TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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WELLESLEY MA 02482
2012 JUN 20 P 3:08

ZBA 2012-48
Petition of Divya Padmanabhan
200 Dearborn Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 7, 2012, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of DIVYA PADMANABHAN 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 new two-story structure with a footprint of 1,997 square feet that will meet setback requirements on an existing nonconforming lot with no frontage, on a 13,004 square foot lot in a district in which the minimum lot size is 15,000 square feet, at 200 DEARBORN STREET, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On May 22, 2012, 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 Kiran Bindignavale, who was representing Divya Padmanabhan (the "Petitioner"). Also present was Brian Nelson, MetroWest Engineering.

Mr. Bindignavale said that it is a nonconforming lot with no frontage. He said the proposal is to demolish the existing structure and construct a new one-family house that will conform to all setback requirements.

The Board confirmed that all of the new structure will be in Wellesley.

Mr. Bindignavale said that the Wetlands Protection Committee (WPC) approved the plans at their hearing. He said that the WPC is in the process of drafting an Order of Conditions.

The Board asked about access to the lot. Mr. Bindignavale said that there is a right of way. The Board said that the Building Inspector may raise the issue of adequacy of the way. Mr. Bindignavale said that he had discussed that with a Planning Department staff member. He said that he had not spoken to the Fire Department.

Mr. Nelson said that they went before the Wellesley WPC last Thursday. He said that they are scheduled to go before the Needham WPC next Thursday. The Board said that the decision would be held in the Zoning Office until the Orders of Conditions are received from both towns.

Ricardo Rodriguez, 39 Dunedin Road, said that the initial sale of the lot was for 24,000 square feet. Mr. Nelson said that the total lot area is 24,787 square feet. He said that 13,004 square feet are located in Wellesley and 11,783 square feet are located in Needham.

Mr. Rodriguez asked if there are any plans to subdivide the property and construct on two properties. The Board said that the lot is not subdivideable because there is no frontage.

Seymour Kushner, 18 Webb Avenue, said that he is the abutter to the rear of the property. He asked how far back the new structure will be located. The Board said that the new structure will be 21.5 feet from the property line between 200 Dearborn Street and Mr. Kushner's property.

Mr. Kushner said that there is a natural tree boundary between the properties. Mr. Nelson said that the intent is to keep as much of the tree buffer as possible. The Board said that there is a Tree Bylaw in Wellesley that regulates cutting trees in the setback area.

Statement of Facts

The subject property is located at 200 Dearborn Street, on an existing nonconforming lot with no frontage, on a 13,004 square foot lot in a district in which the minimum lot size is 15,000 square feet.

The Petitioner is requesting a Special Permit/Finding that demolition of an existing structure and construction of a new two-story structure with a footprint of 1,997 square feet that will meet setback requirements on an existing nonconforming lot with no frontage, on a 13,004 square foot lot in a district in which the minimum lot size is 15,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 3/29/12, revised 4/6/12, stamped by Robert A. Gemma, Professional Land Surveyor, Proposed Floor Plans and Elevation Drawings, dated 5/15/12, prepared by Clear Vue Design, Inc., photosimulations and photographs were submitted.

On June 5, 2012, the Planning Board reviewed the petition and recommended that the Special Permit be granted.

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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 finding of this Authority that demolition of an existing structure and construction of a new two-story structure with a footprint of 1,997 square feet that will meet setback requirements on an existing nonconforming lot with no frontage, on a 13,004 square foot lot in a district in which the minimum lot size is 15,000 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 new two-story structure with a footprint of 1,997 square feet that will meet setback requirements, subject to the condition:

- Orders of Conditions shall be submitted from the Town of Wellesley WPC and the Town of Needham WPC that deem the project to be satisfactory.

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.

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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

Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm

Z.B.A. PLOT PLAN
IN
WELLESLEY AND NEEDHAM, MASS
#200 DEARBORN STREET

SCALE:1"=20' DATE: MARCH 29, 2012
REV.: APRIL 06, 2012

NOTES:

1. SUBJECT PARCEL IS SHOWN AS ASSESSORS SHEET 8, LOT 12(WELLESLEY) AND SHEET 227, LOT 4(NEEDHAM). RECORD TITLE FROM BOOK 3305, PAGE 205.
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 LIE PARTIALLY WITHIN A FLOOD AREA AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY; THE PROPERTY LIES PARTIALLY WITHIN ZONE "X"(AREA OF 500-YEAR FLOOD; AREA OF 100-YEAR FLOOD WITH AN AVERAGE DEPTH OF LESS THAN 1 FOOT) OF THE FLOOD INSURANCE RATE MAP IDENTIFIED AS COMMUNITY PANEL NO.255215 0002 C, BEARING AN EFFECTIVE DATE OF JUNE 5, 1989 AND PARTIALLY WITHIN ZONE "B"(AREA OF 500-YEAR FLOOD; AREA OF 100-YEAR FLOOD WITH AN AVERAGE DEPTH OF LESS THAN 1 FOOT) OF THE FLOOD INSURANCE RATE MAP IDENTIFIED AS COMMUNITY PANEL NO.250255 001022 B, BEARING AN EFFECTIVE DATE OF SEPTEMBER 5, 1979.

N/F
SEYMOUR W. & SYLVIA A. KUSHNER
ASS. MAP 8, LOT 22
BOOK 3720, PAGE 309

N/F
WILLIAM T. & DESIREE C. LADD
ASS. MAP 8, LOT 17
BOOK 24453, PAGE 71

ECHO ROAD
(PRIVATE SEE BOOK 14527, PAGES 137 & 144)

N54°15'00"W 140.00'

N35°45'00"E 160.00'

4' WIRE FENCE

TOTAL AREA
24,787 ± S.F.
0.57 ± ACRES
BUILDING FACTOR (WELLESLEY)=10.80
BUILDING FACTOR (NEEDHAM)=7.20

AREA IN WELLESLEY
13,004 ± S.F.
0.30 ± ACRES

AREA IN NEEDHAM
11,783 ± S.F.
0.27 ± ACRES

PROPOSED 21.0'
PROPOSED 21.5'
EXISTING 41.9'
BUILDING SETBACK LINE
DECK
PROPOSED HOUSE
FOOTPRINT=1,997 SQ.FT.
PROPOSED 37.5'
EXISTING 58.5'
CONC PAD
EXISTING CESSPOOL
PROPOSED STEPS
BRICK STEPS
GARAGE DOORS
PROPOSED DRIVEWAY
EXISTING 32.2'
PROPOSED 41.0'
R=5'
S54°15'00"E 50.00'
EXISTING BITUMINOUS CONCRETE DRIVEWAY
100' BUFFER ZONE
200' RIVER FRONT TO HURD BROOK
APPROXIMATE TOWN LINE
EXISTING #200 HOUSE
FOOTPRINT=949.8 SQ.FT.
TO BE RAZED
CONC STEPS
PROPOSED WALK
STONE WALK
WELLESLEY
NEEDHAM
50' BUFFER ZONE
EDGE OF PAVEMENT
EXISTING BITUMINOUS CONCRETE DRIVEWAY
PROPOSED 12.5'
EXISTING 60.8'
3' POST & RAIL FENCE
EXITING DRIVEWAY TO BE REMOVED
25' NO ALTERATION AREA
BUILDING SETBACK LINE
FOOT PATH
S35°45'00"W 197.50'
N54°15'00"W 135.00'

N/F
THE MARY E. HEANEY TRUST
ASS. MAP 8, LOT 13
BOOK 685, PAGE 199

N35°45'00"E 37.50'
IP (F)
N18°18'24"E 73.37'
EXISTING GRAVEL DRIVE
S54°15'00"E 20.96'
S54°15'00"E 85.00'
22.00'
20' WIDE RIGHT OF WAY
(PRIVATE SEE BOOK 14527, PAGES 137
S18°18'24"W 73.37'
S54°15'00"E 49.04'
42.04'
CB W/ LCD (F)

N/F
SUN LIFE ASSURANCE COMPANY OF CANADA
ASS. MAP 83, LOT 38
BOOK 690, PAGE 19

WF-B2
WF-B3
WF-B1
WETLAND

N/F
RICHLAND TOWERS MANAGEMENT BOSTON, LLC
ASS. MAP 227, LOT 1
BOOK 27260, PAGE 521

WF-15
BORDERING VEGETATED WETLAND
WF-16
WF-17

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2012 MAY 22 A 11:25

RESOURCE TABLE

	EXISTING	PROPOSED
IMPERVIOUS AREA WITHIN 200' RIVERFRONT AREA	3,616 SQ.FT.	689 SQ.FT.
IMPERVIOUS AREA WITHIN 100' BUFFER ZONE	4,921 SQ.FT.	3,575 SQ.FT.
TOTAL IMPERVIOUS AREA ON SITE	5,066 SQ.FT.	4,915 SQ.FT.

COMMONWEALTH OF MASSACHUSETTS
ROBERT A. GEMMA
No. 37046
PROFESSIONAL LAND SURVEYOR
4/6/12

ZONING TABLE

	REQUIRED WELLESLEY SINGLE RESIDENCE 15	REQUIRED NEEDHAM SINGLE RESIDENCE B	EXISTING	PROPOSED
MINIMUM LOT AREA	15,000 SQ.FT.	10,000 SQ.FT.	24,787 SQ.FT.	24,787 SQ.FT.
MINIMUM FRONTAGE	60 FT.	80 FT.	NONE	NONE
SETBACK FRONT YARD	60 FT.	20 FT.	N/A	N/A
SIDE YARD	20 FT.	12.5 FT.	41.9 FT.	21.5 FT
REAR YARD	15 FT.	10 FT.*	58.5 FT.	37.5 FT.
MAX. BUILDING COVERAGE	18%/6,000 SQ.FT.	N/A	3.8%	9.0%
MAXIMUM HEIGHT	36 FT.	35 FT./2½ STORIES	TO BE DETERMINED	35.8 FT.[1]

*NEEDHAM -"NEW CONSTRUCTION" SHALL HAVE A MINIMUM REAR LINE SETBACK REQUIREMENT OF 20 FT.
[1]AVERAGE EXISTING GRADE PLANE=101.2' (ASSUMED DATUM), PROPOSED RIDGE HEIGHT=137.0'

PREPARED FOR:
DIVYA PADMANABHAN
21 PARKMAN STREET, #3B
BROOKLINE, MA 02446

PROPERTY OF:
WILLIAM H. & LILLIAN H. GALLANT
8129 E. VIA LUNA DRIVE
SCOTTSDALE, AZ 85255

ENGINEERS & SURVEYORS:
MWE
METROWEST ENGINEERING, INC.
75 FRANKLIN STREET
FRAMINGHAM, MA 01702
TELE.: (508)626-0063
FAX: (508)875-6440
EMAIL: INFO@MWENGINEERING.COM

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