



## ZONING BOARD OF APPEALS

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

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ZONING BOARD OF APPEALS  
JAN 21 AM 11:21

ZBA 2021-05

Petition of Anita Spigulis-DeSnyder  
9 Durant Road

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 Anita Spigulis-DeSnyder 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 structure and construction of a two-story structure that will meet setback requirements, on a 9,484 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, at 9 Durant Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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 was David Himmelberger, Esq., representing Anita Spigulis DeSnyder, the Petitioner.

Mr. Himmelberger said that a prior petition for the property was before the Board and was withdrawn without prejudice. He said that TLAG for the previous proposal was 4,581 square feet in a 10,000 square foot Single Residence District, on a 9,484 square foot lot in a Water Supply Protection District (WSPD). He said that the design was scaled down and reduced in size to a TLAG of 3,961 square feet, which is slightly over the 3,600 square foot threshold for the district. He said that the height was dropped from 31.79 to 28.03 feet. He said that they believe that they have addressed the Board's concerns with regard to the size of the building. He said that they went back to the Historical Commission for a revised waiver and it was granted. He said that two proposed infiltration systems will take all of the runoff from roof drains and the driveway. He requested that the Board find that the proposed project, which is otherwise fully compliant, will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Board member said that the proposed project responded to the comments of the Board. The Chairman said that lot sizes and living areas are substantially smaller on Durant Road than on Parker Road. He said that what is proposed here would make it the largest house on Durant Road but not out of proportion with the houses on Parker Road. He said that it will be a fully compliant structure except for lot size. A Board member said that if the lot was 516 square feet bigger, it would have to go for Large House Review (LHR). He discussed inserting a condition for landscaping that includes screening.

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

Statement of Facts

The subject property is located at 9 Durant Road, on a 9,484 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 a minimum front yard setback of 26.4 feet where 30 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 structure and construction of a two-story structure that will meet setback requirements, on a 9,484 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, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Letter to Zoning Board of Appeals, dated 12/3/20, from David J. Himmelberger, Esq., Plan of Land, dated 3/20/20, revised 4/23/20, 5/10/20, 6/8/20, 7/30/20 & 11/20/20, Allowable Height Plan, dated 3/20/20, revised 4/23/20, 7/30/20 & 11/20/20, Basement TLAG Exemption, dated 3/20/20, revised 4/23/20 & 11/20/20, Proposed Infiltration Location, dated 3/20/20, revised 4/23/20, 7/30/20 & 12/2/20, stamped by Bradley J. Simonelli, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 6/3/20, revised 6/24/20, 7/27/20, 12/2/20, & 12/15/20, prepared by HPA Design, Inc., and photographs were submitted.

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

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

### 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 structure and construction of a two-story structure that will meet setback requirements, on a 9,484 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 and construction of a two-story structure that will meet setback requirements, on a 9,484 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, subject to the following condition:

- Landscaping and screening shall be provided.

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.

2021 JAN 21 A 11:22  
TOWN OF WELLESLEY  
PLANNING BOARD

ZBA 2021-05  
Petition of Anita Spigulis-DeSnyder  
9 Durant Road

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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.

J. Randolph Becker (L.M.)  
J. Randolph Becker, Chairman

Walter B. Adams (L.M.)  
Walter B. Adams

Derek B. Redgate (L.M.)  
Derek B. Redgate

ZBA            2021-05  
Applicant     Anita Spigulis-DeSnyder  
Address       9 Durant Road

2021 JAN 21 A 11:22  
RECEIVED  
PLANNING BOARD  
WELLESLEY MA 02481

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.

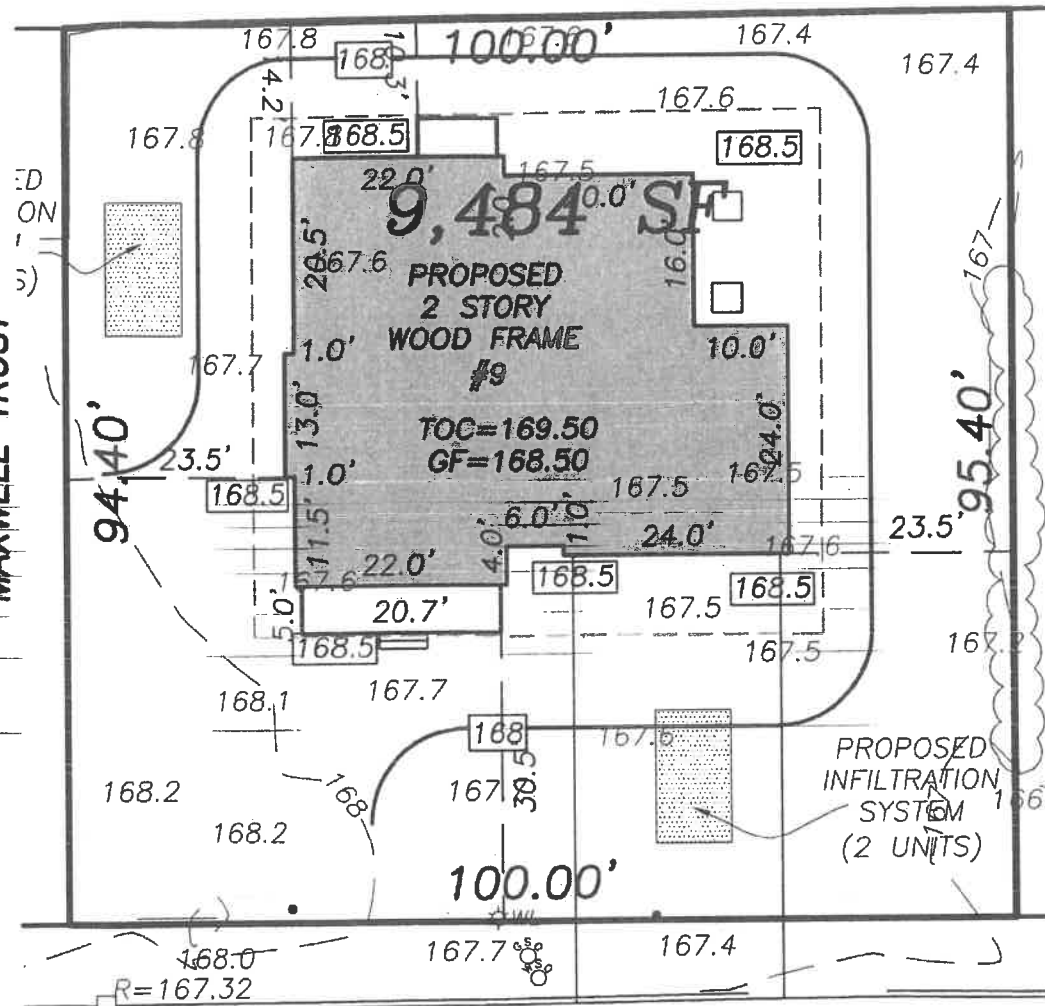
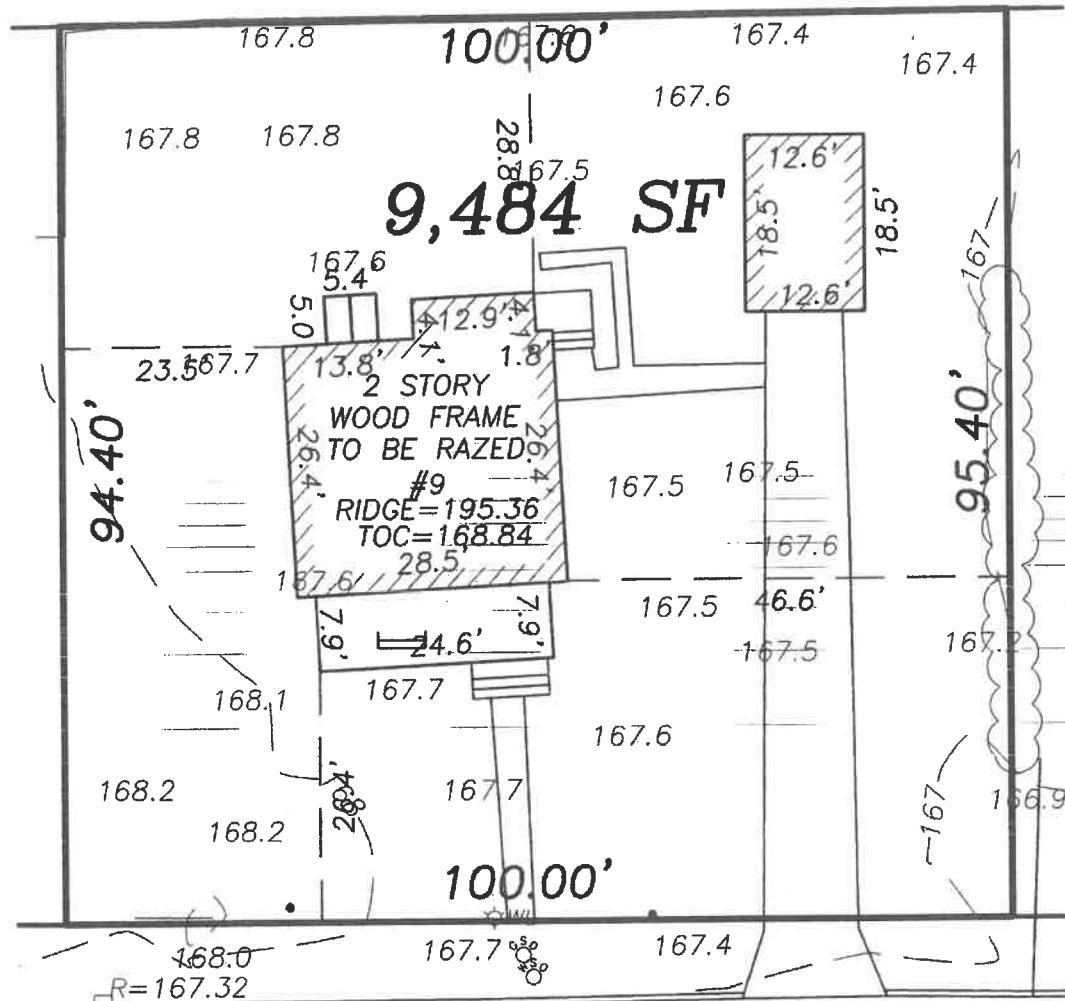
Date:

Attest:

\_\_\_\_\_  
Cathryn Jane Kato  
Town Clerk

cc: Planning Board  
Inspector of Buildings  
lrm

N/F  
LEO J JR &  
PATRICIA A. BARRY



**DURANT ROAD**

**DURANT ROAD**

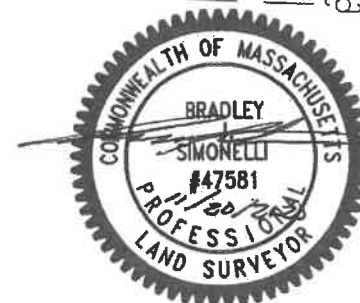
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ZONING INFORMATION: SINGLE RESIDENCE 10 (SR10) REQUIRED

	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA	10,000 SF	9,484 SF	9,484 SF
MINIMUM LOT FRONTAGE	60 FEET	100.00 FEET	100.00 FEET
MINIMUM FRONT SETBACK	30 FEET*	26.4 FEET	30.5 FEET
MINIMUM SIDE YARD	20 FEET	23.5 FEET	23.5 FEET
		46.6 FEET	23.5 FEET
MINIMUM REAR YARD	10 FEET	28.8 FEET	10.3 FEET
MAXIMUM BUILDING COVERAGE	25%	13.3%(1258 SF)	22.9%(2172 SF)
MAXIMUM BUILDING HEIGHT	36 FEET	28.5± FEET	28.03 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

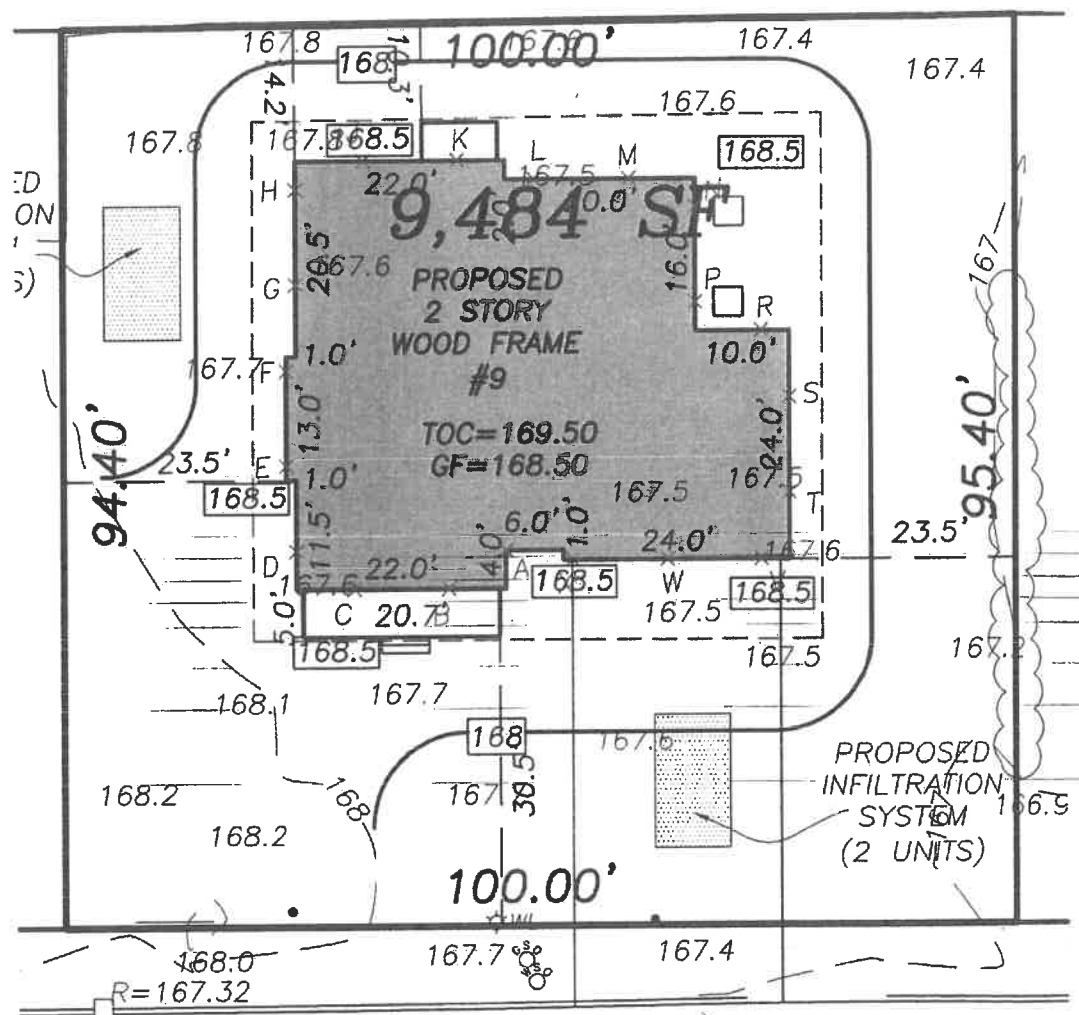
ZONING BOARD OF APPEALS  
PLAN OF LAND  
9 DURANT ROAD  
**WELLESLEY, MASS.**



REVISED NOVEMBER 20, 2020  
REVISED JULY 30, 2020  
REVISED JUNE 8, 2020  
REVISED MAY 10, 2020  
REVISED APRIL 23, 2020

Field Resources, Inc.  
LAND SURVEYORS

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



# DURANT ROAD

BM=168.18

ELEV STATION	EXISTING ELEVATION	PROPOSED ELEVATION
A.....	167.7.....	168.5
B.....	167.7.....	168.5
C.....	167.6.....	168.5
D.....	167.6.....	168.5
E.....	167.7.....	168.5
F.....	167.7.....	168.5
G.....	167.8.....	168.5
H.....	167.8.....	168.5
J.....	167.8.....	168.5
K.....	167.6.....	168.5
L.....	167.5.....	168.5
M.....	167.6.....	168.5
N.....	167.6.....	168.5
P.....	167.6.....	168.5
R.....	167.6.....	168.5
S.....	167.5.....	168.5
T.....	167.5.....	168.5
V.....	167.5.....	168.5
W.....	167.6.....	168.5
X.....	167.6.....	168.5

**EXISTING**  
 GRADE PLANE =  $3352.6 / 20 = 167.63$   
 TOC TO GRADE =  $169.50 - 167.63 = 1.87$   
 ALLOWABLE BUILDING =  $36.00 - 1.87 = 34.13$

**PROPOSED**  
 GRADE PLANE =  $3370.0 / 20 = 168.50$   
 TOC TO GRADE =  $169.50 - 168.50 = 1.00$   
 ALLOWABLE BUILDING =  $36.00 - 1.00 = 35.00$

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 34.13 FEET.

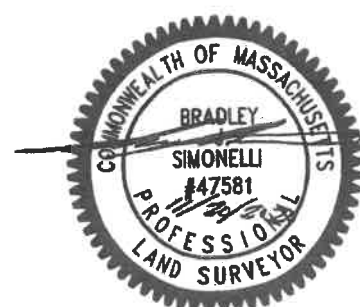
THE PROPOSED STRUCTURE FROM TOP OF CONCRETE TO RIDGE IS 26.17 FEET. MAKING THE PROPOSED HEIGHT 28.03 FEET FROM THE EXISTING GRADE PLANE.

## ALLOWABLE HEIGHT PLAN SHOWING GRADE PLANE CALCULATIONS 9 DURANT ROAD WELLESLEY, MASS.

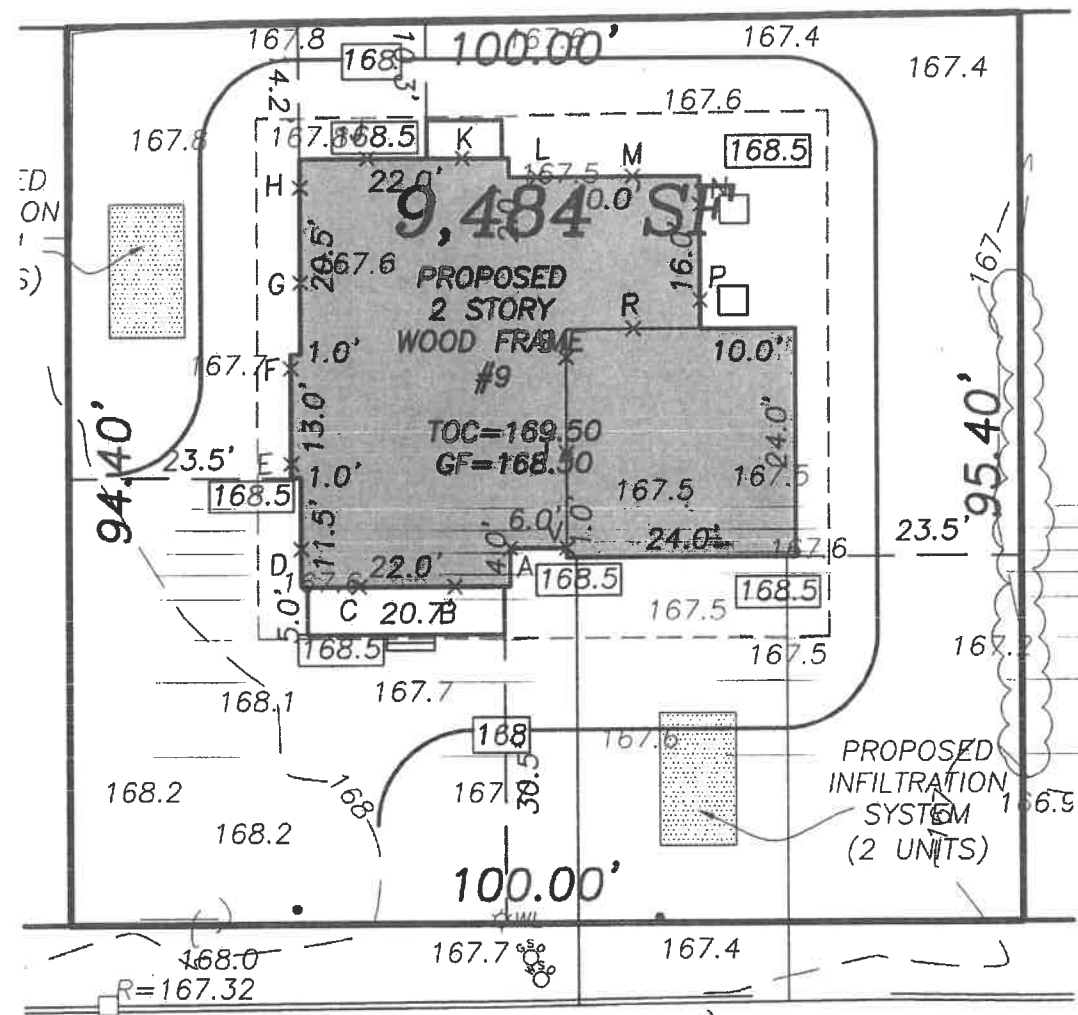
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REVISED NOVEMBER 20 2020  
 REVISED JULY 30 2020  
 REVISED APRIL 23, 2020







**DURANT ROAD**

BM=168.18

TLAG STATION	PROPOSED ELEVATION
A.....	168.5
B.....	168.5
C.....	168.5
D.....	168.5
E.....	168.5
F.....	168.5
G.....	168.5
H.....	168.5
J.....	168.5
K.....	168.5
L.....	168.5
M.....	168.5
N.....	168.5
P.....	168.5
R.....	168.5
S.....	169.5
T.....	169.5
V.....	169.5

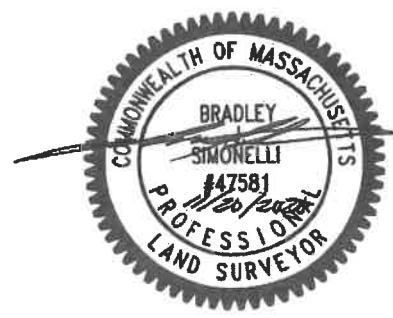
PROPOSED TOP OF CONCRETE = 169.50  
WITH A PROPOSED 8' HIGH WALL

$169.50 - 168.67 / 8 = 10.4\%$

10.4% < 25% THEREFORE THE BASEMENT IS EXEMPT FROM TLAG BASED UPON PROPOSED GRADING.

PROPOSED GRADE PLANE =  
 $3036 / 18 = 168.67$

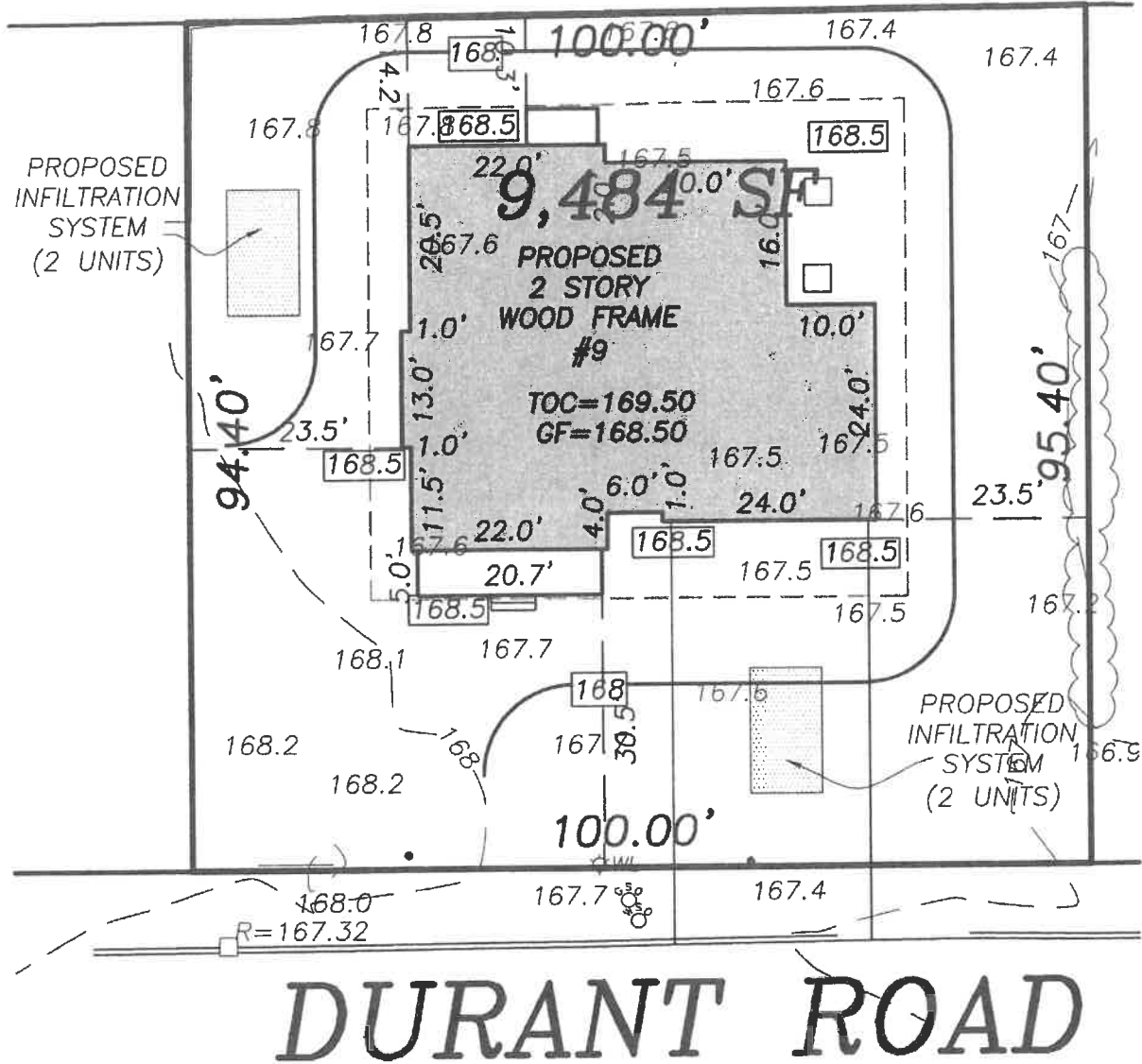
**BASEMENT TLAG EXEMPTION  
PLAN OF LAND  
9 DURANT ROAD  
WELLESLEY, MASS.**



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REVISED NOVEMBER 20, 2020  
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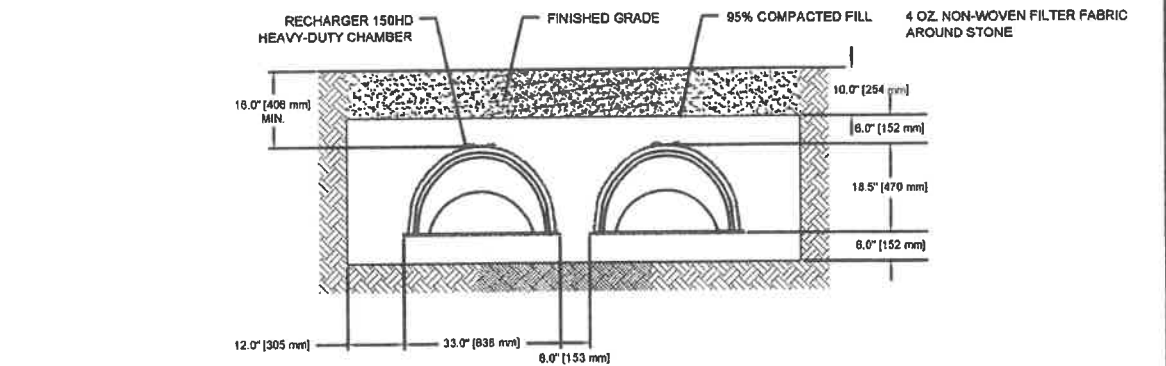


PROPOSED BUILDING FOOTPRINT = 2,172 SF

(2,172 S.F. X 1" ) / 12 = 181.0 Cu. Ft.

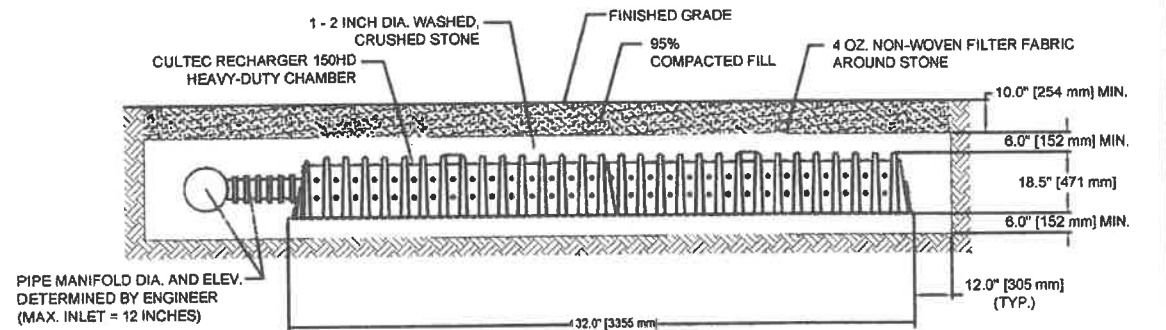
MITIGATED WITH 4 CULTEC CONTRACTOR 150 HD RECHARGER DRYWELL CHAMBERS (OR SUITABLE REPLACEMENT) CAPACITY OF 53.79 CU FT EACH. RECHARGE WILL MITIGATE COMPLETELY FOR A 1" STORM FOR THE PROPOSED FOOTPRINT. SEE DRYWELL DETAIL FOR SPECIFICATIONS AND PLAN FOR LOCATIONS. LOCATIONS AS SHOWN.

150-19



**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 H20 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

**PROPOSED INFILTRATION LOCATION  
 PLAN OF LAND  
 9 DURANT ROAD  
 WELLESLEY, MASS.**



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DECEMBER 2, 2020  
 JULY 30, 2020  
 REVISED APRIL 23, 2020