

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

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

LENORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 489-7450

WALTER B. ADAMS
DEREK B. REDGATE
PETER COVO

ZBA 2025-16
Petition of Estate of Louis Sardina
7 Greenlawn Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, March 6, 2025, on the petition of Estate of Louis Sardina 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 nonconforming garage and shed, construction of an enclosed front porch, expansion of an existing nonconforming one-story addition with construction of a second story over the existing and proposed addition with less than required right side yard setbacks, and construction of a two-story addition with a side facing two car garage on the first level, at 7 Greenlawn Avenue, on a 7,500 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On January 30, 2025, 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 Marissa Marcoux, Charney Real Estate, and Paul Worthington, Architect.

Ms. Marcoux said that the request is for a special permit for relief for right side yard setbacks and nonconforming lot size. Mr. Worthington said that the project includes expansion of the sunroom on the right side with a second floor above it, construction of a side facing garage at the rear with a master suite above it, and construction of a porch along most of the front of the house. He said that total TLAG of 3,186 square feet will be under the 3,600 square foot threshold for the district.

Mr. Worthington discussed discrepancies in lot coverage on the plot plans.

The Chairman said that plans submitted after the original application do not show a revised date. He said that the Engineering Department submitted a comment about pavers in the public way.

A Board member said that the air conditioning condensers (ac) are not shown on the plot plan. The Chairman said that the Board would grant no relief for the ac equipment.

The Chairman discussed the addition of impervious surface on a small lot that is close to other lots. He said that stormwater runoff seems to be the main concern of the three neighbors who submitted letters to the Board.

The Chairman asked about tree removal. Mr. Worthington said that he did not believe that any trees will be removed.

A Board member suggested adding an eyebrow over the garage doors to control outdoor lighting by creating a place for lighting in the soffit.

Laura Robert, 10 Greenlawn Avenue, discussed dark sky lighting, concerns about the size of the project in a tight neighborhood, issues with the side-facing garage, and noise.

Ms. Robert said that the enormous old pine tree on the property drinks a lot of water and the neighbor already has issues with water. She asked about protecting the roots if the tree is not coming down.

Anne Marie Osiecki, 38 Ledyard Street, discussed concerns about changing the look of the neighborhood of small houses, how people will get into and out of the garage, and the amount of hot top next to her house. Ms. Marcoux said that they will grass the area when the existing garage is torn down. Mr. Worthington said that the existing driveway will be extended. The Chairman asked that the Applicant consider a surface that can accommodate drainage.

The Chairman said that the Applicant should provide a revised plot plan that shows the limits of the driveway and the surface material, the type and location of any ac condensers, and that the pavers have been taken off the public way. He said that the Applicant will be required to provide an engineered drainage plan that has been approved by the Department of Public Works and has been shared with the neighbors. He said that revised plans should show the eyebrow over the garage doors.

April 3, 2025.

Present at the public hearing were Marissa Marcoux, Paul Worthington and Michael Clancy, Surveyor.

Mr. Worthington said that revised plans were submitted. The Chairman said that sheet C-1, Stormwater Design Plan, was not stamped or signed. He confirmed that the Applicant saw the notes that were submitted by the Assistant Town Engineer regarding the Stormwater Design Plan. He said that the Assistant Town Engineer could not review pre- versus post-peak rates and volumes because a full drainage report was not submitted.

The Chairman said that the abutters had a lot of concerns about runoff at the previous hearing. Mr. Worthington said that the back yards in this area are at the base of a large hill, which is what is causing the water problem. Mr. Clancy said that the calculations for storm drainage were based on the net increase of the project. He said that the proposed cultec system should be adequate.

A Board member said that the lower connection shown on Plan C-1 goes to a stairway rather than to the collection system on the roof of the second floor. He requested that water coming from the north side of the gable roof over the new addition be part of the water containment system. Ms. Marcoux said that they can direct all of the drainage to the south side.

The Chairman said that the revised plot plan shows impervious surface for the driveway. Mr. Clancy said that impervious area will be reduced when the garage is razed and replaced with grass. He said that there will be no net change in impermeable surface. The Chairman said that putting a drain in the driveway in front of the garage would alleviate some concerns about water runoff.

A Board member said that piping for the proposed cultec system will require excavation and could cause root damage to the large pine tree.

Laura Robert discussed concerns about the proximity of the new construction and water infiltration system to the pine tree. She said that the tree could be dangerous if the roots are damaged. Ms. Marcoux said that the tree is subject to the tree bylaw. The Chairman said that under the tree bylaw, the Applicant will be required to hire an arborist for protection of the tree.

Anne Marie Osiecki said that permeable pavers were discussed at the previous hearing. Mr. Worthington said that the pavers are extremely expensive. He said that the engineered drainage plan will handle the water without incurring the extra expense.

Ms. Osiecki discussed concerns about noise and disruption to the neighborhood during construction. The Chairman said that the Board doesn't typically require construction mitigation plans for this type of project but the town has a noise bylaw that restricts the hours during which construction can be done.

Statement of Facts

The subject property is located at 7 Greenlawn Avenue, on a 7,500 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with a minimum right side yard setback of 13.5 feet where 20 feet is required. The existing detached garage has a minimum left side yard setback of 1.8 feet where 20 feet is required.

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 nonconforming garage and shed, construction of an enclosed front porch, expansion of an existing nonconforming one-story addition with construction of a second story over the existing and proposed addition with less than required right side yard setbacks, and construction of a two-story addition with a side facing two car garage on the first level, on a 7,500 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan showing Required Lot Coverage of 20.0 percent, Current Lot Coverage of 15.5 percent and Proposed Lot Coverage of 23.3 percent, dated 12/17/24, an Existing Plot Plan, 2025, showing Required Lot Coverage of 25.0 percent and Current Lot Coverage of 15.5 percent and a Proposed Plot Plan, submitted on March 4, showing Required Lot Coverage of 25.0 percent, Current Lot Coverage of 15.5

percent and Proposed Lot Coverage of 23.0 percent, dated 12/17/24, and a Proposed Plot Plan, showing Required Lot Coverage of 25.0 percent, Current Lot Coverage of 15.5 percent and Proposed Lot Coverage of 24.2 percent, dated 12/17/24, revised 3/15/25, stamped by Michael P. Clancy, Professional Land Surveyor, #49621, Stormwater Design Plan, C-1, dated 3/24/25, designed and approved by DR, Floor Plans and Elevation Drawings, dated 1/13/25, Additions & Renovations and Existing Elevations/Demo Calc plans, dated 3/10/25, prepared by Design Restoration Inc., TLAG Affidavit, dated 3/1/25, prepared by Marc Charney, and photographs were submitted.

On February 4, 2025, the Wetlands Protection Committee issued a Negative Determination of Applicability.

On March 4, 2025, the Planning Department Staff reviewed the petition and recommended that a special permit be approved.

On March 25, 2025, Eilish Corey, Department of Public Works Engineering Division, submitted comments regarding the proposed infiltration system.

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 and shed, construction of an enclosed front porch, expansion of an existing nonconforming one-story addition with construction of a second story over the existing and proposed addition with less than required right side yard setbacks, and construction of a two-story addition with a side facing two car garage on the first level, on a 7,500 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 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 nonconforming garage and shed, construction of an enclosed front porch, expansion of an existing nonconforming one-story addition with construction of a second story over the existing and proposed addition with less than required right side yard setbacks, and construction of a two-story addition with a side facing two car garage on the first level, subject to the following conditions:

1. A full drainage report and a drainage system plan that is subject to review and approval of the Town Engineer shall be submitted.
2. The recommendations of Eilish Corey to George Saraceno, Assistant Town Engineer, stated in the memorandum dated March 24, 2025, shall be incorporated in this decision. The recommendations about annual inspection reports and infiltration systems to be submitted to the Town Engineer shall be clearly agreed upon.
3. A revised Plan C-1 Stormwater Design Plan, shall be stamped by a civil engineer.

4. Plan C-1, Stormwater Design Plan, shall be revised to show the connection from the drainage system to the building, not the stairs, and to show how water will be handled from the north side of the new construction.
5. All water runoff from the new construction shall be collected in the cultec system.
6. There shall be a drainage structure that contains all of the water in the driveway in the portion that leads into the garage.
7. There shall be no additional water runoff to pre-construction conditions.
8. An arborist shall be retained by the property owner, and written evaluation of the condition of the pine tree and recommended protective measures shall be provided to the Zoning Board of Appeals and to the Building Department to ensure that the protective measures are implemented.
9. The Board is granting no relief for air conditioning condensers or for relief under the tree bylaw.

The Building Inspector 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.

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 (Am)

Robert W. Levy, Acting Chairman

David G. Sheffield (Am)

David G. Sheffield

Walter B. Adams (Am)

Walter B. Adams

ZBA 2025-16
Applicant Estate of Louis Sardina
Address 7 Greenlawn Avenue

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

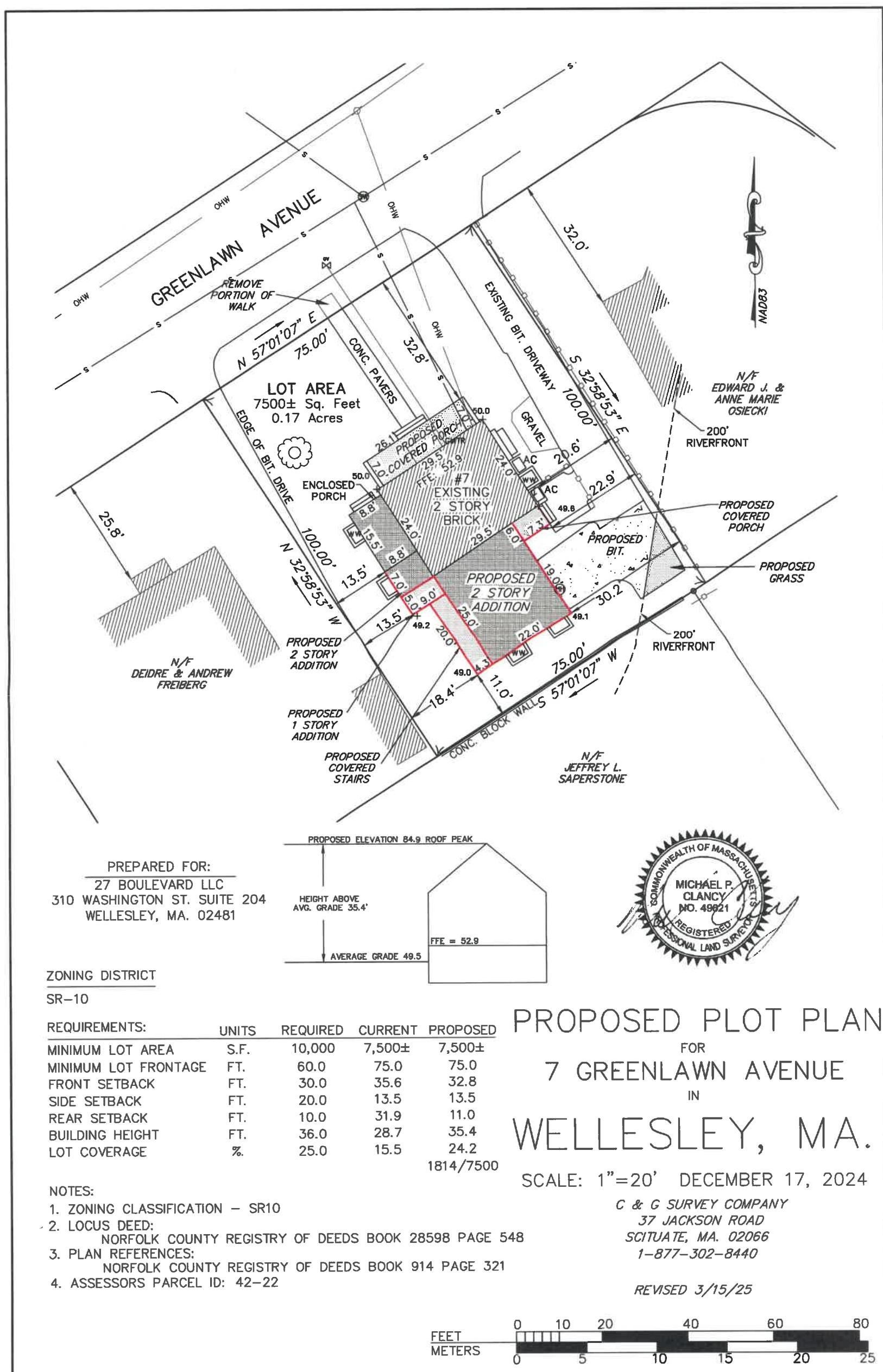
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed,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

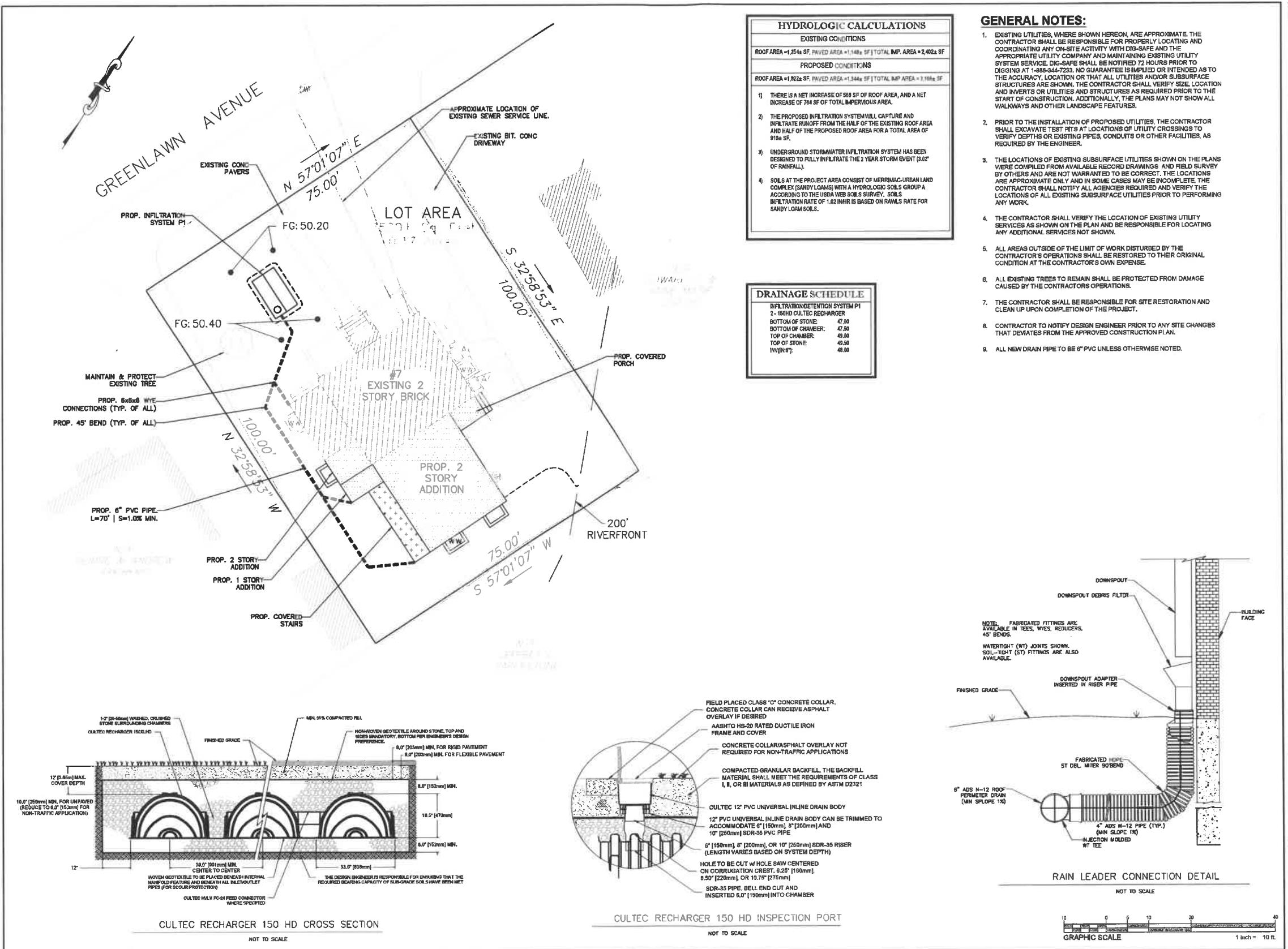
Date:

Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm





R E C E I P T

Printed: May 16, 2025 @ 11:04:38
Norfolk Registry of Deeds
William P O'Donnell
Register

Trans#: 32145

Oper:YSANCHEZ

Book: 42402 Page: 308 Inst#: 30644
Ct1#: 209 Rec:5-16-2025 @ 11:04:34a
WELL 7 GREENLAWN AVENUE

DOC	DESCRIPTION	TRANS AMT
<hr/>		
DECISION		
10.00	rec fee	12.00
50.00	Surcharge	50.00
5.00	Tech.Surcharge	5.00
STATE PG ADJ		2.00-
Postage/Handling Fee		1.00
State Fee \$40.00		40.00
<hr/>		
Total fees:		106.00
*** Total charges:		106.00
CHECK PM 1051		106.00

Pursuant to due notice, the Special Permit