

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

J. RANDOLPH BECKER, CHAIRMAN
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DAVID G. SHEFFIELD

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EXECUTIVE SECRETARY
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TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2024 JUL 24 PM 12:15

ZBA 2024-48
Petition of Kane Built, Inc.
12 Wildon Road

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, July 11, 2024, at 7:30 pm, on the petition of Kane Built, Inc. requesting a Special Permit/Finding pursuant to the provisions of Section 5.1 and Section 6.3 of the Zoning Bylaw that demolition of an existing structure and construction of a new two-story structure with basement and attic that will meet setback requirements, at 12 Wildon Road, on a 13,586 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 5, 2024, 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 Laurence Shind, Esq., Heather Dorey, Construction Manager, and Scott Hayes, Project Engineer.

Mr. Shind said that the request is for a special/finding that the proposed demolition of the existing structure on the lot, and construction of a new residence that will comply with all dimensional setback requirements will not be substantially more detrimental to the neighborhood than the existing structure.

Mr. Shind said that the wrong address is shown on the architectural plans. He said that the plans are otherwise correct for the house that they intend to build at 12 Wildon Road.

Mr. Shind said that lot is nonconforming at 13,586 square feet in an SR 20 district. He said that the current house was built in 1941 and is a small, outdated colonial with 1,600 square feet of living area. He said that the proposed house will have a TLAG of 4,245 square feet, which is under the TLAG threshold of 5,900 square feet for the district. He said that lot coverage will increase to just over 15 percent, where 20 percent is allowed.

Mr. Shind said that the neighborhood has somewhat transitioned from smaller capes and colonials to a number of expanded and replacement homes.

Mr. Hayes said that the existing house has no stormwater mitigation. He said that the proposed cultec chamber system will take all of the roof runoff from the house and infiltrate it into well drained soil.

The Chairman said that the only nonconformity is the lot size. He said that a letter regarding compliance with the 500 Foot Rule was submitted. A Board member said that the proposed house will be close to as of right construction.

Nicole Beauregard, 12 Wildon Road, said that she lives across the street. She said that it is a 1940's neighborhood where some homes are being renovated or torn down and rebuilt. She discussed concerns about the proposed design and maintaining the character of the neighborhood. She discussed concerns about the proposed two car garage at the front of the house. She asked that the Applicant consider moving the garage to the side of the house. She said that she would like to see a landscape plan. She discussed concerns about the appearance of the existing property. She said that the lawn was only mowed once this year, after an abutter called.

The Chairman said that the Board typically only looks at landscape plans for petitions that would have triggered Large House Review (LHR), had the properties been conforming. He said that this project would not trigger LHR. He said that if the lot size was conforming, the project would be as of right. Mr. Shind said that the Developer can discuss landscaping plans with the neighbors.

Mr. Shind said that, given the size of the lot and the location of the house on the lot to comply with setbacks, a side facing garage would take up much of the side yard and could cause problems with the movement of cars in and out.

Berry Witek, 10 Wildon Road, said that he lives next door. He discussed concerns about impacts on the character of the neighborhood. He said that the proposed design appears to deviate from the predominant aesthetic of cape and colonial style homes in a neighborhood where house façades are prioritized over garages. He discussed concerns that the proposed project may exacerbate problems with water damage and runoff to his property from the slope of the neighboring back yard. He urged the Board to require a substantial drainage plan that demonstrates how water runoff will be handled. He said that he would like to see a plan for construction worker parking and working hours. He said that there is an opportunity for the Developer to keep the existing site in the neighborhood looking cleaner.

A Board member said that the Board cannot dictate style and conformity to a neighborhood, as there is nothing in the Zoning Bylaw to regulate that. He said that moving the garage would require a significant re-design of the entire building. He said that when there is excavation for a new foundation, the land is typically sloped to prevent water from accumulating. He said that if water does accumulate, the Building Inspector can take action.

The Chairman said that the Board does not typically get into construction traffic mitigation for this type of project. He said that the hours of operation are governed by town bylaw. He said that the police can be called if there are public safety issues. He said that neighbors' concerns can often be mitigated by showing the plans to them before the public hearing. He said that if the neighbors have comments that

they want to relay, they can get in touch with the Developer. He said alternatively, the Applicant can reach out to the neighbors. He said that there is no protocol as to who initiates the conversation but the conversation is encouraged by the Board. Ms. Dorey said that she would be more than happy to speak with the neighbors. She said that her phone number and email are available.

Statement of Facts

The subject property is located at 12 Wildon Road, on a 13,586 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 5.1 and Section 6.3 of the Zoning Bylaw that demolition of an existing structure and construction of a new two-story structure with basement and attic that will meet setback requirements, on a 13,586 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Letter to Zoning Board of Appeals, dated 5/15/24, from Laurence D. Shind, Esq., Existing Plot Plan, dated 11/9/23, Proposed Plot Plan, dated 12/20/23, and Memorandum, dated 11/9/23, re: Minimum Required Front Yard Setback (500-ft Rule), stamped by Alfred M. Berry, Professional Land Surveyor #36857, Floor Plans and Elevation Drawings, dated 4/20/21, and TLAG Calculation, dated 1/22/24, prepared by R.C. Searles Associates, and Stormwater Management Plan Report, dated 5/10/24, stamped by Scott P. Hayes, Professional Engineer #41017 were submitted.

On July 2, 2024, the Planning Board reviewed the petition and recommended that a Special Permit be approved.

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 structure and construction of a new two-story structure with basement and attic that will meet setback requirements, on a 13,586 square foot lot in a Single Residence District in which the minimum lot size is 20,000 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 structure and construction of a new two-story structure with basement and attic that will meet setback requirements, on a 13,586 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, in accordance with the submitted plans.

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.

Robert W. Levy (L.M.)
Robert W. Levy, Acting Chairman

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

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

ZBA 2024-48
Applicant Kane Built, Inc.
Address 12 Wildon Road

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

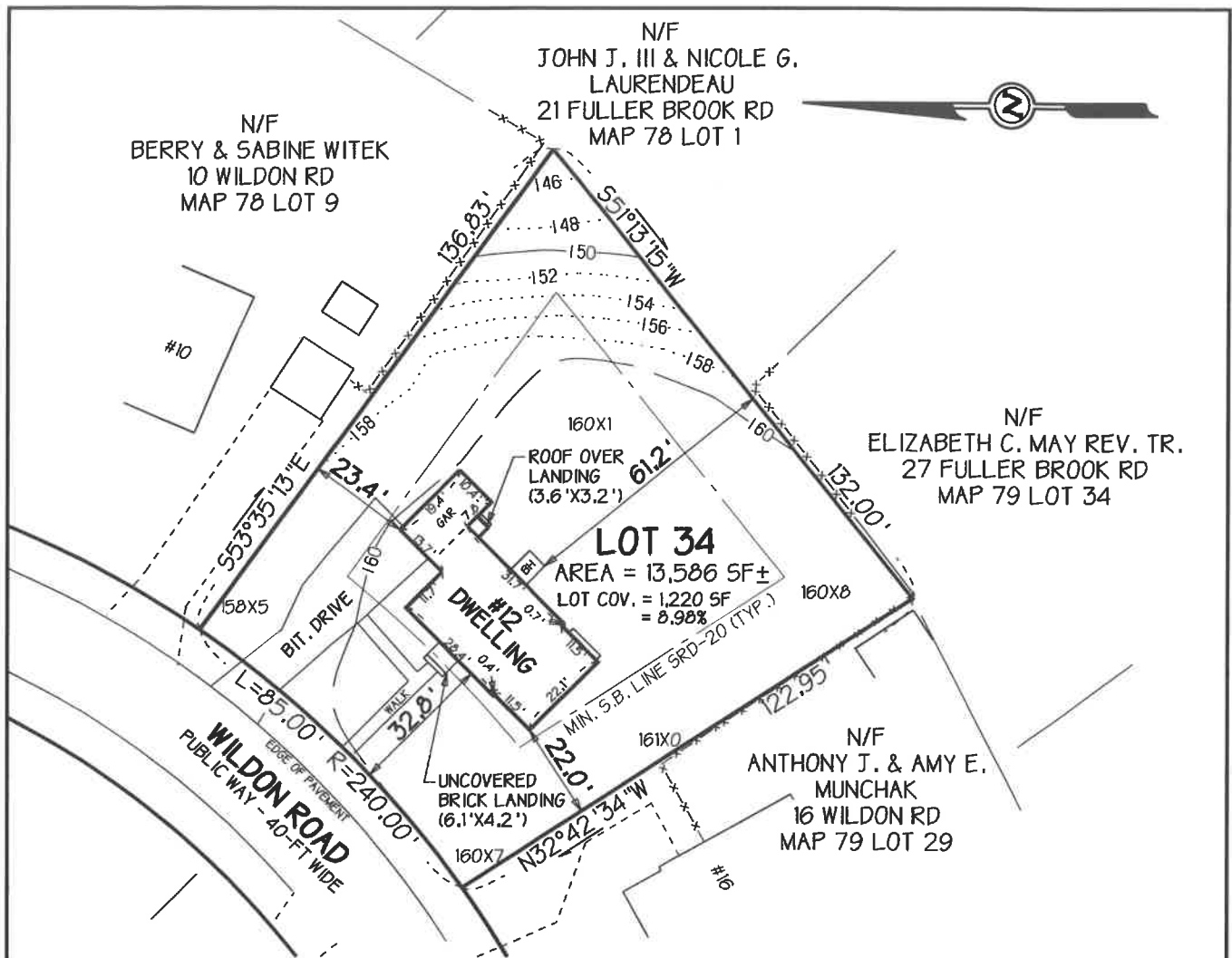
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed,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

Date:

Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm



SITE DATA

RECORD OWNER:
KANE BUILT, INC.

ASSESSORS MAP 79 LOT 28

BK 41360 PG 121
PL BK 2244 PG 496

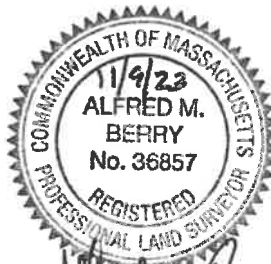
ZONE SRD 20 - TABLE 1

MIN. FRONT YARD: 30-FT
MIN. SIDE YARD: 20-FT
MIN. REAR YARD: 20-FT

MAX. TLAG W.O. LHR = 5,900 SF (SRD-20)

MAX. LOT COVERAGE = GREATER OF 20% OF LOT
AREA OR 2,500 SF; 2,717 SF FOR LOT 34

MAX. HEIGHT = 36-FT
EXISTING HEIGHT = 25'± ABOVE EXIST. GRADE



Alfred M. Berry

EXISTING PLOT PLAN 12 WILDON ROAD WELLESLEY, MASSACHUSETTS

PREPARED FOR:
KANE BUILT, INC.
P.O. BOX 620-636
NEWTON LOWER FALLS, MA 02462

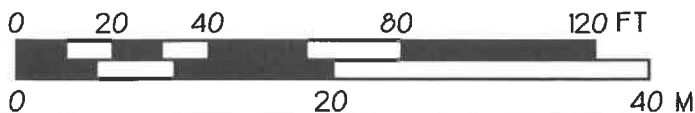
DATE: NOV. 9, 2023
SCALE: 1"=40'



**FORESITE
ENGINEERING**

16 Gleasondale Road Suite 1-1
Stow, Massachusetts 01775

Phone: (978) 461-2350



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MASSACHUSETTS

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