



## ZONING BOARD OF APPEALS

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

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ZBA 2003-39  
 Petition of Yan Chan Er  
 15 Woodland Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 8, 2003 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of YAN CHAN ER requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the demolition of her existing dwelling and construction of a new two-story 35 foot by 29 foot dwelling, which meets all zoning requirements, at her property at 15 WOODLAND ROAD, on a 7,500 square foot lot in a district in which the minimum lot size required is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing structure.

On April 22, 2003, 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 Hossein Vehedi, project architect, representing Ms. Er, who was also present. Mr. Vehedi said the lot is nonconforming as it has only 7,500 square feet. They would like to demolish the existing building. The proposed lot coverage for the new building would be 15.4%.

The Board questioned Mr. Vehedi's figure, as it is not the same as shown on the plot plan. The plot plan shows the proposed lot coverage as 16%, and the footprint as 1,200 square feet. Mr. Vehedi said he was working from a rough plan. The plot plan shows the correct figures.

The Board noted that the Planning Board had no objection to the granting of the Special Permit. The Board further noted that an Order of Conditions had been issued by the Wetlands Committee, and asked if it had been recorded. Ms. Er said it had been recorded.

The Board asked if Ms. Er had spoken to her neighbors about the project. Ms. Er said that prior to going before the Wetlands Committee, she sent about 30 letters to her neighbors about the hearing. She has had no personal conversations with the neighbors.

Ms. Er said her house is the smallest one on the street. The Board commented that the abutting house appears to be about the same size. Ms. Er said it was almost double the size of her home.

The Board noted that the plot plan does not state whether the existing garage would remain or be demolished, and if the garage had been included in the percentage of lot coverage. Ms. Er said it would remain in the same location, but would be remodeled. She was not certain if the garage had been included in the calculation of lot coverage.

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Petition of Yan Chan Er  
15 Woodland Road

The Board said that a new plot plan showing the dimensions of the garage would be required. The Board asked about the remodeling of the garage. Mr. Vehedi said the garage would not be demolished, but it can be repaired. The Board stated it would add a second condition that the garage shall not be made habitable in any way.

Stephen Fogg, 17 Woodland Road, expressed concern about a potential grade change, which could result in water problems on his lot. He was also concerned about disposal of potential hazardous materials during demolition, and the increased size of the proposed structure, as his house would then be the smallest on the street.

The Board asked if there would be any change in the existing grade. Mr. Vehedi said the grade would remain the same within one foot.

The Board stated that the Order of Conditions would be incorporated into its decision as the third condition.

#### Statement of Facts

The subject property is located at 15 Woodland Road, in a 10,000 square foot Single Residence District, on a 7,500 square foot lot. The property contains a dwelling, which conforms to all zoning setbacks, and a detached garage, which has less than the required left and rear yard setbacks.

The petitioner is requesting a Special Permit/Finding that the demolition of the existing dwelling and construction of a new two-story 35 foot by 29 foot dwelling, which meets all zoning setbacks and percentage of lot coverage, on a 7,500 square foot lot in a district in which the minimum lot size required is 10,000 square feet, shall be substantially more detrimental to the neighborhood than the existing structure.

A Plot Plan dated April 11, 2003, stamped by John J. McCaffrey, Registered Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated March 20, 2003, drawn by Atlantis Group, Inc.; and photographs were submitted.

On April 24, 2003, the Wetlands Protection Committee issued an Order of Conditions (DEP 324-432) for construction at 15 Woodland Road.

On April 29, 2003, the Planning Board reviewed the petition and had no objection to the granting of the request.

#### Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. Both the existing and proposed dwelling structures conform to all setbacks and percentage. However, the lot is undersized for the district in which it is located, which renders all structure on the lot nonconforming.

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Petition of Yan Chan Er  
15 Woodland Road

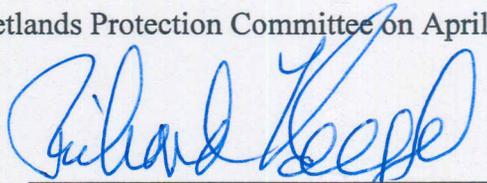
It is the finding of this Authority that the proposed demolition of the existing structure and construction of the new 29 foot by 35 foot two-story structure on the 7,500 square foot lot shall not be substantially more detrimental to the neighborhood than the existing structure, and the new structure shall comply with all zoning setbacks and is within the allowed percentage of lot coverage.

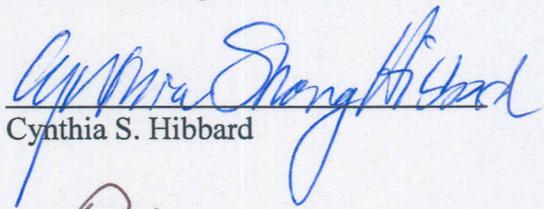
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of the existing structure and construction of the proposed structure in accordance with the submitted plot plan and construction drawings, subject to the following conditions:

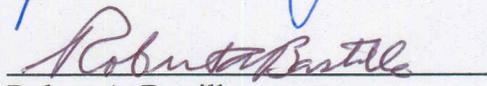
1. Prior to the issuance of any Building Permit, a revised plot plan showing the dimensions and setbacks of the existing garage shall be submitted to the office of the Board of Appeals.
2. Any remodeling of the existing nonconforming garage shall not result in the use of the garage as habitable space.
3. The Order of Conditions (DEP 324-432) issued by the Wetlands Protection Committee on April 24, 2003, is hereby incorporated into 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.

Cc: Planning Board  
Wetlands Protection Committee  
Inspector of Buildings  
edg

  
Richard L. Seegel, Chairman

  
Cynthia S. Hibbard

  
Robert A. Bastille

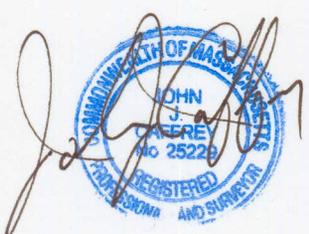
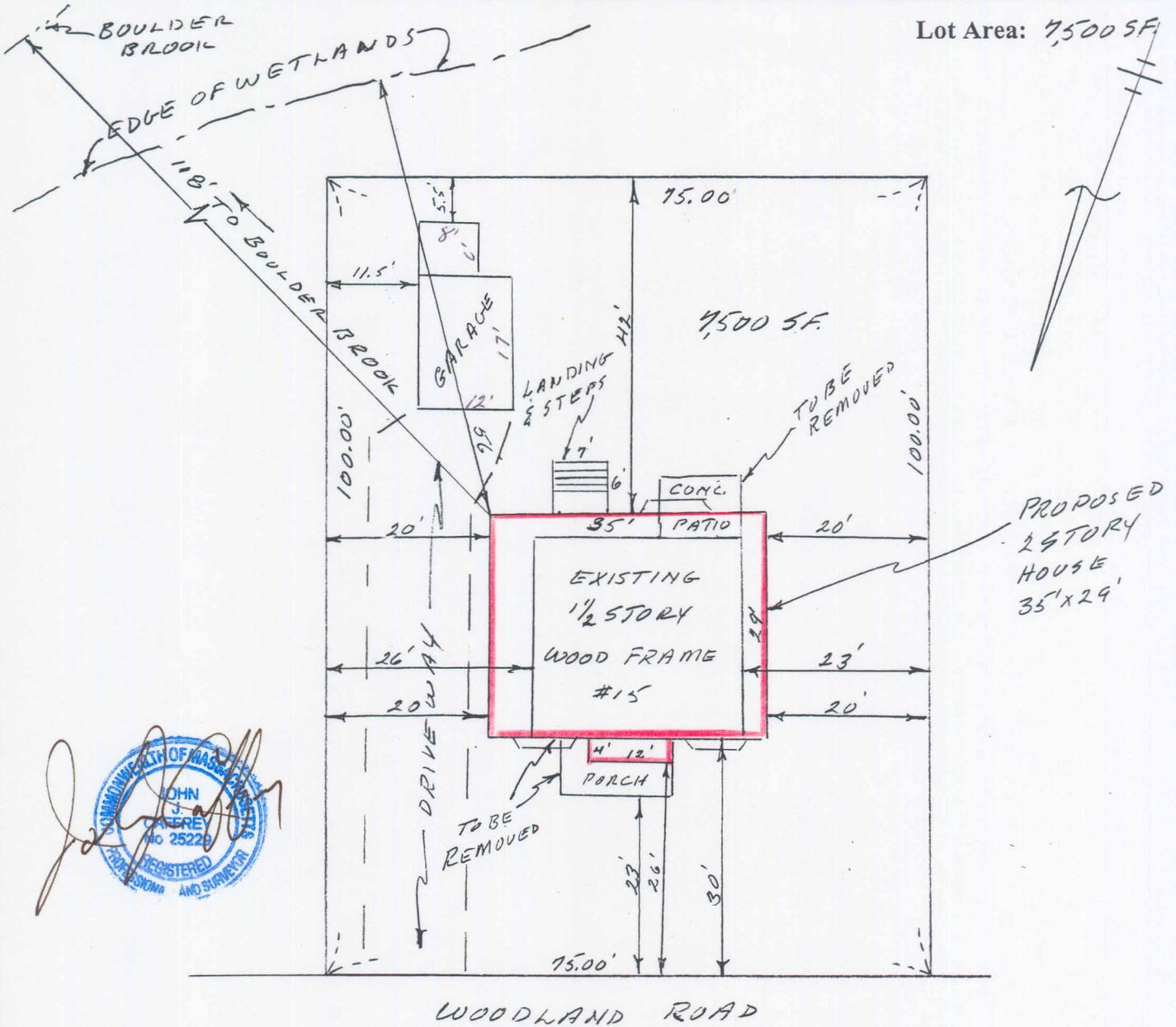
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# PLOT PLAN FOR PROPERTY IN WELLESLEY, MA

Applicant: JOYCE ER XIONG

Property Location: 15 WOODLAND ROAD

Lot Area: 7,500 SF



### LOT COVERAGE

EXISTING 13.7% (1,026 S.F.)  
 PROPOSED 18.1% (1,357 S.F.)

Scale: 1" = 20'

Date: 11 APRIL 2003

File No: 19-03

### PROPOSED LOT COVERAGE

GARAGE	252 S.F.	
HOUSE	1015 S.F.	1357 = 18.1%
PORCH	48 S.F.	7500
STEP/LANDING	42 S.F.	
	1,357 S.F.	

ZONING DISTRICT - SR-10

MAP 169 LOT 64

PLAN REF: BOOK 1606 PAGE 484

## CAFFREY ASSOCIATES, INC.

24 Granison Road, Weston, MA 02493 (781) 891-9222