



ZONING BOARD OF APPEALS

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ZBA 2012-57
Petition of David Silverstein
15 Kenilworth Circle

Record Owner of Property: Andrew F. Fenton

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 12, 2012, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of DAVID SILVERSTEIN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming structure and construction of a two-story structure that will meet all setback requirements, on a 15,442 square foot lot in a district in which the minimum lot size is 20,000 square feet, at 15 KENILWORTH CIRCLE, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 26, 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 David Silverstein, (the "Petitioner"). Also present were Paul Beaulieu, Engineer and Dustin Nolin, Architect.

Mr. Silverstein said that the proposed house will be a two-story, five bedroom shingle style colonial. He said that the Total Living Area plus Garage (TLAG) will be 4,260 square feet. He said that the TLAG calculation excludes the basement area and the attic space, which is not habitable.

Mr. Silverstein said that they designed the house so that, although it will be located in a 20,000 square foot Single Residence District, it will meet the by right dimensions of a 15,000 square foot Single Residence District.

Mr. Silverstein said that the footprint of the house will expand the existing lot coverage from 14 to 17 percent.

Mr. Silverstein said that one of the major concerns of the neighbors is a groundwater issue in that area. He said that they designed a stormwater retention system so that, even though the footprint of the house will be slightly larger, water will now be gathered and tied into a storm drain that runs along the back of the property.

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Mr. Beaulieu said that because of the groundwater issue on the site, they decided to go with a Shea concrete leaching tank, which is more durable. He said that the overflow will go to the Town drain line at the back.

Mr. Beaulieu said that when it rains the water will go into downspouts as opposed to the existing condition where the water goes into the ground. He said that with the stormwater retention system, the water will slowly discharge into the ground. He said that with a major event, the overflow will tie into a substantial drain system. He said that they located the leaching chamber that is labeled "tank" on the plot plan at the southwest corner of the building. He said that it works best with the grade. He said that they tried to put it where the water wants to go.

Mr. Beaulieu said that the concrete leaching chamber is more durable. He said that it does not have a lot of the more transient properties of plastic.

The Board said that no basement plan was submitted. Mr. Silverstein said that the finished basement will include approximately 1,000 square feet. He said that the TLAG calculations have taken the finished basement space into account.

The Board asked about the attic space. Mr. Nolin said that it will be crawl space. He said that there will be no stairs. He said that it will not meet height requirements for habitable space.

Mr. Silverstein said that a TLAG Foundation Exemption Plan was submitted. He said that plan shows that the area above grade is 19 percent.

The Board confirmed that there will be gutters and drain leaders. Mr. Beaulieu said that a detail of the downspout was included on the Plot Plan.

F.T. Kubitz, 12 Kenilworth Circle, asked about the recommendation of the Planning Board. The Acting Chairman read the Planning Department Staff recommendation.

Mr. Kubitz said that he is an Architect who has been living in the town for 45 years.

Mr. Kubitz said that the Kenilworth area is broken up into two environmental areas with character. He said that Kenilworth Road has larger homes. He said that Kenilworth Circle is a little less demanding and more comfortable. He said that it has its own character. He said that, according to the Assessors Report, five out of seven homes on Kenilworth Circle are nonconforming due to lot area.

Mr. Kubitz said that, with the exception of 1 Kenilworth Circle, the houses are between one, two and three thousand square feet. He questioned the volume of the proposed house on the site.

Mr. Kubitz said that the area does have water problems.

Mr. Kubitz said that the basement and elevation of the building will be raised. He displayed a sketch (retained by proponent). He said that the plinth creates a problem. He said that raising the elevation will create outflow to neighboring properties.

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Mr. Kubitz said that there is no basement plan, so he does not know what the square footage will be. He said that his calculations were similar to Mr. Silverstein's. He said that on the first floor he calculated 2,092 square feet and 2,054 square feet on the second floor for a total of 4,300 square feet. He said that he did not take into account the open stairwell.

Mr. Kubitz said that there appears to be only one stairway in the structure.

Mr. Kubitz said that the garage will be approximately 529 square feet.

Mr. Kubitz said that his total calculations were 4,870 square feet. He said that adding a 2,000 square foot finished basement would bring the total up to 6,800 square feet of potential living space. He said that basements could count if the grade is adjusted next to the outside walls. He said that 600 square feet of the garage would be excluded from the total calculation.

Mr. Kubitz said that when an architect designs a building for a particular locale he tries to encompass the nature of the locale. He said that an architect would not usually try to design something that is bigger but rather try to fit something into the locale.

Mr. Kubitz said that he did not think that this house was being built for a specific client. He said that the design is the work of an architect who feels that the house must have curbside appeal and has to be big enough to accommodate a modern Wellesley family. He said that the design does not fit in with the neighborhood.

Mr. Kubitz said that the proposed structure will have five bedrooms. He said that there will be a potential of six occupants, who might at some time require six automobiles. He said that will create a need for at least four parking spaces, two in the garage, two on the driveway and potential for one or two on the street. He said that traffic on the street has increased over the years.

Mr. Kubitz said that there is a door to nowhere shown on the plans. He said that there is a six to eight foot drop from the door in the kitchen.

Mr. Kubitz said that he thought that an issue of concern is the oversized mass of the house.

Mr. Kubitz said that he would call the style of the house English Tudor and California Craft. He said that the big overhang increases headroom on the second floor. He said that it pushes the roof out.

Mr. Kubitz said that he would like to see the basement lowered, the plinth removed and water problems worked out. He said that the grade should be left as it stands. He said that the lower level should be counted in the calculations where the earth goes down and exposes the sidewall.

Mr. Kubitz said that Wellesley has become overcrowded over time. He said that the areas are changing because of increased livable areas that are allowed.

The Board said that the standard that it has to consider is whether the proposed structure will be substantially more detrimental to the neighborhood.

Helen O'Connor, 16 Kenilworth Circle, said that she spoke with Mr. Silverstein about the water problem. She said that she was told that it had been addressed.

Ms. O'Connor said that the existing house is a split level. She said that the proposal is for a full basement, which will displace a lot more area. She said that the existing house, as well as other houses in the neighborhood, have had water in the basement. She asked that the Board make sure that what is proposed will alleviate water in the area.

Ms. O'Connor asked about the age of the storm drain at the back of the property. She asked if it works adequately and if it is projected to work adequately in the future.

The Board said that the proposed stormwater retention system was designed in accordance with accepted civil engineering practice. The Board said that the system will handle runoff from the roof, which is different from groundwater. The Board said that there really is no measure to control groundwater.

The Board said that the Department of Public Works (DPW) will not let water into the storm drain unless the system is adequate. The Board said that connecting to the storm drain requires permission from DPW.

Joe Roberts, 52 Kenilworth Road, said that his mother lives in the house on the left hand side. He said that the previous family re-graded the back yard. He said that after that his mother got water in her basement.

Mr. Roberts said that he was concerned about raising the elevation of 15 Kenilworth Circle. He questioned that since water in his mother's basement has been a problem before, what will happen now. He asked if the plans include every precaution possible to deal with water.

Mr. Beaulieu said that the average grade is going up seven inches. He said that the reason to do that is to get the lot more even to control where the runoff will go. He said that the plan is to change average grade by resculpting it, not by bringing in a lot of fill. He said that they will need to meet height requirements from existing average grade. He said that the plinth is something that the Town has taken into consideration.

Mr. Beaulieu said that the Town scoped the drain line. He said that it is a 12 inch drain line, which is a substantial drain line. He said that tying the four inch pipe from the house should be handled easily by the storm drain.

The Board asked what happens to rainfall that goes to the existing roof. Mr. Beaulieu said that the water goes from the roof and then into the ground during a light rain. He said that during a heavy rain, it gets funneled downhill and into the street.

Mr. Beaulieu said that the new system will capture the rainwater and direct it into a collection system to a large chamber with enough storage to allow it enough time to bleed out. He said that the connection to the overflow is to handle large storms.

Mr. Beaulieu said that it will be an eight foot basement. He said that they made it a modest normal sized basement because they knew that water is an issue.

Mr. Silverstein said that there was 1980's addition to house that was stepped down 10 inches from the house. He said that there are two sump pumps in the addition. He said that you can see that the slabs are saturated. He said that in the original house that 10 inches makes a big difference. He said that they considered that in the new plans.

Mr. Kubitz said that information about the water system was not complete on the plans.

The Board asked about maintenance of the drainage system. Mr. Beaulieu said that most of the trees are on the right hand side of the lot, well away from the house and the system. He said that the natural grade works for the drainage system. He said that there isn't any pending risk to the system as it is proposed. He said that the downspouts will need to be cleared periodically.

Statement of Facts

The subject property is located at 15 Kenilworth Circle, on a 15,442 square foot lot in a district in which the minimum lot size is 20,000 square feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming structure and construction of a two-story structure that will meet all setback requirements, on a 15,442 square foot lot in a district in which the minimum lot size is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 6/5/12, TLAG Foundation Exemption Plan, dated 6/7/12, Elevation Stations for Grade Plan Calculations, dated 3/7/12, Tree Bylaw Mitigation Plan, dated 6/5/12, stamped by Bradley J. Simonelli, Proposed Floor Plans and Elevation Drawings, dated 6/8/12, prepared by DNA Architecture LLC, and a photograph were submitted.

On July 6, 2012, the Planning Department Staff 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 finding of this Authority that demolition of an existing nonconforming structure and construction of a two-story structure that will meet all setback requirements, on a 15,442 square foot lot in a district in which the minimum lot size is 20,000 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 nonconforming structure and construction of a two-story structure that will meet

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all setback requirements, on a 15,442 square foot lot in a district in which the minimum lot size is 20,000 square feet, in accordance with the submitted plot plan and construction drawings.

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.

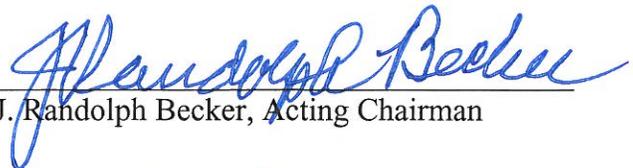
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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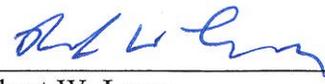
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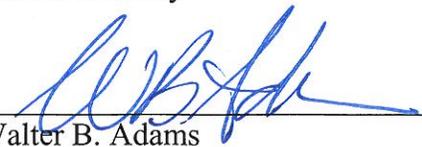
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



J. Randolph Becker, Acting Chairman

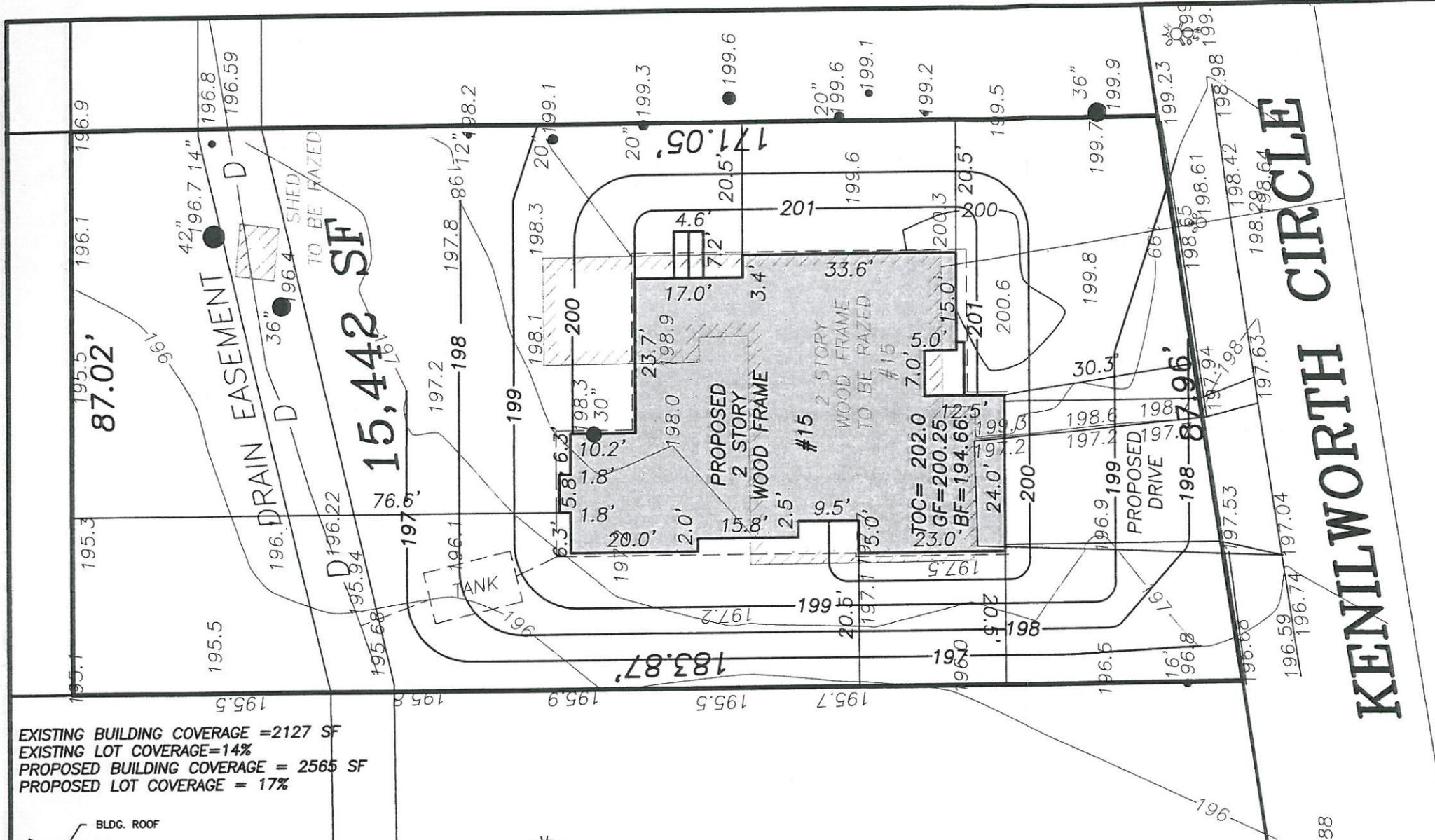


Robert W. Levy



Walter B. Adams

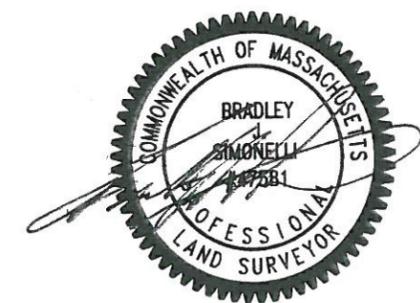
cc: Planning Board
Inspector of Buildings
lrm



ZONING INFORMATION: SINGLE RESIDENCE 20 (SR20)

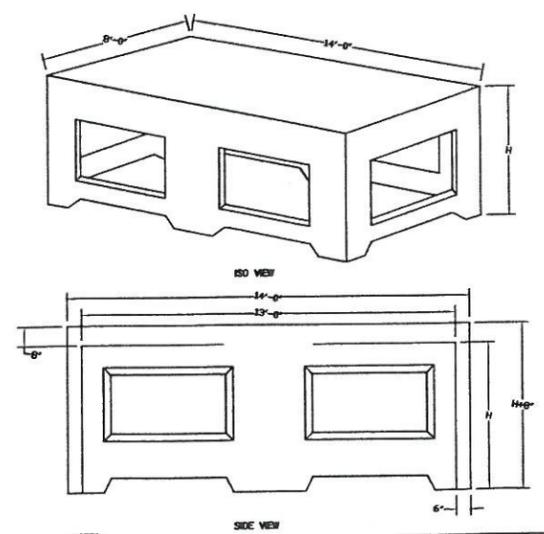
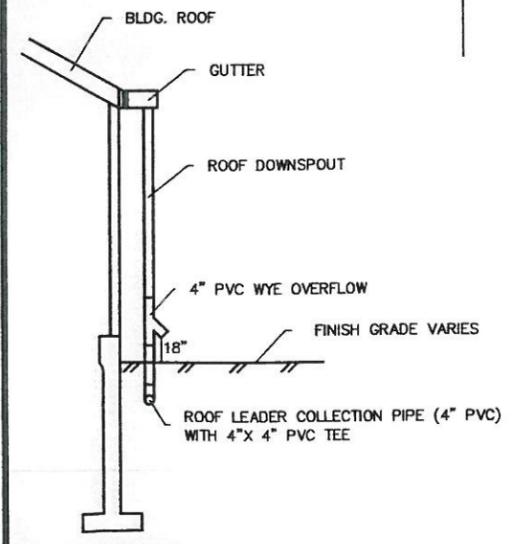
MINIMUM LOT AREA20,000 SF.
 MINIMUM LOT FRONTAGE.....60 FEET
 MINIMUM FRONT SETBACK.....30 FEET*
 MINIMUM SIDE YARD.....20 FEET
 MINIMUM REAR YARD20 FEET
 MAXIMUM BUILDING HEIGHT.....36 FEET
 MAXIMUM BUILDING HEIGHT.....2 1/2 STORIES
 *FRONT SETBACK DETERMINED BY 500' RULE TO BE 30 FEET.

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ZONING BOARD OF APPEALS
 PLAN OF LAND
 15 KENILWORTH CIRCLE
 WELLESLEY, MASS.

EXISTING BUILDING COVERAGE = 2127 SF
 EXISTING LOT COVERAGE = 14%
 PROPOSED BUILDING COVERAGE = 2565 SF
 PROPOSED LOT COVERAGE = 17%

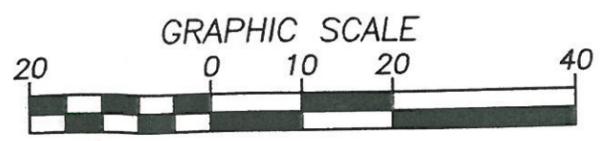


PROPOSED HOUSE IMPERVIOUS AREA 2565 S.F.
 $(2565 \text{ S.F.} \times 1'') / 12 = 213.75 \text{ Cu. Ft.}$
 $213.75 / 300 = .71 \text{ UNITS}$

MITIGATED WITH 1 SHEA 14x8x3 GALLON SHALLOW LEACHING CHAMBER (OR SUITABLE REPLACEMENT) SEE DRYWELL DETAIL FOR SPECIFICATIONS AND PLAN FOR LOCATION.

NOTES:
 1. CONCRETE: 5,000 PSI MINIMUM AFTER 28 DAYS.
 2. DESIGNED FOR H-20 LOADING. MIN 1/2\"/>

HEIGHT (CH)	VOLUME (CU)	WEIGHT
2'-0"	200CF	14,900#
3'-0"	300CF	16,600#
4'-0"	400CF	18,300#
5'-0"	500CF	20,000#



067-12

096.62

88

Field Resources, Inc.
 LAND SURVEYORS

JUNE 5, 2012 SCALE 1"=20'
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 AUBURN, MA NEEDHAM, MA.
 508 832 4332 781 444 5936
 fieldresources@hotmail.com