

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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WALTER B. ADAMS
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RICHARD L. SEEGEL

ZBA 2021-01
Petition of 187-189 Walnut Street LLC
6 Wilson Street

2021 JAN 21 4:11 PM
TOWN OF WELLESLEY
PLANNING DEPARTMENT

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, January 7, 2021 at 7:30 pm, on the petition of 187-189 Walnut Street LLC requesting a Variance pursuant to the provisions of Section 14B, Section 19 and Section 24 of the Zoning Bylaw to demolish an existing structure and construct a new two-story structure with basement with less than required side yard setbacks, in a 10,000 square foot Single Residence District, in a Flood Plain or Watershed Protection District, at 6 Wilson Street.

On December 9, 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 were Stanley Brooks, Esq., Marc Charney, homeowner and manager of 187-189 Walnut Street LLC, Paul Worthington, Architect, and Paul Beaulieu, Field Resources.

Mr. Brooks said that the Applicant's team met with the Wetlands Protection Committee (WPC) on January 7, 2021 and a draft Order of Conditions, subject to conditions, was approved.

Mr. Brooks said that the lot is an irregular reverse flagpole shape with the flag area fronting on Wilson Street and the pole area bumping into the Brook Path on the easterly side. He said that 8,700 square feet of the flag area at the front is buildable and 6,000 square feet at the back of the lot is narrow and restricted by Wetlands.

Mr. Brooks said that the left rear corner of the lot abuts the side yard of the property at 50 Wellesley Avenue, with a 48 foot common lot line. He said that in accordance with Section 19B of the Zoning Bylaw, the area at the common lot line becomes a side yard where a 20 foot side yard setback is required rather than a 10 foot rear yard setback.

Mr. Brooks said that the existing single family house is outdated. He said that a variance was granted in 1979 to enclose the front porch and allowed it to bump into the front yard setback. He said that the proposed structure will be fully compliant except for the 10.1 foot setback at the rear. He said that the corner of the garage will be 85 feet away from the closest portion of the house at 50 Wellesley Avenue. He said that a total of 234 square feet is proposed to be within the side yard setback area at the rear of the property at 6 Wilson Street.

Mr. Brooks said that they looked at a number of options to see if this could be done without the need for a variance. He said that they determined that this is the best option that fits in with neighborhood. He said

that the owners at 50 Wellesley Avenue and all of the immediate abutters reviewed the plans. He said that the neighbors at 50 Wellesley Avenue and 2 Wilson Street told Mr. Charney that they support the plans.

Mr. Brooks said that the proposed infiltration basin was reviewed by the WPC. He said that the Planning Board's concerns seemed to be based on the proposed structure being subject to Large House (LHR). He said that TLAG for the proposed home will come in under the 3,600 square foot threshold. He displayed TLAG plans and discussed the calculations.

Mr. Brooks said that the lot shape is not self-created, affects this property in particular and is not common in the Zoning district, and desired relief can be granted without substantial detriment to the public good, without nullifying or derogating from the intent or purposes of the Zoning Bylaw, and literal enforcement of the Zoning Bylaw would create a substantial hardship for any owner of this lot. He said that the structure will be fully compliant except for the setback.

The Board confirmed that the proposed air conditioning condensers will not encroach in the setback area.

The Board said that determination of compliance with the 500 Foot Rule will be solely up to the discretion of the Building Inspector.

Mr. Beaulieu discussed changes on the revised plans. The Board confirmed that there were no changes to the footprint.

A Board member said that the right setback on the north side of the property will be 20 feet. Mr. Beaulieu acknowledged the danger of being so close. He discussed staking and pinning several times prior to the walls going up.

The Board discussed comments from the Department of Public Works (DPW) regarding stormwater and drainage. Mr. Beaulieu said that the Drainage Plan was reviewed by the WPC. He said that the WPC requires a five percent reduction in off site runoff. Mr. Charney said that a Stormwater Report was recently submitted to DPW. He said that all roof water will go underground. The Chairman said that the Board would rely on the WPC to deal with the water issues that are under its jurisdiction.

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

Statement of Facts

The subject property is located at 6 Wilson Street, in a 10,000 square foot Single Residence District, in a Flood Plain or Watershed Protection District.

The Petitioner is requesting a Variance pursuant to the provisions of Section 14B, Section 19 and Section 24 of the Zoning Bylaw to demolish an existing structure and construct a new two-story structure with basement with less than required side yard setbacks, in a 10,000 square foot Single Residence District, in a Flood Plain or Watershed Protection District.

Plan of Land, dated 9/28/20, revised 12/23/20, Allowable Height Plan, dated 12/23/20, stamped by Bradley J. Simonelli, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 8/10/20, Exterior Elevations, dated 12/15/20, Preliminary Design Drawings Floor Plans, dated 8/7/20, 8/10/20 &

8/15/20, prepared by Paul Worthington Design & Restoration Inc., Letter to Zoning Board of Appeals, dated 12/22/20, from Stanley Brooks, Esq., Map 99, Tree Plan for NRC, dated 11/11/20, revised 12/3/20, prepared by Field Resources, Inc., Stormwater Improvement Plan, dated 12/16/20, prepared by Highpoint Engineering, Wellesley Property Viewer Maps, Letter to Marc Charney, dated 10/9/20, from Wellesley Historical Commission, TLAG Affidavit, Letter to Michael Grant, dated 12/18/20, from Bradley Simonelli, re: 500 Foot Rule, and photographs were submitted.

On January 6, 2021, the Planning Board reviewed the petition and recommended that a variance be denied.

On January 7, 2021, Jason Tobin, Civil Engineer, Town of Wellesley, submitted comments and recommendations.

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 literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner owing to circumstances relating to the shape of such land, which does not generally affect the zoning district in which it is located, the hardship has not been self-created, and desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested Variance from the terms of Section 19 and pursuant to the provisions of Section 24-D of the Zoning Bylaw is granted to allow demolition an existing structure and construction a new two-story structure with basement with less than required side yard setbacks, subject to the following condition:

- A final Order of Conditions from the Wetlands Protection Committee that is not subject to appeal or contest shall be submitted and its conditions shall be complied with.

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 Variance shall expire one year after the date time stamped on this decision.

PLANNING
BOARD
2021 JAN 21 A 11:19
WELLESLEY MA 02482

ZBA 2021-01
Petition of 187-189 Walnut Street LLC
6 Wilson 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 (k.m.)
J. Randolph Becker, Chairman

Robert W. Levy (k.m.)
Robert W. Levy

Walter B. Adams (k.m.)
Walter B. Adams

ZBA 2021-01
Applicant 187-189 Walnut Street LLC
Address 6 Wilson Street

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2021 JAN 21 A 11:19

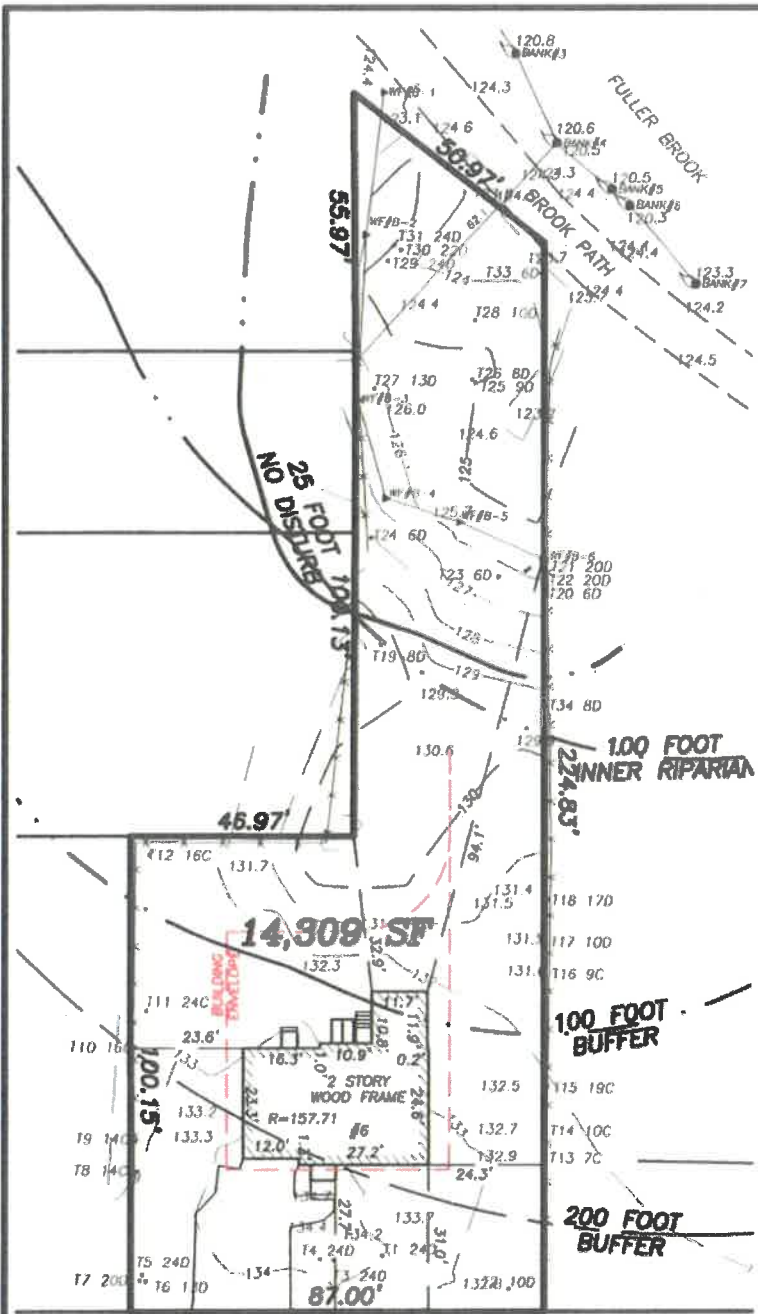
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed,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

Date:

Attest:

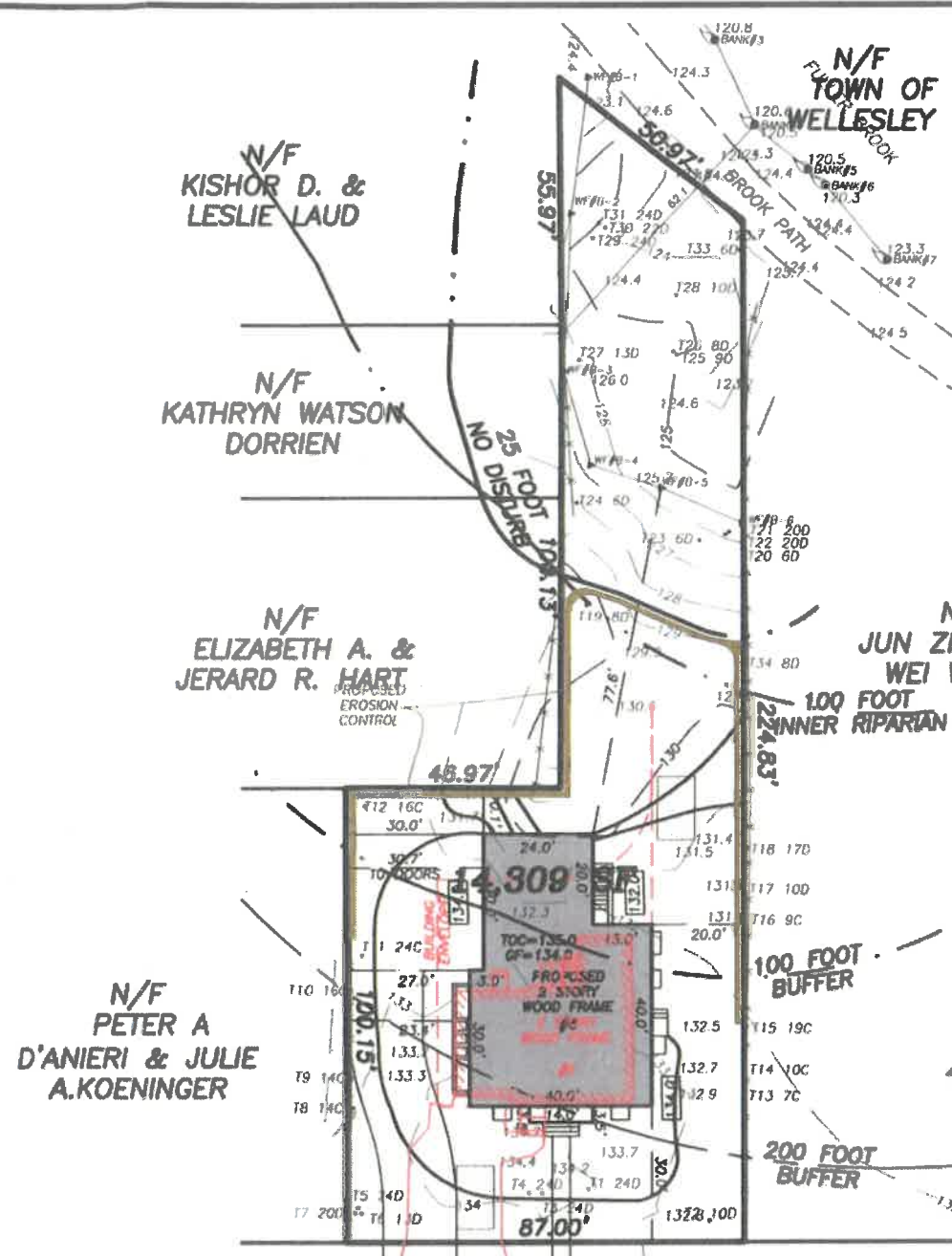
Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm



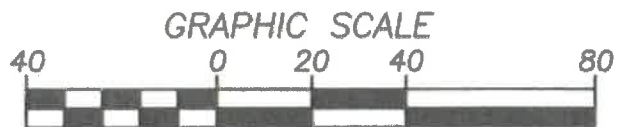
WILSON STREET

EXISTING SITE



WILSON STREET

PROPOSED SITE



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

ZONING INFORMATION: SINGLE RESIDENCE 10 (SR10)

	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA	10,000 SF	14,309 SF	14,309 SF
MINIMUM LOT FRONTAGE	60 FEET	87.00 FEET	87.00 FEET
MINIMUM FRONT SETBACK	30 FEET*	27.7 FEET**	30.0 FEET
MINIMUM SIDE YARD	20 FEET.....(RIGHT)	24.3 FEET.....	20.0 FEET
		(LEFT) 23.6 FEET.....	27.0 FEET(23.4 TO AC) (30.7 TO GARAGE)
MINIMUM REAR YARD***	20 FEET.....	32.9 FEET.....	10.1 FEET
MAXIMUM BUILDING COVERAGE	25%.....	7.9%(1,137 SF).....	14.8%(2,113 SF)
MAXIMUM BUILDING HEIGHT	36 FEET.....	24.7± FEET.....	34.41 FEET
MAXIMUM BUILDING HEIGHT	2 1/2 STORIES.....	2 STORIES.....	2 1/2 STORIES

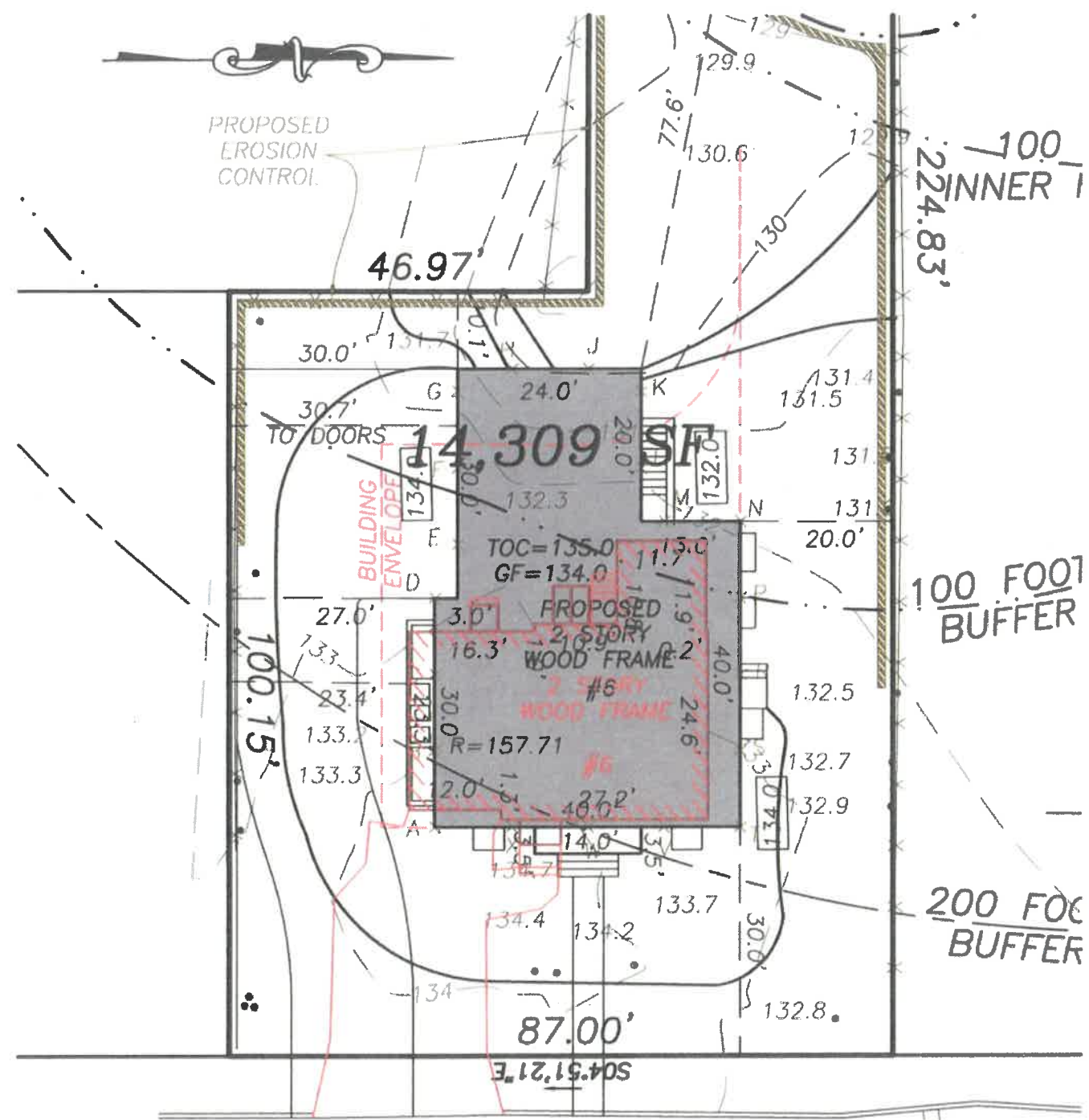
*FRONT SETBACK DETERMINED BY 500 FOOT RULE (#8 WILSON IS 25.7 FEET FROM WILSON STREET)
 **ENCLOSED FRONT PORCH AUTHORIZED TO 27.2 PER ZBA DECISION #79-41
 ***REAR SETBACK SET TO SIDE AS IT ABUTTS NEIGHBORS SIDE YARD AT 50 WELLESLEY AVENUE.
 BUILDING HEIGHT DETERMINED FROM AVERAGE GRADE PLANE PER WELLESLEY ZONING BYLAW SECTION 20

063-19

REVISED: DECEMBER 23, 2020

Field Resources, Inc.
 LAND SURVEYORS

SEPTEMBER 28, 2020 SCALE 1"=40'
 P.O. BOX 324 281 CHESTNUT ST.
 AUBURN, MA NEEDHAM, MA.
 508 832 4332 781 444 5936
 fieldresources@hotmail.com



ELEV STATION	EXISTING ELEVATION	PROPOSED ELEVATION
A.....	134.5.....	134.0
B.....	134.0.....	134.0
C.....	133.4.....	134.0
D.....	132.8.....	134.0
E.....	132.6.....	134.0
F.....	132.4.....	134.0
G.....	131.6.....	134.0
H.....	130.2.....	132.0
J.....	129.9.....	130.0
K.....	130.4.....	132.0
L.....	131.8.....	132.0
M.....	132.3.....	132.0
N.....	131.8.....	132.0
P.....	132.3.....	133.0
R.....	132.5.....	134.0
S.....	133.0.....	134.0
T.....	133.4.....	134.0
V.....	133.7.....	134.0
W.....	134.0.....	134.0
X.....	134.7.....	134.0

EXISTING
 GRADE PLANE = 2651.8 / 20 = 132.59
 TOC TO GRADE = 134.00 - 132.59 = 2.41
 ALLOWABLE BUILDING = 36.00 - 2.41 = 33.59

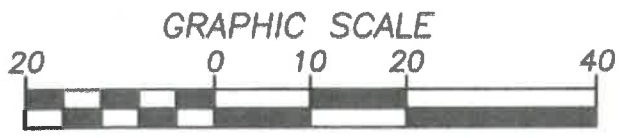
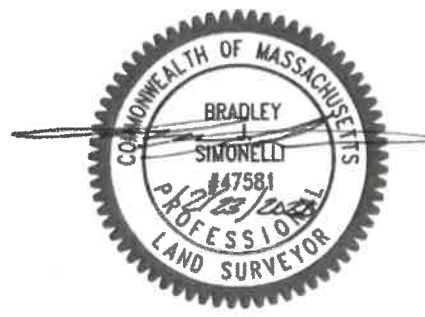
PROPOSED
 GRADE PLANE = 2665.0 / 20 = 133.25
 TOC TO GRADE = 134.00 - 133.25 = 1.75
 ALLOWABLE BUILDING = 36.00 - 1.75 = 34.25

BASED UPON COMPARATIVE ANALYSIS THE EXISTING GRADE PLANE PROVIDES MORE RESTRICTIVE ENVIRONMENT FOR THE BUILDING HEIGHT THE MAXIMUM ALLOWABLE STRUCTURE ABOVE THE TOP OF CONCRETE IS 33.59 FEET.

THE PROPOSED STRUCTURE FROM TOP OF CONCRETE TO RIDGE IS 32.0 FEET. MAKING THE PROPOSED HEIGHT 34.41 FEET FROM THE EXISTING GRADE PLANE.

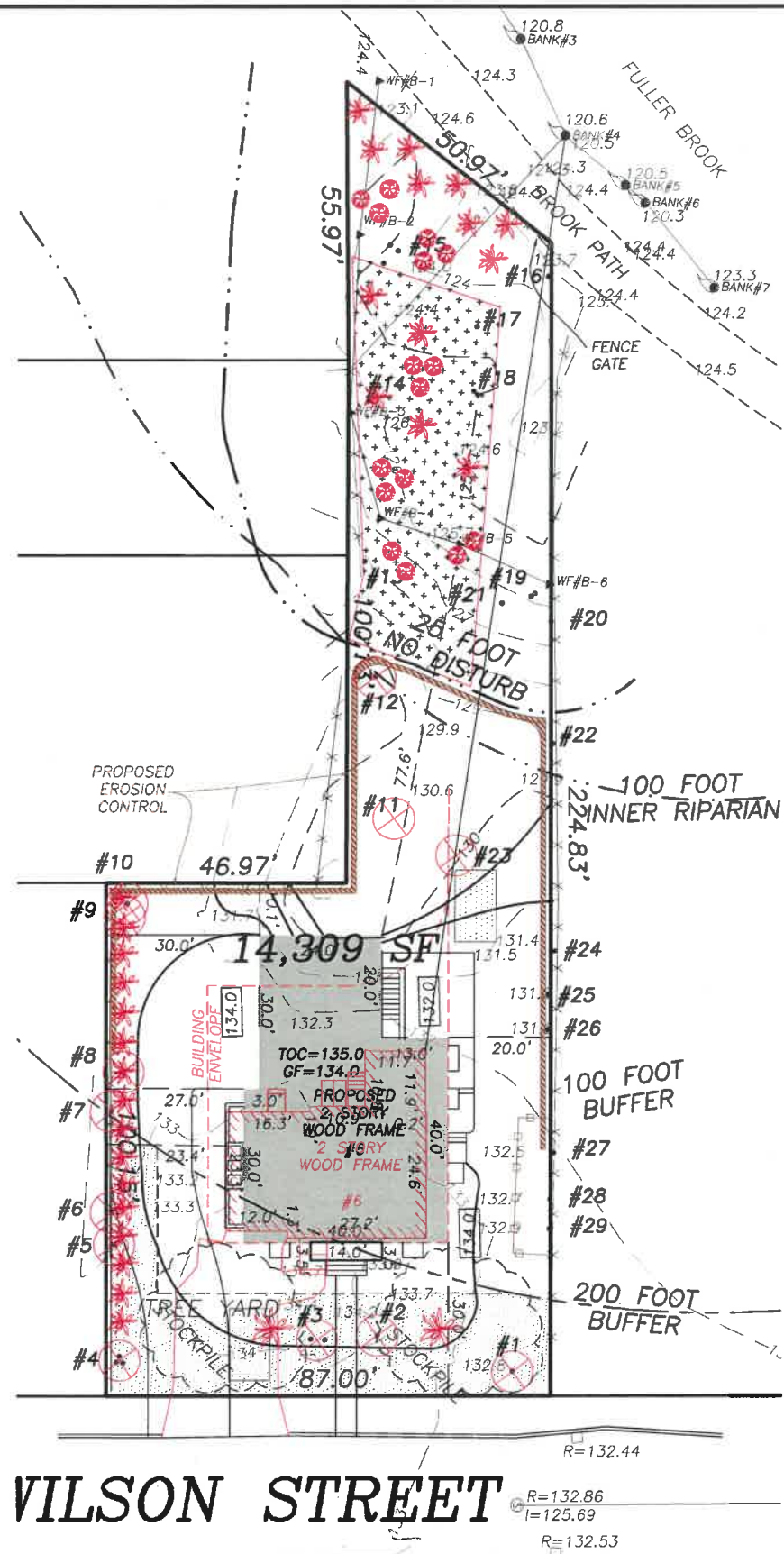
ALLOWABLE HEIGHT PLAN
 SHOWING GRADE PLANES
 6 WILSON STREET
 WELLESLEY, MASS.

WILSON STREET
 R=132.86
 I=125.69
 R=132.53



Field Resources, Inc.
 LAND SURVEYORS

DECEMBER 23, 2020 SCALE 1"=20'
 P.O. BOX 324 281 CHESTNUT ST.
 AUBURN, MA NEEDHAM, MA.
 508 832 4332 781 444 5936
 fieldresources@hotmail.com



VILSON STREET

TREE LIST:

SUBJECT TO TREE BYLAW

- #1 10" UNKNOWN VARIETY OF CRABAPPLE, 65 FEET TALL (HZD REMOVAL)
- #2 25" SUGAR MAPLE, 65 FEET TALL (PLANNED REMOVAL)
- #3 25" & 25" SUGAR MAPLE, 70 FEET TALL (HZD REMOVAL)
- #4 20", 14", & 12" RED MAPLE, 60 FEET TALL (HZD REMOVAL)
- #5 14" CANADIAN HEMLOCK, 55 FEET TALL (HZD REMOVAL)
- #6 13" CANADIAN HEMLOCK, 55 FEET TALL (HZD REMOVAL)

WITHIN NRC JURISDICTION

- #7 17" CANADIAN HEMLOCK (HZD REMOVAL)
- #8 27" CANADIAN HEMLOCK (HZD REMOVAL)
- #9 6", 5", & 5" BURNING BUSH (PLANNED REMOVAL) INVASIVE
- #10 16" WHITE SPRUCE (PLANNED REMOVAL)
- #11 6" NORWAY MAPLE (PLANNED REMOVAL) INVASIVE
- #12 9" NORWAY MAPLE (PLANNED REMOVAL) INVASIVE
- #13 6" NORWAY MAPLE
- #14 14" NORWAY MAPLE
- #15 24", 22", & 22" RED MAPLE
- #16 6" NORWAY MAPLE
- #17 10" NORWAY MAPLE
- #18 9" & 9" NORWAY MAPLE
- #19 10" NORTHERN CATALPA
- #20 7" AMERICAN BLACK CHERRY
- #21 7" AMERICAN BLACK CHERRY
- #22 9" COMMON MULBERRY
- #23 6", 5", & 5" UNKNOWN VARIETY OF CRABAPPLE (HZD REMOVAL)
- #24 17" NORWAY MAPLE
- #25 10" AMERICAN BLACK CHERRY
- #26 9" COMMON MULBERRY
- #27 19" RED PINE
- #28 11" RED PINE
- #29 10" RED PINE

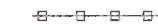
NOTES:

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.)

PROPOSED TREE FENCING

PROPOSED (36)" REPLACEMENT TREES TO MITIGATE FOR 107 INCHES OF REMOVALS WITHIN THE TREE YARD

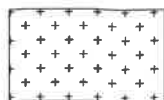


TREES (31)

- Front**
- 1 - Fagus Sylvatica Riversii - Rivers European Beech 6-7" Caliper
 - 2 - Quercus Bicolor - White Swamp Oak - 5-6" Caliper
- Driveway**
- 3 - Thuja Occidentalis Smaragd - Emerald Green Arborvitae 8-10' B&B approx. 4" caliper
- Brook Path**
- 4 - Thuja Occidentalis - Nigra - Dark American Arborvitae - 8-10' B&B approx. 4" - 4.5" caliper
 - 5 - Thuja Occidentalis - Elegatissima - Elegatissima Gold Tip Arborvitae - 7- 8' B&B approx. 3" - 3.5" caliper
 - 6 - Pinus Flexilis - Vanderwolf Pyramidalis - Vanderwolf's Pyramidal Limber Pine 6 - 7' B&B approx 2.5 - 3" caliper

Shurbs (16)

- Highbushes cranberry, *Viburnum opulus*
- Pussy willow, *Salix discolor*
- Highbush blueberry, *Vaccinium corymbosum*
- Sweet pepperbush, *Clethra alnifolia*
- Early azalea, *Rhododendron prinophyllum*
- Swamp azalea, *Rhododendron viscosum*
- Black elderberry, *Sambucus nigra*
- Rhododendron canadense*



Perennial Wildflower Seed Mix and Conservation Grass Seed Mix

**TREE PLAN FOR NRC
SHOWING BUILDING ENVELOPE
6 WILSON STREET
WELLESLEY, MASS.**

**Field Resources, Inc.
LAND SURVEYORS**

NOVEMBER 11, 2020 SCALE 1"=20'
P.O. BOX 324 281 CHESTNUT ST.
AUBURN, MA NEEDHAM, MA.
508 832 4332 781 444 5936
fieldresources@hotmail.com

DECEMBER 3, 2020
REVISED



HIGHPOINT ENGINEERING, INC.
 LAND PLANNING
 PERMIT EXPEDITING
 CIVIL ENGINEERING
 CONSULTING

CANTON CORPORATE PLACE
 45 DAN ROAD, SUITE 140
 CANTON, MA 02021
 www.HighpointEng.com

WILSON ST RESIDENCE

6 WILSON ST
 WELLESLEY, MA

OWNER/APPLICANT: 187-189 WALNUT ST, LLC

ISSUE DATE:
 12/16/2020

PROJECT NUMBER:
 PROJECT NUMBER

SHEET TITLE:

STORMWATER
 IMPROVEMENT
 PLAN

SHEET NUMBER:

C1.0



IMPERVIOUS AREA CALCULATIONS:

TOTAL AREA= 14,309 SF
 EXISTING IMPERVIOUS AREA= 2,042 SF (14.2)
 PROPOSED IMPERVIOUS AREA= 4,416 SF (30.8%)
 NET INCREASE OF IMPERVIOUS AREA= 2,374 SF (16.6%)

DEEP OBSERVATION HOLE LOG

DEEP OBSERVATION HOLE NUMBER:		TP-1	GROUND ELEVATION:							130.5±	
Depth (in)	Horizon / Layer	Matrix: Color-Moist	Redoximorphic Features			Texture (USDA)	Coarse Fragments (Percent by Volume)		Structure	Consistence (Moist)	Other
			Depth (in)	Color	Percent		Gravel	Cobbles & Stones			
0-12	Ap	--	--	--	--	--	--	--	--	--	--
12-36	Bw	--	--	--	--	--	--	--	--	--	--
36-54	C1	7.5 YR 4/6	--	--	--	MED SAND	--	--	SG	V-FR	(1)
54-78	C2	10 YR 4/2	55	2.5 YR 4/8 (c) 10 YR 5/1 (d)	15	FINE SAND	--	--	SG	V-FR	(2)

- 1) MED SAND BELOW SUBSOIL, NO REDOX OBSERVED
- 2) WATER WEEPING AT 70". REDOX OBSERVED AT 55". STOPPED AT 78" DUE TO PRESENCE OF WATER

SOIL TESTING PERFORMED BY HIGHPOINT ENGINEERING ON WEDNESDAY DECEMBER 09, 2020
 SOIL EVALUATOR: ALFONS KOKA (LICENSE #14000)

