

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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ZBA 2014-97
Petition of William & Melissa Wagner
14 Lanark Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 6, 2014 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of WILLIAM & MELISSA WAGNER requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that replacement of an existing deck, porch and steps with construction of a new deck, covered entry and steps that will meet all setback requirements, on a 16,376 square foot lot in a Single Residence district in which the minimum lot size is 20,000 square feet, at 14 LANARK ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On October 20, 2014, 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 were Tim Haynes, Meyer and Meyer Architect, Robert Gemma, Professional Land Surveyor, and Matt Gillen, Gregory Lombardi Design.

Mr. Haynes displayed photographs of the existing house (retained by proponent). He said that the Board recently granted a special permit for this property. He said that the house is a 1930 colonial revival that a developer recently put an addition on that included a garage, kitchen and master bedroom on the back. He said that there were some issues with the way the house functions with the addition and the aesthetics of the addition tying into the older portion of the house.

Mr. Haynes said that there is a driveway at the left side and is fairly steep going down to a garage that is underneath at the lower level. He said that there is a walkway at the front of the house to the street. He said that guests who come to visit park on the street. He said that there is an existing deck off of the family room and living room and an existing solarium on the right side. He said that there is an existing two-story porch on the driveway side, as well as a walkway and a retaining wall.

Mr. Haynes said that the proposal is to extend the terrace off of the back of the house to allow use of it to extend to the solarium. He said that they will relocate the stairs to the side. He said that the existing retaining wall and porch on the left will be expanded. He said that the idea there was rather than going down the slope and entering the house at the garage level, the homeowners could pull up to the house and have a safe drop off spot to unload children, in-laws and groceries, as well as a place for visitors to park off of the street. He said that they will be adding a new driveway in front.

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Mr. Haynes said that the deck has lattice and sloping ground underneath it. He said that the proposal is to level out that area for exterior outdoor space, which is currently lacking at the house. He said that a portion of it will be enclosed to extend the play area. He said that there will be a covered area for trash and bikes. He said that will provide a safe way to get into the house without having to walk through the garage.

Mr. Haynes said that all of the expansions will be within the setbacks. He said that the project went before the Wetlands Protection Committee because part of it was to remedy drainage issues that exist. He said that they will change to a pervious driveway surface for a good amount of groundwater infiltration, and reduce the amount of lawn that extends down to an intermittent stream. He said that although the house will be extended, they will be pulling the landscape tighter to the house with a series of paths that are tucked up against the house, which allows them to reintroduce a glade and allow for better drainage in the buffer zone.

Mr. Haynes said that the covered porch will have a door for winter protection. He said that they wanted it to look much like the solarium on the other side. He said that they will change the roofline on the solarium to introduce a little more light into it. He said that they will introduce the openings that were original to the house. He said that with this plan, the homeowners will be able to navigate through the solarium from the front of the house. He said that the condenser farm at the front will be changed to a garden. He said that the proposed design will be more compatible with the drop off. The Board asked where the condensers will be relocated to. Mr. Haynes said that there is a rail on top of the triple decker. He said that the homeowners would like to replace that with a parapet wall that will more closely match the roofline of the original house. He said that it will shield and shelter a new area where they can put mechanical equipment. He said that it will not change the overall height of the house. He said that the height from average existing grade is 34.2 feet. He said that the house is very well screened.

The Board asked if the masonry will be replaced. Mr. Haynes said that the front part of the house is white washed brick. He said that the Landscape Plan has allowed them to introduce more stonework. The Board said that a lot of the grading and landscaping work that is proposed will expose more of the basement. The Board questioned the calculation of height from average grade at 34.2 feet.

The Board asked about the height of the retaining walls, especially on the right side of the house. Mr. Gillen said that the circular retaining wall at the right front of the house will be no taller than four feet. He said that it will start at grade and curve down and around to an exposure of four feet. He said that a three foot retaining wall on the right side of the property will be a function of the drainage system. He said that there will be a two to two and a half foot retaining wall on the left side of the property as the driveway slopes down.

The Board asked how many square feet of disturbance of the lot will be created with this project. Mr. Haynes said that they will be disturbing further into the buffer zone. The Board discussed major construction projects in a Watershed Protection District. Mr. Gemma said the lot is 16,000 square feet. He said that the limit of work probably encompasses 10,000 to 12,000 square feet and the house footprint is 2,500 square feet.

A Board member said that, in looking at the Order of Conditions, he was not sure that the retaining walls are the same as the walls on the plans before this Board. Mr. Gillen said two and part of a third retaining

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walls are within the 100 foot buffer zone and the one on the left is outside of it. He said that all of the walls are the same as those that were shown on the Wetlands Protection plans.

The Board asked about the type of pervious paving that will be used. Mr. Gemma said that they will look at two options, one of which is flexi pave, which is a recycled tire product with aggregate in it. He said that he wanted to speak with the design team about the increased use of porous asphalt. He said that it is a little bit easier to install and is more economical. The Board asked about permeable pavers. Mr. Gemma said that they are somewhat more expensive, are harder to install, and require more maintenance.

The Board asked about the dogwood in the front yard that is labeled as, "to be transplanted." Mr. Gillen said that two trees will be transplanted. He said that one will be transplanted to the lower lot and the other will be moved closer to the street. The Board asked if the trees are subject to the Tree Bylaw, which is enforced by the Building Inspector.

The Board said that a major construction project would have to go through the Design Review process. The Board said that typically projects go to other boards before they get to ZBA.

The Board asked about Total Living Area plus Garage (TLAG) calculations. Mr. Haynes said that it is 5,820 square feet. The Board said that 5,900 square feet is the threshold for Large House Review in a 20,000 square foot Single Residence District.

The Board questioned approval of a special permit if more than 5,000 square feet of the site will be disturbed. The Board questioned if that would be up to the Building Inspector. The Board said that it would not be exempting it from those requirements. The Board said that the Petitioner may need an additional permit.

The Board said that the drainage system is not shown on the ZBA plans. Mr. Gemma said that a lot of the disturbance involves area that is already paved. The Board said that they bylaw discusses grading or re-grading of land to planned elevations and/or removal or disturbance of the existing vegetated cover over an area of 5,000 or more square feet. The Board said that the area to the side and around the back will probably reach that threshold. Mr. Gemma said that he could do the calculations. The Board said that it would need to see the calculations on a plan.

The Board discussed continuing the petition to a later date.

The Board asked about lot coverage. Mr. Gemma said that it will be 20 percent.

The Board discussed granting a special permit with a condition that if the disturbance does exceed 5,000 square feet, the project will have to go before the Design Review Board for a major construction project. The Board said that the alternative is to continue the petition until the Applicant can show what the amount of disturbance will be.

David Himmelberger, Esq., asked about the Board handling the special permit as a stand alone matter. He said that if there is not disturbance of more than 5,000 square feet, there will be no need for Site Plan Review. He said that Site Plan Review could be a separate action. He said that the special permit and Site Plan Review are parallel tracks that are independent of one another. He said that there is no downside to the Board granting a special permit because if the disturbance will exceed 5,000 square feet,

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the project would have to come back for Site Plan Review where the ZBA is the final arbiter. The Board said that Site Plan Review would have to be noticed and would be subject to a different standard of review.

The Chairman said that it was his sense of the Board that it would prefer to continue the petition until it can ascertain whether the 5,000 square foot threshold is triggered and then determine the process once it knows the answer to that. He said that a special permit is needed for the undersized lot size. He said that can be done at the same time as a Site Plan Review.

Mr. Haynes requested that the Board allow the petition to be continued. The Board said that the petition could be continued to December 4, 2014, when the Board will have seen calculations that show whether the 5,000 square foot threshold is triggered and can then take the appropriate action. The Board said that, in the event that the calculation comes in at less than 5,000 square feet, an engineer's plan should be provided to the Board.

The Board voted unanimously to continue the petition to December 4, 2014.

A Board member questioned whether a special permit for a major construction project is required for a single family residence. He read the Preamble on page 103 of the Zoning Bylaw that said that this section shall not apply to one or two-family dwellings unless it is located in a Flood Plain or Watershed Protection District.

The Board discussed Flood Plain Districts. Mr. Gemma said that the FIRM Maps define the flood hazards. He said that the wetlands involved here are around a small intermittent stream that is dry for most of the time. The Board said that it could approve the special permit subject to the condition that the property is not located in a Watershed or Flood Plain District. The Board discussed having a condition that an engineer submit a letter certifying that the property is not located in a Watershed or Flood Plain District.

The Board discussed rescinding the continuance to December 4 and conditioning a special permit for submittal of certification that the site is not in a Flood Plain District, that is, it is not on the FIRM Map in a Zone A or a Zone AE. The Board said that if that is the case, the project is exempt from site plan review and the Board can grant the special permit, as conditioned. Mr. Gemma displayed the Notice of Intent (retained by proponent). He said that on the form there is a box to be checked if the site is within a FEMA Flood Hazard Zone identified on the FIRM map, which is classified under the Wetlands Protection Act as bordering land subject to flooding. The Board confirmed that the application that Mr. Gemma presented to the Board was the one that was provided to the Wetlands Protection Committee as its application for a Notice of Intent.

The Board voted unanimously to rescind the vote to continue the petition to December 4, 2014 and to grant a special permit, subject to the condition that certification from an engineer that the site is not in a Flood Plain or Watershed Protection District be submitted.

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 14 Lanark Road on a 16,376 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 pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that replacement of an existing deck, porch and steps with construction of a new deck, covered entry and steps that will meet all setback requirements, on a 16,376 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.

An Existing Conditions Plot Plan and a Proposed Z.B.A. Plot Plan, dated 10/14/14, stamped by Robert A. Gemma, Professional Land Surveyor, Existing & Proposed Floor Plans and Elevation Drawings, dated 10/15/14, prepared by Meyer & Meyer Inc., and photographs were submitted.

On November 4, 2014, the Planning Board reviewed the petition and recommended that the Special Permit be granted.

On September 24, 2014, the Wetlands Protection Committee issued an Order of Conditions, MassDEP File #:324-0759.

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 although replacement of an existing deck, porch and steps with construction of a new deck, covered entry and steps that will meet all setback requirements, on a 16,376 square foot lot in a Single Residence district in which the minimum lot size is 20,000 square feet is increasing a nonconformity, such increase shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, a Special Permit is granted for replacement of an existing deck, porch and steps with construction of a new deck, covered entry and steps that will meet all setback requirements, on a 16,376 square foot lot in a Single Residence district in which the minimum lot size is 20,000 square feet, subject to the condition:

- Certification from an engineer that the site is not in a Flood Plain or Watershed Protection District shall be submitted.

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.

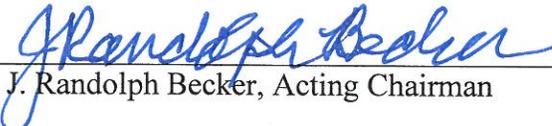
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time-stamped on this decision.

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ZBA 2014-97
Petition of William & Melissa Wagner
14 Lanark Road

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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.



J. Randolph Becker, Acting Chairman



Robert W. Levy



Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm

PROPOSED Z.B.A. PLOT PLAN

IN WELLESLEY, MASS.

SCALE: 1" = 20'

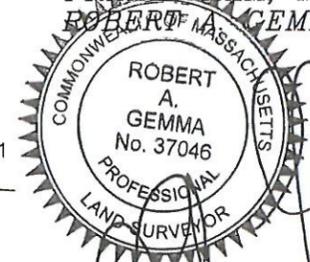
DATE: OCTOBER 14, 2014

LOCATION: 14 LANARK ROAD

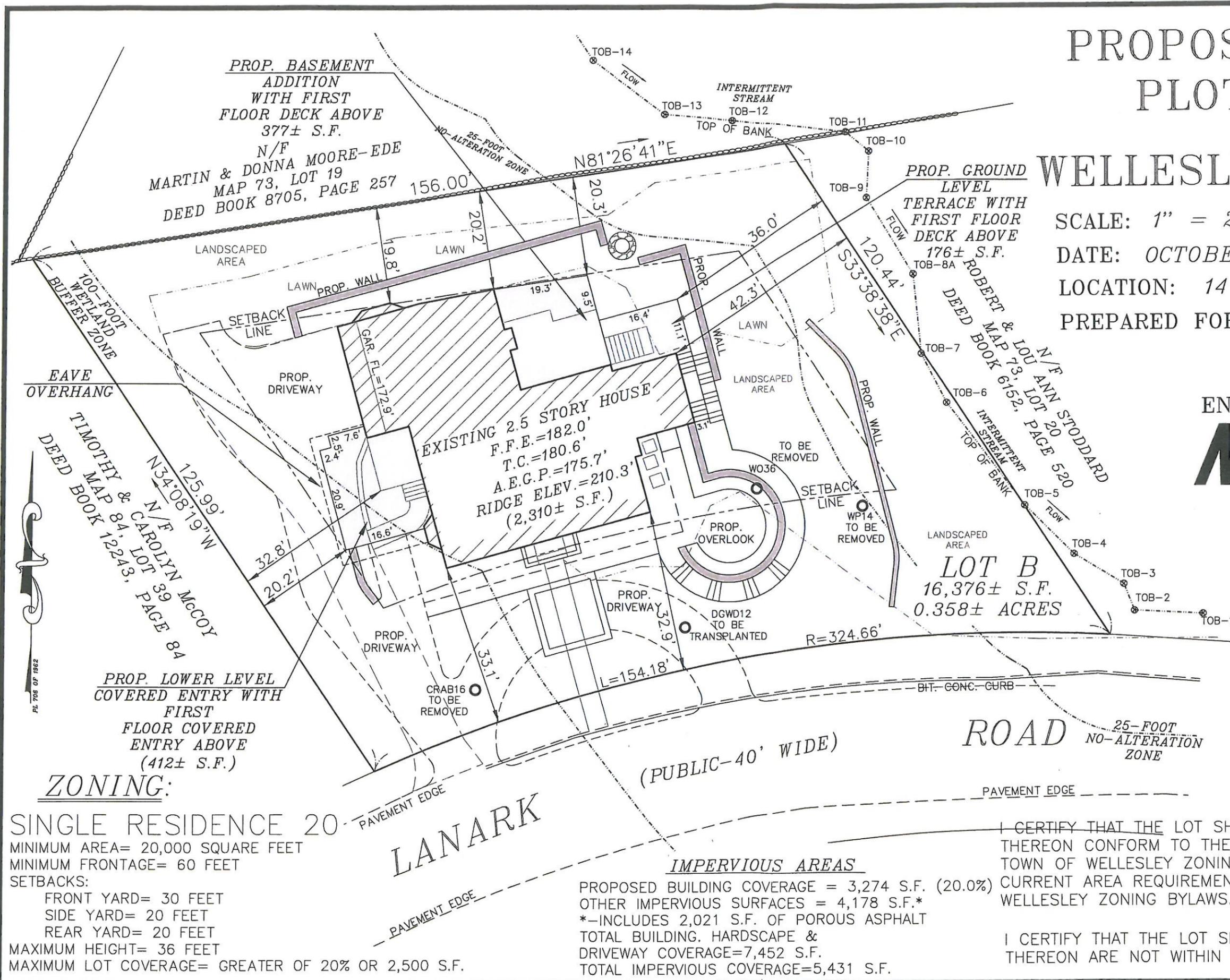
PREPARED FOR: WILLIAM & MELISA WAGNER

ENGINEERS & SURVEYORS:
MWE

METROWEST ENGINEERING, INC.
75 FRANKLIN STREET
FRAMINGHAM, MA 01702
ROBERT A. GEMMA, PLS 37046



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ZONING BOARD OF APPEALS

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ROBERT W. LEVY
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ZBA 2014-97 - Modified
 Petition of William & Melissa Wagner
 14 Lanark Road

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 8, 2015, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of William & Melissa Wagner requesting modification of a Special Permit that was granted on November 20, 2014, pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw, on a 16,376 square foot lot in a Single Residence district in which the minimum lot size is 20,000 square feet, at 14 Lanark Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On September 22, 2015, 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 were Tim Haynes, Architect, Matt Gillen, Landscape Architect, Brian Nelson, Engineer and William Wagner, the Petitioner.

Mr. Haynes submitted a letter of support from all of the neighbors.

Mr. Haynes said that, since last year, the homeowners have had time to think about the previously approved changes. He said that after the winter they looked at the rooflines and decided to make some changes. He said that the approved plans showed a basement addition to enlarge the lower level, and to add a covered port cochere at the first floor level. He said that most of the changes take place at the back of the house. He said that they would like to make some changes to the rooflines, and to scale it back and simplify a bit. He said that they would like to add an additional 3.8 feet to the lower basement portion of the house. He said that they would like to eliminate a portion of the deck. He said that they regularized the deck and took away living space underneath it. He said that what was previously open under, they would like to enclose. He said that they would like to bring some of the rooflines down and eliminate some of the cupolas. He said that there will be some fenestration changes. He displayed the proposed changes on a large scale plan (retained by proponent). He said that the landscape changes that go along with opening the space underneath the deck have been approved by the Wetlands Protection Committee (WPC), with reduction in pervious area.

The Board said that the lot size is nonconforming.

Mr. Gillen said that there are five changes to the landscaping. He submitted a Layout and Materials Plan and photographs. He said that they will remove paved area, for a reduction of 750 square feet of

impervious area. He said that will involve removing some paved areas from below and some walls at the back. He said that the retaining wall at the edge of the property that was put in for an infiltration system was previously presented as a fieldstone wall. He said that they would like to change that to a concrete wall with a bluestone cap. He said that the wall is buried very deep into the woods. He said that there is a lot of planting that is going around it. He said that the proposal is to add two stone piers at the front of the property which are driveway markers with bluestone caps. He said that the proposal is to remove walls at the back of the property. He said that they will reduce the height of the walls at the front along the road from three feet down to 18 inches. He said that they relocated the air conditioning units to a sunken pit that is not visible from the street.

The Board confirmed that these are modifications to a special permit that was approved in October of 2014.

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 14 Lanark Road on a 16,376 square foot lot in a district in which the minimum lot size is 20,000 square feet.

The Petitioner is requesting modification of a Special Permit that was granted on November 20, 2014, pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw, on a 16,376 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. Lot coverage was approved on November 20, 2014 for 3,274 square feet, or 20 percent. The proposed modification is for 3,250 square feet of lot coverage, or 19.8 percent.

A Plot Plan, dated 9/15/15, stamped by Robert A. Gemma, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 8/20/15, prepared by Meyer and Meyer Inc. were submitted.

On July 21, 2015, Pam Helinek, Wetlands Administrator, stated in a letter to William and Melissa Wagner that the Wetlands Protection Committee voted to approve the proposed changes to the plan at its meeting on July 16, 2015.

On October 7, 2015, the Planning Board reviewed the petition and recommended that the Zoning Board of Appeals approve the modifications to the special permit.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

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ZBA 2014-97 - Modified
Petition of William & Melissa Wagner
14 Lanark Road

It is the opinion of this Authority that modification of a Special Permit that was granted on November 20, 2014, pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw, on a 16,376 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, as it shall neither increase an existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for modification of a Special Permit that was granted on November 20, 2014, in accordance with the revised plot plan and construction drawings.

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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ZBA 2014-97 - Modify
Petition of William & Melissa Wagner
14 Lanark Road

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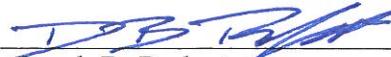
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



David G. Sheffield, Acting Chairman



Robert W. Levy



Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm

PROPOSED Z.B.A. PLOT PLAN IN WELLESLEY, MASS.

SCALE: 1" = 20'

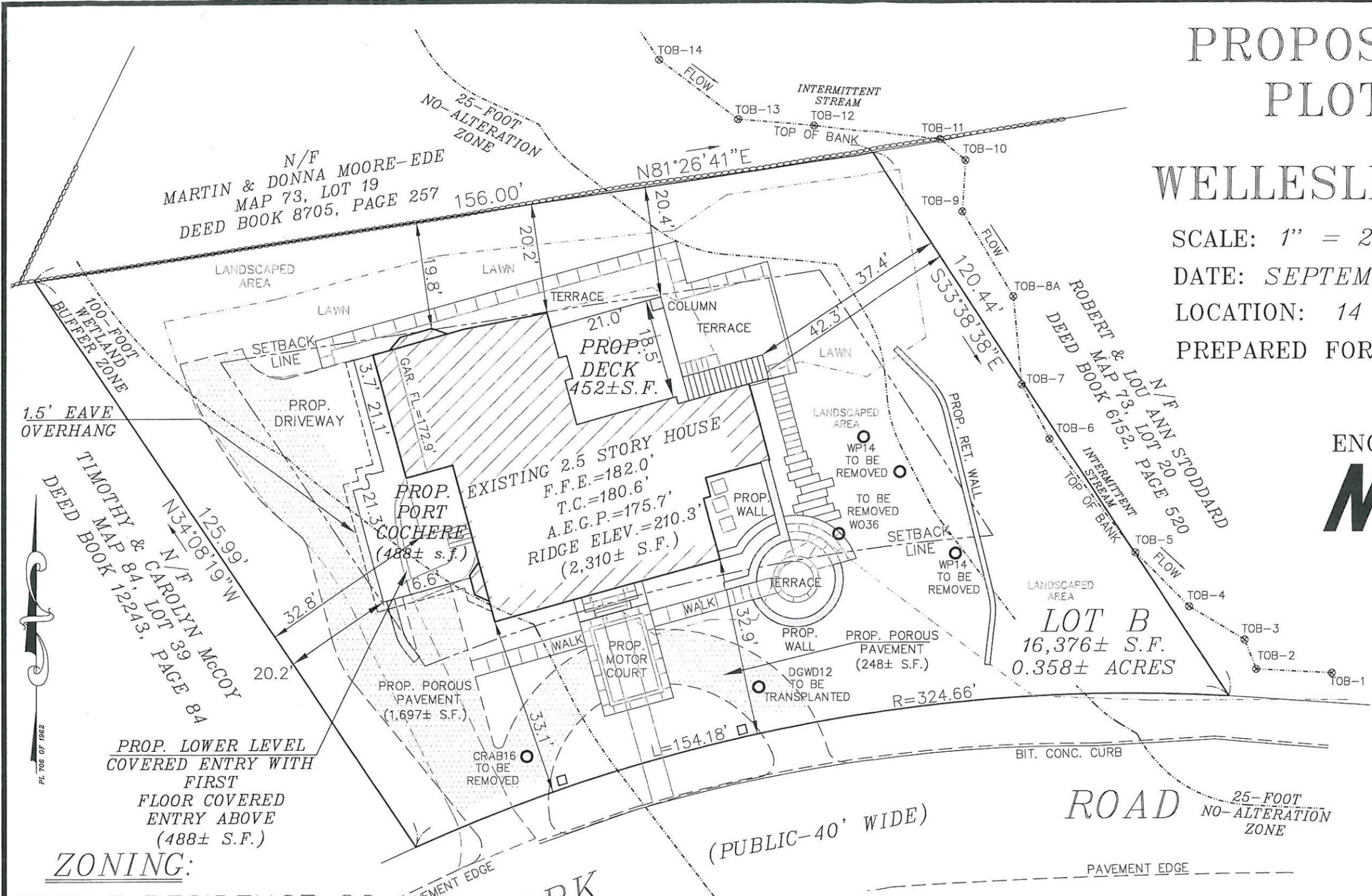
DATE: SEPTEMBER 15, 2015

LOCATION: 14 LANARK ROAD

PREPARED FOR: WILLIAM & MELISSA
WAGNER

ENGINEERS & SURVEYORS:
MWE

METROWEST ENGINEERING, INC.
75 FRANKLIN STREET
FRAMINGHAM, MA 01702
ROBERT A. GEMMA, PLS 37046



LOT B
16,376± S.F.
0.358± ACRES

ZONING:

SINGLE RESIDENCE 20-

- MINIMUM AREA= 20,000 SQUARE FEET
- MINIMUM FRONTAGE= 60 FEET
- SETBACKS:
 - FRONT YARD= 30 FEET
 - SIDE YARD= 20 FEET
 - REAR YARD= 20 FEET
 - MAXIMUM HEIGHT= 36 FEET
 - MAXIMUM LOT COVERAGE= GREATER OF 20% OR 2,500 S.F.

IMPERVIOUS AREAS

- PROPOSED BUILDING COVERAGE = 3,250 S.F. (19.8%) (INCLUDING DECK)
- OTHER IMPERVIOUS SURFACES = 4,242 S.F.*
- *-INCLUDES 1,945 S.F. OF POROUS ASPHALT
- TOTAL BUILDING, HARDSCAPE & DRIVEWAY COVERAGE=7,452 S.F.
- TOTAL IMPERVIOUS COVERAGE=5,547 S.F.

I CERTIFY THAT THE LOT SHOWN AND THE EXISTING HOUSE THEREON CONFORM TO THE SETBACK REQUIREMENTS OF THE TOWN OF WELLESLEY ZONING BYLAWS. THE LOT PREDATES THE CURRENT AREA REQUIREMENT OF THE CURRENT TOWN OF WELLESLEY ZONING BYLAWS.

I CERTIFY THAT THE LOT SHOWN AND THE EXISTING HOUSE THEREON ARE NOT WITHIN THE FEDERAL FLOOD HAZARD AREA.

