



ZONING BOARD OF APPEALS

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

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ZBA 2014-31

Petition of Andy & Shannon Smith
 31 Dunedin Road

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 2014 MAY 22 P 1:18

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 8, 2014, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of ANDY & SHANNON SMITH 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 with less than required front yard setbacks, and construction of a new two-story structure with basement that will meet all setback requirements, on a 10,054 square foot lot in a district in which the minimum lot size is 15,000 square feet, at 31 DUNEDIN ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

April 22, 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 John Townsend, Sandcastle Group, Andy and Shannon Smith, (the "Petitioner"). Mr. Townsend said that the lot area is nonconforming at 10,054 square feet in a 15,000 square foot district. He said that the frontage is 99.58 feet and the existing front yard setback is 29.8 feet. He said that the proposed house will be pushed back to 30.1 feet and will meet the requirements of the 500 Foot Rule. He said that the side and rear yard setbacks will also be conforming. He said that the proposal is to raze and rebuild the existing single family home at the same width. He said that the design and scale of the proposed house will be in keeping with recently approved houses in the neighborhood.

Mr. Townsend said that the TLAG calculation is below the threshold for Large House Review at 3,737 square feet. He said that there will be no increase in the burden on town services of any kind. He said that the proposed house will suit the needs of a growing family. He said that the existing house is cut up and difficult to raise a family in.

Mr. Townsend said that they have met with DPW, Water & Sewer, MLP and NRC, who all supported the proposed project.

The Board asked about the grading at the back and the height of the retaining wall. Mr. Townsend said that there is a retaining wall proposed at the rear of the property. He said that he met with the Building Inspector, who reviewed the plans and determined that no special permit would be required. He said that the wall will be approximately 3 feet running to 3.5 feet at the right hand side.

The Board asked if the Applicant discussed the proposed design with the neighbor at the back. Mr. Smith said that they did and the neighbors were supportive of the plans.

The Board said that it was concerned about the drop off at the retaining wall. The Board said that there may need to be some provision for a guard rail system so someone does not fall of the wall. Mr. Townsend said that the location of the retaining wall is 6 feet from the rear property line to allow for a buffer of evergreen trees.

Mr. Smith said that, although it is not part of the proposed project, the plan is to eventually put a fence and shrubbery at the back of the 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 31 Dunedin Road, on a 10,054 square foot lot in a 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 and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming structure with less than required front yard setbacks, and construction of a new two-story structure with basement that will meet all setback requirements, on a 10,054 square foot lot in a 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 3/17/14, stamped by Elliott J. Paturzo, Professional Land Surveyor, Proposed Floor Plans & Elevation Drawings, dated 2/12/14, revised 3/30/14, 4/10/14 & 4/14/14, prepared by Sandcastle Group, and photographs were submitted.

On May 1, 2014, the Planning Board reviewed the petition and recommended that the petition 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 although demolition of an existing nonconforming structure with less than required front yard setbacks, and construction of a new two-story structure with basement that will meet all setback requirements, on a 10,054 square foot lot in a 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 demolition of an existing nonconforming structure with less than required front yard setbacks, and construction of a new two-story structure with basement that will meet all setback requirements, on a

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ZBA 2014-31
Petition of Andy & Shannon Smith
31 Dunedin Road

10,054 square foot lot in a district in which the minimum lot size is 15,000 square feet, subject to the following condition:

- A 36 inch high protective fence shall be provided at any point along the retaining wall where the retaining wall exceeds 30 inches above grade.

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.

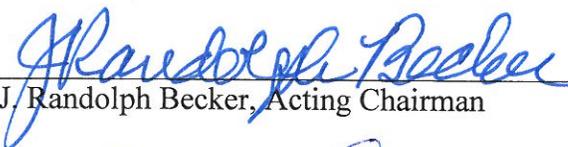
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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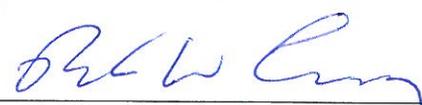
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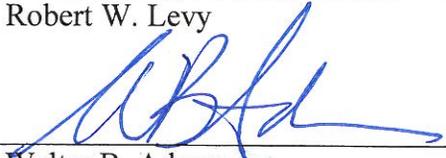
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



J. Randolph Becker, Acting Chairman



Robert W. Levy



Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm

RESIDENTIAL SUBDISTRICT - SRD15-SINGLE RESIDENCE
 DIMENSIONAL REGULATIONS - TABLE 1

	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA	15,000 S.F.	10,054± S.F.	---
MINIMUM LOT FRONTAGE	60'	99.58'	---
MINIMUM FRONT YARD WIDTH	60'	99.57"	---
MINIMUM FRONT YARD DEPTH (SETBACK)	30'	29.8"	30.1'
MINIMUM SIDE YARD WIDTH	20'	20.1'	20.1'
MINIMUM REAR YARD DEPTH	10'	39.0'	32.8'
MAXIMUM BUILDING HEIGHT	36'	20.4'	TBD
RATIO OF BUILDING TO LOT AREA	THE GREATER OF 20% OR 2,500 S.F.	13.6%	20.4% OR 2,053± S.F.

Dunedin Road

BENCHMARK
 FRONT HOLD DOWN NUT
 ON HYDRANT
 ELEVATION = 102.32

LEGEND

- CONCRETE BOUND
- IRON PIPE
- CATCH BASIN
- SEWER MANHOLE
- DRAIN MANHOLE
- ELECTRIC MANHOLE
- ⊗ GAS VALVE
- ⊗ WATER VALVE
- RETAINING WALL (UNLESS NOTED)
- OVERHEAD WIRE
- PROPOSED CONTOURS

REFERENCES:

PLANS AND DEEDS RECORDED AT THE
 NORFOLK COUNTY REGISTRY OF DEEDS

DEED BOOK	PAGE
25193	294
PLAN BOOK	PLAN
145	131

NOTES

- SUBJECT TO ANY STATEMENT OF FACT AN UP-TO-DATE ABSTRACT OF TITLE WOULD DISCLOSE.
- SUBJECT TO ALL RIGHTS, EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD.
- UNDERGROUND UTILITIES, STRUCTURES AND FACILITIES, IF ANY, HAVE BEEN SHOWN FROM SURFACE LOCATIONS AND MEASUREMENTS OBTAINED FROM A FIELD SURVEY AND RECORD LOCATIONS, THEREFORE THEIR LOCATIONS MUST BE CONSIDERED APPROXIMATE ONLY. THERE MAY BE OTHER UTILITIES WHICH THE EXISTENCE OF ARE NOT KNOWN. SIZE, TYPE AND LOCATION OF ALL UTILITIES AND STRUCTURES MUST BE VERIFIED BY PROPER AUTHORITIES PRIOR TO ANY AND ALL CONSTRUCTION. CALL, TOLL FREE, DIG SAFE CALL CENTER AT 1-888-344-7233 SEVENTY-TWO HOURS PRIOR TO ANY EXCAVATION.
- BENCHMARK USED:
 NORTHEAST CORNER OF BOUND IN FRONT OF HOUSE # 11 DUNEDIN ROAD (TOWN OF WELLESLEY DATUM) ELEVATION = 143.37

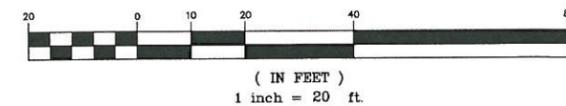
 BENCHMARK SET:
 FRONT HOLD DOWN NUT ON HYDRANT
 ELEVATION = 102.32
- ZONING RELIEF REQUIRED FOR LOT FRONTAGE, LOT AREA AND RETAINING LOCATION.

N/F
 MICHAEL & ELLEN
 KREOPOLIDES

N/F
 FIRUS & RAYA
 DAUD

N/F
 JOHN J. CHOI
 &
 EUN JOO CHOI
 CHONG

GRAPHIC SCALE



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ZONING DESIGNATION:
 TOWN OF WELLESLEY
 ZONING DISTRICT
 SRD 15-SINGLE RESIDENCE

ASSESSORS REFERENCE:
 MAP 11, PARCEL 3

I CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY AND THE LATEST PLANS AND DEEDS OF RECORD.

I CERTIFY THAT THE SUBJECT DWELLING SHOWN LIES IN A FLOOD ZONE "X" SHOWN ON PANEL 36 OF 430 MAP NUMBER 25021C0036E HAVING AN EFFECTIVE DATE OF JULY 17, 2012.

REVISIONS	
DATE	DESCRIPTION
3/28/14	EDIT DIM.
4/15/14	WALL, BLKHD.

FIELD: EJP/MFB
 CALCS: EJP
 DRAWN BY: EJP
 FIELD EDIT: N/A
 CHECKED: EJP
 APPROVED:
 JOB #: 141261



PROFESSIONAL LAND SURVEYOR DATE

A.S. Elliott & Associates
 Professional Land Surveyors
 P.O. BOX 85 ~ HOPEDALE, MASSACHUSETTS
 (508) 634-0256

Existing Conditions Plan
 Showing Proposed
 Showing Proposed
31 DUNEDIN ROAD
 WELLESLEY, MASSACHUSETTS
 PREPARED FOR: SANDCASTLE GROUP
 SCALE: 1" = 20' DATE: MARCH 17, 2014