TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS

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2012 NOV 15 A 10: 46

ZBA 2012-79
Petition of Kristen & John Wozny
2 Madison Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 1, 2012, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of KRISTEN & JOHN WOZNY requesting a Special Permit/Finding pursuant to the provisions of Section XVII, Section XIVE and Section XXV of the Zoning Bylaw that demolition of an existing structure and construction of a new two-story structure that will meet all setback requirements, on a 10,558 square foot corner lot in a Water Supply Protection District in which the minimum lot size is 15,000 square feet, at 2 MADISON ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On October 15, 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 Kent Duckham, Architect. Also present were Kristen and John Wozny, (the "Petitioner").

Mr. Duckham said that the existing lot size is nonconforming. He said that it is located in a 15,000 Square Foot Single Residence District, where the threshold for Large House Review (LHR) is 4,500 square feet of Total Living Area plus Garage (TLAG). He said that the proposal is to remove the existing house and build a new house. He said that because the lot is close to 10,000 square feet, the proposal is to build a 3,678 square foot house which will be closer in size to the LHR threshold for a 10,000 square foot Single Residence District.

The Board said that architecturally the house will fit in with the changing nature of the neighborhood. The Board said that a concern is that it is located directly across from the Fiske School. The Board said that it was concerned about construction management of the project, particularly construction vehicle parking and delivery of materials, and conflict with the pick up and drop off of students. The Board said that it tends to get crowded there during certain times of the day. The Board said that parents park on Madison Road and on Hastings Street. The Board said that there should be something in writing from the Principal of Fiske School so that the contractor will understand what the limitations of parking and delivery of construction materials to the site are so that they do not endanger the children.

The Board said that there is a large parking lot adjacent to the school. The Board said that possibly some arrangement can be made with the Principal of Fiske School to use a portion of it during construction.

Mr. Duckham said that the neighbors also had some questions about parking. He said that the builder, who was unable to attend the hearing, is aware of the situation.

The Board said that workers to the site should not be parked in conflict with parental queues. The Board said that whatever material deliveries are made to the site should not interfere with the queuing times for the school. The Board said that there should be a person for the Principal of Fiske School to contact, if necessary.

The Board said that this is a school zone. The Board said that consideration should be given to not use noisy construction vehicles.

Mr. Duckham said that they could put together a narrative that explains how they will address the concerns. The Board said that if they are developing the general conditions for the contractor, they should probably be put in there.

The Board said that the Building Inspector should approve the Construction Mitigation Plan. The Board said that there should be some communication from the Principal of Fiske School that indicates that he has contributed to the Plan.

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There was no one present at the Public Hearing who wished to speak to the petition.

The Board said that it had received letters of support from the neighbors.

Statement of Facts

The subject property is located at 2 Madison Road, on a 10,558 square foot corner lot in a Water Supply Protection District in which the minimum lot size is 15,000 square feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII, Section XIVE and Section XXV of the Zoning Bylaw that demolition of an existing structure and construction of a new two-story structure that will meet all setback requirements, on a 10,558 square foot corner lot in a Water Supply Protection 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 10/9/12, stamped by Verne T. Porter, Jr., Professional Land Surveyor, Proposed Floor Plans and Elevations Drawings, dated 10/10/12, prepared by Duckham Architecture & Interiors, and photographs were submitted.

On October 26, 2012, the Planning Board 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 opinion of this Authority that demolition of an existing structure and construction of a new two-story structure that will meet all setback requirements, on a 10,558 square foot corner lot in a Water Supply Protection 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 that will meet all setback requirements, on a 10,558 square foot corner lot in a Water Supply Protection District in which the minimum lot size is 15,000 square feet, subject to the following conditions:

1. A Construction Management Plan shall be approved by the Building Inspector.
2. The Construction Management Plan shall be provided in consultation with the Principal of Fiske School.
3. A contact person shall be provided to the Principal of Fiske School for any issues relative to the construction of this project.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed constructions 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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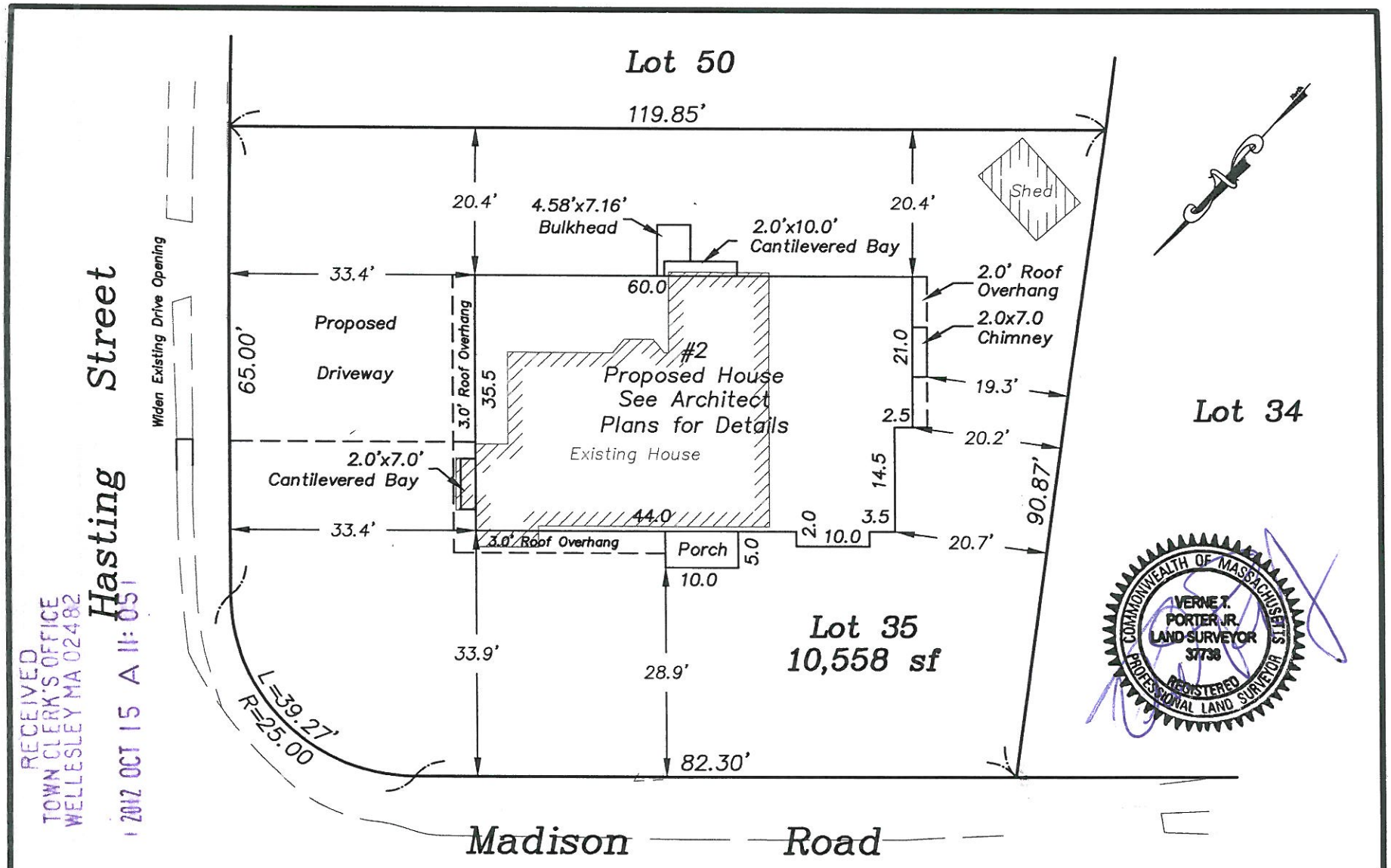
APPEALS FROM THIS DECISION, IF ANY, SHALL BE MADE PURSUANT TO GENERAL LAWS, CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK.

J. Randolph Becker, Acting Chairman

David G. Sheffield

Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm



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Plot Plan of Proposed House
2 Madison Road, Wellesley, MA
Scale: 1"=20' October 9, 2012
Verne T. Porter Jr., PLS
Land Surveyors – Civil Engineers
354 Elliot Street Newton, MA 02464

Zoning District – SRD 15

Existing Lot Coverage=11.56% (1221 sf)
Proposed Lot Coverage=23.14% (2444 sf)