



ZONING BOARD OF APPEALS

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

RICHARD L. SEEGL, CHAIRMAN
 J. RANDOLPH BECKER, VICE CHAIRMAN
 DAVID G. SHEFFIELD

LENORE R. MAHONEY
 EXECUTIVE SECRETARY
 TELEPHONE
 (781) 431-1019 EXT. 2208
 web: www.wellesleyma.gov

ROBERT W. LEVY
 WALTER B. ADAMS
 DEREK B. REDGATE

ZBA 2014-26
 Petition of LXI Lincoln Rd, LLC
 61 Lincoln Road

RECEIVED
 TOWN CLERK'S OFFICE
 WELLESLEY MA 02482
 APR 16 P 12:01

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 LXI LINCOLN RD, LLC requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming structure with less than required left side yard setbacks and construction of a new structure that will meet all setback requirements, on an 18,650 square foot lot in a Water Supply Protection District in which the minimum lot is 20,000 square feet, at 61 LINCOLN ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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 were Katherine and Joe Canavan, homeowners, and Joanne Powell, Architect.

Ms. Canavan said that the request is to remove an existing nonconforming house and construct a new conforming house. She said that the lot is nonconforming in terms of square footage. She said that the Petitioner went before the Wetlands Protection Committee (WPC) and received a negative determination.

Ms. Powell said that the existing house has a nonconforming side yard setback. She said that the lot backs up to the golf course. She said that they worked hard to maintain the character of the lot. She said that the façades will be a combination of stone and shingle, which is in keeping with the character of the neighborhood. She said that the proposed house will meet all setback and height requirements.

Ms. Powell said that the Total Living Area plus Garage (TLAG) threshold for Large House Review (LHR) is 5,900 square feet for this district. She said that TLAG for the proposed house will be 5,849 square feet. The Board said that the total basement calculation is shown as zero. The Board asked how that was calculated. Ms. Powell said that the exposure along the exterior falls under 25 percent which means that the basement does not count toward TLAG. The Board said that it looks like the mechanical room that has no windows seems to have stairs or a stoop out of it. Ms. Powell said that the stoop is above. She said that there is an elevation drawing that shows the heights of the basement.

Ms. Powell said that they will be doing a little bit of filling on the back to bring the grade up.

The Board said that there is a window on the side where the bedroom is that is not shown on the TLAG calculation.

The Board said that there are two different basement floor heights on the rear elevation. Ms. Powell said that there may not be a full basement. She said that the TLAG calculations show a worst case scenario.

The Board said that there is no exit from the basement shown. Ms. Powell said that she will check to see if the windows qualify. The Board said that a special permit locks the Petitioner into a set of plans. The Board said that changes cannot be made after the special permit is approved.

Ms. Powell reviewed the TLAG calculations. She said that the height of the wall above the grade is tapering from the top of the basement slab to the underside of joist, which gives 9.0 feet. She said that can be deceiving from the outside as what you might perceive as the top of the basement is in reality often lower, particularly in this case at the water table at the break in the back between the stone and the shingle. She said that the underside is actually lower than that.

The Board said that the rear elevation shows the actual grade being a foot or so below the window. The Board said that the basement floor is 1.5 feet below. Ms. Powell said that they decided that a walk out was not feasible because it would raise the entire house up. She said that the windows are as generous as what could be put in there. The Board said that any of the six windows that are shown on the rear basement level could be considered to be exit windows. The Board said that the Building Inspector will ensure that.

The Board said that under 25 percent is achieved by having the grade part way up the occupied space.

Eric LaPlaca, 65 Lincoln Road, said that he met with Canavans. He said that his only concerns are drainage in the backyard that the Canavans will be taking care of with drywells. He said that their lots coexist strangely in that the Canavan's driveway will come close to the LaPlaca's front walkway. He said that the Canavans said that they will work with the LaPlacas on issues with existing hydrangeas.

The Board said that the Building Inspector will verify the TLAG.

Statement of Facts

The subject property is located at 61 Lincoln Road, on an 18,650 square foot lot in a Water Supply Protection District in which the minimum lot is 20,000 square feet, with a minimum left side yard setback of 17.6 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 demolition of an existing nonconforming structure with less than required left side yard setbacks and construction of a new structure that will meet all setback requirements, on an 18,650 square foot lot in a Water Supply Protection District in which the minimum lot is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

RECEIVED
OWN CLERK'S OFFICE
ELLESLEY MA 02481
APR 16 P 12:01

A Plot Plan, dated 3/3/14, revised 3/8/14 and Wetland Sketch, dated 3/8/14, stamped by Elliott J. Paturzo, Professional Land Surveyor, Existing Floor Plans and Elevation Drawings, dated 3/6/14 and Proposed Floor Plans and Elevation Drawings, dated 3/3/14, prepared by Jan Gleysteen Architects, Inc., and photographs were submitted.

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

On April 3, 2014, the Wetlands Protection Committee reviewed the petition and issued a Negative Determination of Applicability.

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 demolition of an existing nonconforming structure with less than required left side yard setbacks and construction of a new structure that will meet all setback requirements, on an 18,650 square foot lot in a Water Supply Protection District in which the minimum lot is 20,000 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 demolition of an existing nonconforming structure with less than required left side yard setbacks and construction of a new structure that will meet all setback requirements, on an 18,650 square foot lot in a Water Supply Protection District in which the minimum lot 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 constructions plans.

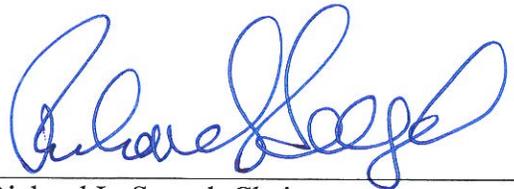
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2014 APR 16 P 12:01

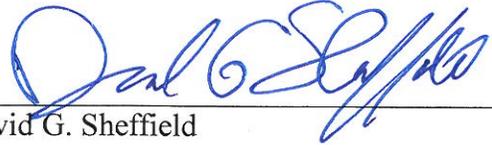
ZBA 2014-26
Petition of LXI Lincoln Road LLC
61 Lincoln Road

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2014 APR 16 P 12:01

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

