



TOWN OF WELLESLEY
TOWN MEETING

Article: 3

Motion:

That the Zoning Bylaw be amended by adding a new SECTION XVID. LARGE HOUSE REVIEW. to be applicable as of January 1, 2008, said section to be inserted immediately following SECTION XVIC., DRAINAGE REVIEW., to read as follows:

SECTION XVID. LARGE HOUSE REVIEW

A. PURPOSE

This Section is adopted by the Town to provide pre-construction and post-construction plan review of single family dwellings which meet the applicability standards set forth below.

B. DEFINITIONS

Total Living Area plus Garage Space - This term includes:

- (i) all finished area above ground calculated by using the outside measurements of the dwelling expressed in square feet and in accordance with the methodology used by the Board of Assessors; and:
- (ii) Garage space and storage buildings in excess of 600 sq ft.; and
- (iii) Basement areas multiplied by a fraction, the numerator of which is the external above ground surface of basement walls and the denominator of which is the total surface (both above and below ground) of external basement walls, provided that if such fraction is less than .25, then the basement areas shall not be included.

C. APPLICABILITY

The provisions of this Section shall apply to all building permits issued after January 1, 2008 for new single family dwellings where the Total Living Area plus Garage Space of the dwelling, after completion, exceeds:

3,600 square feet for dwellings within the Single Residence 10,000 Square Foot Area Regulation District;

4,300 square feet for dwellings within the Single Residence 15,000 Square Foot Area Regulation District;

5,900 square feet for dwellings within the Single Residence 20,000 Square Foot Area Regulation District; and

7,200 square feet for dwellings within the Single Residence 30,000 and 40,000 Square Foot Area Regulation Districts.

The provisions of this section shall also apply to all building permits issued after January 1, 2008 for alteration of single family dwellings where the alteration will increase the Total Living Area Plus Garage Space of the dwelling in question by more than 10%, and the Total Living Area Plus Garage Space of the dwelling, after completion of the project, will exceed the applicable threshold, as listed above.

Notwithstanding the foregoing, this section shall not apply to:

1. changes to non-conforming single-family dwellings which are subject to a Finding in accordance with Section 6 of Chapter 40A M.G.L and SECTION XVII of this Zoning Bylaw, and
2. the reconstruction of pre-existing, non-conforming buildings, damaged or destroyed by accidental cause, including fire, or otherwise damaged or destroyed without the consent of the owner, in accordance with SECTION XVII. PRE-EXISTING NON-CONFORMING USES, STRUCTURES AND LOTS., C. DISASTER REBUILD.

D. PROCEDURE

1. General. Any applicant for a single family residential dwelling which is subject to this Section shall submit the information described below to the Planning Board and the Design Review Board through the Planning Director and shall not be entitled to issuance of a building permit unless and until the dwelling is approved in accordance with this Section.
2. Submission of Plans. The applicant for a single family residential dwelling subject to this Section shall provide 20 copies of the following information to the Planning Board and the Design Review Board through the Planning Director:
 - a. a site plan showing existing site conditions, all buildings, trees over 6" caliper, and significant natural features (for these purposes, a significant natural feature includes drainage courses, large boulders, ledge outcroppings, rare or endangered species, historic or ancient walls, fences and similar elements);

- b. photographs of the site showing existing buildings and natural features on the site and surrounding contiguous lots;
 - c. plans of the existing and, if available, former buildings on the site which have been demolished during the previous five years ;
 - d. proposed site conditions showing proposed building on the site, driveway location and utilities;
 - e. proposed building elevations for each side of the proposed dwelling;
 - f. proposed grading, depicted by one foot contours, and proposed drainage structures such as catch basins, roof drains, dry wells;
 - g. landscape plan showing tree removal and planting, and other major landscaping elements (for these purposes major landscaping elements include size and type of plant materials, driveways, walks, patios and courtyards, walls, fences, water features, and landforms);
 - h. provisions for sedimentation and erosion control if existing slopes in excess of 15% are to be disturbed.
3. Waivers. The Planning Board may, in any particular case where it determines such action to be consistent with the purpose and intent of the Zoning Bylaw and otherwise in the public interest, waive strict compliance with the requirements contained in this Section and with the Rules and Regulations adopted by it under this Section if it finds that the proposed construction, or certain aspects of the construction are de minimus based on the Standards and Criteria contained in Part E of this Section. Waiver requests must be made in writing and shall be addressed in a preliminary meeting between the Planning Board and the prospective applicant, held not later than 21 days after receipt of the waiver request. An applicant who makes a waiver request shall not submit his application until after meeting with the Planning Board on the waiver request.
4. Review and Timing. The Planning Board and Design Review Board shall each meet separately with the applicant to discuss the applicability of the Standards and Criteria set forth in Part E of this Section not fewer than 21 days after receipt of the submission to discuss the project. Although a public hearing is not required, notice of the Planning Board meeting shall be sent by mail, postage prepaid, to the abutters and abutters to the abutters within 300 feet of the property line of the applicant, as they appear on the most recent applicable tax list. Owners of land directly opposite the applicant on any public or private street or way shall be considered abutters under this Section. Written comments from abutters will be received and considered, and oral comments will be considered only at the discretion of the Chairs of the each

Board. The Design Review Board shall prepare comments and recommendations as it deems appropriate and shall submit these to the Planning Board. The Planning Board shall prepare its decision and provide it to the applicant within 90 days of the submission as well as to the Building Inspector and Zoning Board of Appeals as may be appropriate. The Planning Board may seek the recommendations of other Town Departments depending on the nature of the application. If the Planning Board has not issued its decision within 90 days of receipt of the submission from the applicant, the project, as described in the submission, shall be deemed approved. The 90-day time limit may be extended by written agreement between the Planning Board and the applicant, signed by, or on behalf of, the applicant.

5. Approval. The Planning Board shall determine whether the Standards and Criteria for Review set forth below have been satisfied. In reaching its decision, the Planning Board shall consider the recommendations of the Design Review Board and all other materials submitted to the Planning Board. If the Planning Board finds that the Standards and Criteria for Review have been satisfied, it shall approve the project as set forth in the submissions, provided that it may approve the project subject to conditions or plan modifications specified by the Planning Board in writing. A construction mitigation plan may be required if the site warrants erosion and sedimentation control measures. If the Planning Board finds that the Standards and Criteria for Review have not been satisfied, it shall disapprove the project, and shall state in writing the basis for its decision.
6. Issuance of Building Permit and Certificate of Occupancy. The Building Inspector shall not issue a building permit unless and until the project is approved by the Planning Board or is deemed approved in accordance with this Section. The Building Inspector shall verify compliance with all required conditions or plan modifications prior to the issuance of a Certificate of Occupancy. The Building Inspector shall inform the Planning Director and the applicant of any failure to comply with conditions of plan approval or plan modifications pursuant to this section.

E. STANDARDS AND CRITERIA FOR REVIEW

1. Preservation of Landscape. The landscape shall be preserved in its natural state insofar as practicable by minimizing any grade changes and vegetation and soil removal. Unique natural areas, topographic features such as ledge outcrops, significant trees and landscaping, and historic features shall be saved or enhanced insofar as practicable. Management of storm water shall be provided so as to minimize the impact on Town streets and abutting properties.
2. Scale of Buildings. All new construction shall be sited and implemented in a manner that is consistent with the scale of other structures in its vicinity

through the use of appropriate massing, screening, lighting and other architectural techniques such as variation in detail, form and siting. Consideration shall be given to the need for vegetated buffers. To the extent practicable this shall be based on the “Intent, Policy and Recommendations” specified in Part II. Design Criteria. of the “Design Guidelines Handbook” adopted by the Design Review Board and otherwise applying good architectural and aesthetic principles. Structures shall be arranged insofar as practicable to avoid casting shadows onto abutting property.

3. Lighting. Exterior lighting shall be only as needed to accomplish safety and design objectives and shall be arranged so as to minimize the impact on neighboring properties.
4. Open Space. Open space shall be as extensive as is practicable and designed so as to add to the visual amenities of the neighborhood for persons passing the site or overlooking it from nearby properties. To the extent practicable this shall be based on the “Intent, Policy and Recommendations” specified in Part II. Design Criteria. of the “Design Guidelines Handbook” adopted by the Design Review Board
5. Circulation. Walkways, drives and parking shall be safe and convenient and, insofar as practicable, not detract from the use and enjoyment of adjacent properties and Town streets.

F. FEES

Any applicant seeking plan approval under this section shall submit an application and pay such fees as shall be determined by the Planning Board, to cover any expenses connected with public notice and review of plans, including but not limited to the costs of any engineering or planning consulting services necessary for review purposes.

G. RULES AND REGULATIONS

The Planning Board may promulgate or amend Rules and Regulations which pertain to the plan approval process under this section so long as the Rules and Regulations conform to this Section XVID of the Zoning By-law. The adoption or amendment of Rules and Regulations shall be after a public hearing to receive comments on the proposed or amended Rules and Regulations. The public hearing shall be advertised once in a newspaper of general local circulation, at least 14 days prior to the date of the public hearing.

H. APPEALS

An applicant, or any person receiving notice under paragraph D., 4. above, may appeal the conditions or plan modifications to the Zoning Board of Appeals in accordance with SECTION XXIV. PERMIT GRANTING AUTHORITY.

and by adding to SECTION XXIV. PERMIT GRANTING AUTHORITY a new subparagraph B. 4. to read as follows:

4. To hear and decide appeals from decisions of the Planning Board pursuant to SECTION XVII. LARGE HOUSE REVIEW., H. APPEALS.

Signature

Approved:

Moderator