



ZONING BOARD OF APPEALS

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

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ZBA 2015-24
Petition of Elijah & Elizabeth White
26 Amherst Road

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WELLESLEY MA 02482
2015 MAR 19 P 3:00

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 5, 2015, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of ELIJAH & ELIZABETH WHITE requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming garage and construction of a one-story garage, construction of a two-story addition and construction of a porch that will meet all setback requirements, on an existing nonconforming structure with less than required right side yard setbacks, in a 10,000 square foot Single Residence District, at 26 AMHERST ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On February 17, 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 was David Johnson, Architect, representing Elijah and Elizabeth White, (the Petitioner).

Mr. Johnston said that the lot is conforming. He said that there are two nonconformities on the right side of the existing structure. He said that the project entails removing an existing nonconforming detached garage at the right rear and building a new garage to the left of the property that will conform. The Board confirmed that the garage will be attached and will become part of the house. Mr. Johnson said that the plan is to expand the existing family room and kitchen at the back as well as reconfiguring some bedrooms on the second floor. He said that they plan to construct a new open porch at the back facing the back yard. He said that the construction will meet Total Living Area plus Garage (TLAG), setback and lot coverage requirements.

The Board asked about the TLAG calculation. Mr. Johnson said that it will be 350 to 400 square feet below the threshold for Large House Review (LHR). He said that he can get the calculations to the Board.

The Board said that a concern is that the proposal is to come within three inches to the 20 foot side yard setback at a corner of the garage. Mr. Johnson said that the surveyor will pin and certify it. The Board said that surveyors can disagree about setbacks. The Board said that it prefers to see more leeway or forgiveness space in case of mistakes. The Board suggested that when the footings are put in for the

garage, that they be re-measured. The Board said that the Building Inspector will look at it and once the foundation is in and the walls are up, it will have to meet the requirements or be taken down.

The Board said that there will be an increase in impervious area of approximately 40 percent. The Board asked what will happen to the rainfall. Mr. Johnson said that they will be removing the existing driveway and that area will return to grass. The Board said that there will be a new driveway to get to the proposed garage. The Board said that the rate at which things will runoff will be different. The Board said that there will be a lot more roof.

Mr. Johnson asked if the runoff could be addressed with drywells. The Board said that it prefers to see that issues addressing additional impervious surface have already been thought through. The Board said that the proposal is to add significant impervious area. The Board said that the property is not located in a Water Supply Protection District (WSPD), so there is no requirement to re-inject the runoff. The Board said that it is an issue that impacts the rest of the neighborhood.

The Board asked about the topography of the lot compared to the abutting lots. Mr. Johnson said that the lot is flat, as are the abutting lots.

The Chairman said that he thought that it would be a good idea to have a couple of drywells on either side of the structure. He confirmed that no work will be done to the roof on the right side but it will pick up something from the addition at the back.

A Board member said that he noticed a slight inconsistency on the drawings. He said that Plan A3 shows a significant roof over the door to the garage. He said that Elevation Drawing A5 shows a much more modest roof over the door. Mr. Johnson said that the size of the roof should be the same. He said that Elevation A5 is the way that the roof should look. The Board said that what is presented to the Board is what the Building Inspector expects to be built. The Board said that the two drawings should be coordinated.

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 26 Amherst Road, on an 11,350 square foot lot, in a 10,000 square foot Single Residence District, with a minimum right side yard setback of 14.52 feet for the existing structure and a minimum right side yard setback of 11.68 feet for the existing garage.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming garage and construction of a one-story garage, construction of a two-story addition and construction of a porch that will meet all setback requirements, on an existing nonconforming structure with less than required right side yard setbacks, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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A Plot Plan, dated 2/10/15, stamped by William R. Dentremon, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 1/6/14, prepared by Studio Twenty Six, and a photograph were submitted.

On March 3, 2015, the Planning Board reviewed the petition and recommended that the petition be granted.

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.

It is the opinion of this Authority that demolition of an existing nonconforming garage and construction of a one-story garage, construction of a two-story addition and construction of a porch that will meet all setback requirements, on an existing nonconforming structure with less than required right side yard setbacks 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 demolition of an existing nonconforming garage and construction of a one-story garage, construction of a two-story addition and construction of a porch that will meet all setback requirements, on an existing nonconforming structure with less than required right side yard setbacks, in accordance with the submitted 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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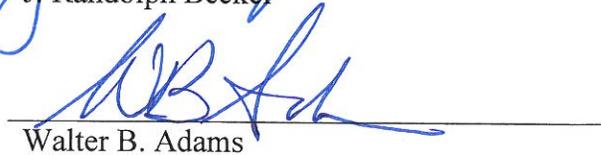
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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.


Richard L. Seegel, Chairman


J. Randolph Becker

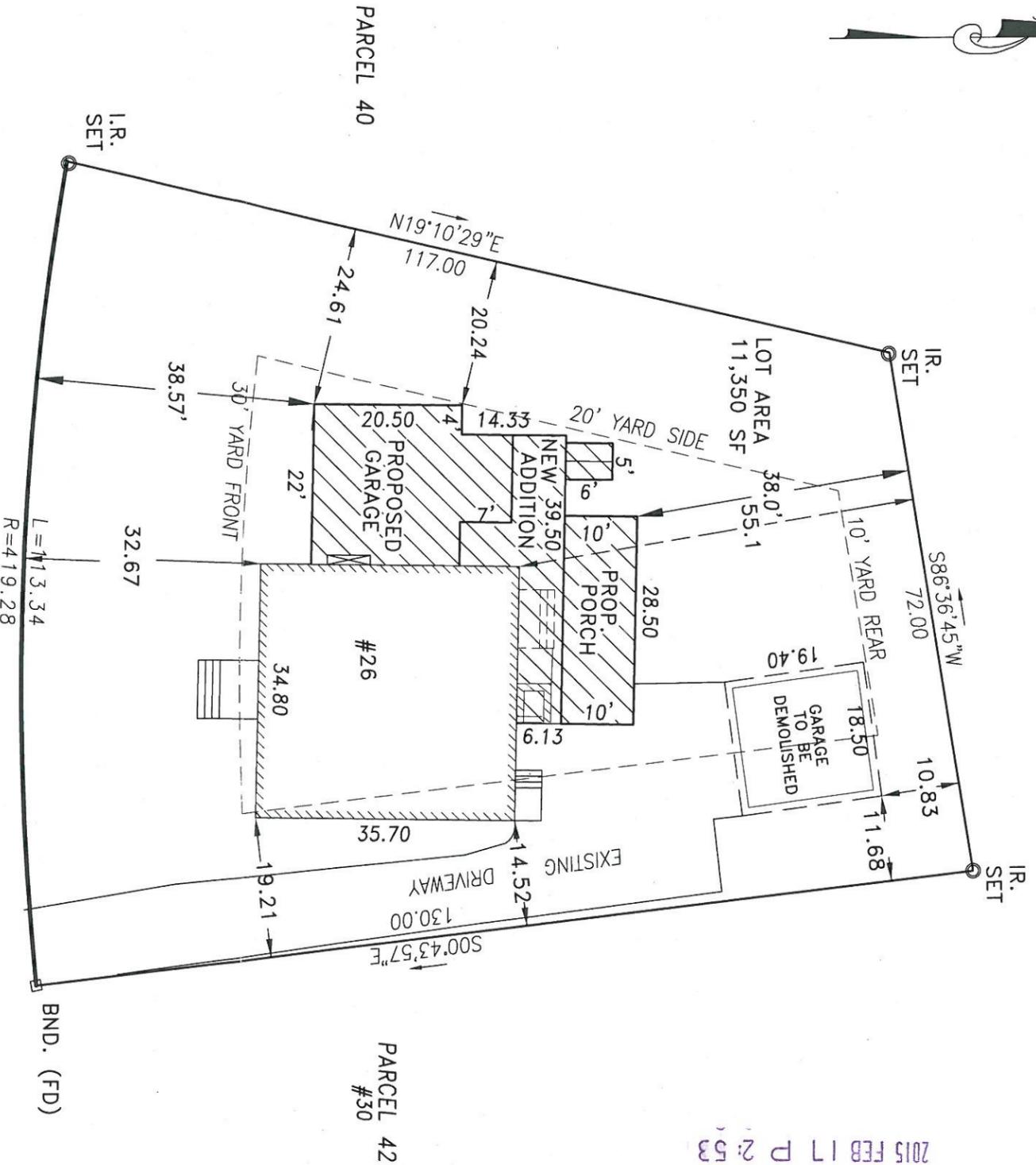

Walter B. Adams

cc: Planning Board
Inspector of Buildings
Irm

VARIANCE TABLE

	LOT AREA	FRONTAGE	FRONT YARD	SIDE YARD	REAR YARD	% LOT COVERAGE
EXISTING	11,350 S.F.	113.34	32.67	14.52	55.1	1,717/11,350 = 15.1%
PROPOSED	11,350 S.F.	113.34	38.57	20.24	38.0	2,460/11,350 = 21.7%

2,500 S.F. ALLOWED



AMHERST RD.



REFERENCES
 DEED BK. 26,003 PG. 473
 PLAN 734 OF 1929
 PLAN 330 OF 1931
 ASSESSORS MAP 100 PCL 41

ZONING
 ZONE S.R.-10
 MINIMUM FRONTAGE = 60'
 FRONT = 30'
 SIDE = 20'
 REAR = 10'

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN HAVE BEEN DETERMINED FROM DEEDS AND PLANS OF RECORD AND THAT EXISTING/PROPOSED BUILDING SETBACKS HAVE BEEN DETERMINED FROM INSTRUMENT SURVEY.

COMMONWEALTH OF MASSACHUSETTS
 WILLIAM R. D'ENTREMONT
 DENTREMONTE
 NO. 39392
 REGISTERED PROFESSIONAL LAND SURVEYOR

WILLIAM R. D'ENTREMONT P.L.S.
 2-10-15

CERTIFIED PLOT PLAN
 for
WHITE RESIDENCE
 at
26 AMHERST RD.
WELLESLEY, MA

Land Surveyors **C.L.G. ASSOCIATES** Construction Layout
 3 BOSTON ST. SALEM MA. 01970 978-335-1095

SHEET NO:1 OF1 DATE: 2-10-2015
 DRAWN BY:T.F.S

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