

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

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ZBA 2022-49
Petition of 6 Bryn Mawr Rd LLC
6 Bryn Mawr Road

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 6 Bryn Mawr Rd LLC requesting a Special Permit/Finding pursuant to the provisions of Section 14E, Section 17 and Section 25 of the Zoning Bylaw that reconstruction of an existing nonconforming structure and construction of a two story addition with less than required left side yard setbacks, on an existing nonconforming structure with less than required front yard and left side yard setbacks, on a 6,667 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, at 6 Bryn Mawr Road, 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

Present at the public hearing was David Himmelberger, Esq., representing 6 Bryn Mawr LLC, the Petitioner. He requested that the petition be continued to the next available hearing date.

The Board voted unanimously to continue the petition to September 1, 2022.

September 1, 2022

David Himmelberger Esq., requested that the petition be continued to next available hearing. He said that the Petitioner will submit any revisions.

The Board voted unanimously to continue the petition to November 3, 2022.

November 3, 2022

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2022 NOV 17 AM 10:50

Present at the public hearing was David Himmelberger, Esq., representing 6 Bryn Mawr Road LLC, the Petitioner. He said that the matter was continued a number of times to permit the Historical Commission time to reach a decision on a waiver application, which was granted on October 18, 2022 after a number of meetings and refinements of the project. He discussed primary changes from the original submittal to the Zoning Board including reduced height from 32 feet 5 ¼ inches to 30 feet 10 ¼ inches, alignment of windows and doors and removal of disparate colors on the gable siding to now be all white. He said that the footprint did not change. He said that a landscape plan, arborist report and drainage plan with two Cultec chambers were submitted. He said that the property is located in a Water Supply Protection District (WSPD). He said that TLAG of the proposed dwelling is 3,668 square feet, which is 68 square feet more than the LHR trigger for the district. He said that the Planning Board revised its initial recommendation and now recommended approval because of the changes that were made during the waiver process.

Mr. Himmelberger said that the existing nonconformities are front and left side yard setbacks and an undersized lot of 6,667 square feet in an SR10 district.

Mr. Himmelberger said that following discussions with the neighbors, there is no opposition. He said that initially the two neighbors on either side had concerns about screening and height. He said that there is substantial screening on the right side and there will be additional screening at the rear.

Mr. Himmelberger said that the existing house is a one story bungalow, 15 feet 10 inches high, as shown on Plan A1.1. He submitted a plan that shows the heights of the homes in the neighborhood. He said that there are multiple homes in the neighborhood that are of comparable height as the proposed structure.

A Board member discussed concerns about this house overpowering the neighbors. Mr. Himmelberger said there has been no written opposition to the proposed height during the waiver and Zoning processes.

A Board member asked about ensuring that the new homeowner will comply with the stormwater plan requirements. Mr. Himmelberger said that there is a requirement that a report be submitted to DPW on an annual basis. He said that it relies on the integrity of the homeowner. He said that there is no provision beyond submitting the reports that checks to see that a report is done. He said that the Applicant would accept a condition that as part of any sale by the Applicant, the Drainage Report and the Operation & Maintenance (O & M) provisions that were submitted to the ZBA be provided to a buyer and the buyer acknowledges receipt of it.

A Board member said that the work that was done to the design is compatible with the neighborhood. He said that the steeper pitch of the roof makes it higher than the neighboring properties but is appropriate for the type of a house. He said that it will be an asset to the neighborhood.

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 6 Bryn Mawr Road, on a 6,667 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 18.8 feet where 30 feet is required, and a minimum left side yard setback of 9.4 feet where 20 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 reconstruction of an existing nonconforming structure and construction of a two story addition with less than required left side yard setbacks, on an existing nonconforming structure with less than required front yard and left side yard setbacks, on a 6,667 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.

Letters to Zoning Board of Appeals, dated 5/26/22 & 11/1/22, and Email to Zoning Board of Appeals, dated 11/1/22, from David J. Himmelberger, Esq., Letter dated 6/29/22, from Kray A. Small, Massachusetts Certified Arborist, a Plot Plan, dated 5/9/22, and a Variance Plan, dated 6/6/22, stamped by Daniel J. Tivnan, Professional Land Surveyor, Drainage Plans, Sheets 1 & 2, dated 9/5/22, stamped by George M. Atallah, Professional Engineer, , Stormwater Drainage System Operation and Maintenance Plan, dated 9/5/22, prepared by GAEC, Floor Plans and Elevation Drawings, dated 5/24/22, revised 8/17/22, prepared by Guzman Architect LLC, TLAG Affidavit, Neighborhood Plan, and photographs were submitted.

On July 1, 2022, the Planning Board reviewed the petition and recommended that the ZBA deny the special permit/finding. On November 1, 2022, the Planning Board reviewed the petition and recommended that a Special Permit be approved, based on designs approved by the Historical Commission.

On November 3, 2022, the Historical Commission approved a Historic Preservation Demolition Review Bylaw Reduction of Delay Period (Waiver) Agreement.

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 reconstruction of an existing nonconforming structure and construction of a two story addition with less than required left side yard setbacks, on an existing nonconforming structure with less than required front yard and left side yard setbacks, on a 6,667 square foot 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 reconstruction of an existing nonconforming structure and construction of a two story addition with less than required left side yard setbacks, subject to the following condition:

- The Purchase & Sale Agreement shall contain the Stormwater Operation & Maintenance Plan, as well as the expression that it is the owner's responsibility to make the necessary filings with the Department of Public Works.

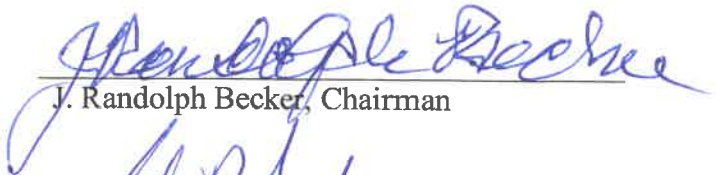
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed constructions plans.

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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ZBA 2022-49
Petition of 6 Bryn Mawr Rd LLC
6 Bryn Mawr 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, Chairman


Walter B. Adams


Richard L. Seegel

ZBA 2022-49
Applicant 6 Bryn Mawr Road LLC
Address 6 Bryn Mawr Road

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

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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

FAX: 508-752-8895 WWW.HSTGROUP.NET

FILE: BRYNMAWR6PROP2

