



## ZONING BOARD OF APPEALS

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

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ZBA 2014-25  
 Petition of Alexis Kissam  
 77 Russell Road

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 3, 2014, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of ALEXIS KISSAM requesting a Special Permit pursuant to the provisions of Section XXIID and Section XXV of the Zoning Bylaw for reconstruction of existing retaining walls that will exceed the height of 4 feet that is allowed by right, with less than required setbacks, at 77 RUSSELL ROAD, in a 10,000 square foot Single Residence Water Supply Protection District.

On March 17, 2014, 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 Mark Kablack, Esq. He displayed color photographs of the property (retained by the proponent). Also present were Alexis Kissam, (the "Petitioner") and Jim Zegowitz, Architect.

Mr. Kablack said that the retaining walls are cinder block on one side and wooden on the other. He said that the walls are structural in the sense that they contain the soil for the existing site for the home. He said that the walls have been there for decades. He said that in some cases, the walls are failing and unsightly. He said that the proposal is to replace the walls in kind with structurally reinforced concrete with a stone wall facing. He said that the proposed walls received a favorable review from the Design Review (DRB).

Mr. Kablack said that this proposal was part of the application to the Wetlands Protection Committee (WPC) and was included in the Order of Conditions for erosion control and stormwater management.

Mr. Zegowitz said that the walls are shown on the Site Plan. He said that the dashed lines represent the areas where the walls will be replaced. He said that the wall on the right side will be in the same location. He said that it will tie in with the neighbor's retaining wall. He said that the wall on the left side meets the house at 4.5 feet and disappears to nothing as it rises.

The Board said that the Petitioner is seeking for relief for retaining walls that are in excess of four feet high and are within the 10 foot setback. Mr. Kablack said that the retaining walls will be just over 4 feet and will go up to the property line on the north side. Mr. Zegowitz said that the wall on the south side will be more than four feet where it meets the house and less than four feet at the property line.

Ethan Parsons, Assistant Planning Director, discussed the sections of the bylaw that would apply to the retaining walls at this property.

There was no one present at the public hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 77 Russell Road, in a 10,000 square foot Single Residence Water Supply Protection District.

The Petitioner is requesting a Special Permit pursuant to the provisions of Section XXIID and Section XXV of the Zoning Bylaw for reconstruction of existing retaining walls that will exceed the height of 4 feet that is allowed by right, with less than required setbacks, in a 10,000 square foot Single Residence Water Supply Protection District.

Letter in support of Application for Special Permit, a Plot Plan, dated 2/12/14, stamped by Dennis B. O'Brien, Professional Land Surveyor, Site Plan, dated 3/10/14, stamped by Andrew T. Zalewski, Registered Architect, and photographs were submitted.

On January 30, 2014, the Wetlands Protection Committee issued Order of Conditions, MassDEP File #:324-0729.

On March 25, 2014, the Planning Board reviewed the petition and recommended that the petition be granted.

On March 27, 2014, the Design Review Board reviewed the petition and recommended approval of the retaining walls as proposed.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structures do not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that reconstruction of existing retaining walls that will exceed the height of 4 feet that is allowed by right, with less than required setbacks, will otherwise be in compliance with the provisions of Section XXIID, will not adversely impact adjacent property or the public, that the report of the Design Review Board has been received and that requested retaining wall is consistent with that report and those criteria contained in Section XXII, Design Review, Part C., Design Criteria, of the Zoning Bylaw; and the proposed retaining wall is the minimum structure necessary to allow a subject property to be reasonably utilized.

Therefore, a Special Permit is granted for reconstruction of existing retaining walls that will exceed the height of 4 feet that is allowed by right, with less than required setbacks, in accordance with the submitted Plot Plan and Site Plan.

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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2014 APR 6 P 12:02

ZBA 2014-25  
Petition of Alexis Kissam  
77 Russell Road

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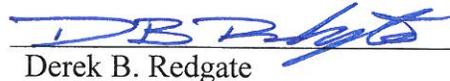
APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.



Richard L. Seegel, Chairman

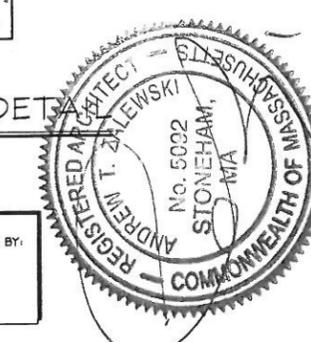
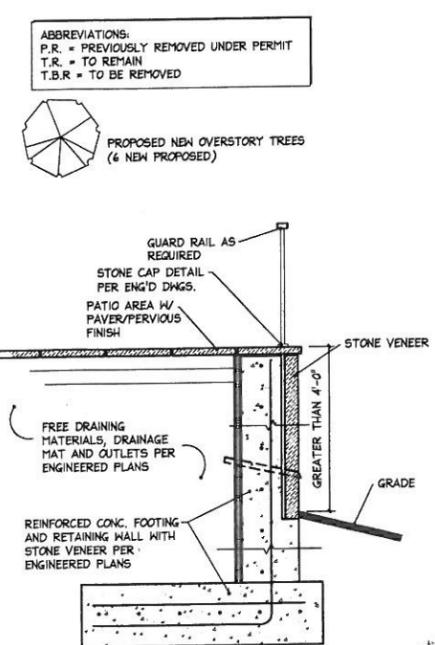
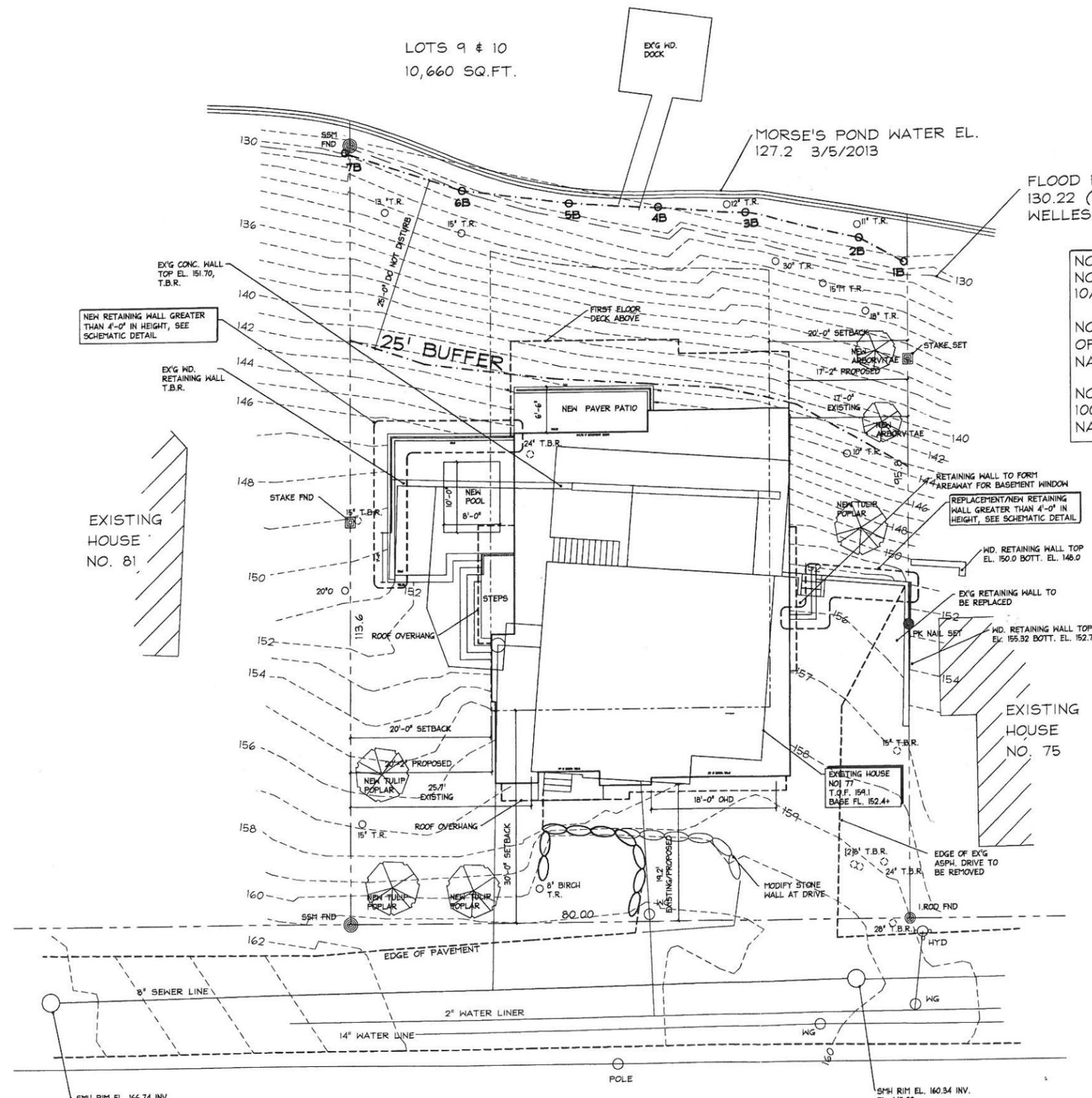


David G. Sheffield



Derek B. Redgate

cc: Planning Board  
Inspector of Buildings  
lrm



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**Kissam Residence**  
 2014 MAR 17 P 2:51  
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 100 Russell Road, Wellesley MA

**Site Plan**  
 SCALE: 1/8"=1'-0"

Date / Drawn by  
 03/10/14  
 Date/Revised by

JOB NO. 5705

**SP-1**