

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

J. RANDOLPH BECKER, CHAIRMAN
ROBERT W. LEVY, VICE CHAIRMAN
DAVID G. SHEFFIELD

LENORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 2208

WALTER B. ADAMS
DEREK B. REDGATE
RICHARD L. SEESEL

ZBA 2022-73
Petition of James Mealey
88 Crest Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 3, 2022, at 7:30 p.m. in the Great Hall, 525 Washington Street, Wellesley, on the petition of James Mealey 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 and a covered porch with less than required setbacks, on an existing nonconforming structure with less than required front and side yard setbacks, on a 7,678 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, at 88 Crest Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On September 29, 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.

November 3, 2022

After discussion of the petition and hearing comments from the Petitioner, his representatives, and the public, the Board voted unanimously to continue the petition to January 5, 2023.

January 5, 2023

The petition was heard de novo.

Present at the public hearing were David Himmelberger, Esq., Charles Kraus, Architect, and James Mealey, the Petitioner.

Mr. Himmelberger said that the Board expressed concerns about the mass of the building at the prior hearing. He said that the project includes a proposed addition to a pre-existing nonconforming structure at the corner of Summit Road and Crest Road. He said that the lot area is nonconforming at 7,678 square

feet in 10,000 square foot Single Residence District. He said that all of the setbacks are nonconforming. He said that the pre-existing nonconforming garage will be razed.

Mr. Himmelberger discussed the changes that were made from the prior submittal. He said that TLAG was reduced 919 square feet, from 4,612 square feet to 3,693 square feet, just over the TLAG threshold for the 10,000 square foot district. He said that the proposed garage was moved 4.2 feet further back from Summit Road to a 20.1 foot setback. He said that the garage was pulled in .3 feet further from the abutting neighbor on Summit Road to 22.8 feet from the property line and compliant on that side. He said that the proposed second floor and attic addition was moved 6.8 feet further back from Summit Road to 20.1 feet from the property line. He said that a roof overhang was added to the front of the garage to minimize the appearance of the height. He said that the proposed covered porch was reduced by .1 feet from Summit Road and the length on Crest Road was increased by 19.1 feet. He said that lot coverage was reduced from 25 percent to 24.8 percent. He said that the building height remains as it was before, consistent with the existing structure at 33 feet.

Mr. Himmelberger said that the abutters on Crest Road, Dennis & Cyetta McCormick, were present at the previous hearing and expressed their support for a proposed project that had a larger configuration. He said that there were two neighbors who expressed some discomfort with it, one of whom, David Grissino, has written an email to advise that he is now satisfied with the changes that were made. Mr. Mealey said that Mr. Grissino was responding to a second iteration of the plans. He said that he went a step further after meeting with Anne and Jim Newman, 94 Crest Road, and moved it even further back from what Mr. Grissino was happy with. A Board member said that a letter was submitted from the Newmans on January 4, 2023 regarding their concerns and opposition. The Chairman said that the 22 foot setback that the Newmans discussed in their letter would be conforming. A Board member said that the Newman property is located at across the street from 88 Crest Road, on the opposite corner.

Mr. Himmelberger said that the McCormicks appreciated that the house would be added on to, not knocked down. He said that the house at 88 Crest Road stands on a corner and there is some benefit to it being retained, preserved and enhanced.

The Chairman said that the changes that Mr. Himmelberger described are the result of the discussion that the Board had at the previous hearing. He said that the Petitioner did what the Board asked for. He said that Mr. Grissino's letter described concisely the changes that were made that impact the decision regarding detriment to the neighborhood.

A Board member asked if the 500 Foot Rule will come into play since they are adding a covered porch. Mr. Himmelberger said that they are taking a porch off and pulling back from where the porch was. He said that they are using the existing porch as the benchmark.

A Board member discussed adding some architectural details to the second and third floor overhang. Mr. Kraus said that the intent is to add more detail.

A Board member said that this is an undersized lot and there are a lot of roof lines. He asked about stormwater runoff. Mr. Himmelberger said that two drywells are proposed, one to the right of the driveway and the other in the opposing corner. Mr. Mealey said that it is a fieldstone foundation, so he wants to be sure that water will be taken away from it.

The Board discussed imposing a condition for review and approval of a drainage plan by the Department of Public Works.

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 88 Crest Road, on a 7,678 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 23.7 feet to Crest Road and a minimum front yard setback of 15.9 feet to Summit Road where 30 feet is required, and side yard setbacks of 18.6 feet and 9.8 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 and a covered porch with less than required setbacks, on an existing nonconforming structure with less than required front and side yard setbacks, on a 7,678 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 7/1/22, revised 12/22/22, stamped by Michael P. Clancy, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 9/27/22, revised 12/12/22, and TLAG calculations, dated 11/2/22, revised 12/22/22, prepared by Kraus Associates were submitted.

On November 1, 2022, the Planning Board reviewed the petition and recommended that the ZBA delay action on the Special Permit.

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 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 and a covered porch with less than required setbacks, on an existing nonconforming structure with less than required front and side yard setbacks, on a 7,678 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 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 and a covered porch, subject to the following condition:

- A drainage plan for one inch capacity that is stamped by a professional engineer shall be reviewed and approved by the Wellesley 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 construction 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.

2022-07-19 10:12
Wellesley Mass Office
ZBA 2022-73

ZBA 2022-73
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88 Crest 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
J. Randolph Becker, Chairman

Robert W. Levy
Robert W. Levy

Walter B. Adams
Walter B. Adams

2022-73
JAN 19 2023
TOWN CLERK
Wellesley, MA
2022-73

ZBA 2022-73
Applicant James Mealey
Address 88 Crest 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.

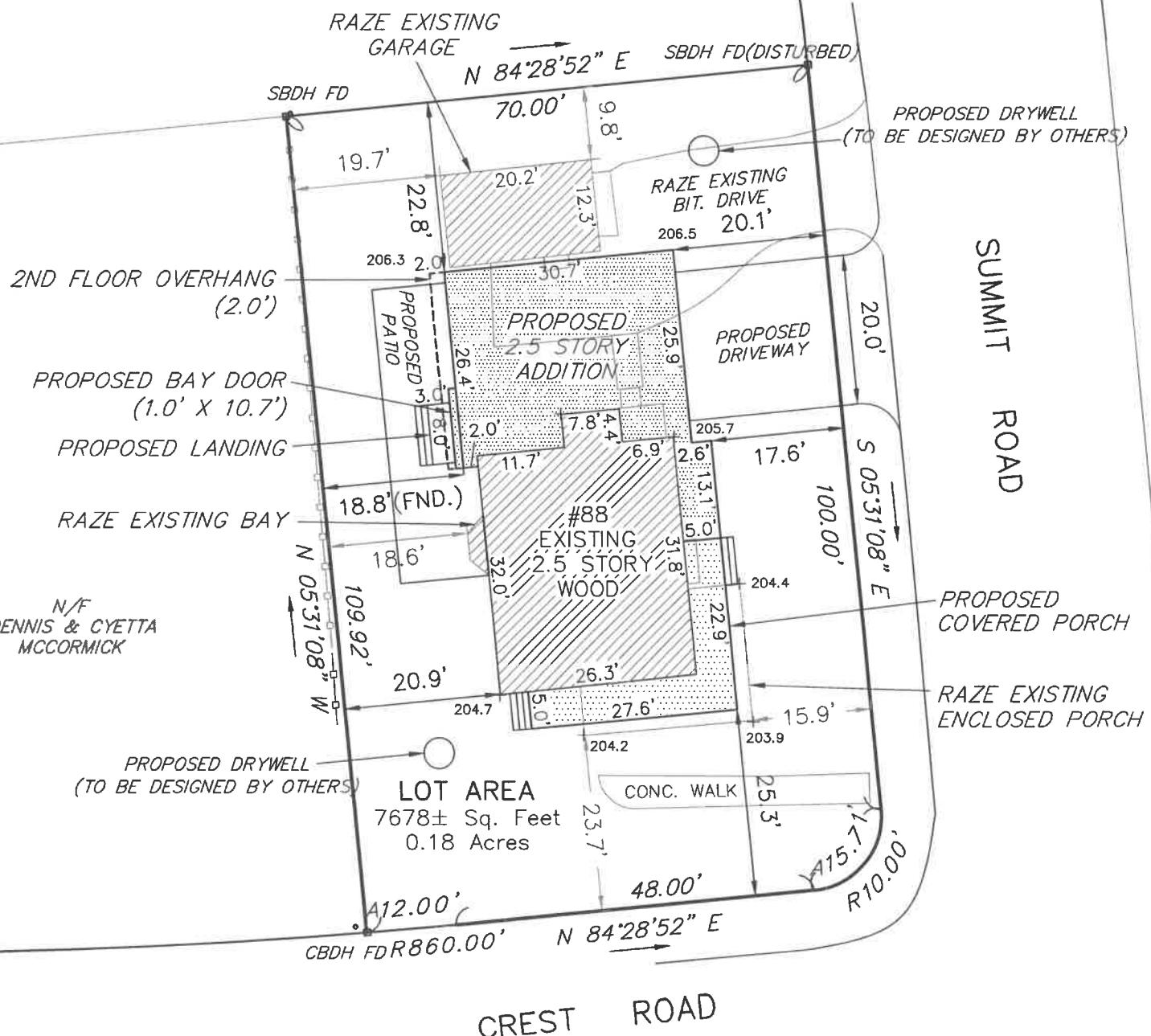
Date:

Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm

N/F
LOUIS BAY REALTY LLC

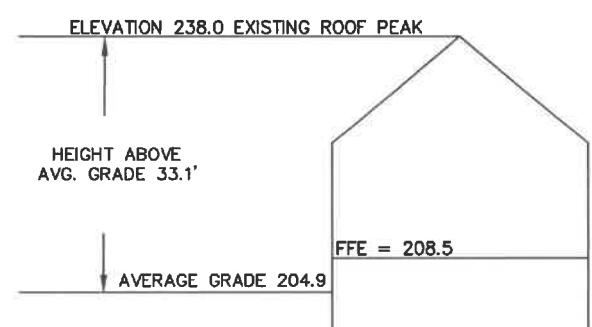


PREPARED FOR:
JAMES MEALEY
88 CREST ROAD
WELLESLEY, MA. 02482

ZONING DISTRICT

SR-10

REQUIREMENTS:	UNITS	REQUIRED	CURRENT	PROPOSED
MINIMUM LOT AREA	S.F.	10,000	7,678±	7,678±
MINIMUM LOT FRONTAGE	FT.	60.0	70.0	70.0
FRONT SETBACK(SUMMIT)	FT.	30.0	15.9	17.6
FRONT SETBACK(CREST)	FT.	30.0	23.7	25.3
SIDE SETBACK	FT.	20.0	18.6	18.8**
SIDE SETBACK	FT.	20.0	9.8(GARAGE)	22.8**
BUILDING HEIGHT	FT.	36.0	33.1	33.1
LOT COVERAGE	FT.	25.0	18.3	24.8*



PLOT PLAN
FOR
88 CREST ROAD
IN
WELLESLEY, MA.

NOTES:

NOTES.

1. ZONING CLASSIFICATION – SR10
2. LOCUS DEED:
NORFOLK COUNTY REGISTRY OF DEEDS BOOK 40728 PAGE 183
3. PLAN REFERENCES:
NORFOLK COUNTY REGISTRY OF DEEDS PLAN BK 1498 PAGE 504
NORFOLK COUNTY REGISTRY OF DEEDS LAND COURT PLAN 40471A
4. ASSESSORS PARCEL ID: 136-74
- * PROPOSED LOT COVERAGE BASED UPON ARCHITECTS FOUNDATION PLAN
AT GRADE & PROPOSED PORCH. STEPS AND LANDING NOT INCLUDED
- ** AT FOUNDATION

SCALE: 1"=20' JULY 1, 2022

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

PLAN REVISED: 12-22-22



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ZONING BOARD OF APPEALS

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Deed Book 40729, Page 183
88 Crest Road, Wellesley

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