

STAFF REPORT

Town of Wellesley - Planning Department

Application: DR-2020-49 – 1 Pickerel Road – Appeal of Eligibility Notice
Subject Property: 1 Pickerel Road (Assessor's Parcel ID # 201-9)
Applicant: Guy Yehiav
Property Owner: Guy & Maya Yehiav
Date: Report prepared 12/7/2020 for 12/14/2020 Historical Commission Meeting
Staff Contact: Dana Marks, Planner
Staff Recommendation: **Uphold Eligibility Notice**

APPLICATION OVERVIEW

On November 6, 2020, the Applicant submitted an application for Eligibility Notice indicating the intent to demolish, in its entirety, a building located on the property and used as a dwelling. An Eligibility Notice was issued on November 12, 2020 determining the subject building to be an Eligible Building. On November 12, 2020 an application and supporting documents were submitted to appeal the Eligibility Notice as determined by Planning Staff. The Historical Commission will hold a public hearing on this appeal on December 14, 2020.

DESCRIPTION

In consideration of the application for an Eligibility Notice, it was determined that the oldest portions of the original dwelling were built no later than 1935. The following sources were used by Planning Staff to confirm this date of construction.

1935 Town of Wellesley Atlas

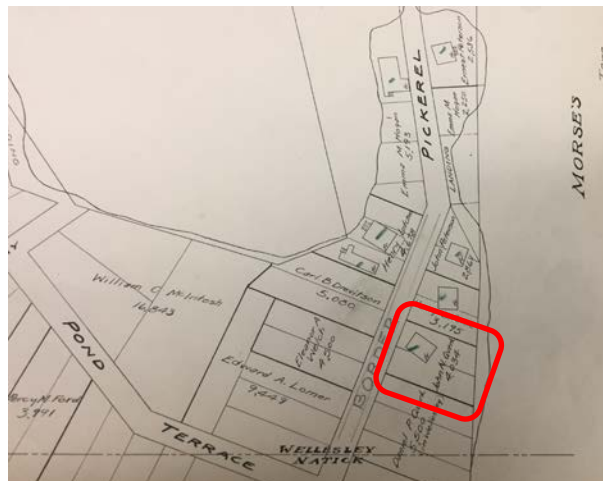


Plate 41 shows a building footprint on a 4,034 sq. ft. lot on Pickerel Road under the ownership of John N. Quirk. The parcel denoted today as 1 Pickerel Road is identical in location and square

footage to the property depicted. However, it is noted that the footprint of this building in 1935 and the building footprint of the currently existing structure are different in both size and shape.

Wellesley Building Department Records (Building Permits)

BOARD OF APPEAL

St. Pickerel Rd. No. 1 Lot

Permit No 12333

Date May 11, 1955

Owner Irene M. Brown Address 1 Pickerel Rd.

has permission to build, alter, ~~rebuild or relocate~~

Type of Building Dwelling Dimensions 12 x 22

Description Addition to be constructed on rear and side of dwelling Area of Lot

Builder Owner Address

Architect Address

Estimated Cost \$ 1,000

Fee Paid \$ 3.00

The earliest Building Permit on file for 1 Pickerel Road is from May 11, 1955 for an addition to an existing structure.

SURVEY RECORD

Permit No.

Street PICKEREL ROAD No.

Builder BROWN

Address WELLESLEY MASS

Owner SAME

Address SAME

Building dimensions.....

Distances:
Adjoining Bldgs.....
Center of street.....
Front Yard 10' Rear Yard 16'
Side Yard 3' Side Yard 7'
Area of Lot 4000 ±

JOHN QUIRK PLOT PLAN

COMPLETE INSTRUCTIONS ON REVERSE SIDE OF DUPLICATE COPY ORIGINAL

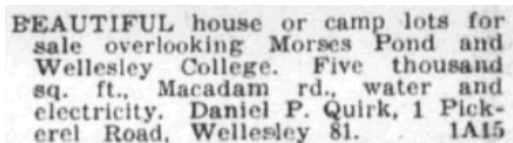
Signed By: Mac CARTER
Registered Engineer & Surveyor
NATICK, MASS.

Date 6/6/55 Address

A plot plan depicting the existing structure and proposed addition is included with Building Permit No. 12333, however the existing structure does not match the footprint that is shown in the 1935 Atlas. This building permit and plot plan indicate that some part of a structure at 1 Pickerel Road existed before this date.

There are no Demolition Permits on file at this property address.

Wellesley Townsman Archives



BEAUTIFUL house or camp lots for sale overlooking Morses Pond and Wellesley College. Five thousand sq. ft., Macadam rd., water and electricity. Daniel P. Quirk, 1 Pickerel Road, Wellesley 81. 1A15

The above advertisement in the *Wellesley Townsman* was published on April 15, 1948 on page 17. Daniel P. Quirk was the brother of John N. Quirk, who owned the property at 1 Pickerel road between 1918-1948.

Norfolk County Registry of Deeds

In 1918, John N. Quirk acquired two small lots of land near Morses Pond based on a deed filed in Book 1443, Page 41. Quirk then transferred those two small lots to Irene M. Brown through a deed filed on October 2, 1948 in Book 2791, Page 218. While neither of these deeds reference an existing building or structure on the property, they support the 1935 Atlas showing the owner as John N. Quirk when a building footprint is present.

The first reference of an existing building or structure in a deed for this property was filed on June 15, 1955 in Book 3376, Page 594. With this deed, Irene M. Brown transferred the property to Lewis L. Brown and Irene M. Brown (herself) as husband and wife as tenants by the entirety, referencing “the land in said Wellesley, with the buildings thereon being shown as Lots 780 and 781 on Plan of Land of Morse’s Pond Grove,” and encompassing 4,034 sq. ft.

ELIGIBILITY NOTICE APPEAL

In accordance with Article 46C.D(2)b, on November 12, 2020, the Applicant submitted an appeal to the determination made in the Eligibility Notice prepared by Planning Staff. The Applicant submitted supporting materials and additional research into the date of construction of the property.

The Applicant argues that “a deed from 1948 only speaks of land, and not land with buildings. Similarly, a mortgage granted in 1951 speaks only of land, while the next mortgage in 1955 references a building.”

Furthermore, the Applicant submitted the following GIS map of Pickerel Road including the current footprint of the subject building. The footprint today differs from that depicted on the 1935 Atlas.



The appeal will likely revolve on two definitions in Article 46C: “Eligible Building” and “Demolition.”

From Article 46C.B, Definitions:

“Eligible Building”: *Any Building that requires a Demolition Permit in order to be Demolished that was built, in whole or in part, on or prior to December 31, 1949 and that is or was at any point during the three (3) years preceding an Application, a dwelling as defined and regulated under the State Building Code. Notwithstanding the foregoing, Buildings owned by the Town of Wellesley and dormitories and residence halls owned by educational institutions used to house students or staff are not considered Eligible Buildings for purposes of this Article.*

The determination of what constitutes a Building’s date of construction shall be made by the Commission Staff using any combination of records generally available to the public, including but not limited to, Board of Assessor’s records (e.g., property record cards), Building Department records (e.g., building permits), applicable Registry of Deeds (e.g., deeds), and the Wellesley Townsman archives.

“Demolition” or “Demolish(ed)”: *With respect to a Building regardless of whether another Building is constructed within the original footprint of such Building, the (i) pulling down, razing or destruction of the entire Building or (ii) the removal or envelopment of 50% or more of the existing exterior structure of the Building as determined in Section D(2), provided that, any non-structural changes to the siding or roofing of a Building shall not constitute a Demolition for the purposes of this Article.*

Guiding Thoughts:

1. Although the building footprints depicted in the 1935 Atlas, the plot plan with Building Permit No. 12333, and the Town’s GIS map today all differ, it is possible they originate from the initial footprint depicted in 1935.

2. The definition of an “Eligible Building” is any residential dwelling that was built in whole or in part prior to December 31, 1949. With no Demolition Permit on file with the Building Department, it is possible that the subject building today is an expansion of the building depicted on the 1935 Atlas. (However, it is also possible that it is a newer dwelling that was constructed without permits)
3. The existence of a building on the property from the footprint shown in the 1935 Atlas and Building Permit No. 12333 granted for an addition lead Staff to believe that the subject building is indeed Eligible, and requires further action under Article 46C before being granted a Demolition Permit.

It is for these reasons that Staff is of the opinion that the Eligibility Notice determination should be upheld.