



ZONING BOARD OF APPEALS

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

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WELLESLEY, MA 02482
2020 DEC 29 P 1:52

ZBA 2020-72
Petition of Paragon Investments, LLC
6 Hastings Street

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Tuesday, December 15, 2020 at 7:30 pm, on the petition of Paragon Investments, LLC 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 home and garage with less than required front and side yard setbacks, and construction of a new structure with less than required front yard setbacks, on a 7,000 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 6 Hastings Street, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On December 2, 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. In accordance with Chapter 53 of the Acts of 2020, the hearing was scheduled for December 15, 2020.

Present at the public hearing were David Himmelberger, Esq., and Ryan Lenhart, Manager, Paragon Investments, LLC, the Petitioner.

Mr. Himmelberger said that the request is for a special permit for razing and reconstruction of a pre-existing nonconforming structure on a nonconforming lot with less than required area. He said that the home is located in a 15,000 square foot Single Residence District on a 7,000 square foot lot. He said that the existing home has a nonconforming front yard setback of 18 feet and a nonconforming right side yard setback of 17.5 feet. He said that the existing nonconforming detached garage has a left side yard setback of 10 feet. He said that the proposed new home will be fully dimensionally compliant except for a front yard setback of 18.3 feet. He said that existing lot coverage is 1,100 square feet and will increase to 1,741 square feet. He said that proposed TLAG is 3,865 square feet, which is under the threshold for Large House Review (LHR) in a 15,000 square foot Single Residence District.

Mr. Himmelberger said that the proposed project was reviewed by the Historical Commission, as the original house was built in 1915. He said that the original design was scaled down and refined with the encouragement of the Historical Commission and resulted in a home that fits in nicely in the neighborhood of older, gabled, tall homes on this side of the street. He said that the proposed height of the house of 35.7 feet from average finished grade is in response to the Historical Commission's request for an increase in height to better fit with the abutting homes. He said that all of the lighting on the farmer's porch will be dark sky compliant. He said that setbacks to the air conditioning condensers will be compliant.

The Chairman discussed the Planning Board recommendation. Mr. Himmelberger said that they will be removing all of the dimensional nonconformities, including the nonconforming garage. He said that the proposed home fits in with the neighborhood context of tall homes with similar setbacks on small lots. He said that they received significant support from neighbors at the Historical Commission meetings.

A Board member discussed the difficulties people face when they want to add floor space to homes on small lots. He said that one clear way to do that is to build a third story. He said that the proposed home is a compactly designed building that reduces the nonconformities to one in the front yard setback and the lot size.

A Board member asked about calculations for the 500 Foot Rule. Mr. Himmelberger said that they can submit a letter that shows the rationale for the conclusion. The Board member said that the Board will make no determination, leaving it up to the Building Inspector.

The Chairman said that the proposed structure fills up the volume on a 7,000 square foot lot. He said that the lots on the other side of street are larger but on this side about half of the lots are nonconforming and very narrow.

David and Jackie Levine, 8 Hastings Street, said that they have been in contact with Paragon Investments, LLC throughout the process. Mr. Levine that they were attracted to this part of Wellesley because the homes are historical in nature. He said that they worked hard to keep their home historically relevant and are looking forward to plaqueing its historical significance. He said that they are completely pleased with the proposed plans. He said that they are direct abutters.

Marie Shapiro said that she worked with the sellers of property and they had some difficulty selling it. She said that many of the neighbors that she has spoken with are hopeful that this project will move forward soon because the house is an eyesore, is in disrepair and needs to be taken down. She said that she is the realtor for the Lenharts.

Mr. Levine said that he believes that the Lenharts are completely genuine in trying to create a home that is historically replicant of what is on the street. He asked that the Board approve the plans. He said that it is the entrance to the street and the neighborhood with a school and young families.

A Board member confirmed with Mr. Lenhart said that this will be a spec house.

Statement of Facts

The subject property is located at 6 Hastings Street, on a 7,000 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 front yard setback of 18 feet where 30 feet is required, and a minimum right side yard setback of 17.5 feet where 20 feet is required. The existing nonconforming detached garage has a minimum left side yard setback of 10 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 home and garage with less than required front and side yard setbacks, and construction of a new structure with less than

required front yard setbacks, on a 7,000 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.

Site Plan of Land, dated 10/7/20, revised 10/8/20, 10/12/20 & 10/23/20, stamped by Bradley J. Simonelli, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 9/25/20, prepared by Apkarian Architects, LLC, and photographs were submitted.

On December 14, 2020, the Planning Board reviewed the petition and recommended that a special permit be denied or action delayed.

On December 14, 2020, the Historical Commission issued a Historic Preservation Demolition Review Bylaw Reduction of Delay Period (Waiver) Agreement.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing.

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 14E of the Zoning Bylaw for Water Supply Protection Districts.

It is the opinion of this Authority that demolition of an existing nonconforming home and garage with less than required front and side yard setbacks, and construction of a new structure with less than required front yard setbacks, on a 7,000 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 home and garage with less than required front and side yard setbacks, and construction of a new structure with less than required front yard setbacks, on a 7,000 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, subject to the following conditions:

1. The Applicant shall satisfy compliance with the 500 Foot Rule with the Building Inspector.
2. The Applicant shall comply with the terms and conditions of the Historical Commission's Demolition Delay Waiver Agreement.

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, this Special Permit shall expire two years after the date time stamped on this decision.

ZBA 2020-72
Petition of Paragon Investments, LLC
6 Hastings Street

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 (Chm.)
J. Randolph Becker, Chairman

Robert W. Levy (Chm.)
Robert W. Levy

Walter B. Adams (Chm.)
Walter B. Adams

ZBA 2020-72
Applicant Paragon Investments, LLC
Address 6 Hastings Street

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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:

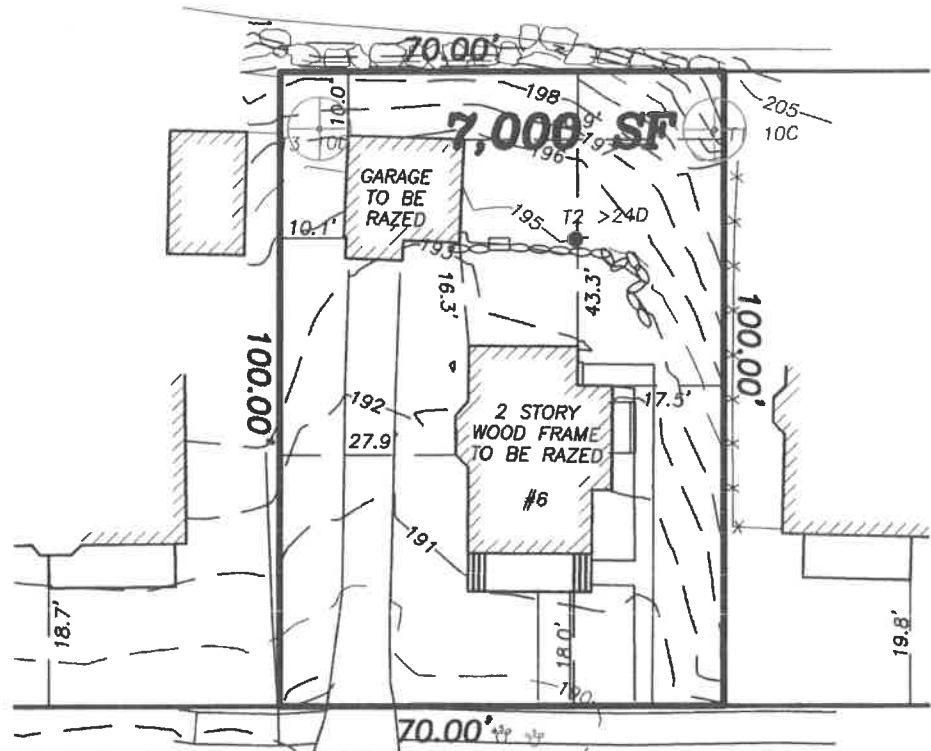
Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm



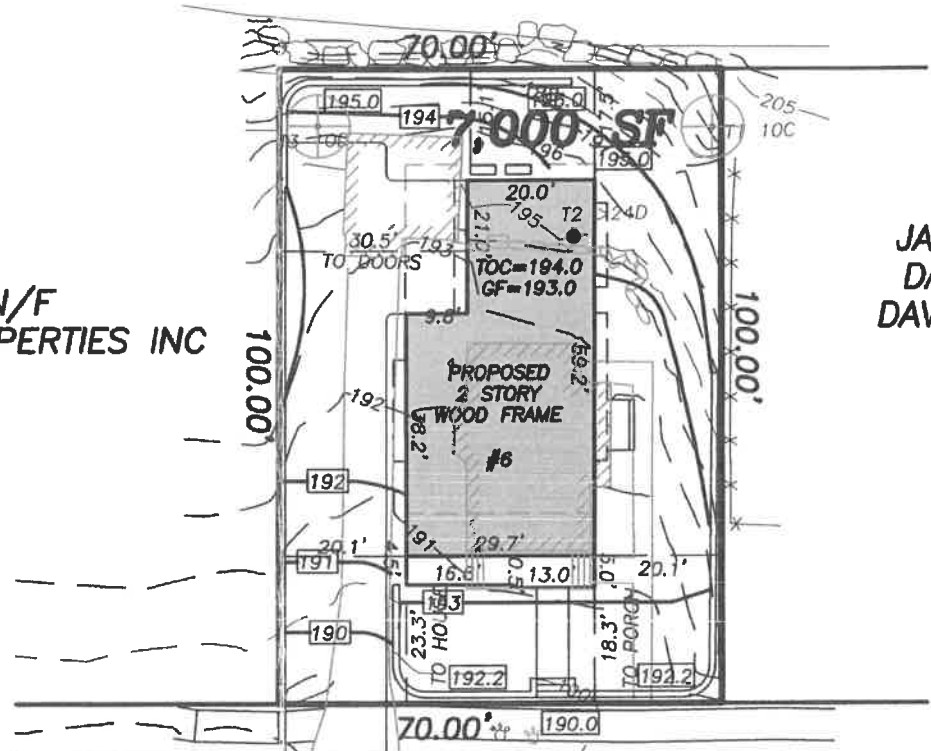
N/F
ZAHIRA AMMARGUELLAT



HASTINGS STREET

EXISTING SITE
1"=30'

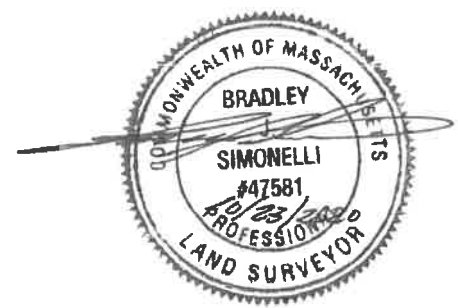
N/F
EWE PROPERTIES INC



HASTINGS STREET

PROPOSED SITE
1"=30'

N/F
JACQUELINE R
DAHLQUIST &
DAVID L. LEVINE

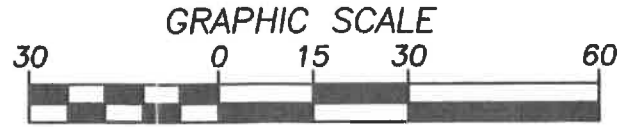


ZONING BOARD OF APPEALS
SITE PLAN OF LAND
6 HASTINGS STREET
WELLESLEY, MASS.

ZONING INFORMATION: SINGLE RESIDENCE 15 (SR15)

	REQUIRED	ACTUAL	PROPOSED
MINIMUM LOT AREA	15,000 SF	7,000 SF	7,000 SF
MINIMUM LOT FRONTAGE	60 FEET	70.00 FEET	70.00 FEET
MINIMUM FRONT SETBACK	30* FEET	18.0 FEET	18.3 FEET (TO PORCH) 23.3 FEET (TO HOUSE)
MINIMUM SIDE YARD	20 FEET	17.5 FEET	20.1 FEET
		27.9 FEET	20.1 FEET
MINIMUM REAR YARD	15 FEET	43.3 FEET	17.5 FEET(13.6 TO AC)
MAXIMUM BUILDING COVERAGE	25%	15.7%(1100 SF)	25.0%(1741 SF)
MAXIMUM BUILDING HEIGHT	36 FEET		35.7 FEET**
MAXIMUM BUILDING HEIGHT	2 1/2 STY	2 1/2 STY	2 1/2 STY

*FRONT SETBACK DETERMINED BY 500 FOOT RULE
**PER SECTION XX OF THE WELLESLEY ZONING BYLAW, ALL BUILDING HEIGHTS ARE MEASURED TO AVERAGE FINISHED OR ORIGINAL GRADE WHICHEVER IS LOWER.



REVISED: OCTOBER 23, 2020
REVISED: OCTOBER 12, 2020
REVISED: OCTOBER 8, 2020

057-20

Field Resources, Inc.
LAND SURVEYORS

OCTOBER 7, 2020 SCALE 1"=30'
P.O. BOX 324 281 CHESTNUT ST.
AUBURN, MA NEEDHAM, MA.
508 832 4332 781 444 5936
fieldresources@hotmail.com