

**ZONING BOARD OF APPEALS**

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

RICHARD L. SEEGEL, CHAIRMAN
CYNTHIA S. HIBBARD
DAVID G. SHEFFIELDLENORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 2208
web: www.wellesleyma.govJ. RANDOLPH BECKER, VICE CHAIRMAN
ROBERT W. LEVY
DAVID L. GRISSINO

ZBA 2011-43
Petition of Brian Kavoojian
16 Albion Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 7, 2011 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of BRIAN KAVOOGIAN requesting a Special Permit pursuant to the provisions of Section XXIID and Section XXV of the Zoning Bylaw for a 7 foot high retaining wall with a 0.5 foot left side yard setback, at 16 ALBION ROAD, in a 20,000 square foot Single Residence District.

On June 22, 2011 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 Brian Kavoojian (the "Petitioner"), Brian Nelson, Metrowest Engineering and Thomas Ryan, Landscape Architect.

Mr. Nelson displayed large sized site plans (retained by proponent).

Mr. Nelson said that the request is for a Special Permit for construction of a new retaining wall which will replace a failing retaining wall.

Mr. Nelson said that the Petitioner presented the same plan to the Design Review Board (DRB) on May 25, 2011. He said that the existing house is located approximately 55 feet off of the side lot line on Albion Road. He said that the site contains approximately 76,000 square feet or 1.75 acres of land. He said that the property is located in a 20,000 square foot Single Residence District. He said that the driveway skirts the easterly property line. He said that the garage entry is approximately 27 feet off of the side lot line. He said that there is an existing retaining wall that permits access to the garage. He said that there are drop-offs to 10 Albion Road. He said that the existing wall is concrete block and is 62 feet long. He said that its maximum point above grade is 5 ¾ feet. He said that the existing wall is not visible from Albion Road but is visible from the property at 10 Albion Road. He displayed the location of a partially wooded area between the properties. He said that the existing wall is failing. He displayed photographs of the failing wall (retained by proponent). He said that the wall has a poured concrete cap that is starting to tip over.

Mr. Nelson said that the project will go through the Large House Review (LHR) process. He said that the project has been filed with the Wetlands Protection Committee.

Mr. Nelson said that the proposed retaining wall will be a cast in place reinforced concrete wall. He said that it will be approximately four feet longer than the existing wall. He said that the top of the wall will

be one foot higher. He said that the increase in height will allow for a curb to eliminate the hazard of a vehicle driving over the edge. He said that there will be a decorative fence placed on top of the wall.

Mr. Nelson said that the setback from the proposed garage to the retaining wall will be 33 feet. Mr. Ryan said that currently there is no guard rail. He said that it is a stone six foot retaining wall that drops off. He said that when cars back up, the bumpers go over the property line. He said that the proposed fence will keep people from going over the edge of the wall. He said that the additional distance to the garage will allow vehicles to back up to the property line.

Mr. Nelson said that the existing retaining wall is located on the property line. He said that the face of the new wall will be set back 0.5 feet.

Mr. Kavoojian submitted a letter of support from the neighbor at 10 Albion Road. The Board asked if Mr. Sherman granted an easement to go onto his property to do the work on the wall. Mr. Kavoojian said that he assumed that Mr. Sherman will grant that easement. He said that Mr. Sherman has seen the entire set of plans for the property and has been supportive of the project.

The Board asked about the area of excavation. Mr. Ryan said that it will be eight to ten feet at the base. Mr. Nelson said that the footing will go up to the property line. He said that excavation will only occur on the 16 Albion Road property.

The Board said that there are a number of large diameter trees that will probably be subject to the Tree Preservation Bylaw. The Board asked about tree preservation measures and if any of those trees will be taken down. Mr. Ryan said that it is questionable if they can preserve the roots of a crabapple tree that is located at the end of the garage near the existing pool building. He said that tree will come down because it is not in good shape. He said that all of the trees along the neighbor's property will remain. He said that they will take out some trees around the house. He said that it is possible to build the wall without taking down any trees.

Mr. Kavoojian said that they will be planting additional shrubs and trees.

The Board said that the garage at 33 feet is close to the property line. The Board said that without a retaining wall at the proposed location there would be a sharp drop in a short distance that would make exiting the garage difficult.

The Board said that the retaining wall will be in compliance with Section XXIID except for the setback. The Board said that the retaining wall will not adversely impact the adjacent property or the public; and that the report of the DRB has been received. The Board said that the requested retaining wall is consistent with that report and those criteria contained in Section XXII, Design Review, Part C., Design Criteria, of the Zoning Bylaw; and that the proposed retaining wall is the minimum structure necessary to allow a subject property to be reasonably utilized.

The Board said that a condition of the decision will be to include the DRB recommendation for darker concrete in the wall.

Patrick Kareiva, 21 Albion Road, said that his property is directly across from 16 Albion Road. He said that he has been a resident there for 32 years. He said that the existing property has been unoccupied for

several years and minimally maintained for 10 to 15 years. He said that he and his wife support the new owners replacing the house. He said that they also support replacement of the retaining wall.

The Board confirmed that there are no Wetlands Protection issues. Mr. Nelson displayed the buffer zone on the Site Plan. He said that the wall will not affect the Wetlands.

Statement of Facts

The subject property is located at 16 Albion Road in a 20,000 square foot Single Residence District. The existing retaining wall is located on the easterly property line.

The Petitioner is requesting a Special Permit for a 7 foot high retaining wall with a 0.5 foot left side yard setback.

Project Narrative, Proposed Site Plan, dated 5/18/11, stamped by Robert A. Gemma, Professional Land Surveyor, Proposed Site Plan with Tree Description Legend, dated 5/23/11, stamped by Robert A. Gemma, Professional Land Surveyor, Retaining Wall Photos LP1.0 and LP1.1, dated 5/18/11, stamped by Thomas R. Ryan, Registered Landscape Architect, Section Elevations L-5.0, dated 5/18/11, stamped by Thomas R. Ryan, Registered Landscape Architect, and photographs were submitted.

On May 25, 2011, the Design Review Board voted unanimously to approve the retaining wall as presented. The Board suggested that a dark concrete be used.

On July 5, 2011, 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.

It is the opinion of this Authority that the retaining wall will be otherwise in compliance with the provisions of Section XXIID except for the setback; the requested retaining wall will not adversely impact adjacent property or the public; the report of the Design Review Board has been received and the requested retaining wall is consistent with that report and those criteria contained in Section XXII, Design Review, Part C., Design Criteria, of the Zoning Bylaw; and that the proposed retaining wall is the minimum structure necessary to allow a subject property to be reasonably utilized.

Therefore, a Special Permit is granted for demolition of an existing retaining wall and construction of a 7 foot high retaining wall with a 0.5 foot left side yard setback, subject to the conditions:

1. Dark concrete shall be used, in accordance with the Design Review Board suggestion.
2. The project shall be in compliance with the Tree Preservation Bylaw.

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.

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

Cynthia S. Hibbard

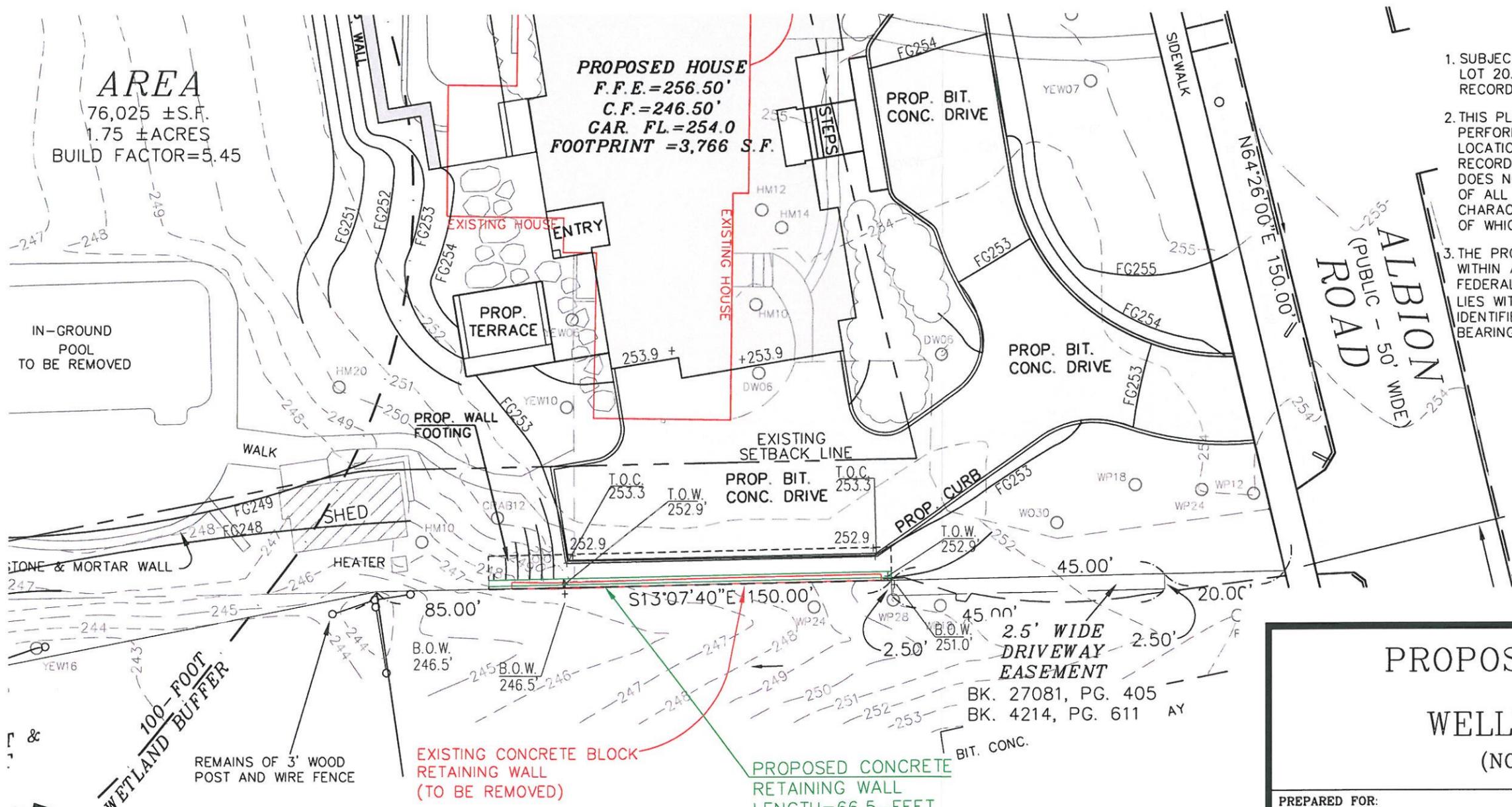
Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm

NOTES:

1. SUBJECT PARCEL IS SHOWN AS ASSESSORS SHEET 95, LOT 20. RECORD TITLE FROM BOOK 27081, PAGE 402.
2. THIS PLAN IS THE RESULT OF AN ON-GROUND SURVEY PERFORMED BY METROWEST ENGINEERING, INC. UTILITY LOCATIONS ARE BASED ON FIELD OBSERVATIONS, AVAILABLE RECORDS AND INFORMATION. METROWEST ENGINEERING, INC. DOES NOT WARRANT LOCATION, CHARACTER NOR ELEVATIONS OF ALL UNDERGROUND UTILITIES NOR THE LOCATION NOR CHARACTER OF SURFACE IMPROVEMENTS THE OBSERVATION OF WHICH WAS OBSCURED AT THE TIME OF THE SURVEY.
3. THE PROPERTY DESCRIBED ON THIS SURVEY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY; THE PROPERTY LIES WITHIN ZONE "C" OF THE FLOOD INSURANCE RATE MAP IDENTIFIED AS COMMUNITY PANEL NO.250255 0005 B, BEARING AN EFFECTIVE DATE OF SEPTEMBER 5, 1979.

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2011 JUN 22 A 9:01

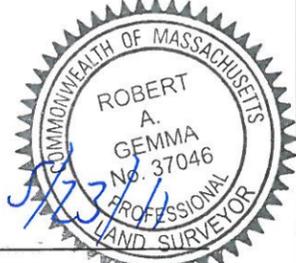
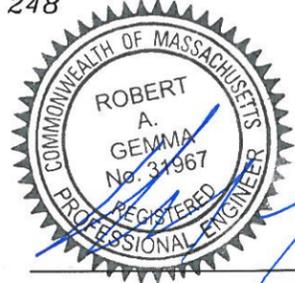


**PROPOSED SITE PLAN
IN
WELLESLEY, MASS
(NORFOLK COUNTY)**

PREPARED FOR:
BRIAN H. KAVOOGIAN
2310 WASHINGTON STREET
NEWTON, MA 02462

PROPERTY OF:
WILLIAM D. RUTLEDGE
725 N.E. 70TH STREET
BOCA RATON, FL 33487

ENGINEERS & SURVEYORS:
MWE METROWEST ENGINEERING, INC.
75 FRANKLIN STREET
FRAMINGHAM, MA 01702
TELE.: (508)626-0063



FOR METROWEST ENGINEERING, INC.
ROBERT A. GEMMA, P.E. # 31967
P.L.S. # 37046

DATE

AREA
76,025 ± S.F.
1.75 ± ACRES
BUILD FACTOR=5.45

PROPOSED HOUSE
F.F.E.=256.50'
C.F.=246.50'
GAR. FL.=254.0
FOOTPRINT =3,766 S.F.

LOT COVERAGE:
EXISTING BUILDING COVERAGE = 3,752 S.F.
4.93% OF LOT AREA

PROPOSED BUILDING COVERAGE = 3,894 S.F.
5.12% OF LOT AREA

GRAPHIC SCALE
1 inch = 20 ft.

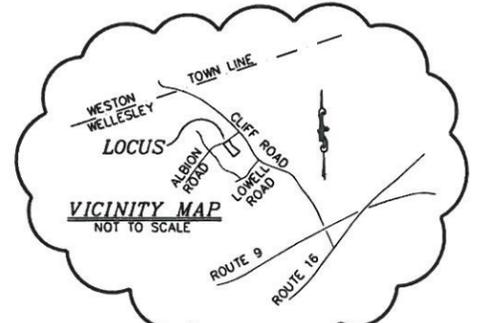


N/F
MALCOLM & BARBARA SHERMAN
MAP 94, LOT 2
DEED BOOK 5351, PAGE 248

NOTES:

- SUBJECT PARCEL IS SHOWN AS ASSESSORS SHEET 95, LOT 20. RECORD TITLE FROM BOOK 27081, PAGE 402.
- THIS PLAN IS THE RESULT OF AN ON-GROUND SURVEY PERFORMED BY METROWEST ENGINEERING, INC. UTILITY LOCATIONS ARE BASED ON FIELD OBSERVATIONS, AVAILABLE RECORDS AND INFORMATION. METROWEST ENGINEERING, INC. DOES NOT WARRANT LOCATION, CHARACTER NOR ELEVATIONS OF ALL UNDERGROUND UTILITIES NOR THE LOCATION NOR CHARACTER OF SURFACE IMPROVEMENTS THE OBSERVATION OF WHICH WAS OBTAINED AT THE TIME OF THE SURVEY.
- THE PROPERTY DESCRIBED ON THIS SURVEY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY; THE PROPERTY LIES WITHIN ZONE "C" OF THE FLOOD INSURANCE RATE MAP IDENTIFIED AS COMMUNITY PANEL NO.250255 0005 B, BEARING AN EFFECTIVE DATE OF SEPTEMBER 5, 1979.
- ELEVATIONS HEREON ARE BASED ON THE WELLESLEY TOWN DATUM, TAKEN FROM SEWER MANHOLE INVERT IN ALBION ROAD, ELEVATION=246.70'

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
201 JUN 22 A 9:01



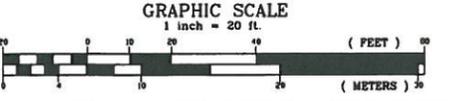
ZONING TABLE

ZONED: SINGLE RESIDENCE 20

	REQUIRED	EXISTING
AREA	20,000 S.F.	76,025 S.F.
FRONTAGE	60 FEET	150 FEET
SETBACKS:		
FRONT YARD	54.8 FEET*	56.2 FEET
SIDE YARD	20 FEET	20.1 FEET
REAR YARD	10 FEET	326.2 FEET
BUILDING HEIGHT	36 FEET	34.6 FEET
OPEN SPACE	N.A.	N.A.
LOT COVERAGE	15% MAXIMUM	5.0%

* SETBACK BASED ON EXISTING HOUSE SETBACKS FOR 500' OF FRONTAGE:
HOUSE #10=61.5'
HOUSE #16=56.2'
HOUSE #20=54.8'

FOR METROWEST ENGINEERING, INC. DATE
ROBERT A. GEMMA, P.E. # 31967
P.L.S. # 37046



LOT COVERAGE:

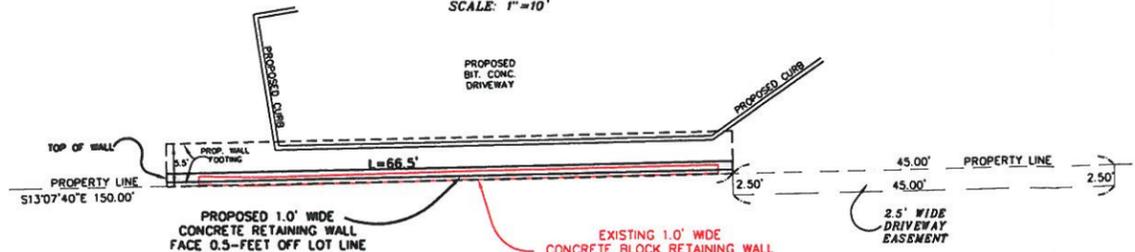
EXISTING BUILDING COVERAGE = 3,752 S.F.
4.93% OF LOT AREA
PROPOSED BUILDING COVERAGE = 3,894 S.F.
5.12% OF LOT AREA

TREE DESCRIPTION LEGEND

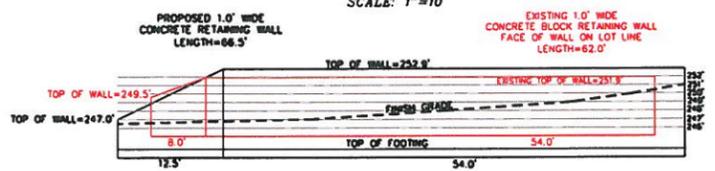
CODE	DESCRIPTION
AE#	AMERICAN ELM
BS#	BLUE SPRUCE
BE#	BEECH
CY#	CHERRY
CRAB#	CRABAPPLE
DW#	DOGWOOD
HK#	HICKORY
HM#	HEMLOCK
NM#	NORWAY MAPLE TREE LOCATION
NS#	NORWAY SPRUCE
RC#	RED CEDAR
RM#	RED MAPLE
RO#	RED OAK
RP#	RED PINE
SG#	SWEETGUM
SM#	SUGAR MAPLE
WA#	WHITE ASH
WB#	WHITE BIRCH
WO#	WHITE OAK
WP#	WHITE PINE
WS#	WHITE SPRUCE
YEW#	YEW

DETAIL
TREE CODE TREE DIAMETER

RETAINING WALL DETAIL PLAN VIEW
SCALE: 1"=10'

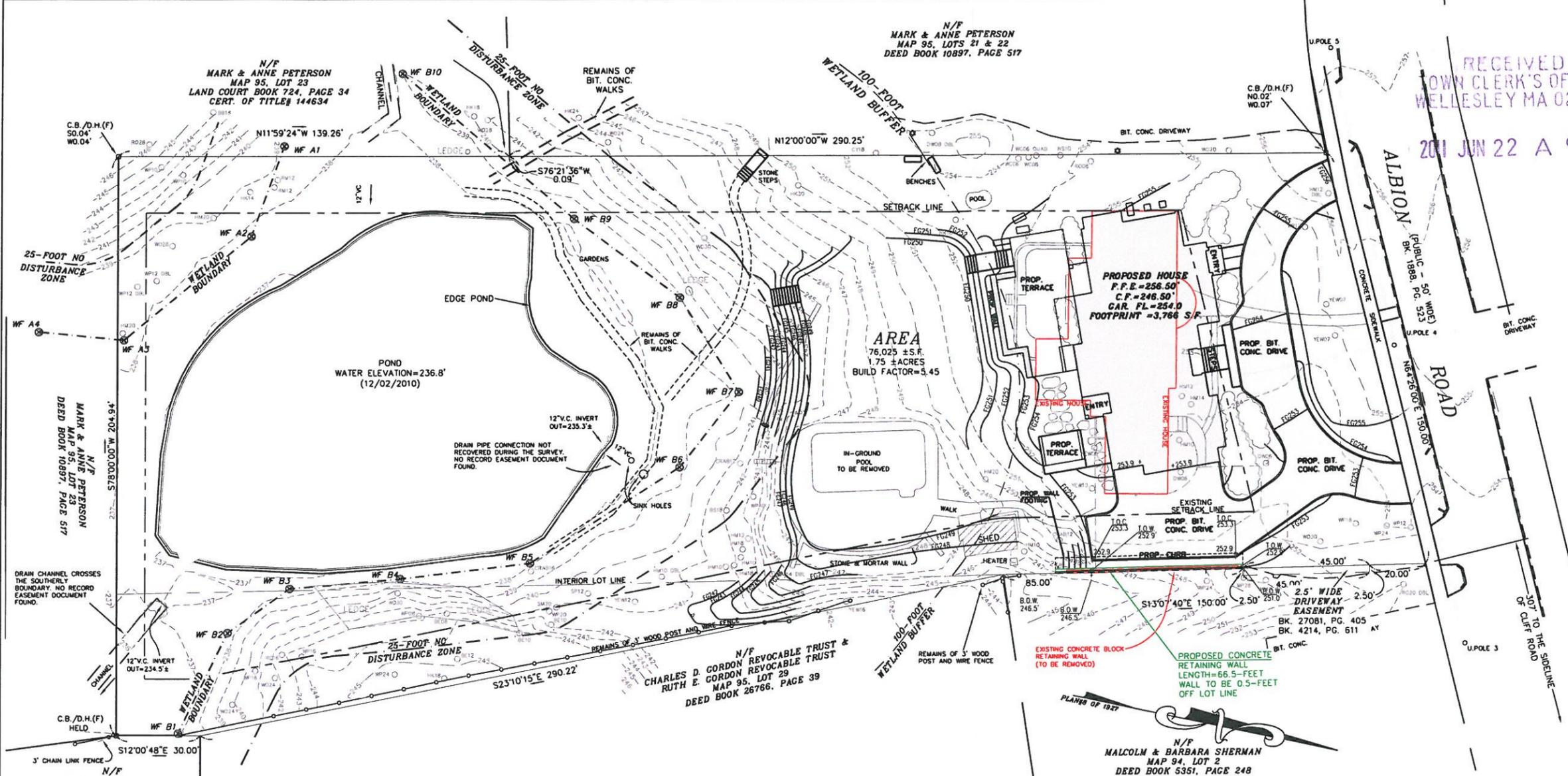


SECTION VIEW FROM ABUTTING PROPERTY
SCALE: 1"=10'



LEGEND

- BIT. BITUMINOUS
- C.L.F. CHAIN LINK FENCE
- CONC. CONCRETE
- C.P. CONCRETE PAD
- C.S. CONCRETE STEPS
- DRAIN CATCH BASIN
- DRAIN LINE
- ⊙ DRAIN MANHOLE
- DI DUCTILE IRON PIPE
- ELECTRIC LINE
- ENCROACHMENT NOTE
- FENCE
- F.F.E. FIRST FLOOR ELEVATION
- (F) FOUND
- G.F.E. GARAGE FLOOR ELEVATION
- GAS LINE
- GA GAS GATE
- GM GAS METER
- GP GUARD POST
- HYDRANT
- IR IRON ROD
- LP LIGHTPOST
- OBSERVATION WELL
- OVERHEAD WIRES
- PAVEMENT EDGE
- SEWER LINE
- SIGN
- SEWER MANHOLE TO BE DETERMINED
- U.P. UTILITY POLE
- VC VITRIFIED CLAY PIPE
- WG WATER GATE
- WL WATER LINE
- WF WETLAND FLAG



PROPOSED SITE PLAN
IN
WELLESLEY, MASS
(NORFOLK COUNTY)

PREPARED FOR:
BRIAN H. KAVOOGIAN
2310 WASHINGTON STREET
NEWTON, MA 02462

PROPERTY OF:
WILLIAM D. RUTLEDGE
725 N.E. 70TH STREET
BOCA RATON, FL 33487

ENGINEERS & SURVEYORS:
MWE METROWEST ENGINEERING, INC.
75 FRANKLIN STREET
FRAMINGHAM, MA 01702
TELE.: (508)626-0063

SHEET 1 OF 1 DATE: MAY 23, 2011
CALC'D BY: PHA FIELD BK: 558 CAD FILE: PROPOSED01_2.B.A.dwg
DRAFTER: PHA/BTN PROJECT: WEL_ALB DWG FILE: SP052311.dwg