

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

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ZBA 2022-41

Petition of Thomas & Laura Hennessey
31 Leighton Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 2, 2022, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Thomas & Laura Hennessey 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 garage with less than required front yard and side yard setbacks and construction of a new two story garage with less than required front yard setbacks, construction of a one story breezeway attaching the garage to the existing house, construction of a two story addition with less than required front yard setbacks to Belair Road, replacement and enlargement of existing dormers on the left and right sides of the existing house, on existing nonconforming structures with less than required front and side yard setbacks, on a corner lot at 31 Leighton Road, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On May 3, 2022, 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 David Himmelberger, Esq., and Michael Tartamella, Architect, Patrick Ahearn Architects, Tom and Laura Hennessey, the Petitioner.

A Board member disclosed that he has worked with Patrick Ahearn in the past but not with Mr. Tartamella.

Mr. Himmelberger said that the request is for a special permit to raze an existing nonconforming garage and to build an addition that attaches a new garage with a breezeway to the existing nonconforming home, while adding a two story addition to the rear of the property, removing and reconstructing two dormers on both the left and right sides. He said that the nonconforming home is on an oversized conforming lot of 16,527 square feet in an SRD 10. He said that it is a corner lot with a front yard setback of 22.6 feet to Leighton Road and 25.1 feet to Belair Road. He said that the existing detached nonconforming garage has a side yard setback of 18.5 feet. He said that the garage will be brought into conformance with a left

side yard setback of 22 feet, slightly enlarging it and pulling it forward from a setback of 23.3 feet to 22.8 feet, still behind the façade of the house, and increasing its height by three feet to 19 feet, 11 inches. He said that the garage and cabana area to the rear will be connected to the house by an open breezeway. He said that the height of the home is 25.7 feet, the bump out at the rear is 4.6 feet. He said that also included in the project is a two story addition and replacement of dormers with larger ones. He said that existing TLAG is 3,382 square feet and proposed TLAG is 4,792 square feet.

Mr. Tartamella said that this neighborhood is unique in that a lot of the properties are below the required lot size and some of them are much greater than the required lot size. He said that his clients are a family of five in a home with three bedrooms. He said that when they bought the home, they always planned to add another bedroom and make the garage more functional.

Mr. Tartamella said that the nonconformities on the north side will be continued. He said that they will maintain the mass and scale at the rear to the west. He said that they will maintain the nonconformities on Belair Road and not intrude further into the setback. He said that the dormers are within the existing roofline. He said that the house has a long sloping roof and all of the mass and scale for the addition is captured below the existing ridgeline.

Mr. Tartamella said that the existing garage is detached and has an open cabana piece on the back that services the pool. He said that the goal was to make the garage more conforming and create more of an open air connection. He said that Plan A-1 shows the concept of the garage remaining visually detached. He said that there is a fence that sits in front of the garage for the pool. He said that by changing the roof of the garage to front to back from Leighton Road, they were able to create a 1.5 story garage with dormers within the proposed roof line. He said that the proposed garage will be conforming in the side yard which gives them space for the pool equipment. He said that the space above in the garage will be used as office space. He said that they added a cupola to the top to convey the notion of a detached carriage house. He said that there are other cupolas in the neighborhood.

Mr. Tartamella said that the plan is to add a powder room to serve the pool. A Board member confirmed that the garage will be heated. He said that the Board traditionally approves two story garages, provided that there is no plumbing on the second floor. Mr. Himmelberger said that the powder room will be on the first floor and exterior to the garage.

A Board member discussed concerns about the location of the pool equipment and the existing shed. He said that he would like to see the pool equipment moved away from the neighbor. Mr. Himmelberger said that they can pull the pool equipment into conformity. He said that the neighbor on that side sent a letter that fully supports the project. He said that there is space behind the pool for the shed but it is tucked in and hidden in its present location.

Mr. Tartamella said that the purpose of the shed is for outdoor storage. He said that in its current location, there is a mature vegetated buffer on the rear and side property lines. He said that the shed is less than 100 square feet. He said that they can screen it from Leighton Road.

Mr. Himmelberger discussed pushing the shed back so that it is equal to the pool equipment when the pool equipment is moved out of the setback. He said that the shed will act as a further sound barrier to the pool equipment.

Mr. Tartamella discussed the possibility of moving the shed to a nonconforming location on the other side of the property.

Mr. Hennessey said that he and his wife take pride in taking care of the property. He said that when they moved in there was a 200 square foot shed that took up a lot of the backyard. He said that went with a 96 square foot shed and spoke with the neighbors who have shed that is parallel to this one on their property line. He said that they decided to locate the shed there because there is vegetative screening, it blocks the pool equipment and provides access to everything they need. He discussed issues with relocating the shed where they would have to cut into the existing arbor vitae berm, possibly damaging the roots, or an alternate location by the play area in the yard. Mr. Tartamella said that the shed could be moved to the southwest corner and pushed back. A Board member said that it could be moved back to be even with the addition.

A Board member said that the Planning Board is concerned about adequate stormwater infiltration structures due to the increase in size of the structures on the site. Mr. Tartamella said that proposed lot coverage is below 20 percent. He said that said that the homeowners have retained Sudbury Design Group to work on the pool and landscaping. He said that they will capture rainwater on site. He said that a lot of what is there now was installed by the previous owners. He said that the sports court is tile and has a certain amount of permeability. He said that the driveway will be shifting with the garage but will still be two cars wide. A Board member said that any increase in impervious area should be accounted for.

Mr. Himmelberger said that the side yard setback to the proposed garage is 22 feet. He said that the pool equipment will be-moved over laterally to the two foot swath that will be created when the garage is moved over. Mr. Tartamella said that they can reduce the size of the connector if they need space to put the equipment in a location that meets the 20 foot setback requirement.

There was no one present at the Public Hearing who wished to speak to the petition.

Statement of Facts

The subject property is located on a corner lot at 31 Leighton Road, in a 10,000 square foot Single Residence District, with a minimum front yard setback of 22.6 feet where 30 feet is required. The existing nonconforming detached garage has a minimum front yard setback of 23.3 feet to Leighton Road, a minimum front yard setback of 25.1 feet to Belair Road, and a minimum left side yard setback of 18.5 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 garage with less than required front yard and side yard setbacks and construction of a new two story garage with less than required front yard setbacks, construction of a one story breezeway attaching the garage to the existing house, construction of a two story addition with less than required front yard setbacks to Belair Road, replacement and enlargement of existing dormers on the left and right sides of the existing house, on existing nonconforming structures with less than required front and side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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A Letter to Zoning Board of Appeals, dated 4/25/22, from David J. Himmelberger, Esq., a Plot Plan, dated 4/21/22, stamped by John R. Hamel, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 4/22/22, prepared by Patrick Ahearn Architect, TLAG Affidavit, dated 4/25/22, and photographs were submitted.

On March 22, 2022, the Planning Board reviewed the petition and made no recommendation.

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 garage with less than required front yard and side yard setbacks and construction of a new two story garage with less than required front yard setbacks, construction of a one story breezeway attaching the garage to the existing house, construction of a two story addition with less than required front yard setbacks to Belair Road, replacement and enlargement of existing dormers on the left and right sides of the existing house, on existing nonconforming structures with less than required front and side yard setbacks will result in the intensification of an existing nonconformity, 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 garage with less than required front yard and side yard setbacks and construction of a new two story garage with less than required front yard setbacks, construction of a one story breezeway attaching the garage to the existing house, construction of a two story addition with less than required front yard setbacks to Belair Road, replacement and enlargement of existing dormers on the left and right sides of the existing house, on existing nonconforming structures with less than required front and side yard setbacks, subject to the following conditions:

1. The pool equipment shall be located outside of the side yard setback.
2. The shed shall be moved towards the rear of the property and shielded from the street, in alignment with the proposed addition.
3. A landscape architect shall prove the need or not for additional drainage storage because of added impervious surface.
4. A revised plot plan shall be submitted.

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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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.


David G. Sheffield, Acting Chairman


Walter B. Adams


Richard L. Seegel

ZBA 2022-41
Applicant Thomas & Laura Hennessey
Address 31 Leighton Road

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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

PROPOSED SITE PLAN
31 LEIGHTON ROAD
WELLESLEY, MASSACHUSETTS
1 INCH = 20 FEET APRIL 21, 2022
SNELLING & HAMEL ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS & ENGINEERS
10 LEWIS STREET P.O. BOX 102
LINCOLN, MASSACHUSETTS 01773
(781) 259-0071

OWNERS OF RECORD:
THOMAS V. HENNESSEY, III
REVOCABLE TRUST
&
LAURA E. HENNESSEY
REVOCABLE TRUST
BK.36806 PG.82


N/F
ALEXIS AVILA
&
SANDRA AVILA

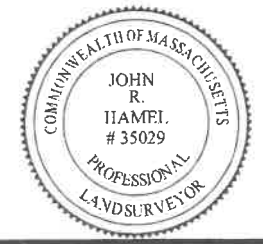
ZONING DISTRICT
SRD 10,000

NOTES:
- EXISTING LOT COVERAGE = 13.9% (2,316 SQ.FT.)
- PROPOSED LOT COVERAGE = 17.9% (2959 SQ.FT.)
- CONSTRUCTION STAKEOUT IS NECESSARY TO ASSIST
WITH THE PLACEMENT OF THE PROPOSED ADDITION

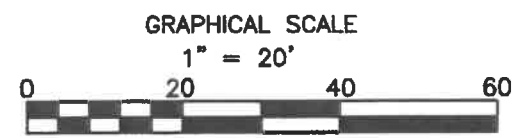
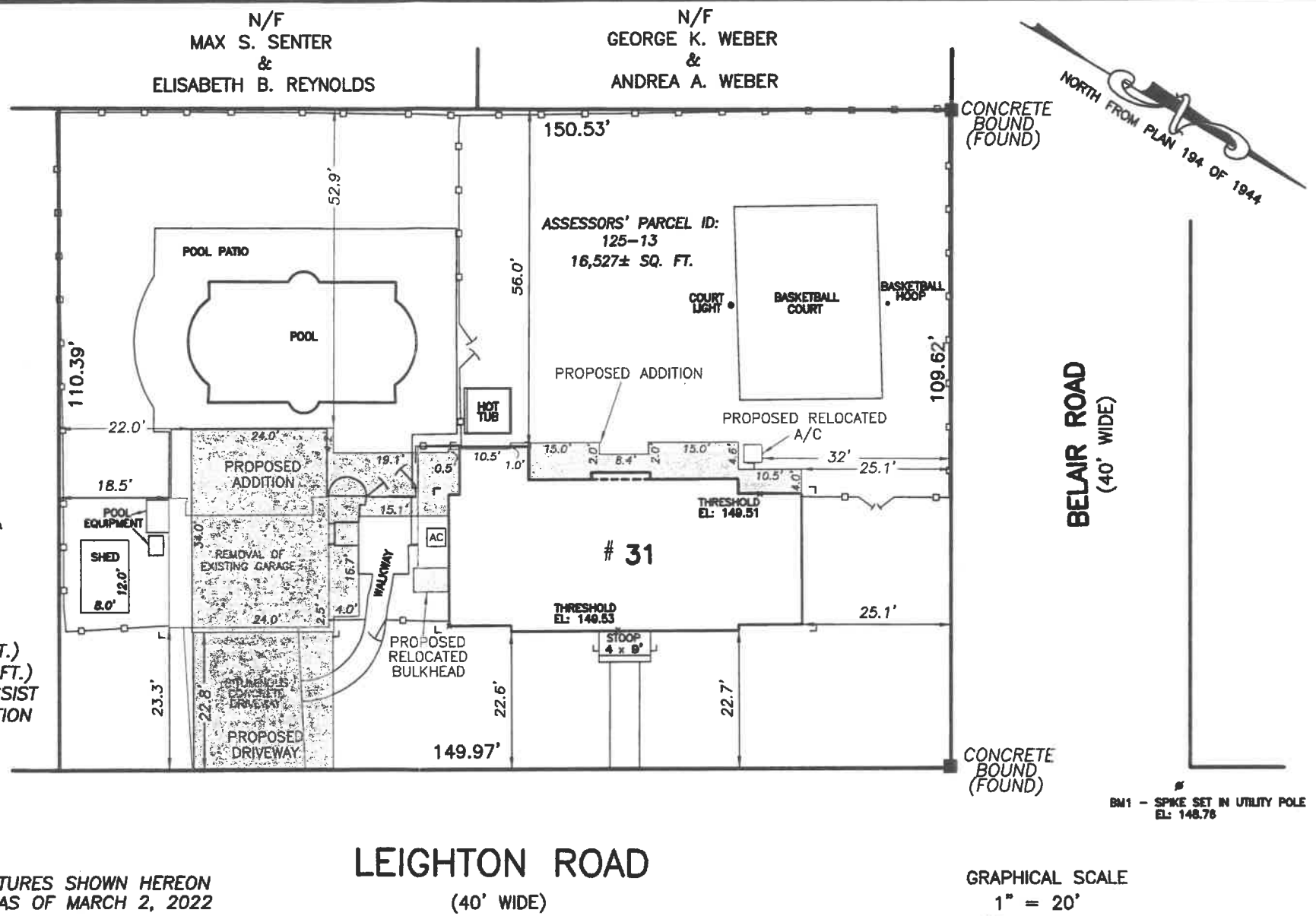
PLAN REFERENCES:
- PLAN 194 OF 1944
- PLAN 364 OF 1925

I HEREBY STATE THAT THE LOCATION OF THE FEATURES SHOWN HEREON
IS THE RESULT OF A FIELD SURVEY PERFORMED AS OF MARCH 2, 2022
WITH THE USE OF A TOPCON TOTAL STATION.


JOHN R. HAMEL
PROFESSIONAL
LAND SURVEYOR



4 - 21 - 2022
DATE:



16821.DWG
APRIL 21, 2022