



## ZONING BOARD OF APPEALS

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

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 2014 AUG 21 P 4 25

ZBA 2014-61  
 Petition of Kane Built, Inc.  
 25 Bryn Mawr Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 7, 2014, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of KANE BUILT, INC. 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 front and right side yard setbacks, demolition of an existing nonconforming garage with less than required left side yard setbacks, and construction of a new structure that will meet all setback requirements, on a 7,035 square foot lot in a Water Supply Protection and Single Residence District in which the minimum lot size is 10,000 square feet, at 25 BRYN MAWR ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 21, 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 Laurence Shind, Esq. and Roger Kane of Kane Built, Inc., (the "Petitioner"). Mr. Shind said that the proposal is to replace the existing nonconforming house with a new house to be constructed. He said that the reason that the petition is before the Board is that the lot is 7,035 square feet where 10,000 square feet are required.

Mr. Shind said that the existing house abuts Perrin Park and was built in 1930. He said that it is a small five room bungalow style that contains approximately 1,250 square feet of living area and lot coverage is 23 percent. He said that there is a nonconforming garage at the rear of the property. He said that the existing house has a front yard setback of 23.5 feet and a right side yard setback of 6 feet. He said that the proposed structure will comply with all dimensional requirements and will have a Total Living Area plus Garage (TLAG) of 3,200 square feet. He said that lot coverage will be almost the same at 23 percent.

Mr. Shind said that a similar application was brought before the Board for the adjacent property at 33 Thomas Road. He said that the existing and proposed house sizes are similar in the two applications.

The Board said that there is a lot of blank wall space facing the neighbor on the left side elevation. The Board said that there is a garage and dining room on the first floor, a master bedroom and walk in closet on the second floor, and a walk in closet and fifth bedroom on the third floor. Mr. Kane said that when they lay out the home they take it room by room. He said that he can add windows to bedrooms four and five. He said that he could add windows to the dining room.

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The Board said that the narrative that was submitted talked about rain water being captured and put in a drywell but there is nothing on the plan to show that. The Board said that it is a Water Supply Protection District (WSPD). The Board said that the impervious area will not be increased but will be changed. Mr. Kane said that he would be willing to add the drywell. He said that the area at Thomas and Bryn Mawr Roads is coarse sand and gravel. He said that he has never seen a puddle there. The Board said that there needs to be information about where the water will go because the property is located in a WSPD. Mr. Kane said that lot grades out to the existing road. He said that he would get a letter from his Engineer.

Catherine Johnson, Standish Road, said that she is a member of the Planning Board but was present at the hearing in her role as a Real Estate Agent. She said that Perrin Park is a jewel of open space for the entire neighborhood. She said that Thomas, Bryn Mawr, Claflin and Durant Roads enjoy the connectivity to the park. She said that the proposed house will be 35 feet high and will back to 10.5 feet from the rear lot line. She said that the bulkhead shows on the plan but not on the elevation. She said that it will back up to another house that Mr. Kane built that is approximately 15 feet from the rear lot line. She said essentially the two structures wall off the neighborhood from the park. She said that she thought that it is detrimental to the neighborhood due to the loss of enjoyment of open space due to the mass of the proposed house.

The Board said that the average total living area, according to the Assessor's records, for houses at 2 to 26 Bryn Mawr Road is 1,756 square feet. The Board said that 3,208 square feet are proposed, which is approximately 220 percent of what it is today.

Mr. Shind said that Thomas Road has a number of substantially sized houses on it, and there are a number surrounding Perrin Park on other streets.

The Board said that 26 Bryn Mawr has a total living area of 805 square feet, 24 Bryn Mawr has 2,098 square feet, and 23 Bryn Mawr has 1,000 square feet. The Board said that the minimum total living area for the street is 805 square feet and the maximum is 3,260 square feet.

Mr. Kane said that he had not spoken with the neighbors and shown them the plans.

The Board said that it is a big house for the lot, although not outrageously large. The Board said that no neighbors have objections. The Board said that there is a lot of vegetation that protects the park.

The Board said that this is not the most visible house from Perrin Park. The Board said that 36 Thomas Road is a similar house and is much more visible.

The Board said that tweaking architectural details to reduce or break up massing may help.

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 25 Bryn Mawr Road, on a 7,035 square foot lot in a Water Supply Protection District and a Single Residence District in which the minimum lot size is 10,000 square feet,

with a minimum front yard setback of 23.5 feet, a minimum right side yard setback of 5.9 feet and a garage with a minimum left side yard setback of 9.8 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 front and right side yard setbacks, demolition of an existing nonconforming garage with less than required left side yard setbacks, and construction of a new structure that will meet all setback requirements, on a 7,035 square foot lot in a Water Supply Protection and Single Residence District in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 6/17/14, stamped by Susan E. Sullivan, Professional Land Surveyor, Proposed Floor Plans and Elevation Drawings, dated 5/20/14, prepared by R.C. Searles Associates, photographs and Letter to Wellesley Building Inspector regarding 500 Foot Rule, dated 6/13/14, stamped and signed by Susan E. Sullivan, Professional Land Surveyor were submitted.

On August 6, 2014, 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 demolition of an existing nonconforming structure with less than required front and right side yard setbacks, demolition of an existing nonconforming garage with less than required left side yard setbacks, and construction of a new structure that will meet all setback requirements, on a 7,035 square foot lot in a Water Supply Protection and Single Residence District in which the minimum lot size is 10,000 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 and right side yard setbacks, demolition of an existing nonconforming garage with less than required left side yard setbacks, and construction of a new structure that will meet all setback requirements, on a 7,035 square foot lot in a Water Supply Protection and Single Residence District in which the minimum lot size is 10,000 square feet, subject to the following condition:

- A plan shall be recorded at the Registry of Deeds that shows that the two lots are combined.

The Board strongly suggests that architectural details be incorporated into the plans to reduce massing.

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.

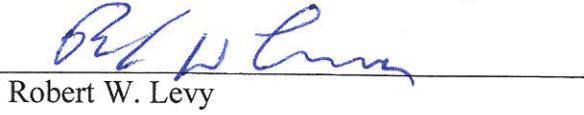
ZBA 2014-61  
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25 Bryn Mawr Road

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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.

  
J. Randolph Becker, Acting Chairman

  
Robert W. Levy

  
Derek B. Redgate

cc: Planning Board  
Inspector of Buildings  
lrm

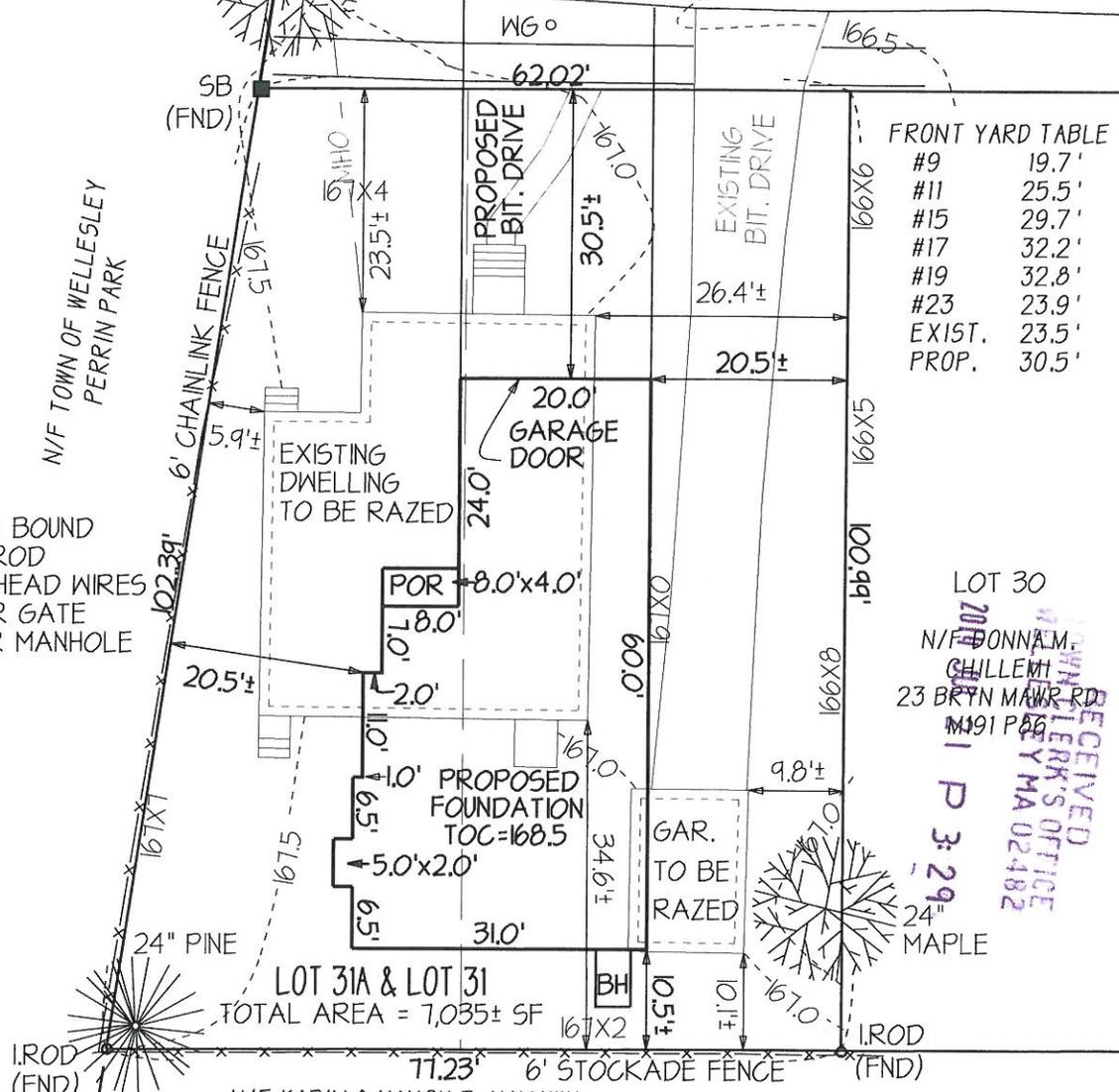
36" OAK SMH RIM:166.93 INV:159.68 8" V.C. SLOPE 0.40%  
**BRYN MAWR ROAD**



N/F TOWN OF WELLESLEY  
 PERRIN PARK

**LEGEND**

- SB ■ STONE BOUND
- I.ROD ○ IRON ROD
- OHW ○ OVERHEAD WIRES
- WG ○ WATER GATE
- SMH ○ SEWER MANHOLE



**FRONT YARD TABLE**

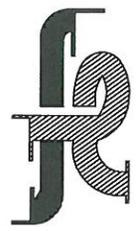
#9	19.7'
#11	25.5'
#15	29.7'
#17	32.2'
#19	32.8'
#23	23.9'
EXIST.	23.5'
PROP.	30.5'

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**SITE DATA**

25 BRYN MAWR ROAD, WELLESLEY  
 RECORD OWNER: PHILIP J. GRAHAM  
 ASSESSORS MAP 191 PARCEL 87  
 DEED BOOK 25343 PAGE 103  
 PLAN BOOK 1542 PAGE 31

ZONE SRD 10  
 TABLE 1  
 FRONT YARD: 30-FT  
 SIDE YARD: 20-FT  
 REAR YARD: 10-FT  
 MAX. LOT COVERAGE = 25% = 1,750 SF  
 EXISTING LOT COVERAGE = 1,628 SF = 23.14%  
 PROPOSED LOT COVERAGE = 1,628 SF = 23.14%



**FORESITE ENGINEERING**  
 ENGINEERING SURVEYING PLANNING

16 Gleasondale Road Suite 1-1  
 Stow, Massachusetts 01775  
 Phone: (978)461-2350

**PLOT PLAN**  
**25 BRYN MAWR ROAD**  
 WELLESLEY, MASSACHUSETTS

DATE: JUNE 17, 2014  
 SCALE: 1"=20'

www.foresite1.com