

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

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

2003 SEP -5 A 8:18

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ZBA 2003-65

Petition of Matthew and Kara Kressy
29 Pickerel Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 14, 2003 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of MATTHEW AND KARA KRESSY requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the following construction at their nonconforming dwelling with less than the required left and front yard setbacks, at 29 PICKEREL ROAD, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. A two-story 42.6 foot by 26 foot addition with less than the required front setback.
2. A one-story 26.3 foot by 4 foot porch with less than the required front setback.
3. A 17.3 foot by 15.5 foot third story addition to the existing nonconforming dwelling with less than the required front and left side yard setbacks.

On July 28, 2003, the petitioners 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 Matthew and Kara Kressy. Mr. Kressy said they are proposing an addition with two bedrooms above and a family room and den on the first floor. Using a foam model of the proposed structure, Mr. Kressy explained that the front of the house is almost parallel to the road. The addition would be built over the paved driveway. They have some drainage issues. The roof water will go into gutters to down spouts, which would be put into the ground.

The Board asked Mr. Kressy to explain the "drainage issues". Mr. Kressy said his driveway is at the head of a saddle in the road, so the water comes down the driveway and flows into the pond. They have installed a catch basin several years ago, which drains into the dry well.

The Board read the Planning Board comments into the record. Due to the fact that the proposed construction will increase the lot coverage by more than 50%, a review of the adequacy of the way is required by the Planning Board. The Planning Board noted that mass and bulk are substantial and may be an issue. Also, lot coverage has been calculated based on the area shown on the applicants' tax bill, not the area as shown on the town plan or on the surveyor's record of land.

The Board asked where the Kressys would find the compensatory flood storage of 7.5 cubic yards required by the Order of Conditions in order to excavate the foundation. Mrs. Kressy said a portion of the back yard is flat, and the flood storage would be located there. The water will come off the driveway into

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the drywell, which is 8 feet wide and ten feet deep. The driveway would be topped with a semi-permeable surface.

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The Board stated that the plot plan is difficult to read. A legible plot plan must be submitted with the dimensions taken to the foundation rather than to the roof overhangs.

The Board questioned the differing calculations of the size of the lot. Mrs. Kressy said the figure of 7,774 square feet was taken from the deed. At some point, the Town filled in their back yard and those of the neighbors, extending the shore line into the pond. The second figure of 10,100 square feet is the surveyor's calculation of the land area. The 13,601 square foot figure is the area on which they pay taxes. The lot extends into Morses Pond. The percentage of lot coverage is based on the surveyor's calculation of the amount of physical land.

The Board said the lot coverage does not exceed 20% even with the most unfavorable calculation.

The Board questioned the scale of the plans. Mrs. Kressy said the plans had been reduced. The Board requested a corrected copy of the plans indicating the proper scale.

The Board asked about the height of the ridgeline, particularly for the third story addition, and requested calculations supporting the height measurement shown, and how the average grade from which the measurement was taken was determined.

The Board expressed concern about the mass of the project. It is a substantial increase in an area that is predominately small homes. There is a large house diagonally across the street, but the character of the neighborhood is smaller homes.

Mrs. Kressy said that the lot coverage meets zoning requirements. They made the house long and skinny in order to save their back yard. They have made it as small as possible. The existing house is only 850 square feet of living space. It would be expanded to 2,935 square feet. They would be doubling the footprint from 690 to 1,477 square feet. The tower is necessary to connect the roof lines.

Stanley Hodges, 10 Pickerel Terrace, said he much preferred the Kressy proposal to the house diagonally across the street from them. He liked the interrupted lines of the proposed house, and has no objection to the petition.

Meg Hodges, 10 Pickerel Terrace, expressed support for the petition.

Don Eber, 4 Pickerel Road, expressed support for the petition.

Mrs. Kressy said their new neighbors, Joel and Cathy Lunger have written a letter supporting the petition. The land on the other side is vacant.

The Board discussed the conditions to be added to the decision. Prior to the issuance of a building permit, a revised plot plan showing setbacks to the foundation and percentage of lot coverage; revised plans in proper scale, and calculations showing the average mean grade and the height of the tallest ridgeline must be submitted to the office of the Board of Appeals.

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29 Pickerel Road

Statement of Facts

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The subject property is located at 29 Pickerel Road in a 10,000 square foot Single Residence District, on a 13,601 square foot lot bounded at the rear by Morses Pond, and has a minimum left side yard setback of 6.6 feet and a minimum front yard setback of 18 feet.

The petitioners are requesting a Special Permit/Finding that the following construction at their nonconforming dwelling shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. A two-story 42.6 foot by 26 foot addition with a minimum front setback of 23.4 feet
2. A one story 26.3 foot by 4 foot porch with a minimum front setback of 24.5 feet.
3. A 17.3 foot by 15.5 foot third story addition of the existing nonconforming structure with a minimum left side yard setback of 6.6 feet and a minimum front setback of 18 feet.

A Plot Plan dated June 24, 2003, revised July 2, 2003, stamped by Carmelo Frazetti, Registered Professional Land Surveyor; an unstamped Existing Conditions Plan; Existing and Proposed Floor Plans and Elevations dated July 22, 2003, drawn by Kara Kressy; and photographs were submitted.

In accordance with the request of the Board of Appeals at the Public Hearing, a plot plan revised August 18, 2003, stamped by Carmelo Frazetti, Registered Professional Land Surveyor; an Average Grade drawing showing calculations of average grade, and the height of the tower addition at 33 feet, 7.5 inches from average grade; an Existing Conditions plan with a corrected scale of 1/16 inch equals 1 foot, a Landscape Plan showing a corrected scale of 1/10 inch equals 1 foot, and Existing and Proposed Floor Plans and Elevation showing a corrected scale of 1/8 inch equals 1 foot were submitted to the office of the Board of Appeals.

On August 7, 2003, the Wetlands Protection Committee issued an Order of Conditions (DEP 324-437) for the project.

The Planning Board reviewed the petition and noted that the dwelling is on a private way and the building coverage will be increased by over 50%. The size of the project will trigger review of adequacy of the way by the Planning Board. The extent of required improvements to the street is not known at this time. The proposed addition does not further decrease the left side yard or street setbacks. Mass and bulk are substantial and may be an issue. Lot coverage has been calculated based on the area shown on the applicant's tax bill, not the area as shown on the town plan nor on the surveyor's record of land (not water) area. The coverage based on the area shown on the town plan indicates a coverage of 18%.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the Public Hearing. The subject structure does not comply with the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that the proposed construction of the two-story 42.6 foot by 26 foot addition, the one-story 26.3 foot by 4 foot porch, and the 17.3 foot by 15.5 foot third story addition shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, for

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29 Pickerel Road

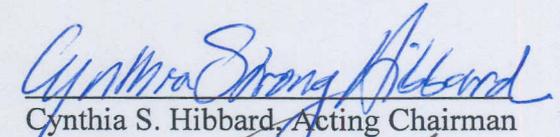
although the additions shall intensify the existing nonconformance, they shall not create new nonconformity, as no addition is more nonconforming than the existing nonconforming structure.

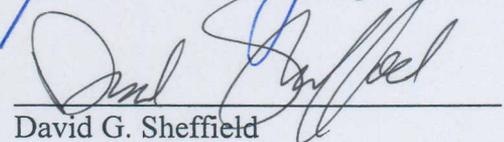
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of the three additions in accordance with the latest revised plot plan and construction drawings, and subject to all conditions contained in the Order of Conditions (DEP 324-437) issued by the Wetlands Protection Committee, and further subject to the condition that prior to the issuance of any building permit, the petitioners must appear before the Planning Board for a determination of the adequacy of the way.

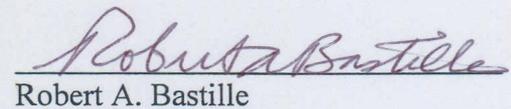
Subsequent to compliance with the aforesaid conditions, the Building Inspector is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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


Cynthia S. Hibbard, Acting Chairman


David G. Sheffield


Robert A. Bastille

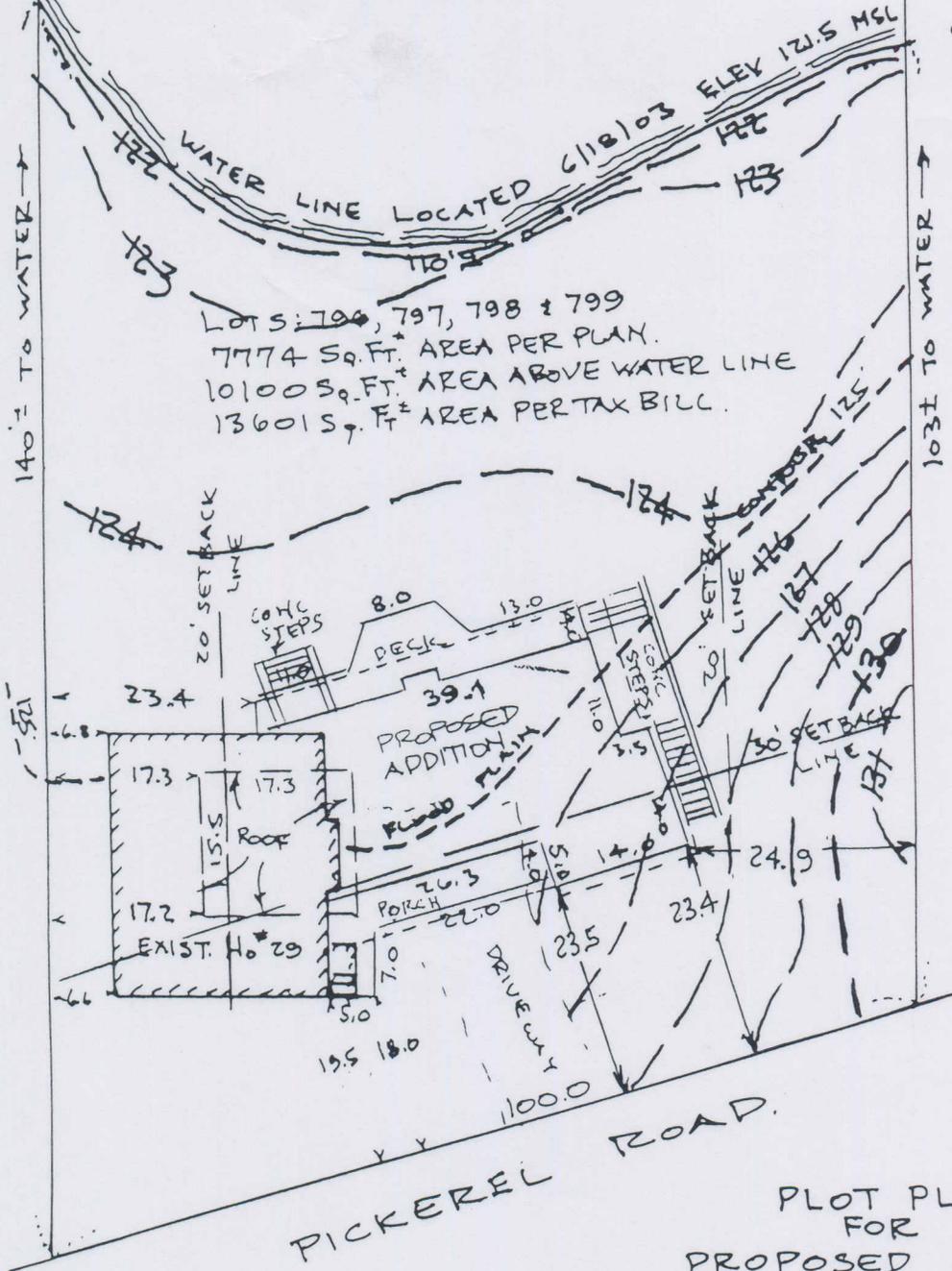
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MORSES POND.

ZONE:
 SINGLE RES. 10,000 S
 SETBACKS
 FRONT 30'
 SIDE 20'
 REAR 10'

OWNERS:
 MATTHEW & KARA
 KRESSY

LOT COVERAGE/TAXED
 EXIST. 5.07% AREA
 PROP. 10.86%
BLDG COVERAGE
 EXIST. 690 S.F.
 PROP. 1477 S.F.



LOTS: 796, 797, 798 & 799
 7774 SQ. FT. AREA PER PLAN.
 10100 SQ. FT. AREA ABOVE WATER LINE
 13601 SQ. FT. AREA PER TAX BILL.

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PICKEREL ROAD.

LOT PLAN
 FOR
 PROPOSED ADDITION
 AT

#29 PICKEREL ROAD
 WELLESLEY, MASS.

SCALE: 1 IN. = 20 FT. CHENEY ENG. CO., INC.
 JUNE 24, 2003 DOVER, MASS.
 JULY 2, 2003.

CONTOURS ADDED
 REV. AUG. 18, 2003

DISPLACED VOLUME BELOW
 FLOOD PLAIN CONTOUR 125
 DUE TO PROPOSED ADDITION.
 7 1/2 CU. YDS ± OR 1500 GALS ±



Carmelo Fraydelli

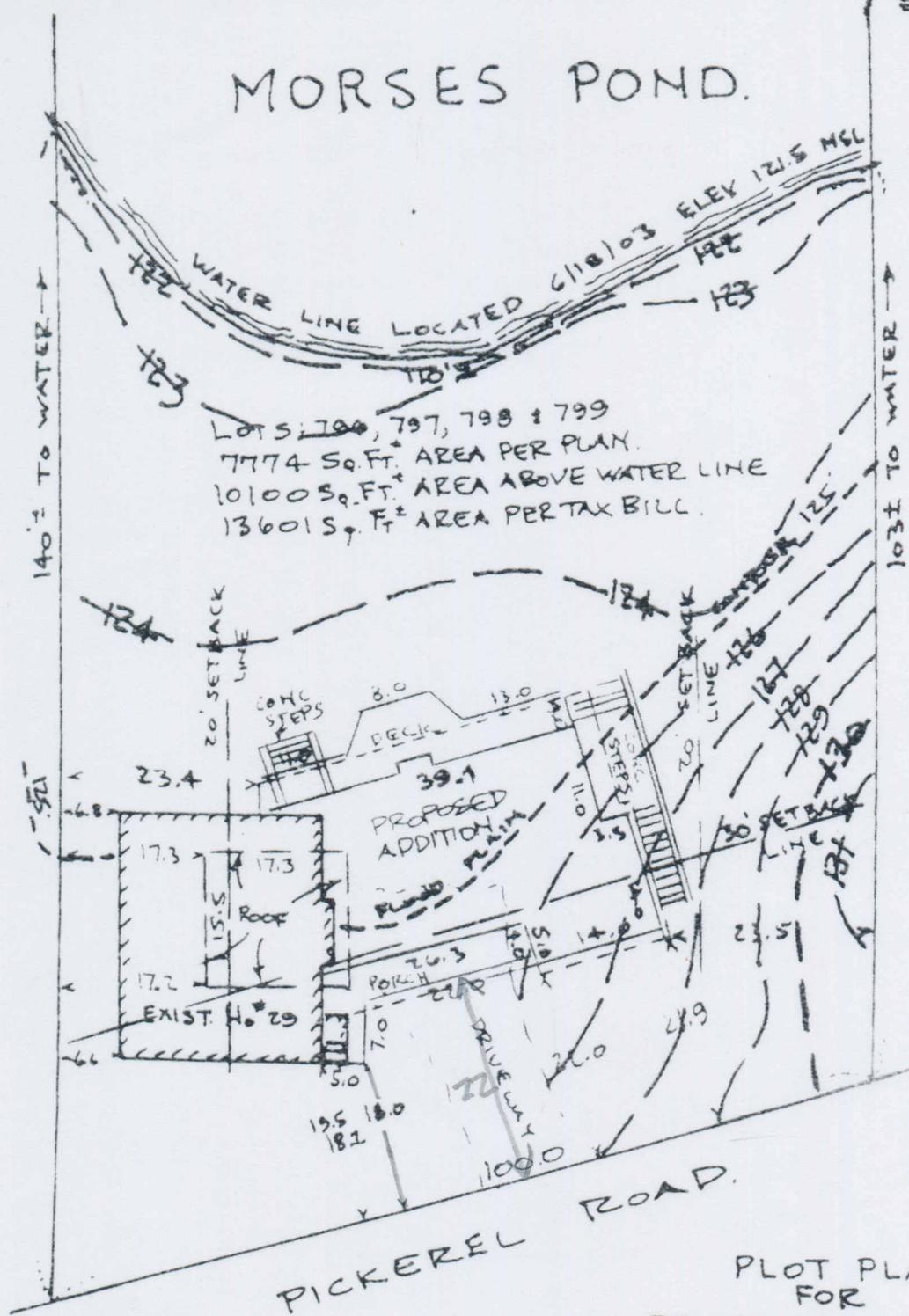
MORSES POND.

ZONE:
 SINGLE RES. 10,000 SF
 SETBACKS
 FRONT 30
 SIDE 20
 REAR 10

OWNERS:
 MATTHEW & KARA
 KRESSY

Lot COVERAGE/TAXED
 EXIST. 50% AREA
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BLDG. COVERAGE
 EXIST. 690 S.F.
 PROP. 1477 S.F.

LOTS: 796, 797, 798 & 799
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PLOT PLAN
 FOR
 PROPOSED ADDITION

AT
 *29 PICKEREL ROAD
 WELLESLEY, MASS.

SCALE: 1 IN. = 20 FT. CHENEY ENG. Co., INC.
 JUNE 24, 2003 DOVER, MASS
 JULY 2, 2003.
 CONTOURS ADDED

DISPLACED VOLUME BELOW
 FLOOD PLAIN CONTOUR 125
 DUE TO PROPOSED ADDITION
 7 1/2 CU. YDS ± OR 1500 GALS ±



Camello Fragetti