



ZONING BOARD OF APPEALS

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ZBA 2013-56
 Petition of Chris Blakely
 96 Fairbanks Avenue

2013
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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 8, 2013, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of CHRIS BLAKELY requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that construction of a two-story addition with basement, construction of a front porch and construction of a first floor one-story addition with less than required left side yard setbacks, and construction of a landing with stairs, on an existing nonconforming structure with less than required left side yard and right side yard setbacks, on a 14,799 square foot lot in a Water Supply Protection District in which the minimum lot size is 15,000 square feet, at 96 FAIRBANKS ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 22, 2013, 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 were Richard Leaf, Architect and Geoffrey Valletta, Waban Development Corp., representing Chris Blakeley, (the "Petitioner").

Mr. Leaf said that the proposal is for an addition at the back of the home to enlarge the kitchen and family room on the first floor and add a master bedroom, bath and closet on the second floor.

Mr. Leaf said that there are two pre-existing nonconformities. He said that the screened porch on the right side is too close to the property line. He said that the lot is undersized for the 15,000 square foot district. He said that the proposed addition will be conforming.

Mr. Leaf said that the lot drops off dramatically at the back. He said that there are two existing garage doors. He said that they positioned the addition to the left of the garage door. He said that the garage doors somewhat dictated the placement of the addition.

Mr. Leaf said that the homeowner has three young children and his parents visit often.

Mr. Leaf said that the homeowners spoke with the neighbors on either side. He submitted a letter of support for the project that was signed by six neighbors.

The Board asked about the need for expanding the driveway area. Mr. Leaf displayed an oversized photograph (retained by proponent). He said that the design will add a front porch. He said that the ground drops off to the back. He said that the garage is at the basement level and is inconvenient. He said that they were trying to make a family entry mudroom so that they can park at the top of the driveway and access the first floor of the house through the porch entry as opposed to parking in the garage and going upstairs to the first floor. He said that the proposed porch will be in line with the existing front of the house.

The Board said that it looks like that would be difficult to do without building an additional wall in the setback. Mr. Leaf said that there is a large retaining wall there. Mr. Valletta said that they may have to cut into the wall. He said that the retaining wall will not exceed four feet in height.

The Board said that this lot is located in a Water Supply Protection District. The Board said that nothing was submitted that showed how big the addition will be in terms of square footage or Total Living Area plus Garage (TLAG).

Mr. Leaf said that the first and second floor with the addition will be slightly under 4,200 square feet. He said that they were trying to work with the natural grade. He said that they included 42 percent of the basement in the TLAG calculation, assuming existing grading. He said that the total TLAG for the basement and first and second floors will be 4,864 square feet, which is 564 square feet over the 4,300 square foot threshold for LHR for the district.

Mr. Leaf said that the issue is that they would like to add an addition at the back of the house for a family room, an expanded kitchen and a master bedroom. He said that there are issues because of the way that the house was built with the ground fully exposed at the back. Mr. Leaf said that they could build it up but they were trying to work with the existing grade.

Mr. Leaf asked to correct information that he gave at the beginning of the hearing. He said that the house is nonconforming on the left side as well. He said that the proposal is to add a 30 foot by 30 foot footprint, some of which is the deck.

The Board said that the proposal is to roughly double the impervious area in a Water Supply Protection District. The Board said that there will be an addition, an expansion of the existing driveway and a child drop off area. The Board asked where the runoff will go to. Mr. Leaf said that runoff is at the sides of the house. Mr. Valletta said that they can design drainage for the project.

The Board said that some sort of stormwater mitigation plan would be appropriate. Mr. Leaf said that they could submit a plan that shows drywells that will handle runoff increases.

The Board asked if there will be attic space in the addition. Mr. Leaf there will not be attic space. He said that it will be seven feet to the ridge. He said that the new ridge is lower than the old ridge at the front of the house. The Board said that a concern is that the ridgeline could creep up.

Mr. Leaf said that the new second floor will be 15 inches above the existing second floor to give more height to the family room space. He said that there will be one step up to the new space.

The Board asked if the screened porch was an original structure to the house. Mr. Leaf said that he believes that the porch is original to the house. He said that it looks like it was built 40 or 50 years ago. He said that it appears to be slab on grade. He said that it may have been a patio where a screened porch was built above it. He said that it is in bad shape.

The Board said that average total living area for other houses on Fairbanks Avenue is approximately 2,900 square feet. The Board said that the proposal is to add 2,400 square feet. The Board said that is a substantial increase in total living area in comparison to other houses on Fairbanks Avenue.

Mr. Valletta said that they had done two additions with similar square footage on Fairbanks Avenue. He said that they are at different ends of the street. He said that it is a fairly long street. He said that the difference with this location is that the lot drops off at the back.

Mr. Leaf said that the way that the ground drops off and the location of the garage is boxing them into a design corner. He said that the proposal is to put the addition to the left of the garage. He said that the intention is not to add basement space. He said that if they need to reduce the TLAG, they can build the ground up.

Mr. Leaf said that the addition is 30 feet by 30 feet on the first floor with a smaller footprint on the second floor. He said that the design idea of the addition is to take a new gable shape perpendicular to the original and to use the portion that bumps out five feet on the side of the house to get the second gable to repeat the original gable. He said that it is a tricky project to design because of the slope. He said that the intention is to add a master bedroom suite, a family room, an expanded kitchen, office space and a full bathroom. He said that they were trying to meet the needs of a family with a lot of children.

A Board member said that he looked at the Assessor's Records for the houses from 36 to 144 Fairbanks Avenue. He said that the average total living area for those homes is 2,947 square feet. He said that the largest is 4,700 square feet and the smallest is 1,900 square feet.

Mr. Leaf said that the intention is to end up with a 4,100 square foot home with two floors of living space. He said that the grade is adding to the basement and to the TLAG.

The Board said that the Assessor's numbers are not strictly TLAG. The Board said that the numbers are total living area, which is different. The Board said that this is a significant addition.

The Board said that the intent of the design could be softened a bit. The Board said that it is exacerbated by the elevation drop off.

Mr. Leaf said that this is the size addition that the homeowner wants to build. He said that they are complying with the Zoning dimensional issues. He said that they can work with a civil engineer and landscaper to look at manipulating the ground and the basement so that they can meet TLAG.

The Board said that the conclusion that it has to come to is that the proposed structure will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Mr. Leaf said that the neighbors support the project. He said that the addition will meet all setback requirements.

The Board said that the TLAG will be significantly over the limit by more than 10 percent.

The Board said that it will need to see something that shows that the drainage will be in compliance with the Water Supply Protection District bylaw. The Board said that it will need to see something that reduces the size of the addition.

The Board voted unanimously to continue the hearing until September 12, 2013.

September 12, 2013

Presenting the case at the hearing was Richard Leaf, Architect. Also present were Verne Porter, Professional Land Surveyor and Geoffrey Valletta, Waban Development Corp.

Mr. Leaf said that the revised plans took into account the issues that were raised at the August hearing. He said that he worked with the homeowner to reduce the size of the addition and lowered the roof to address the Board's comment that the house looked too big.

Mr. Leaf said that the proposed addition will be totally compliant in terms of setbacks, Total Living Area plus Garage (TLAG) and height. He said that the lot is nonconforming because it is undersized.

Mr. Leaf said that there is a screened porch on the right side of the house that will be taken down, which will make the right side of the house conforming. He said that they made changes to the grading to make the rear and side elevations look substantially smaller.

Mr. Leaf said that information addressing site drainage was submitted. He said that they are proposing to install an infiltration system. He said that the issue with the child drop off was also addressed.

The Board said that the applicant did a nice job addressing the Board's concerns, particularly with the scale of the building and the addition.

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

The Board said that the Planning Board did not review the revised plans.

Statement of Facts

The subject property is located at 96 Fairbanks Avenue, on a 14,799 square foot lot in a Water Supply Protection District in which the minimum lot size is 15,000 square feet, with a minimum left side yard setback of 19.7 feet and a minimum right side yard setback of 15.9 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that construction of a two-story addition with basement, construction of a front porch and construction of a first floor one-story addition with less than required

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left side yard setbacks, and construction of a landing with stairs, on an existing nonconforming structure with less than required left side yard and right side yard setbacks, on a 14,799 square foot 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 7/11/13, revised 8/23/13, stamped by Verne T. Porter, Jr., Professional Land Surveyor and Paul J. Tyrell, Professional Engineer, Roof Runoff Drainage System Detail, dated 8/23/13, stamped by Verne T. Porter, Jr., Professional Land Surveyor and Paul J. Tyrell, Professional Engineer, Existing Floor Plans and Elevation Drawings, prepared by Leaf Design, Proposed Floor Plans and Elevations Drawings, dated 7/12/13, revised 9/4/13, prepared by Leaf Design, Drainage Summary, dated 8/27/13, prepared by Verne T. Porter, Jr., Professional Land Surveyor and stamped by Paul J. Tyrell, Professional Engineer on 9/1/13, and photographs were submitted.

On August 6, 2013, the Planning Board reviewed the petition and recommended that the Special Permit be denied.

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 although construction of a two-story addition with basement, construction of a front porch and construction of a first floor one-story addition with less than required left side yard setbacks, and construction of a landing with stairs, on an existing nonconforming structure with less than required left side yard and right side yard setbacks, on a 14,799 square foot lot in a Water Supply Protection District in which the minimum lot size is 15,000 square feet is increasing a nonconformity, such increase shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of a two-story addition with basement, construction of a front porch and construction of a first floor one-story addition with less than required left side yard setbacks, and construction of a landing with stairs, on an existing nonconforming structure with less than required left side yard and right side yard setbacks, on a 14,799 square foot lot in a Water Supply Protection District in which the minimum lot size is 15,000 square feet, in accordance with the revised 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 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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CITY OF FAIRBANKS
BUILDING DEPARTMENT
ALEX MA 12282

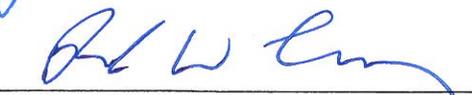
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96 Fairbanks Avenue

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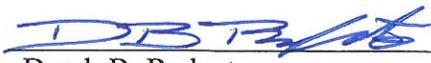
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



J. Randolph Becker, Acting Chairman

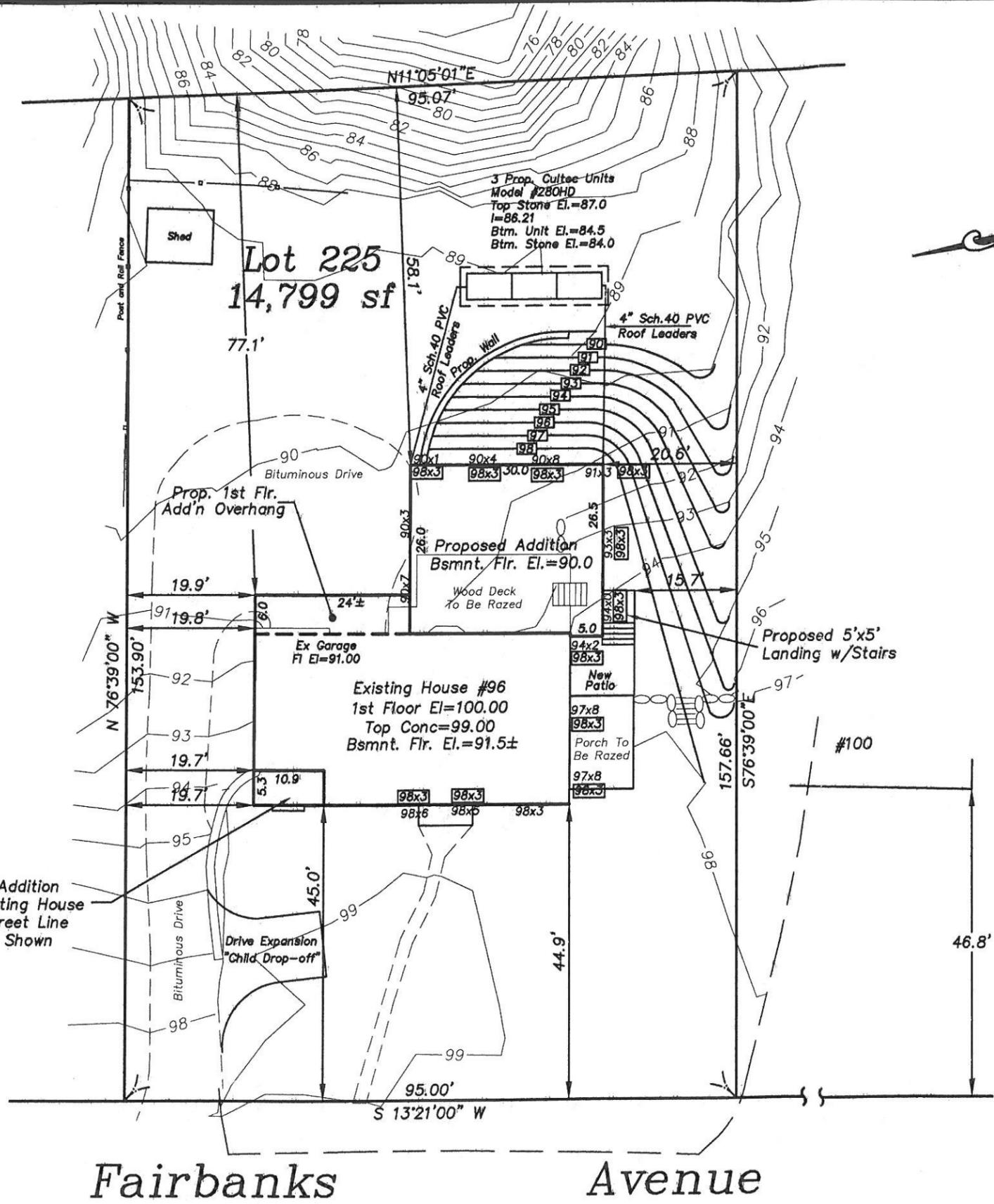


Robert W. Levy



Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm



Zoning District - SRD 15

Existing Lot Coverage=12.12% (1794sf)
 Proposed Lot Coverage=15.89% (2352sf)

Note: No. 100 Fairbanks Avenue is the
 Closest House to the Street Line
 Within 500' in Either Direction

90x8 =Existing Spot Grade
 98x3 =Proposed Spot Grade

Plot Plan of Proposed Additions
 96 Fairbanks Avenue
 Wellesley, Massachusetts

Scale: 1"=20' August 23, 2013
 Verne T. Porter Jr., PLS
 Land Surveyors Civil Engineers
 354 Elliot Street Newton, MA 02464