



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

RECEIVED
 CLERK'S OFFICE
 WELLESLEY MA 02482
 2015 DEC 17 P 2:38
 ROBERT W. LEVY
 WALTER B. ADAMS
 DEREK B. REDGATE

ZBA 2015-96
 Petition of Douglas & Kirsten Hano
 9 Upwey Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, December 3, 2015, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Douglas & Kirsten Hano requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a two-story addition with a walk out basement that will meet all setback and height requirements, on an existing nonconforming structure with less than required left side yard setbacks, in a 10,000 square foot Single Residence District, at 9 Upwey Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On November 16, 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 Doug Hano, the Petitioner, and Paul Worthington, Architect. Mr. Hano said that the request is for approval of a variance for an addition that would create no more of a variance than what exists today. He said that part of the garage is nonconforming. The Chairman said that he thought that the relief that Mr. Hano is requesting is for a special permit, not a variance.

Mr. Hano said that the existing structure is nonconforming due to a setback on the left side of the garage. He said that the addition will be in back of and within the footprint of the house. A Board member confirmed that the lot size is conforming. The Chairman said that the only nonconformity is the left side yard setback on the existing structure.

Mr. Hano said that it will be a two-story addition with a kitchen and family room on the first floor and a master bedroom and bath on the second floor.

The Chairman said that the Planning Board recommended that a Landscaping Plan and a Stormwater Management Plan be submitted. Michael Zehner, Planning Director, said that the project exceeds the Total Living Area plus Garage (TLAG) threshold for the district. He said that it is exempt from Large House Review (LHR) because it requires a special permit. He said that the Planning Board would like to see the Zoning Board hold this to a higher standard and require consideration of landscaping, screening and stormwater. The Chairman said that he did not think that the ZBA should do that. He said that it is a modest dwelling. He said that the cost of what the Planning Board is proposing would be excessive compared to the value of the addition. Mr. Zehner said that it is close to the house on Geraldine Drive where a variance was needed for stormwater issues several months ago. The Chairman said that

Geraldine Drive is on the other side of Linden Street from this property. Mr. Zehner said that stormwater comes from Route 9 and sheds down across this and other properties and collects south of Linden Street. He said that there are known stormwater issues in that area. He said that the Planning Board was suggesting that, absent the nonconformity, LHR would have been required. He said that the presumption of it being exempt from LHR when the bylaw was drafted was because a special permit standard was higher than LHR. The Chairman said that if there are drainage issues, the Town may have to address them on Linden Street.

A Board member asked about the existing square footage and the size of the addition, including both the first and second floors. Mr. Worthington said that the existing structure is 2,545 square feet and the proposed addition will be 1,063 square feet, for a total of 3,608 square feet. The Board member said that the threshold for LHR in this district is 3,600 square feet. He said that the proposal is to exceed that by eight square feet.

A Board member asked if there are any drainage issues on the property. Mr. Hano said that there are none. He said that where this will be, the existing shed is uphill. He said that anything flowing down would already have interfered with the shed. He said that they have had no runoff from major storms. He said that if there was, it would collect in the basement. The Board member asked how roof runoff from the additional hardscape will be handled. He asked where it will drain to. Mr. Hano said that it will go to where it goes today. He said that there is a plan for a drywell just off of the back of the addition towards the middle of the total structure. He said that there is an existing drywell. The Chairman asked about the number of downspouts. Mr. Hano said there will likely be two downspouts. A Board member asked if the plan is to add a new drywell and connect it with a pipe to the existing drywell. Mr. Hano said that it will be a new drywell because the existing drywell is located where the addition will be. The Chairman confirmed that it will be a new drywell with two downspouts at either end of the roof that connect to it. He said that the Board will insert that as a condition. A Board member confirmed that they will be eliminating one drywell and replacing it. He asked if the new drywell will be larger. He said that there will be more roof area now. Mr. Hano said that the drywell will be larger. The Board member said that the Board should insert a condition that the drywell shall be sufficient to replace the existing drywell as well as handle the runoff from any new hardscape.

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 9 Upwey Road, in a 10,000 square foot Single Residence District, with a minimum left side yard setback of 17.1 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a two-story addition with a walk out basement that will meet all setback and height requirements, on an existing nonconforming structure with less than required left 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.

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
DEC 17 P 2:38

A Plot Plan, dated 9/18/15, stamped by Joyce E. Hastings, Professional Land Surveyor, TLAG Calculation, Existing and Proposed Floor Plans and Elevation Drawings and Elevation Study, dated 3/7/14, prepared by Paul Worthington Design & Restoration, and photographs were submitted.

On December 1, 2015, the Planning Board reviewed the petition and recommended that the Special Permit 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 construction of a two-story addition with a walk out basement that will meet all setback and height requirements, on an existing nonconforming structure with less than required left 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 construction of a two-story addition with a walk out basement that will meet all setback and height requirements, on an existing nonconforming structure with less than required left side yard setbacks, subject to the following conditions:

1. The Applicant shall supply additional information and sizing information for the new drywell.
2. The new drywell shall be capable of collecting the existing runoff as well as the additional runoff from the newly landscaped addition.

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.

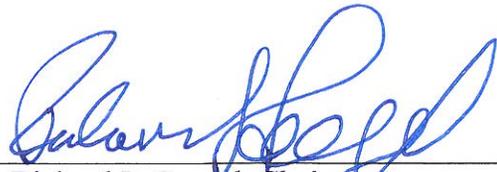
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2015 DEC 17 P 2:38

ZBA 2015-96
Petition of Douglas & Kirsten Hano
9 Upwey Road

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2015 DEC 17 P 2:38

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



David G. Sheffield



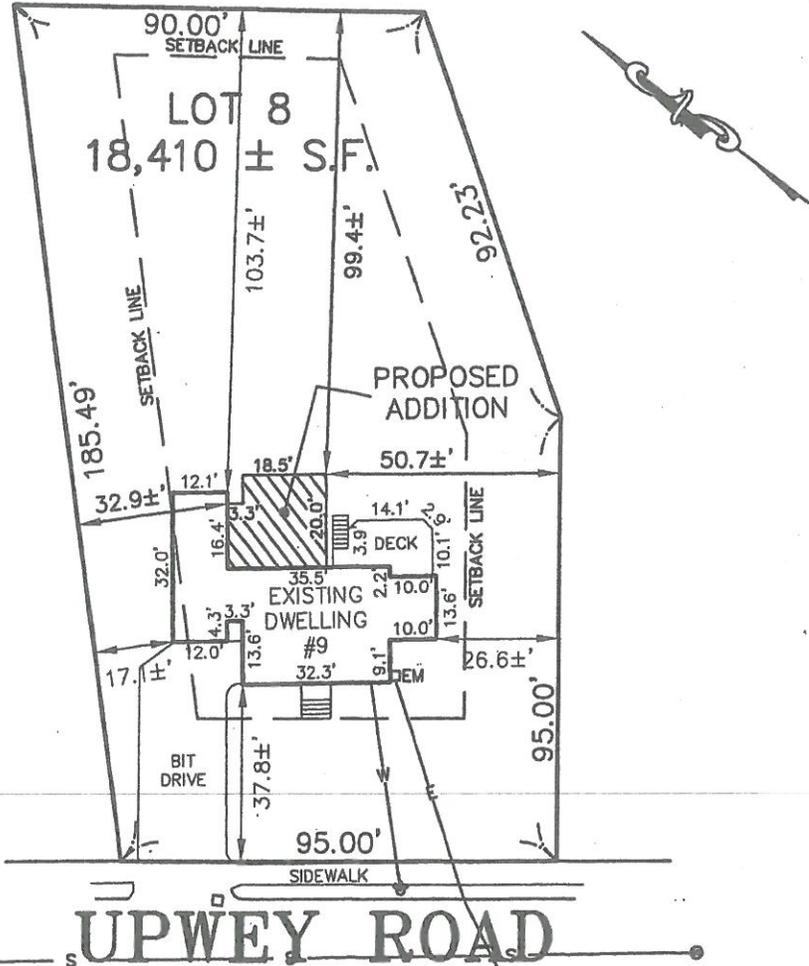
Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm

SECTION 5 - ZONING COMPLIANCE / CERTIFIED PLOT PLAN

5.1 Certified Plot Plan

SCALE 1"=40'
 EXISTING LOT COVERAGE=8.5%
 PROPOSED LOT COVERAGE=10.8%
 JOB# 14735



NOTE: By sealing / stamping this plot plan, the Registered Land Surveyor certifies that the proposed construction is in accordance with the Town of Wellesley Zoning By-Laws.

GLM ENGINEERING CONSULTANTS, INC.
 JOYCE E. HASTINGS P.L.S.

Land Surveyor Signature

Date SEPT. 18, 2015

Address

19 EXCHANGE ST
 HOLLISTON MA. 01746

Telephone 508-429-1100

FOR ALL BUILDINGS ON THE PROPERTY

5.2 Lot Area / Coverage

Lot Area (SF)
 Proposed Lot Coverage (SF)
 Proposed Lot Coverage (%)

FOR THE BUILDING TO BE CONSTRUCTED
 OR ALTERED UNDER THIS PERMIT

5.3 Building Height & Area

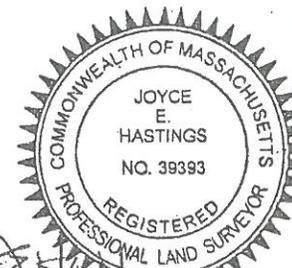
Footprint New Construction (SF)
 Proposed Total Footprint (SF)
 Height of Building (FT)

5.4 Living Area

Gross SF
 Finished
 Unfinished

5.5 Rooms

Total # Rooms
 # Bedrooms
 # Full Bathrooms
 # Half Bathrooms



2015 NOV 16 P 2:42

RECEIVED
 TOWN CLERK'S OFFICE
 WELLESLEY MA 02482