



## ZONING BOARD OF APPEALS

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

RICHARD L. SEEDEL, CHAIRMAN  
J. RANDOLPH BECKER, VICE CHAIRMAN  
DAVID G. SHEFFIELD

LENORE R. MAHONEY  
EXECUTIVE SECRETARY  
TELEPHONE  
(781) 431-1019 EXT. 2208  
web: [www.wellesleyma.gov](http://www.wellesleyma.gov)

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

ZBA 2015-70  
Petition of 6 Wildon-Hanks Realty Trust  
6 Wildon Road

AUG 20 P 3:00  
 TOWN CLERK'S OFFICE  
 WELLESLEY MA 02482

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 6, 2015, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of 6 WILDON-HANKS REALTY TRUST 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 and construction of a two-story structure with basement that will meet all setback and height requirements, on a 15,667 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, at 6 WILDON ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 21, 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.

Prior to the presentation of the case, for the benefit if the general public in attendance at the Public Hearing, and to clarify some of the recommendations of the Planning Board, the Chairman read portions of the provisions of Section XVID (C) of the Zoning Bylaw, which states in part that 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. PRE-EXISTING NON-CONFORMING USES, STRUCTURES AND LOTS., of the Zoning Bylaw are exempt from the requirements of Large House Review.

Presenting the case at the hearing were Laurence Shind, Esq. and Roger Kane, Kane Built, Inc.

Mr. Shind said that the request is for a special permit to allow for the demolition of the existing home on a nonconforming lot and reconstruction of a new home that will meet all dimensional requirements. He said that the proposed structure will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Mr. Shind said that it is a slightly undersized nonconforming lot. He said that it is a 15,667 square foot lot in a 20,000 district. He said that the existing house is a small outdated cape that was built in 1941. He said that it has a little more than 1,600 square feet of living area. He said that the lot coverage is 7.5 percent. He said that the proposed new structure will have a total finished living area of 3,957 square feet, measured according to TLAG, which includes 650 square feet of basement space. He said that the first and second floor space above grade is 3,300 square feet. He said that lot coverage will go up to 14 percent, which is well within the 20 percent that is allowable. He said that they will be well below the 5,900 square foot threshold for the Zoning District.

Mr. Shind said that the Planning Board seems to be looking at these applications from a more of a percentage standpoint. He said that the lot area is approximately 22 percent less than the minimum. He said that the TLAG is even less at 33 percent below the threshold.

Mr. Shind said that the neighborhood is evolving. He said that it is still predominantly capes and colonials that were built post WWII. He said that the closest new house that is very similar to this is an abutter at 153 Brook Street, which is around the corner. He said that house was approved by the Board in 2009 and is on a lot of almost identical size at 15,300 square feet. He said that it has an almost identical first and second floor, with square footage of 3,200 square feet versus the proposed 3,300 square feet. He said that there is a house next door with an almost identical profile but has a larger TLAG. He said that the Board received a letter from the owner of that property. He said that they carefully considered the design in relation to the neighborhood and it is consistent with the evolving design and mix of houses in the neighborhood generally.

The Board asked how it was decided to site the building in the middle of the property as opposed to maintaining the street front. Mr. Kane said that was what his engineer had recommended, given the plan that they had. He said that it will look the best at that location. Mr. Shind said that they are taking advantage of the expanded left hand corner of the lot. The Board said that this design would not fit if it was closer to the road.

The Board said that just to the left of the proposed plot plan is a little box that talks about average natural grade and proposed top of concrete. Mr. Shind said that it is showing the average natural grade, the top of concrete, the height above concrete and the building height at 35.5 feet. The Board asked where the 149.5 figure came from. Mr. Shind said that he thought that was an elevation. The Board said that it is hard to tell where the average grade came from because the existing plot plan does not show the outline of the new house. Mr. Kane said that the plan with the dotted lines show the pre-existing conditions. He said that the solid lines at the back where the walkout is are the proposed grades. He said that the engineer calculates the average grade. He said that it is based on the topography from the road from a high of 158 feet to a low of 146 feet. The Board said that if the existing natural grade is 149.5, it works. The Board said that on the existing plot plan, the back side of the existing dwelling is 152, and then there is a retaining wall, and on the other side it is 148.

The Board asked about runoff from the house. Mr. Kane said that the way that he has handled it in the past in Wellesley has been with gutters and downspouts. He said that the last time that he was before the Board, the Board had requested some stormwater management. He said that he would have to do some soil tests for the Town Engineer and come up with a sketch and a plan. The Board said that without some sort of managed plan, it looks like it will all just end up in the backyard or the neighbor beyond the backyard's yard. Mr. Kane said that he is willing to comply with stormwater management even though it is not a requirement.

Charles Hoyng, 2 Wildon Road, said that he has his doctorate from MIT and is an attorney. He said that it is his understanding that the property is owned by Hanks Realty Trust, represented by Ms. Priscilla Hanks. He said that in 2011 Ms. Hanks decided to sell the property. He said that he submitted and got accepted an offer to Purchase and Sale. He said that money was placed in escrow. He said that Ms. Hanks changed her mind and they agreed that she would stay on the property. He said that the money in

escrow remained in escrow. The Board asked how any of that had anything to do with this case. Mr. Hoyng said that his position is that with an accepted offer with P and S, this hearing and decision is premature. He said that if there is an existing P and S with the current owner, it is not clear to him that a decision on the basis of destruction of the property and construction of a new residence is timely. The Board said that if Mr. Hoyng has a claim, he can file a suit, *lis pendens*, to protect whatever rights that he has. The Board said that a permit tonight does not adjudicate right to ownership but is only the right to build on the property. A Board member said that he did not think that Mr. Hoyng's claim is germane or relevant to the Board's decision tonight on an application which has been authorized by the existing fee owner of the property. Mr. Hoyng said that the Board has a letter dated July 15, 2015 that authorized Kane Built, Inc. and their representatives to represent Priscilla Hanks in the hearing. The Board said that Mr. Hoyng should do whatever he feels is necessary to protect his rights.

Maria Marmarinos, 2 Wildon Road, said that Pat had come to her because she was very concerned about the scope of development in the neighborhood, particularly the house at 153 Brook Street. She said that Pat was a vocal opponent of that construction when it was done. She said that the Zoning Board recommended at that hearing that all of the calipers of the trees be measured on John Tucker's property and that no decision would be made until those dimensions were brought back to the Board. She said that, in flagrant disregard of what the Zoning Board recommended, the builder cut down all of the trees. She said that it is hard to reconstruct after the fact a tree that has already been cut down. The Board said that the Conservation Commission is very diligent in pursuing violations and has fined people. Ms. Marmarinos said that many trees were cut down. She said that she was very opposed to that. She said that Pat came to her and talked to her about selling her property. She said that she indicated to Pat that she was interested in buying it because she was not interested in McMansioning the entire neighborhood. She said that Mr. Shind cited the example of the house at 153 Brook reflecting change in the neighborhood, but it is the only example of a house being changed. She said that there are people present at the hearing who have lived on Brook Street and Fuller Brook Road. She said that she has made modifications to her home. She said that she kept them within scale. She said that she did not have to come before the ZBA. She said that nothing was overbuilt. She said that there is plenty of precedent to be able to build a beautiful home using appropriate volume, light and space to make the home appear larger. She said that people come into her home and think that it is a 4,000 square foot home. She said that it is less than 3,000 square feet. She said that Pat came to her and said that she would be considering selling her property at some time and asked if Ms. Marmarinos was interested. She said that they entered into a Purchase and Sale Agreement and then, because Pat was elderly, she kept deferring her moving date. She said that she wrote Pat a letter saying that, out of respect to her, that she would not force Pat out of her house prematurely. She said that their attorney did advise them that they could have taken the percentage of money and actually caused Pat financial harm by telling her that she had to go or she would have to forfeit a percentage. The Board asked about the relevance to the petition before the Board. Ms. Marmarinos said that the relevance is that they did not force Pat to move and they said that whenever she was ready that would be fine. She said that Pat kept the escrow and the Purchase and Sale still exists. She said that now there is this proposal and the character of the house. She said that it is not in keeping with the neighborhood. She said that to speak about the neighborhood evolving based on events that are yet to occur is not relevant in terms of looking at this home in the context of the neighborhood now. She said that all of the changes that have been made to the homes on Wildon have been low rooflines, low scale and not excessive. She said that this house would tower. She said that a Board member stated that if the house was moved in line with the lines of the other houses on the street, it would not fit. She said that they are trying to shoehorn a property in by moving it about. She said that she is familiar with the

property next door (6 Wildon Road). She said that it is low lying and becomes like a swamp when it rains. She said that the proposal is to put the house in a low lying lot that falls away drastically and water accumulates in the yard at the back. She said that all of the abutters have had problems. She said that when she did her construction, when 153 Brook Street was built, they made sure that there were French Drains, etc., because they were worried about problems. She said that there have been existing problems. She said that they will have to face this yet again with someone who has not put any thought into it. She said that should be a primary consideration.

Ms. Marmarinos said that another point is that the proposed drawing moves the driveway from the right side of the house to the left side of the house, abutting her driveway. She said that a Board member had stated in the hearing for 11 Sagamore Road that no one would know where the property line is, so he did not see an objection to that. She said that the proposed building design speaks directly to his point. She said that nothing defines a property line more clearly and more detrimentally than two adjacent driveways. She said that the drawings do not show the trees. She said that when she did the rebuild on her property, she put in a cobble driveway and asked Pat about rehabilitating an area that did not have much going on. She said that she planted trees on the adjacent property line and some within the property line at 6 Wildon Road so that it would soften the look and would revitalize the greenspace, based on the destruction that was caused by the removal of all of the trees at 153 Brook Street. She said that was of paramount concern to her. She said that she has planted trees on her own property which have brought birds, butterflies and bees back into the neighborhood. She said that she has changed the look and the feel and it is beautiful. She said that now the proposed drawing shows that they would have to cut down all of those trees which are towering. She said that it will change the entire look and feel. She said that it will create a pad. She said that it is implicit that it will not just be vehicles in the garage but other vehicles that will be turned and aligned right into her windows and shining light every time the headlights go on. She said that is a detrimental element to that building. She said that it will detrimentally affect the quality of her life. She said that she will contest this. She said that it is an inappropriate design. She said that the house is larger than it ought to be. She said that the lot did not use a vast portion of the property because it was not the kind of property that was meant to be built on in that way. She said that it is an odd lot. She said that, taking into consideration the aesthetics and the look, feel and character of the neighborhood, the current residents enjoy the illusion of a park like allee of trees and yard. She said that is because all of the houses are aligned, there is great depth and a lot of greenspace. She said that although her lot is smaller, she feels like she is in a park like setting. She said that the neighbors at 153 Brook Street can feel the same way. She said that her neighbors that abut on Fuller Brook Road experience the same view. She said that all of that will change. She said that this house will be pushed back. She said that her yard will no longer be private because this house will be in her yard. She said that her neighbors' yards will no longer be private because they will be pushed in the yards. She said that this is a property where the Board is going to make a good judgment decision about what fits in a neighborhood. She said that this would not be it. She said that this lot was not meant for McMansions, which is why she wanted to purchase it and why, if something was going to be done there, it would be a thoughtful rebuild, not a teardown. She said that she had a house that was 1,450 square feet and was able to enhance it but bring it well below this level. She said that everybody thinks that her house lives much larger because of the way she used windows, light, trees, volume, and did not over build. She said that there is a book that she would recommend a book called, *The Not So Big House*. She said that the author proposes quality over quantity of living and living the not so big life. She said that she creates beautiful designs. She said that she created communities in Las Vegas and Florida, which are known for their excesses, and in Illinois. She said that the communities have been successful. She said that she did not see how it would benefit

the neighborhood to change the charming character by putting in a house such as being proposed. She said that this proposal outlines the use of vinyl siding. She said that there is no other house in the neighborhood that uses vinyl siding. She said that the houses in the neighborhood are getting more upscale. She said that anyone looking to move into a property that is probably going to pay \$2 million, having the contractor use an outdated material such as vinyl siding so that he can maximize his profit, is not consistent with the neighborhood. She said that it is an archaic product. She said that it is plastic and is not environmentally sound. The Board said that the bylaw does not regulate the use of vinyl siding. The Board said that the author that Ms. Marmarinos discussed might have some really good ideas and they could be shared with the Planning Board because they are the ones who form the ZBL. The Board said that the ZBL establishes what one can put, in the way of a structure, on a lot.

Ms. Marmarinos asked if the Board would agree that the street was designed such that the driveway was on the right and, at the very least, the design should be flipped so that there it is not driveway to driveway. The Board said that the ZBL has no requirements for locations of driveways on lots. The Board said that the only requirement that relates to driveways is if you have a side entrance, you need a 30 foot setback. Ms. Marmarinos said that the pad will be on the side. She said that it is a very quiet street. She said that a pad is useful if someone is on a main street and they cannot safely back out onto a thoroughfare with traffic. She asked if the Town recognizes that the existing structure at 6 Wildon Road has a driveway currently on the right and that is where it ought to remain. The Board said that the property owner has certain rights to do with his property as he will. Ms. Marmarinos said that he is not the property owner yet. The Board said that something was submitted that indicates that the property owner has granted Kane Built, Inc. and any and all employees or nominees the authority to obtain any and all necessary permits for building. The Board said that the driveway at 2 Wildon Road is closer to the property line than the proposed driveway. Ms. Marmarinos said that she planted it heavily. The Board asked where the trees were planted. Ms. Marmarinos said that some of the trees are on her property and some are on the 6 Wildon Road property. The Board said that the trees that were planted at 6 Wildon Road belong to that property. Ms. Marmarinos said that they are Ms. Hanks' trees but she agreed that when she was going to sell to Ms. Marmarinos that she wanted those trees to remain. The Board said that the Tree Preservation Bylaw regulates what they can and cannot do with the trees. The Board said that is not part of this proceeding. Ms. Marmarinos said that, for the record, this is not the owner of the property. The Board said that it understands that that is Ms. Marmarinos' position.

Ms. Marmarinos said that the structure is being moved. She said that the houses are currently aligned in such a way that lighting and windows do not interrupt the life of another house. She said that they will be displacing the property in a way that it will be shoe horned on the lot, which will create window and light conditions that will change how the abutters will live in their homes, which will be detrimental.

Kathryn Venne, 7 Fuller Brook Road, said that she used to live at 10 Wildon Road. She said that Wildon Road is not an evolving neighborhood. She said that there have been no teardowns on Wildon Road. She said that 153 Brook Street was a teardown. She said that they spent six months with the ZBA on Fuller Brook Road and worked well with them. She said that they came twice with plans that were not figured out in terms of setbacks, trees, drainage, etc. She said that after six months they came up with a plan that was reduced. She said that they put up a lovely looking house. She said that they did take down 36 trees. She said that should not be used as a marker for this. She said that there was a lot of talk at this hearing about 11 Sagamore Road. She said that Sagamore Road is a beautiful street. She said that Wildon Road is not a beautiful street. She said that these are houses that were built pre-war but they are maintained and

in scale. She said that plan of the house that she saw would be detrimental to the neighborhood. She said that it has no relationship at all to any of the architecture on the street. She said that it is a big box, plunked down, Building 101. She said that there was no thought whatsoever, no relationship. She said that she thought that Mr. Kane does not build the most attractive houses that she has ever seen in Wellesley. She said that she thinks that there has been no thought given to the rest of the architecture of the neighborhood. She said that there is still a place for some nice houses that fit in with the neighborhood. She said that a smaller house could be built, of scale. She said that the backyard slopes and there will be drainage problems. She said that they put a lot in at 153 Brook Street in terms of French drains. She said that this slopes right down. She said that she thought that Mr. Kane was ill prepared saying that he may do things. She asked if an architect was involved. The Board said that the plans were prepared by an architect. Ms. Venne said that she saw the plans today and was very unimpressed. She said that she did not see any relationship to the rest of the neighborhood and the placement of the house. She said that it seems like it was just quick, come in, an old lady, 94 years old, get the money, put something up and move on. She said that is what is happening. She said that maybe this is inevitable and is just what is going to happen. She said that it is kind of sad if it is. She said that she has lived in Wellesley her whole life. She said that there have been a number of nice houses built. She said that some of the houses should be torn down. She said that she was not saying that Pat Hanks' house should be preserved in perpetuity but there are some things that could be done. She said that it could be much more in scale with the neighborhood. She said that she thinks that we are just letting builders come in and just maximize their profit and move right on. She said that Wildon Road means nothing to this builder.

The Board said that the town does not have a moratorium at this time. The Board said that there is a lot of talk about trying to rewrite the ZBL. The Board said that the sentiments that Ms. Venne and Ms. Marmarinos expressed are sentiments that the Board heard tonight and are similar to many that the Board has heard about proposed new houses in other neighborhoods. The Board said that the only way that the current system can be changed is to determine ways to codify a way of defining the allowable size and bulk of a building that will result in smaller homes. Ms. Venne said that there has to be a place for that. She said that not everybody can be living in four or five thousand square foot homes. She said that the builders do not care. She asked at what point something will stop this. The Board said that the market dictates that. Ms. Venne said that the builders could be held to a higher standard. The Board said that the ZBL is supposed to establish the ground rules for the various neighborhoods in the community. The Board said that it has to give due respect to property rights. The Board said that people's hard earned money is buying these properties.

Ms. Venne said that the house will look ridiculous on the street. She said that it will be this thing towering up. The Board said that it is lower than the bylaw permits. Ms. Venne asked how much higher it will be than what is next to it. The Board said that there is not standard in the ZBL that says that you cannot build anything taller than what is there.

The Board said that it heard from a previous speaker about keeping the house in line with the others. The Board said that one of the reasons to push it back on the lot is because it is moving down and that means it looks less towering than it would if it was up closer to the street. The Board said that there are all kinds of pushes and pulls that are going on in this. Ms. Venne said that very little thought has gone into this design.

Shelby Kwawu, 153 Brook Street, said that this hearing was slightly poorly planned because half of the people that would be here to contribute input are on vacation since it is during the summer. She said that if the house does not sell with the vinyl siding and it is unoccupied, that could be a liability for vandalism or things of that sort. She said that right now privacy is very good. She said that their house could have a party and Ms. Hanks' yard would not be able to see them. She said that if this house is on the middle of the lot, the Kwawu's will see through all of their windows and see everything. She requested that the Board read a letter that was submitted by Sena Kwawu. The Board said that it is part of the record. The Board gave Ms. Kwawu a copy of the two and a half page letter to read.

Ms. Kwawu asked how the drainage will affect other houses. The Board said that the Applicant has already answered that he does not know that yet. The Board said that if it does approve the special permit, there will be a condition that requires that a drainage system be designed and reviewed and approved by the Engineering Department.

Ms. Marmarinos asked if any of the Board members are familiar with Wildon Road. The Board said that the Board members all made site visits. Ms. Marmarinos if the Board agreed that it is an evolving neighborhood is an accurate statement. The Chairman said that the Board does not have to believe Mr. Shind's statement that it is an evolving neighborhood.

The Board said that 2 Wildon Road is 10,359 square feet and is the smallest lot on Wildon Road. Ms. Marmarinos said that she was able to build a beautiful house. She said that it has stone walls, cobblestone driveway and the finest materials. She said that she has cement siding, which is environmentally sound and only needs to be painted every 20 years. The Chairman said that the Board needs to focus on Zoning issues.

Ms. Marmarinos said that neither she nor Kathy Venne consider it to be an evolving neighborhood. She said that everybody has been considerate of everybody else when they have done their designs. She said that when 153 Brook Street was done and they cut down trees, they also demolished the house without water. She said that they created a dust cloud that lasted for two days. The Board said that does not relate to this project. Ms. Marmarinos said that the Board made a comment about enforcement. She said that it is one thing to say that something can or will be done and then what is actually done can be very different. She said that after the fact it is very hard to enforce. She said that the day that house was being demolished on Brook Street, there was no water present. She said that she called the town and complained about a plume of smoke. She said that the town told her that they could not get out there to enforce it in that kind of turnaround. She said that she was told that the best that they could do is to get there in a couple of days. She said that she told them that by then it would be too late. She asked what resources does the town have, with the fiscal restrains that the town has, to respond within moments of something catastrophic happening. The Board said that the issue should be brought up to the Board of Selectmen. The Board said that concerns about how the town is run should be brought to them. Ms. Marmarinos said that it is more of an issue of what the town is capable of doing. The Board said that is not the purview of the ZBA. The Board said that the ZBA does not have the power to enforce. The Board said that the Building Inspector and the Police have the power to enforce. The Board said that if there was a problem with the construction going on at 153 Brook Street that caused dust, she should have placed a call to the Building Inspector. Ms. Marmarinos said that she did. The Board said that it is the Building Inspector's job to go out and take action. The Board said that if the Building Inspector refuses

to, she can appeal to ZBA about his failure to act. The Board said that to address an issue about dust during construction, by the time it got to the Board the issue would probably be moot.

Mr. Shind said that the setback of the house being further back from the street still allows for a rear setback that is twice what is allowable. He said that it will be 42 feet from the rear lot line.

The Board asked Mr. Kane about his intention for the area between the driveway and 2 Wildon Road where there are some existing plantings that are alleged to be beautiful. Mr. Kane said that he has been building in town for quite a few years. He said that he always tries to work with the neighbors. The Board asked if Mr. Kane would normally have to clear the site. Mr. Kane said that he has to comply with the Tree Bylaw. He said that he has to do an as-built of all of the trees on the property. He said that an arborist analyzes the trees. He said that if some of them are not healthy, they can be cut down. He said that if there are healthy trees that cannot stay on the lot because of the home or the driveway, he has to replace the trees according to a formula. He said that he either has to contribute money to a town fund or replace them with approved trees. He said that after he plants the trees and before he can get an Occupancy Permit, he has to submit an As-Built to the Building Inspector from the arborist that certifies that the plan was complied with.

The Chairman said that all of the lots on Wildon Road except for two do not comply with the 20,000 square foot requirement for the district. He said that 6 Wildon is sort of in the middle. He said that the proposed house is slightly more than 2.5 times as big as the existing house. He said that the TLAG is well below the limit for a 20,000 square foot district, so there are some pushes and pulls. He said that it is clearly a large house. He said that it is an undersized lot but is not the same issue as 11 Sagamore Road because the lot is more consistent with the rest of the street. He said that the question is whether it will be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Board member said that the standards that the Board typically uses, includes compliance with all dimensional requirements save the lot size, which cannot be altered because adjacent lots are also too small. He said that it would be difficult to adjust the size of the lot without buying an entire lot. He said that this Board has consistently found those proposals to be no more detrimental to the neighborhood than the existing.

A Board member said that he would not make a blanket statement that it just has to fit the dimensional requirements. He said that the Board also looks at the mass of the house. He said that there have been occasions when a proposed structure does meet the dimensional requirements and the Board has required revisions. He said that the Board would not consider a teardown and rebuild unless it does comply, not that that is all that is necessary.

The Chairman said that the proposed house is 1,000 square feet bigger than the next largest house, which is currently the largest house on the street. He said that it strikes him that that is a lot. He said that he understood the placement of the house on the lot and the topography of the lot, and those were the right things to do from a design perspective. He said that the average house size is 1,800 square feet and this would be slightly better than twice that.

A Board member questioned whether the street defines the neighborhood, especially when it is one house away from a corner.

The Board asked about the drainage easement at the back right corner. Mr. Kane said that he thought that it is a town managed easement but he was not sure.

The Chairman said that the question is if the house is too big. He said that there are some things that say that it is a big house but it is not too big. He said that there are other things that say that maybe it is too big. A Board member said that using the Planning Board analysis on the LHR, it is not, assuming that any house that does not meet the LHR criteria is not too big. The Board said that it does meet the ZBL for lot coverage and setbacks. The Board said that it meets all of the requirements except for lot size.

#### Statement of Facts

The subject property is located at 6 Wildon Road, on a 15,667 square foot lot in a Single Residence 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 demolition of an existing structure and construction of a two-story structure with basement that will meet all setback and height requirements, on a 15,667 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 Plot Plan and a Proposed Plot Plan, dated 7/8/15, stamped by Alfred M. Berry, Professional Land Surveyor, Proposed Floor Plans and Elevation Drawings, dated 1/7/15, prepared by Alicia B. Macy, Architect, and photographs were submitted.

On August 5, 2015, the Planning Board reviewed the petition and recommended that the Zoning Board of Appeals grant 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.

It is the opinion of this Authority that demolition of an existing structure and construction of a two-story structure with basement that will meet all setback and height requirements, on a 15,667 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 demolition of an existing structure and construction of a two-story structure with basement that will meet all setback and height requirements, on a 15,667 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, subject to the following condition:

RECEIVED  
MAY 20 2015  
PLANNING BOARD  
2015 AUG 20 10 01 AM  
ZONING BOARD OF APPEALS

- A drainage system shall be installed that will accommodate the 10 year 24 hour storm and be subject to review and approval by the Town Engineer.

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.

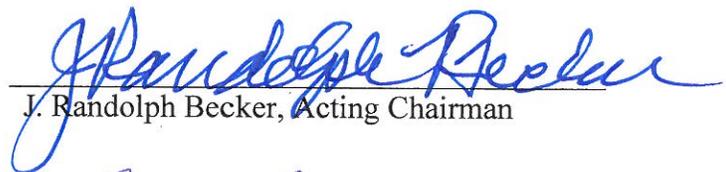
ALLEN B. HANCOCK  
TOWN ENGINEER  
WILLESTON MA 02492  
2015 AUG 20 P 3:01

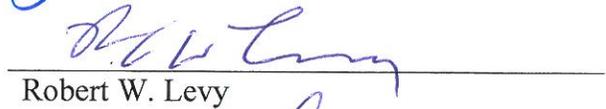
ZBA 2015-70  
Petition of Wildon-Hanks Realty Trust  
6 Wildon Road

---

2015 AUG 20 P 3:01  
TOWN CLERK'S OFFICE  
WILLESTON MA 02492

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



