

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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DAVID G. SHEFFIELD

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EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 2208

WALTER B. ADAMS
DEREK B. REDGATE
RICHARD L. SEEGEL

ZBA 2020-74
Petition of Verdant Properties LLC
24 Belair Road

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WELLESLEY MA 02482
DEC 29 P 1:55

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 Verdant Properties LLC requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that demolition of an existing nonconforming structure with less than required front yard and left side yard setbacks, and construction of a new two and a half story structure with an attached two car garage that will meet setback requirements, on a 9,500 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, at 24 Belair Road, 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 Laurence Shind, Esq., and Michael Caraviello, Verdant Properties LLC, the Petitioner.

Mr. Shind said that the Petitioner came before the Board in August, 2020 and the application was withdrawn without prejudice. He said that the lot is slightly undersized at 9,500 square feet in a 10,000 square foot Single Residence District. He said that the proposal is to build a new house that is somewhat smaller than the previously proposed house. He said that proposed TLAG is just over 3,500 square feet where 3,600 square is the threshold for Large House Review and lot coverage will be 21.6 percent where 25 percent is the maximum allowed. He said that the current design is for a front entry, hip roof colonial with a garage on the side. He said that many people in the neighborhood were concerned about the garage at the front on the previous design. He said that the current design is in keeping with the prevailing architecture in the neighborhood and will fit in well with the neighborhood.

Mr. Shind said that the Tree Plan shows additional plantings on the side of the house where the garage is, at request of the direct neighbor on that side.

Mr. Shind said that they communicated the new plan with the direct abutters and heard from most all of them that they are supportive of the new proposal.

The Chairman said that the existing nonconformities are lot area, front yard and side yard setbacks. He said that under the proposed condition, the only nonconformity will be the lot size.

A Board member discussed concerns about labels on the plans that say, "Not for Construction," which implies that the plans could change. He said that the Board should see what the Petitioner expects to build. The Chairman said that it can be noted in the revision block in the title block that the plans are for Zoning Board approval.

A Board member asked that an analysis of the 500 Foot Rule be documented to the satisfaction of the Building Inspector.

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

Statement of Facts

The subject property is located at 24 Belair Road, on a 9,500 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with a minimum front yard setback of 29.9 where 30 feet is required, and a minimum left side yard setback of 10.4 feet where 20 feet is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that demolition of an existing nonconforming structure with less than required front yard and left side yard setbacks, and construction of a new two and a half story structure with an attached two car garage that will meet setback requirements, on a 9,500 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Plan of Land, dated 4/7/20, revised 8/14/20 & 10/22/20, Infiltration Plan, dated 4/7/20, revised 10/22/20, stamped by Bradley J. Simonelli, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 10/16/20, prepared by Integrity Design Inc, and photographs were submitted.

On December 14, 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.

It is the opinion of this Authority that demolition of an existing nonconforming structure with less than required front yard and left side yard setbacks, and construction of a new two and a half story structure with an attached two car garage that will meet setback requirements, on a 9,500 square foot lot in a Single Residence District in which the minimum lot size is 10,000 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 front yard and left side yard setbacks, and construction of a new two and a half story structure with an attached two car garage that will meet setback requirements, on a 9,500 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, subject to the following conditions:

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1. The label, "Not for Construction," shall be removed from the plans.
2. The 500 Foot Rule shall be documented to the satisfaction of the Building Inspector.

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.

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24 Belair Road

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 2020-74
Applicant Verdant Properties LLC
Address 24 Belair Road

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2020 DEC 29 P 1:55

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

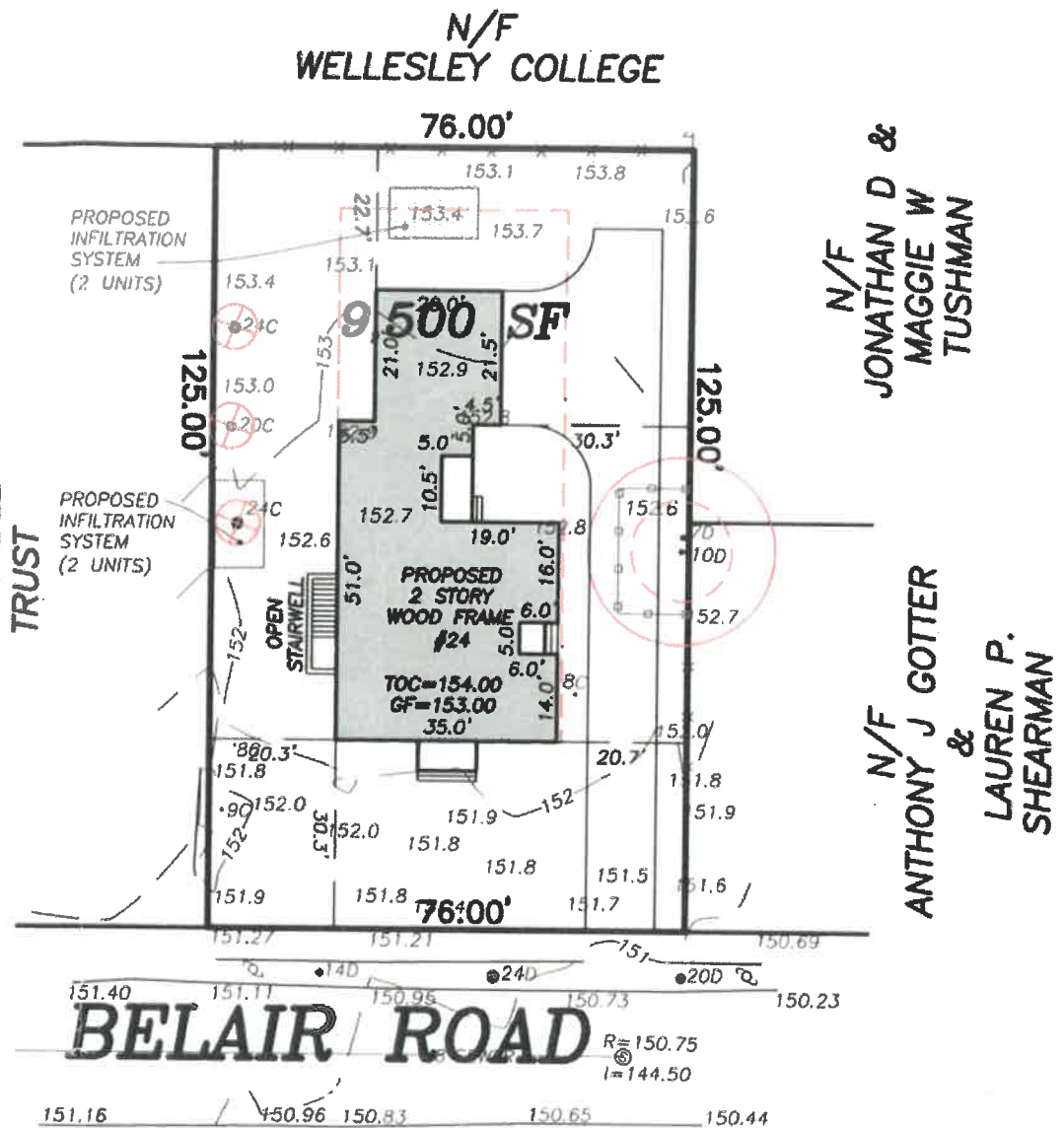
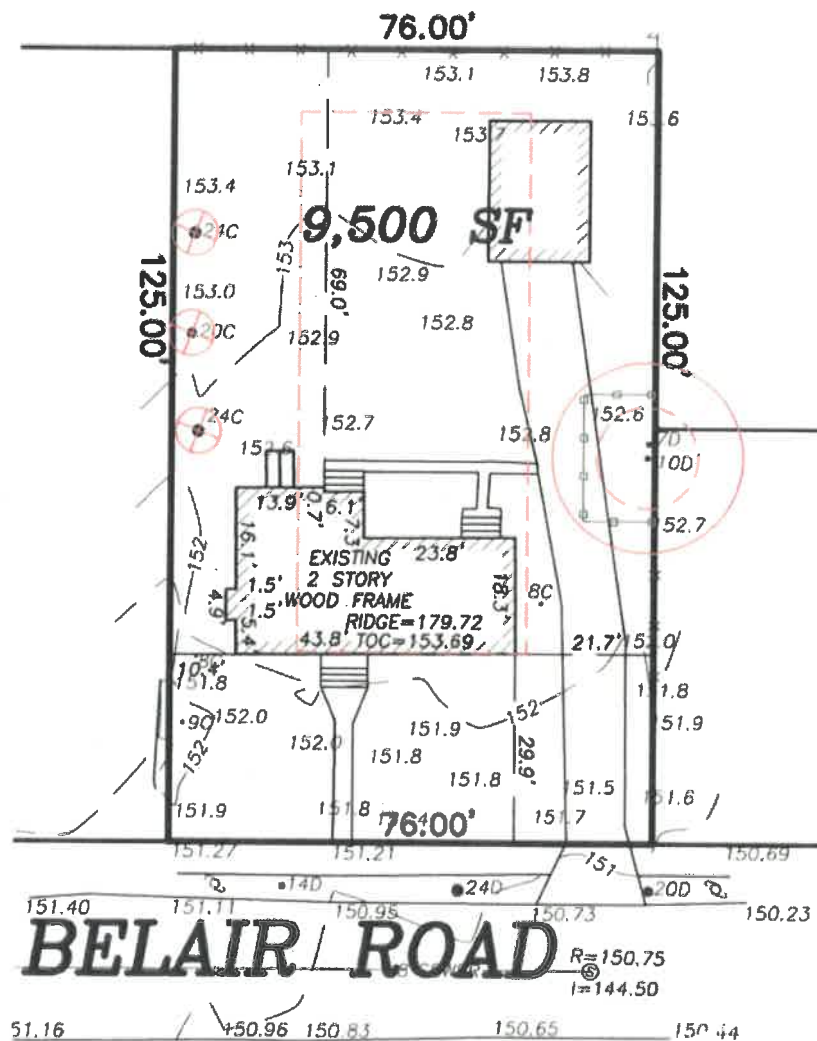
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Date:

Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm



ZONING INFORMATION: SINGLE RESIDENCE 10 (SR10)

	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA	10,000 SF	9,500 SF	9,500 SF
MINIMUM LOT FRONTAGE	60 FEET	76.00 FEET	76.00 FEET
MINIMUM FRONT SETBACK	30 FEET*	29.9 FEET	30.3 FEET
MINIMUM SIDE YARD	20 FEET	10.4 FEET	20.3 FEET
MINIMUM REAR YARD	10 FEET	69.0 FEET	22.7 FEET
MAXIMUM BUILDING COVERAGE	25%	13.8%(1319 SF)	21.6%(2049 SF)
MAXIMUM BUILDING HEIGHT	36 FEET	28.0± FEET	31.72 FEET
MAXIMUM BUILDING HEIGHT	2 1/2 STORIES	2 STORIES	2 1/2 STORIES

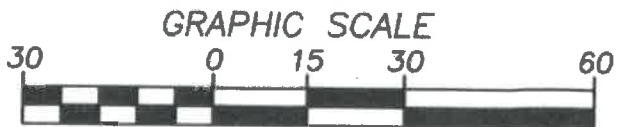
*FRONT SETBACK DETERMINED BY 500 FOOT RULE
 BUILDING HEIGHT DETERMINED FROM AVERAGE GRADE PLANE PER WELLESLEY ZONING BYLAW SECTION 20



ZONING BOARD OF APPEALS
 PLAN OF LAND
 24 BELAIR ROAD
WELLESLEY, MASS.

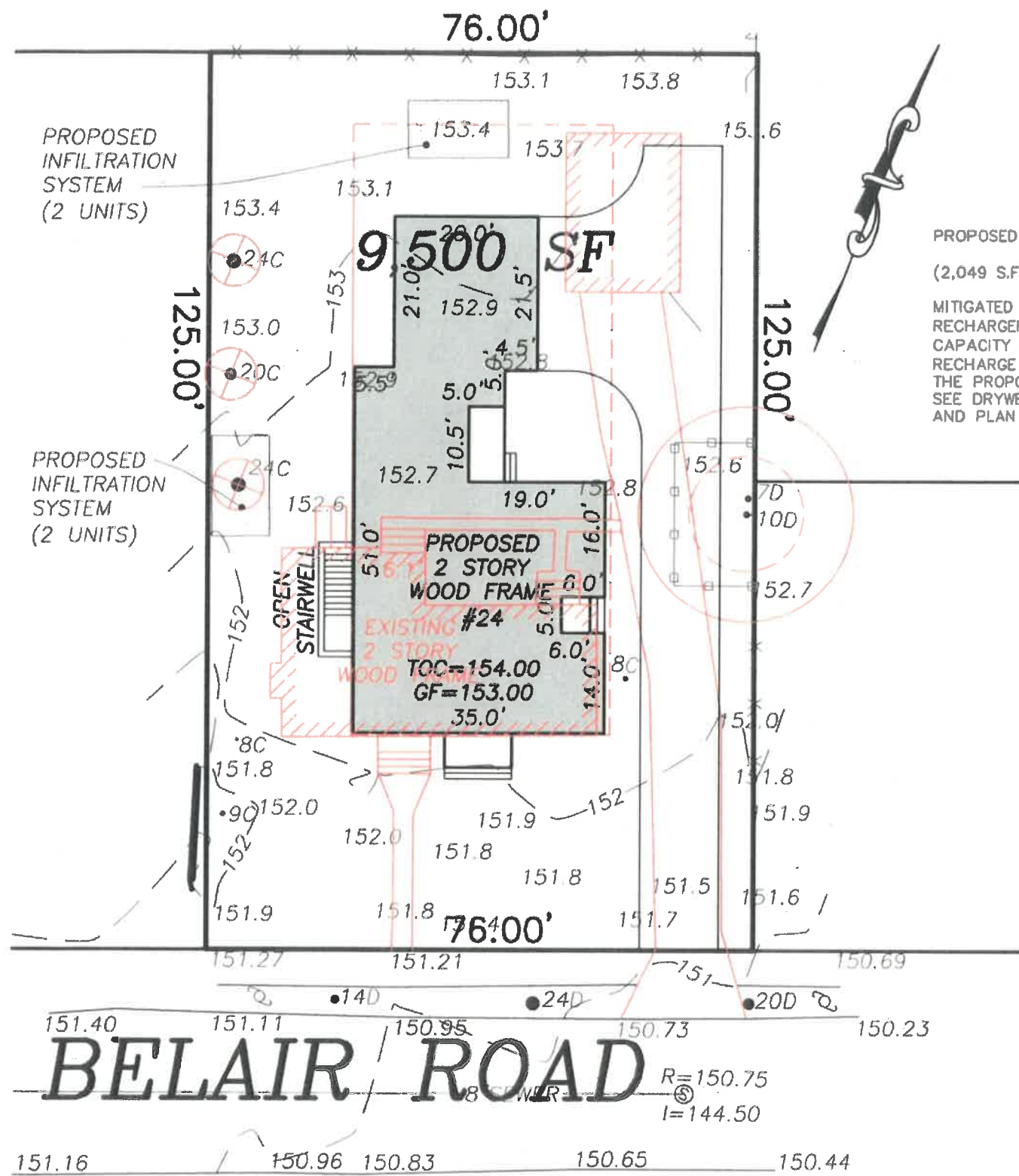
Field Resources, Inc.
 LAND SURVEYORS

APRIL 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

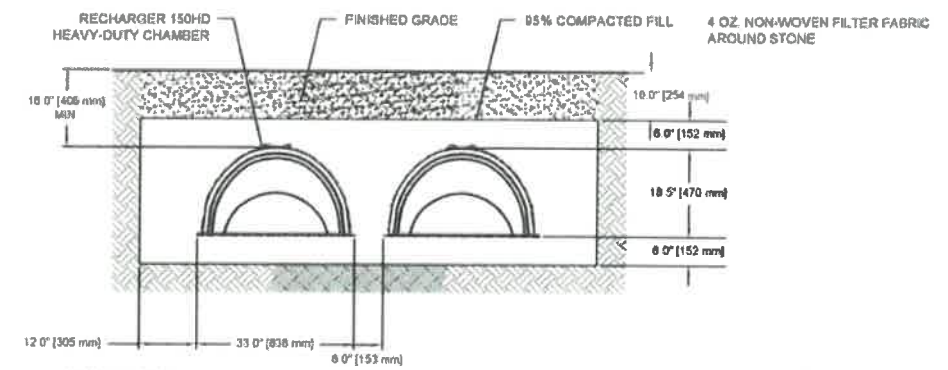


136-19

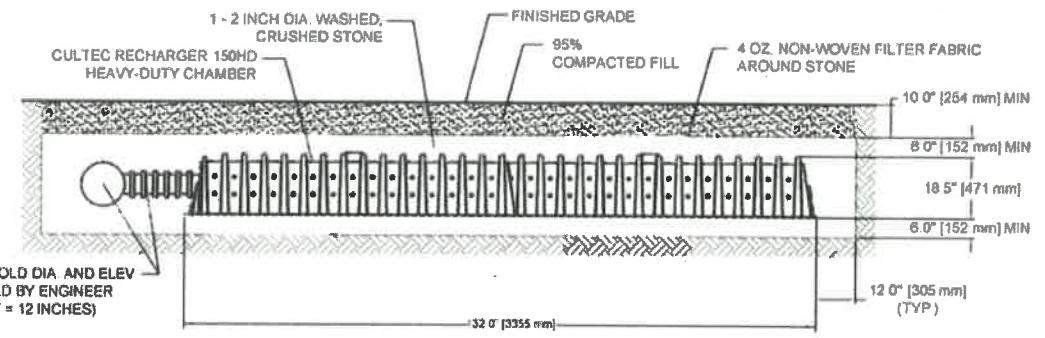
OCTOBER 22, 2020
 REVISED: AUGUST 14, 2020



PROPOSED BUILDING FOOTPRINT = 2,049 SF
 (2,049 S.F. X 1") / 12 = 170.75 Cu. Ft.
 MITIGATED WITH 4 CULTEC CONTRACTOR 150 HDXL RECHARGER DRYWELL CHAMBERS (OR SUITABLE REPLACEMENT) CAPACITY OF 53.79 CU FT EACH.(11 X 4.89 CU FT)
 RECHARGE WILL MITIGATE COMPLETELY FOR A 1" STORM FOR THE PROPOSED FOOTPRINT
 SEE DRYWELL DETAIL FOR SPECIFICATIONS AND PLAN FOR LOCATIONS. LOCATIONS AS SHOWN.



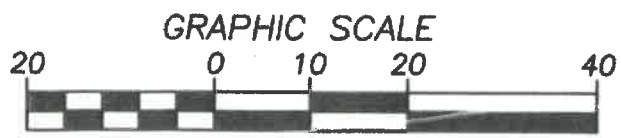
GENERAL NOTES
 RECHARGER 150HD BY CULTEC, INC. OF BROOKFIELD, CT. STORAGE PROVIDED = 4.89 CF/FT PER DESIGN UNIT. REFER TO CULTEC, INC.'S CURRENT RECOMMENDED INSTALLATION GUIDELINES.
 USE RECHARGER 150HD HEAVY-DUTY FOR TRAFFIC AND/OR H2O APPLICATIONS
 ALL RECHARGER 150HD HEAVY-DUTY UNITS ARE MARKED WITH A COLOR STRIPE FORMED INTO THE PART ALONG THE LENGTH OF THE CHAMBER.
 ALL RECHARGER 150 CHAMBERS MUST BE INSTALLED IN ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL REGULATIONS



INFILTRATION SYSTEM DETAILS
 NOT TO SCALE



ZONING BOARD OF APPEALS
INFILTRATION PLAN
 24 BELAIR ROAD
WELLESLEY, MASS.

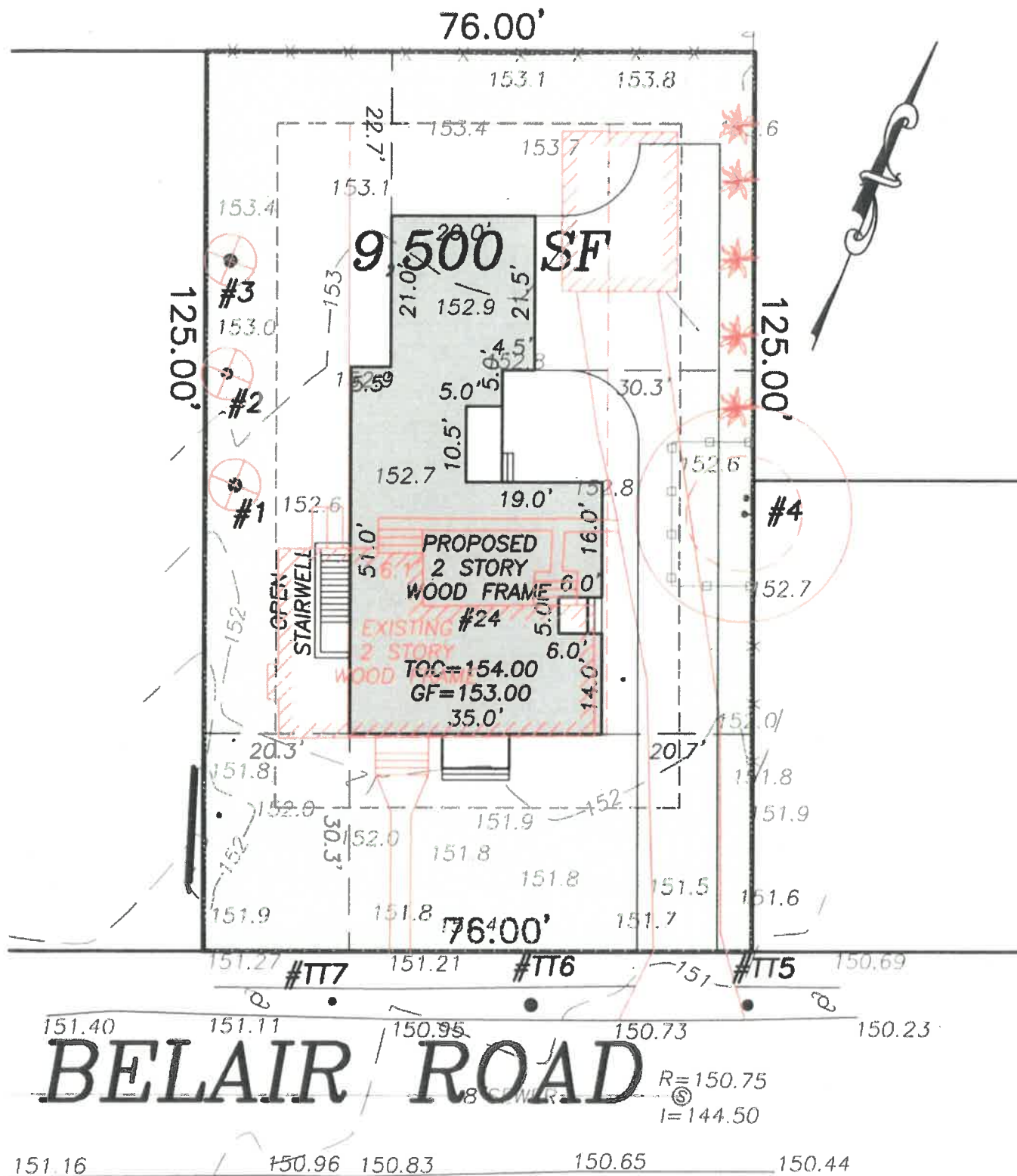


Field Resources, Inc.
 LAND SURVEYORS

APRIL 7, 2020 · SCALE 1"=20'
 P.O. BOX 324 · 281 CHESTNUT ST.
 AUBURN, MA · NEEDHAM, MA.
 508 832 4332 · 781 444 5936
 fieldresources@hotmail.com

136-19

REVISED: OCTOBER 22, 2020



TREE LIST:

- #1 27" NORWAY SPRUCE, 75 FEET TALL (HAZARD REMOVAL)
- #2 16" & 12" CANADIAN HEMLOCK, 30 FEET TALL (HAZARD REMOVAL)
- #3 24" & 20" CANADIAN HEMLOCK, 30 FEET TALL (HAZARD REMOVAL)
- #4 10" & 6" MULBERRY, 30 FEET TALL
- #TT1 17" NORWAY MAPLE, 35 FEET TALL (HAZARD TO REMAIN)
- #TT2 28" SUGAR MAPLE, 65 FEET TALL (HAZARD TO REMAIN)
- #TT3 25" SUGAR MAPLE, 65 FEET TALL

NOTES:

- 1) THE RED DASHED CIRCLES AROUND THE TREES REPRESENT THE DRIP EDGE AND THE SOLID RED CIRCLES REPRESENT THE CRITICAL ROOT ZONES. TREES SHOWING A CROSSED OUT RED CIRCLE ARE TO BE REMOVED.
- 2) REFER TO ATTACHED TREE REPORT PROVIDED BY KRAY SMALL, A MASSACHUSETTS CERTIFIED ARBORIST, FOR SPECIFIC INFORMATION ON EACH TREE. (IE HEIGHT, HEALTH, ETC.)

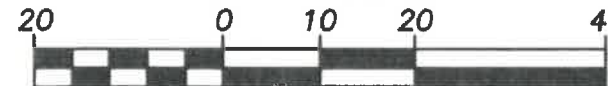
NO MITIGATION REQUIRED PER TREE BYLAW



PROPOSED (5) 8'-10' EVERGREEN TREES
 NORWAY SPRUCE (PICEA ABIES)
 GREEN GIANT ARBORVITAE (THUJA PLICATA)
 EASTERN RED CEDAR (JUNIPERUS VIRGINIANA)
 EASTERN HEMLOCK (TSUGA CANADENSIS)



GRAPHIC SCALE



**TREE BYLAW
 MITIGATION PLAN
 24 BELAIR ROAD
 WELLESLEY, MASS.**

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 LAND SURVEYORS

JULY 14, 2020 SCALE 1"=20'
 P.O. BOX 324 281 CHESTNUT ST.
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