

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

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ZBA 2022-51
Petition of Gold Springs LLC
265 Weston Road

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 7, 2022, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Gold Springs LLC requesting a Special Permit/Finding pursuant to the provisions of Section 3.8, Section 5.1 and Section 6.3 of the Zoning Bylaw that demolition of an existing nonconforming garage and construction of a two and a half story addition with less than required front yard setbacks, on an existing nonconforming structure with less than required front yard setbacks, at 265 Weston Road, on a 9,996 square foot corner 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.

On June 9, 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.

July 7, 2022

Following discussion, the Board voted unanimously to continue the petition to September 1, 2022. The Board asked that final approval from the Historical Commission, a drainage plan and a landscape plan be submitted.

September 1, 2022

Following discussion, the Board voted unanimously to continue the petition to October 6, 2022.

October 6, 2022

The petition was heard de novo.

Present at the public hearing was Tom Timko, Architect, Copper Beech Design, who said that the historic property was built in 1875. He said that he met with the Historical Commission three times and reached an agreement with them. He said that demo delay expires on December 13, 2022.

Mr. Timko discussed existing setback and lot size nonconformities. He said that the proposal is to renovate the existing structure and add onto it to create a new home in the style of the historic structure with modern interior spaces. He said that the proposed new construction, with the exception of a small front porch area, will be conforming to the existing setbacks. He said that TLAG will be 378 feet over the threshold for Large House Review (LHR).

Mr. Timko said that he provided stormwater calculations and backup data that went through Planning Board and Department of Public Works review. The Board discussed the proposed drainage plan and inspections.

A Board member asked about the gables on the north side and shed dormers on the south side. He said that it is a dramatic change of scale for the adjacent houses. Mr. Timko said that was a significant topic in discussions with the Historical Commission. He said that putting a gable on the south side would be hard to do, given the way that they had to configure the stairs and the access. He said that the abutter on that side was very involved in the process and was satisfied.

The Chairman requested that a copy of the Historical Commission's final approval be submitted for the ZBA file.

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

Statement of Facts

The subject property is located at 265 Weston Road, on a 9,996 square foot corner 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 8.8 feet to Weston Road and a minimum front yard setback of 25.8 feet where 30 feet is required. The existing nonconforming garage has a minimum 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 3.8, Section 5.1 and Section 6.3 of the Zoning Bylaw that demolition of an existing nonconforming garage and construction of a two and a half story addition with less than required front yard setbacks, on an existing nonconforming structure with less than required front yard setbacks, on a 9,996 square foot corner 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.

A Plot Plan, dated 11/26/21, stamped by Michael P. Clancy, Professional Land Surveyor, Proposed Site Plan – Enlarged View, ZBA Relief Request Supporting Information, Photographs, TLAG Affidavit, dated 5/25/22, prepared by Tom Timko, Existing and Proposed Floor Plans and Elevation Drawings, dated 4/22/22, 4/24/22, 5/02/22, and 5/22/22, and Proposed Landscape Plan, dated 8/30/22, prepared by Copper

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Beech Design, and Stormwater Management Plan, dated 8/19/22, stamped by Robert S. Rego, P.E., were submitted.

On July 1, 2022, the Planning Board reviewed the petition and recommended that the ZBA delay action. On October 5, 2022, the Planning Board recommended that the special permit/finding be approved.

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 Section 3.8 of the Zoning Bylaw for Water Supply Protection Districts.

It is the opinion of this Authority that demolition of an existing nonconforming garage and construction of a two and a half story addition with less than required front yard setbacks, on an existing nonconforming structure with less than required front yard setbacks, on a 9,996 square foot corner lot in a Single Residence District in which the minimum lot size is 10,000 square feet 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 and construction of a two and a half story addition with less than required front yard setbacks, subject to the following conditions:

1. A copy of the Historical Commission's approval shall be submitted for the Zoning Board of Appeals file.
2. The project shall be in compliance with the stormwater management plan.


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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265 Weston 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.


Robert W. Levy, Acting Chairman


David G. Sheffield


Derek B. Redgate

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ZBA 2022-51
Applicant Gold Springs LLC
Address 265 Weston Road

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

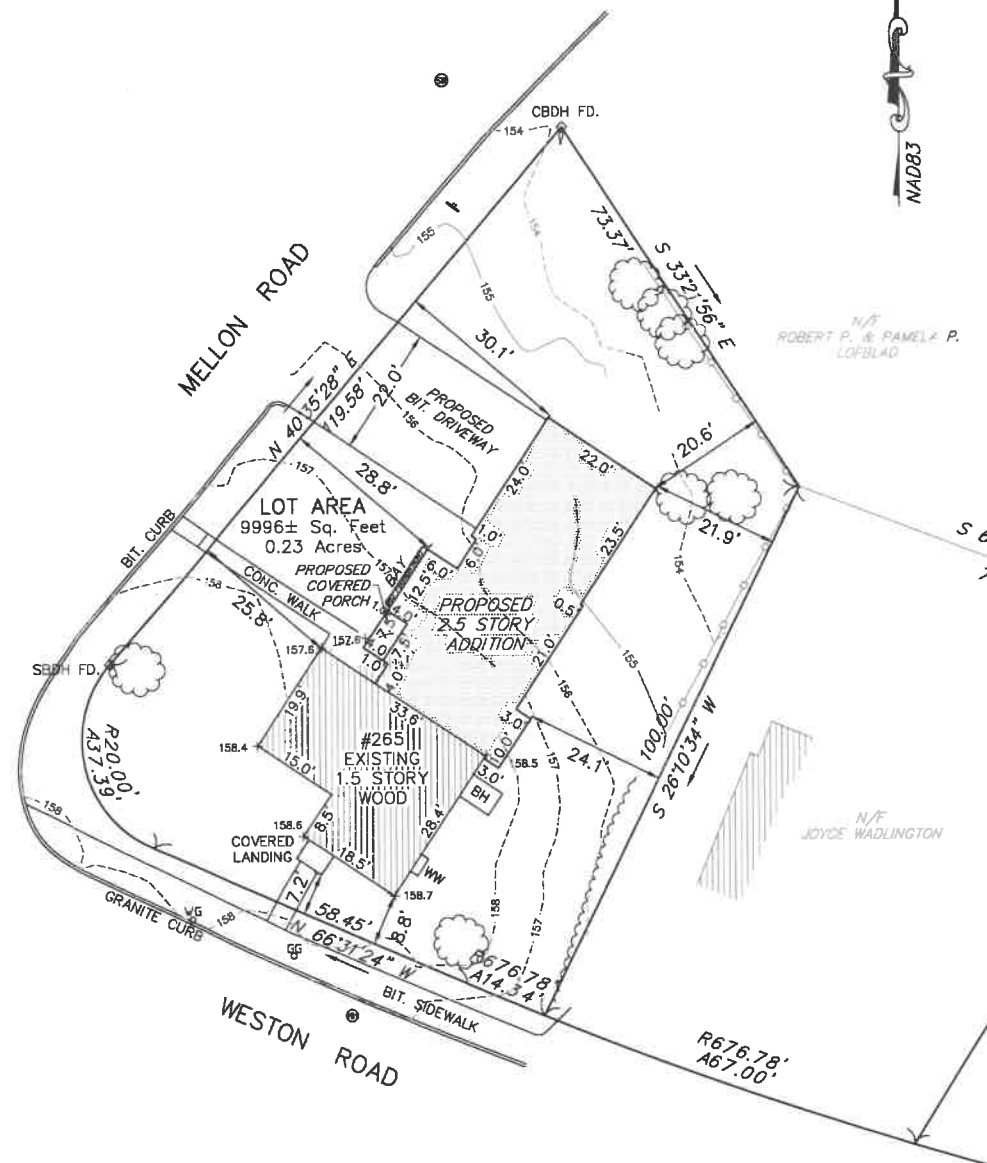
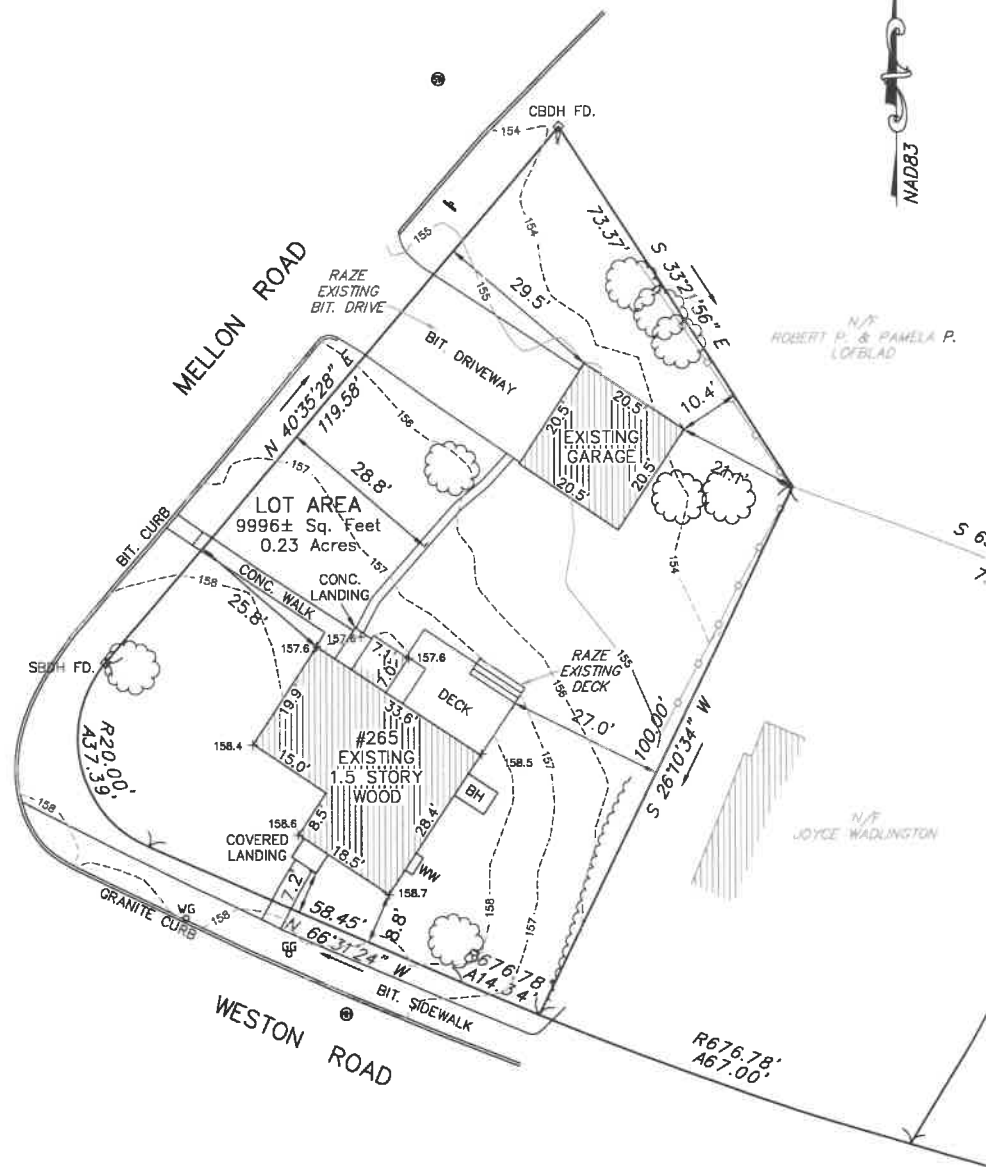
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed,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

Date:

Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm



PREPARED FOR:
GOLD SPRINGS LLC
265 WESTON ROAD
WELLESLEY, MA 02181

NOTES:

1. ZONING CLASSIFICATION - SR10
2. LOCUS DEED:
NORFOLK COUNTY REGISTRY OF DEEDS BOOK 40143 PAGE 59
3. PLAN REFERENCES:
NORFOLK COUNTY REGISTRY OF DEEDS PLAN 71 OF 1934
4. ASSESSORS PARCEL ID: 171-74

ZONING DISTRICT

SR-10

REQUIREMENTS:	UNITS	REQUIRED	CURRENT	PROPOSED
MINIMUM LOT AREA	S.F.	10,000	9,996±	9,996±
MINIMUM LOT FRONTAGE	FT.	60.0	72.79	72.79
FRONT SETBACK	FT.	30.0	25.8/7.2	25.8/7.2
SIDE SETBACK	FT.	20.0	27.0	21.9
REAR(CORNER LOT) SETBACK	FT.	20.0	10.4(GARAGE)	20.6
BUILDING HEIGHT	FT.	36.0	20.7	31.0
LOT COVERAGE	FT.	25.0	13.4	21.9



PLOT PLAN FOR 265 WESTON ROAD IN WELLESLEY, MA.

SCALE: 1"=20' NOVEMBER 26, 2021

C & G SURVEY COMPANY
37 JACKSON ROAD
SCITUATE, MA. 02066
1-877-302-8440

