problem over time if too many people add circular driveways. He said that there should be engineering plans that are coordinated with the town engineer.

The Chairman said that there will now be a very large roof draining onto the surface of the circular driveway. Mr. Hornstein said that a complete guttering system is shown on the elevations. He said that they can direct the water to pervious surface and it will not drain onto the driveway. The Chairman said that the town's engineering department may request some sort of grate at the end of the circular driveway.

There was no member of the public who wished to speak to the petition.

Statement of Facts

The subject property is located at 229 Weston Road, on a 9,309 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, with 56.61 feet of frontage where 60 feet is required, and a minimum left side yard setback of 16.11 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 garage and construction of a one and two addition that will meet setback requirements, construction of a front porch and changing the roof line on an existing nonconforming structure with less than required left side yard setbacks, on a 9,309 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with less than required frontage, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 2/15/20, revised 5/8/20 and a Zoning Analysis, dated 2/11/20, stamped by Michael Paul Antonino, Registered Land Surveyor, Existing Floor Plans, dated 1/21/20, Proposed Floor Plans, dated 2/4/20, Existing and Proposed Elevation Drawings, dated 2/3/20, Existing and Proposed Floor Plans and Elevation Drawings, dated 5/18/20, Perspective Views, dated 5/14/20 and Houses with Double Curb Cuts, dated 5/18/20, prepared by Light House Design, a Landscape Plan, dated 5/12/20, prepared by Laura McGrath, photosimulations and photographs were submitted.

On April 2, 2020 and June 4, 2020, the Planning Board reviewed the petition and recommended that action be delayed.

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 garage and construction of a one and two addition that will meet setback requirements, construction of a front porch and changing the roof line on an existing nonconforming structure with less than required left side yard setbacks, on a 9,309 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with less than required frontage, will 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 garage and construction of a one and two addition that will meet setback requirements, construction of a front porch and changing the roof line on an existing

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nonconforming structure with less than required left side yard setbacks, on a 9,309 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with less than required frontage, subject to the following condition:

- The interface of the circular driveway with Weston Road shall be reviewed by the town engineer and any mitigations that they so direct shall be followed.

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.

JUN 11 2020 10:01 AM
TOWN ENGINEER
MA 02446

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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
Richard L. Seegel, Acting Chairman

David G. Sheffield
David G. Sheffield

Derek B. Redgate
Derek B. Redgate

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Applicant Stephan Gauldie
Address 229 Weston 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

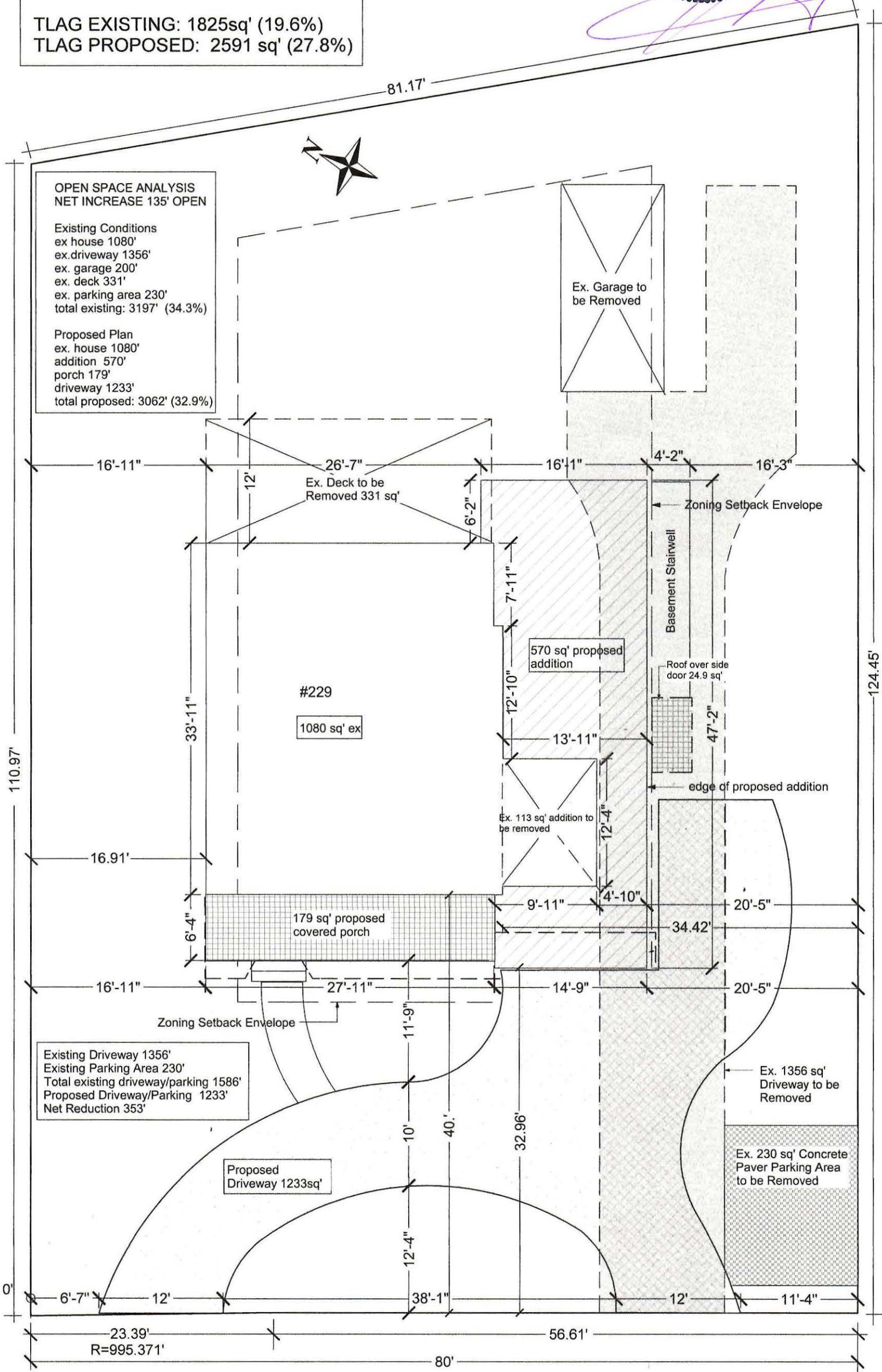
cc: Planning Board
Inspector of Buildings
lrm

ANTONINO LAND SURVEYORS, INC
 31 LEDGEBROOK AVENUE
 STOUGHTON, MA 02072
 781 344 4550



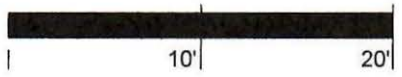
5/8/24

SR 10: Lot 3: 9309sq'
 TLAG EXISTING: 1825sq' (19.6%)
 TLAG PROPOSED: 2591 sq' (27.8%)



Existing Driveway 1356'
 Existing Parking Area 230'
 Total existing driveway/parking 1586'
 Proposed Driveway/Parking 1233'
 Net Reduction 353'

SCALE: 1" = 10'



WESTON ROAD