



ZONING BOARD OF APPEALS

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ZBA 2011-08
Petition of Gary Lesanto
57 Audubon Road

Pursuant to due notice, the Special Permit Granting authority held a Public Hearing on Thursday, March 3, 2011 on the petition of GARY LESANTO requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing structure with a footprint of 1,292 square feet and construction of a two and one-half story structure with a finished basement and partially finished attic space, with a footprint of 3,333 square feet, that will meet all setback requirements on an 18,204 square foot lot in a district in which the minimum lot size is 20,000 square feet, at 57 AUDUBON ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Property Owner: Timothy M. & Irene C. Flint

On January 25, 2011, the petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Gary Lesanto (the "Petitioner"). He said that also present were Tim and Irene Flint and George Giunta, Esq.

Mr. Lesanto said that they put a lot of work into the architectural details, floor plans and massing to design a house that will fit in with other houses and not be substantially more detrimental to the neighborhood.

Mr. Lesanto said that the property is located in a 20,000 square foot Single Residence District. He said that the Total Living Area plus Garage (TLAG) calculation is under the threshold for Large House Review (LHR). He said that the proposed house will meet all setback requirements. He said that lot coverage will be 18 percent and the height of the house will be 31.6 feet.

The Board said that the proposal is for a substantially larger house on an undersized lot. The Board said that this would be the largest or second largest home on Audubon Road. The Board said that the elevation drawings show that there was an attempt to break down the mass with gambrel rooflines and a number of windows on each façade. The Board said that the house was arranged well, gives visual interest and should fit in well with the neighborhood. The Board said that the proposed house will be conforming.

The Board said that properties that abut this lot on Sprague Street are as large or larger. The Board said that the houses are smaller on the other side of the Audubon Road loop. Mr. Lesanto said that a large

home was built on a nonconforming lot on Audubon Road a few years ago. He said that there are very large homes around the corner.

Mr. Lesanto said that the existing lot coverage does not include the patio. He said that he is undecided as to whether he will build the deck that is shown on the proposed plan or a patio instead. He said that without the deck the lot coverage will be just over 16 percent.

Mr. Lesanto said that they held a meet and greet for the whole neighborhood. He said that it was well attended. He said that most people seemed pleased with the plans.

The Board said that the greatest visual impact will be from the street. The Board asked if it would be possible to push the house back further from the street. Mr. Lesanto said the proposed house will be setback at 47 feet. He said that he did not want to push the house too far back because it would look odd from Audubon Road.

The Board said that there will be a lot of landscaped screening between the abutters on the sides.

Mr. Lesanto said that the room that is shown on the third floor could be a sitting room and office instead of a bedroom. He said that finishing that room will not affect the exterior of the house. He said that he showed it as being finished because it counts in the TLAG calculation.

Mr. Lesanto said that the building designer had been to the property. He said that the plans were custom designed for the property.

Robert Wadja, 53 Audubon Road, said that his property abuts 57 Audubon Road. He said that he has lived there for 17 years. He said that he had an opportunity to look at the plans at the meet and greet. He said that there are a number of positives about the design. He said that it will be a nice looking house. He said that the architect did well in dealing with the mass and height of the house. He said that he had also spoken with the current homeowners.

Mr. Wadja submitted a Powerpoint presentation. He said that there is a hemlock tree screen between 53 and 57 Audubon Road. He said that his house is approximately 20 feet from the lot line. He said that his living room, family room and master bedroom are on that side of the house. He said that a concern is the proximity of the new construction.

Mr. Wadja said that he is also concerned that the trees be protected during construction. He said that the trees provide a visual screen. He said that his arborist told him that hemlocks have very sensitive roots. He said that Mr. Lesanto has been amenable to protecting the trees near the drip line.

Mr. Wadja said that the developer confirmed that the mature Oak tree at the front that is a public shade tree will be left intact.

Mr. Wadja said that a concern is that the garage lights could shine into the living room and the master bedroom. He said that the developer said that he would install recessed lights that would face down.

Mr. Wadja said that they discussed with the developer that the air conditioning units will not be placed on the right side of the house.

Mr. Wadja said that he expressed his concerns to the developer about blasting.

Mr. Wadja said that he was concerned about the size of the house and the side entrance that will be located just behind the garage. He said that it will protrude four feet out. He said that the house will be tilted at an angle. He said that the edge of the porch will come close to the lot line. He said that he was concerned about light intrusion in his living room and family room. Mr. Lesanto said that lighting at the side entrance will be recessed in the soffit. He said that it is a pie shaped lot and the side entry will be approximately 30 feet from the side lot line. He said that the house will be tilted away from the property line.

The Board said that lighting in the overhang over the garage doors should be recessed.

Mr. Wadja said that Audubon Road has not lost its character in spite of development. He read statistics that were listed in his Powerpoint presentation. He discussed volume impact. He discussed total house square footage to lot area ratio.

Mr. Wadja said that a 1,600 square foot home was replaced with a 4,600 square foot home on an undersized lot at 24 Audubon Road. He said that the setbacks were maxed out on the sides and the rear. He said that for the first time the character of the street was adversely impacted by a house that is disproportionate to the lot size.

Mr. Wadja displayed a 6,000 square foot home on a 20,430 square foot lot, with a 29 percent house/lot ratio. He said that the proposed house at 57 Audubon will increase the house/lot ratio to 32 percent.

Mr. Wadja displayed a histogram that shows the house size to lot size ratios for all of the nonconforming lots, conforming lots and abutting lots on Audubon Road. He said that the existing house falls into a 10 to 15 percent ratio. He said that the proposed house will be well over 27 percent. He said that it will be a statistical outlier for the street.

Mr. Wadja said that the average house to lot size ratio for the street is 21 percent. He said that the maximum is 25 percent or 4,500 square feet. He said that maintaining a reasonable new house size will retain the character of the street. He said that it would avoid setting a new size precedent and would minimize the detriment to the neighbors while allowing for responsible development.

Mr. Lesanto said that he spoke with the Wadja's. He said that he was following the bylaw when figuring the lot ratios. He said that the house will be just over 5,000 square feet. He said that the house at 24 Audubon Road is on a pie shaped lot. He said that it was built at angle to max out the size and fit on the lot.

The Board said that sometimes numbers do not tell the whole story and other factors such as design solution have to be taken into consideration. The Board said that the view of the house from the street will be that no façade has a full two stories. The Board said that the house at 44 Audubon is much wider and has over half of it at a full two stories. The Board said that it has to balance the data with the design.

The Board said that good design can make a larger home appear smaller. The Board said that there will be precedents set by the numbers but there may be positive precedents as to what gets built in the neighborhood.

The Board said that there are no windows in the family room. Mr. Lesanto said that the air conditioning units will be located at either side of the fireplace in the family room. He said that he spoke with the neighbors on that side of the house and they did not appear to have a problem with that.

Lori Wadja, 53 Audubon Road, said that the proposed house will be much larger and closer to the lot lines. She said that she was concerned about tree and privacy issues. She said that even with recessed lighting there will be light diffusion at the side entry. She said that a future owner is not precluded from adding a different type of light fixture. She said that the doorway will line up with open family room space on their property.

Mr. Lesanto said that the intent is to make the front door more prominent for foot traffic.

Mr. Lesanto said that the grading will be high and tight. He said that it will be graded so that it will not trigger the TLAG calculation for the basement. He said that the height of the ridgeline will not be affected appreciably by any minor change in grade.

Statement of Facts

The subject property is located at 57 Audubon Road, on an 18,204 square foot lot in a district in which the minimum lot size is 20,000 square feet.

The Petitioner is requesting a Special Permit/Finding that demolition of an existing structure with a footprint of 1,292 square feet and construction of a two and one-half story structure with a finished basement and partially finished attic space, with a footprint of 3,333 square feet, that will meet all setback requirements on an 18,204 square foot lot in a 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.

A Plot Plan dated 1/12/11, stamped by Joseph R. Sullivan, Professional Land Surveyor, Existing Floor Plans, drawn by Pendergast Graphics, Existing Elevation Drawing, dated 1/10/11, drawn by Gary Lesanto, Existing and Proposed Floor Plans and Elevation Drawings, dated 1/11, prepared by Shane Structures, and photographs were submitted.

On February 7, 2011, the Planning Board reviewed the petition and was split (2-2) on a recommendation for this petition.

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 with a footprint of 1,292 square feet and construction of a two and one-half story structure with a finished basement and partially finished attic space, with a footprint of 3,333 square feet, that will meet all setback requirements on an 18,204 square foot lot in a 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, as it shall neither increase an existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted for demolition of an existing structure with a footprint of 1,292 square feet and construction of a two and one-half story structure with a finished basement and partially finished attic space, subject to the following conditions.

1. Adequate tree protection shall be maintained throughout the construction process, as determined by the Building Inspector.
2. Any lighting at the right side entry porch shall be recessed.
3. Any lighting on the overhang above the front door and the overhang above the garage shall be recessed.

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.

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.

David G. Sheffield, Acting Chairman

Robert W. Levy

David L. Grissino

cc: Planning Board
Inspector of Buildings
lrm

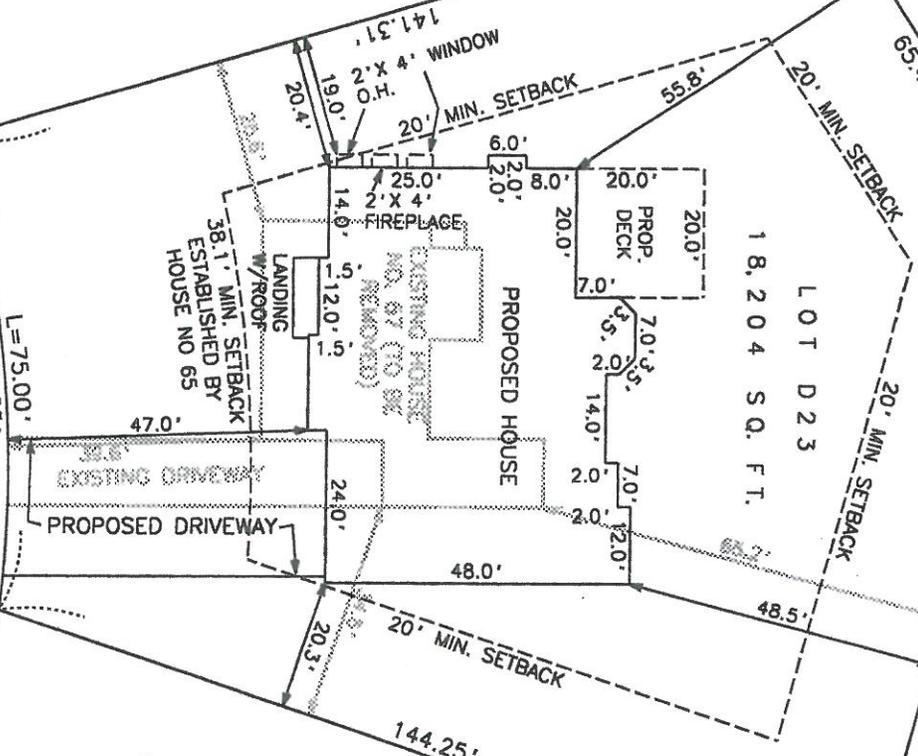


STEPHEN M. & JANICE B. JOY
65.41'

SPENCER J. & JULIE B. HITCH
141.31'

AUDUBON ROAD
L=75.00'
R=169.25'

EXISTING LOT COVERAGE = 1,292 SQ. FT. = 7.10%
PROPOSED LOT COVERAGE = 3,333 SQ. FT. = 18.31%



RECEIVED
TOWN CLERK'S OFFICE
MELISSA D. ESTEY MA 02482
2011 JAN 25 A 11:34
ROBERT MADDEN

ROBERT J. WADJA & LORI E. DEANE-WADJA
144.25'

TED L. & YVETTE K. RUDICH

BOARD OF APPEALS PLAN OF LAND IN WELLESLEY, MASS.

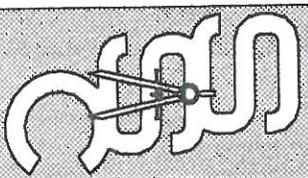
APPLICANT : GARY LESANTO

SCALE : 1" = 30' JANUARY 12, 2011

ZONING CLASSIFICATION : 20,000 SQ. FT.



JOSEPH R. SULLIVAN
REG. PROF. LAND SURVEYOR



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