

**ZONING BOARD OF APPEALS**

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

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ROBERT W. LEVY  
WALTER B. ADAMS  
DEREK B. REDGATE

ZBA 2015-26  
Petition of Christopher & Brandyne Dean  
8 Hamilton Road

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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 CHRISTOPHER & BRANDYNE DEAN requesting a Variance pursuant to the provisions of Section XIVE, Section XIX and Section XXIV of the Zoning Bylaw for construction of a one-story pool house with less than required rear yard setback that abuts a side yard, in a 10,000 square foot Single Residence District, and a Water Supply Protection District, at 8 HAMILTON ROAD.

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.

**PUBLIC HEARING MINUTES – MARCH 5, 2015****ZBA 2015-26, CHRISTOPHER & BRANDYNE DEAN, 8 HAMILTON ROAD**

Presenting the case at the hearing were Norman Hill, Civil Engineer, and Brandyne Dean, (the Petitioner).

Mr. Hill said that the request is for a variance for the rear setback. He said that the property is zoned SR10. He said that the plan is to put in a fully compliant swimming pool and a pool house that is 10.2 feet from the rear setback. He said that the usual rear yard setback is 10 feet but here it is required to be 20 feet because the back yard abuts a side yard.

Mr. Hill displayed an outline of the neighborhood lots, (retained by proponent). He said that there are a lot of woods and privacy. He said that the area where they are asking for relief for is woods.

Mr. Hill said that he submitted a photograph of the backyard which is very flat and is all lawn. He said that a privacy fence surrounds the yard. He said that the woods surround the fence. He said that his client spoke to Ms. Talmadge, the abutter, who does not object to the project.

Mr. Hill said that the reason for the request is because the Deans have young children who play in the backyard. He said that they would like to continue to play there. He said that there is a shed and an existing patio. He said that they would like to put in the new swimming pool and the pool house. He said that they positioned the pool so that they can enjoy the yard to the full extent.

Mr. Seegel confirmed that the lot is flat and rectangular. He asked if the Petitioner tried to purchase additional square footage from Ms. Talmadge. He said that could be the best solution.

Mr. Seegel said that the Board's hands are tied by what the State allows in granting variances. He said that this property does not meet any of the three tests for shape, topography or soil condition. He said that none of that applies here. He said that there is no legal basis to grant a variance.

Mr. Hill said that in the letter that he provided to the Board he addressed the four conditions. He said that the shape of the lot is long and narrow. He said that it is 99 feet wide.

Mr. Becker asked about the location of the pool when it was laid out. He said that between the fireplace and the edge of pool there is more than enough room to slide everything to the right to comply. Mr. Hill said that the Petitioner wanted to be able to enjoy that space as well.

Mr. Seegel said that the pool could be turned the other way to pick up the needed space. He said that there is no legal basis that the Board can help out on.

Mr. Adams said that special permit/findings have a much lesser standard. He said that the Board has to find that the proposed construction will not be more detrimental to the neighborhood. He said that with a variance the Board has to be satisfied that certain unique conditions are such that the Petitioner is constrained from using their lot as anyone else would be able to use their lot.

Mr. Becker said that, even if the Board accepted the shape of the lot, it would be a self-created hardship because the pool house could be move to comply with the bylaw.

Mr. Seegel said that a lot of the lots in this area are rectangular shaped.

Mr. Seegel said that the Board could allow the petition to be withdrawn without prejudice, which would allow the Petitioner to come back before the Board if they were able to come up with another solution that required a special permit.

Mr. Hill requested that the Petition be withdrawn without prejudice.

Mr. Becker moved and Mr. Adams seconded the motion to allow the petition to be withdrawn without prejudice. The Board voted unanimously to allow the petition to be withdrawn without prejudice.



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**Variance Request:**  
A variance is requested to allow a 10' rear setback for the proposed pool house (with an eave/roof overhang not to exceed 2').

proposed open space with pool house = 82% (18,721 s.f.)

note elevation datum is assumed (scaled from usgs) use bench marks as shown

proposed building coverage 2,877 s.f. (12.6 %)  
proposed Lot Coverage 4,385 s.f. (19.3 %)  
proposed open space 18,371 s.f. (80.7 %)

single residence 10,000 s.f.  
land registered with land court in 1937 (parcel 1) and 1931 (parcel 2)

Min. Required frontage: 60'  
front yard: 30'  
side yard: 20' \*  
rear yard: 10' \*\*  
open space: 75% (17,067 s.f.)

note 1: pool "noise emitting" equipment must be at least 20' from the side and rear lot lines

\*Minimum setback from abutting property - No structural part of a private swimming pool shall be located closer to any property boundary line than the distance S specified by the following formula:  $S = 4e$ , where e equals the difference in elevation, measured to the nearest foot, between the overall height of the pool structure at the perimeter of the pool or walkway railing, if any, and the natural ground elevation at the nearest property boundary line, provided however, that in no event shall the required side yard be less than ten (10) feet nor more than thirty (30) feet.

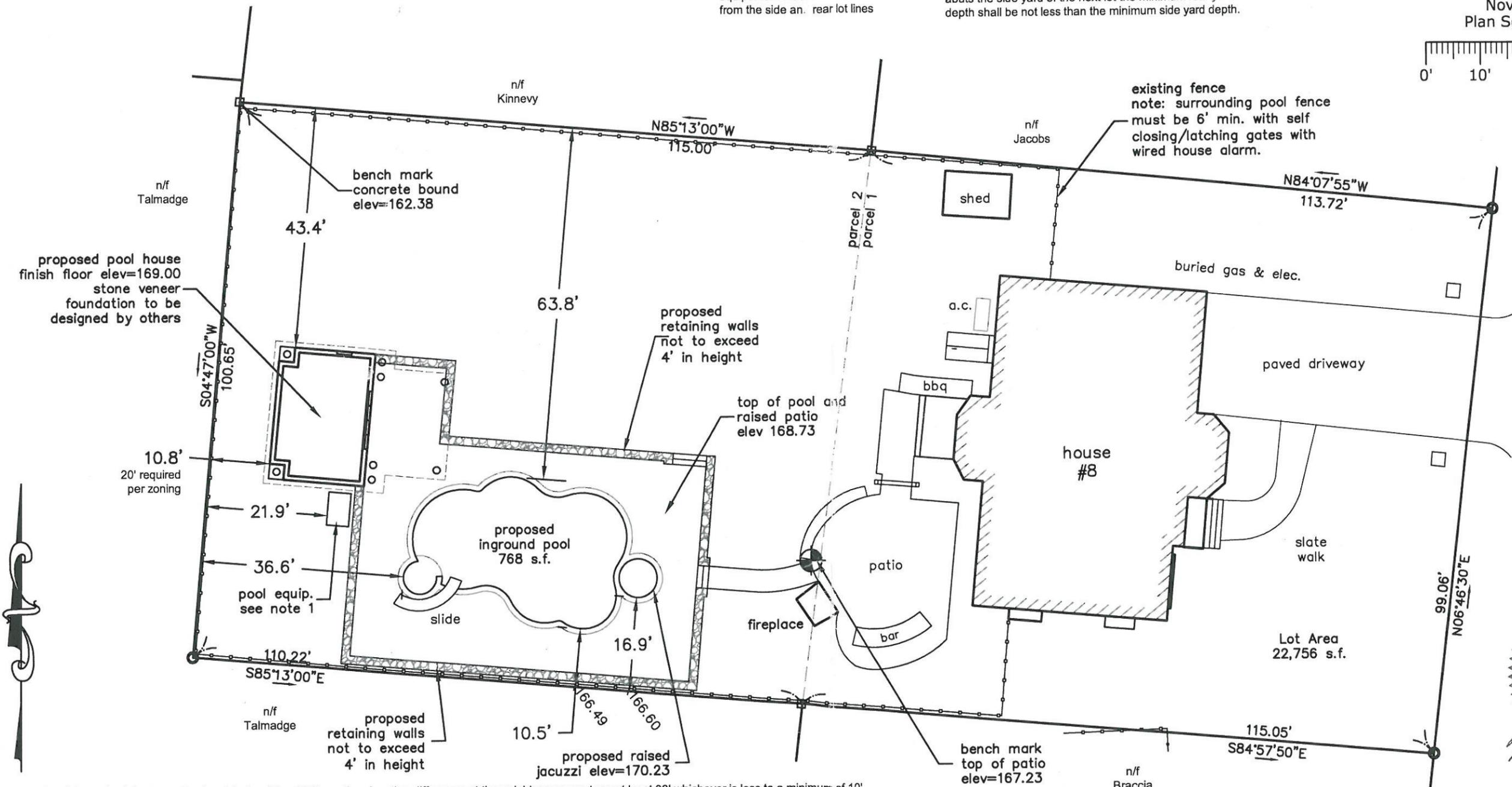
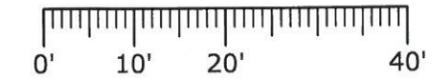
\*\*Provided, however, in the 10,000 and 15,000 square foot Area Regulation Districts when a rear yard of a lot abuts the side yard of the next lot the minimum rear yard depth shall be not less than the minimum side yard depth.

**Proposed Pool & Pool House Variance Request Plot Plan**

located at  
**8 Hamilton Road  
Wellesley, MA**

owned by  
**Chris and Brandi Dean**

Nov. 6, 2014  
Plan Scale: 1"=20'



RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02482  
2015 FEB 17 P 2:48

Hamilton Road



*Norman G. Hill, P.E.*  
1-26-15

pool and jacuzzi minimum yard setback to be at least 4 times the elevation difference at the neighbors property or at least 30' whichever is less to a minimum of 10'  
pool yard requirement =  $4(168.73-166.49) = 8.96'$  jacuzzi yard setback =  $4(170.23-166.60) = 14.52'$  proposed pool exceeds requirements for yard setbacks