



ZONING BOARD OF APPEALS

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

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

LENORE R. MAHONEY
 EXECUTIVE SECRETARY
 TELEPHONE
 (781) 431-1019 EXT. 2208

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

ZBA 2014-69
 Petition of John Thompson
 10 Pickerel Road

Pursuant to due notice, the Special Permit Granting authority held a Public Hearing on Thursday, August 7, 2014 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of JOHN THOMPSON requesting a Special Permit pursuant to the provisions of Section XIVB and Section XXV of the Zoning Bylaw for demolition of an existing nonconforming structure with less than required front and left side yard setbacks and construction of a new structure on the same footprint in a Flood Plain or Watershed Protection District at 10 PICKEREL ROAD.

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 John Thompson, (the "Petitioner") and Joyce Hastings, Registered Professional Land Surveyor. Mr. Thompson submitted a letter of support that was signed by all of the abutters.

Ms. Hastings said that the request is for a special permit. She said that the house was originally constructed in 1930. She said that in 1978 a variance for an addition was granted. She said that the lot and the house are pre-existing nonconforming. She said that the proposal is to demolish the existing structure and to build on the exact footprint. She said that because the property is located on the pond, they had to go to the Wetlands Protection Committee (WPC) first. She said that one of the issues here is that parking is dangerous. She said that you cannot park a car here without sticking out onto the roadway. She said that there is no room to back up to turn around to exit the property without going down to Pickerel Terrace and turning around to come back. She said that the proposed structure will have a garage under so that cars can go in and out and turn around. She said that they worked with the WPC when they slightly increased the driveway area to accommodate a car. She said that they got an Order of Conditions that addressed infiltration of water off of the driveway. She said that the new structure will have an additional floor with overhangs and an overhang over the entry. She said that the yard will remain the same except for landscaping around the house. She said that no trees will be removed.

Michael Zehner, Planning Director, said that there is substantial flood plain and wetlands on the property. He said that the issue with this is that it is a proposed reconstruction on the same footprint. He said that if they were to alter where the impervious surface is, they would need WPC approval and a special permit under the Flood Plain Bylaw. He said that the Flood Plain Bylaw allows reconstruction. He said that if they are not changing the impervious cover they do not need an additional WPC permit. He said that the Planning Board recommended deferral to allow for input from the Building Inspector and from the Engineering Division in terms of the impacts of construction on the flood plain. Ms. Hastings said that

2014 AUG 21 P 4
 RECEIVED
 TOWN CLERK'S OFFICE
 WELLESLEY, MA

RECEIVED
TOWN CLERK'S OFFICE
MELLESLEY MA 02462
2014 AUG 2 10 39 AM

they did an analysis of the flood plain and they are not filling in the flood plain. She said that they have changed the flood plain slightly and presented the proposed change to the WPC. She said that they have compensated for it. She said that they will not be changing any flood storage. She said that a corner of the house fell within the flood plain by 4 inches. She said that they changed that so that the new foundation will be outside the flood plain by four inches. She said that in the submittal to WPC they showed how they would be compensating for the flood plain. Mr. Zehner said that the only plan that he had seen was the survey that shows the flood plain bisecting the house. He said that the WPC has jurisdiction over the wetlands issues but not the flood plain issues.

Ms. Hastings said that the house will be on the same footprint. She said that the foundation will be demolished with the house. She said that they cannot move the house further out because of the flood plain, access to the lot and the wetlands. She said that if the house moves from where it is now, it will change the flood plain. She said that because the lot is flat there is no area to compensate for it.

Mr. Thompson said that his understanding was that flood plain issues concerned people putting something extra in their yard that causes someone else's house to flood in the future. He said that they are using compensating volumes to make sure that does not happen. He said that the flood plain line goes through the house. He said that they will take a cut at the back of the house and fill in around the house. He said that it will be very close. He said that the dimensions are just a few inches. The Board said that the flood plain can be addressed by design. The Board said that they can design for the flood to go through the garage and part of the house and raise all of the mechanical equipment above that. Ms. Hastings said that in the existing house you walk into the basement, which is the kitchen. She said that it is living space down below and not all garage. Mr. Thompson said that there is no garage in the existing house. Ms. Hastings said that the proposed house will have living space below. She said that there are no proposed elevation changes of the house. She said that the livable area will be above the flood plain by inches. She said that the flood plain is the lowest adjacent grade to the house. She said that the floor area can be above the flood plain but if the ground adjacent to it is at flood plain level, you are considered to be in the flood plain. She said that is why the contour wraps around the house. She said that they will work to raise the grade around the house, not the house itself.

The Board discussed moving the house further away from the lot line even though the neighbor has no objection to the proposed construction. The Board said that the intent of zoning is to make things more compliant over time. The Board said that this could not meet the front and side yard setbacks but it might be possible to slightly improve them. The Board said that the Petitioner may be able to show that, because of the grade, this is the only place where the house can go. Ms. Hastings said that moving the house would involve moving the mass over the flood plain. She said that there is no place to compensate. The Board said that they could build the house with the garage with flow through and living space on the second floor. Mr. Thompson said that would become a house on stilts.

Mr. Thompson said that WPC approved the proposal for compensating volume. Ms. Hastings said that altering the grade around the house was done to deal with Flood Insurance issues. She said that three quarters of the house is already above the flood level. She said that because the patio area was raised and they are taking the patio out, they have to compensate at the same elevations that they are filling. She said that they are raising it by inches.

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

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482

2014 AUG 21 P 4 28

Statement of Facts

The subject property is located at 10 Pickerel Road, in a Water Supply Protection District and a Flood Plain or Watershed Protection District.

The Petitioner is requesting a Special Permit pursuant to the provisions of Section XIVB and Section XXV of the Zoning Bylaw for demolition of an existing nonconforming structure with less than required front and left side yard setbacks and construction of a new structure on the same footprint in a Flood Plain or Watershed Protection District.

Letter to Wellesley Zoning Board of Appeals, dated 7/14/14, re: Application for Special Permit for Work in Flood Plain, signed by Joyce E. Hastings, P.L.S., a Plot Plan, dated 4/10/14, stamped by Joyce E. Hastings, Registered Professional Land Surveyor, Proposed Floor Plans and Elevation Drawings, dated 6/1/14, prepared by David Carter, and photographs were submitted.

On August 6, 2014, the Planning Board reviewed the petition and recommended that a Special Permit 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 demolition of an existing nonconforming structure with less than required front and left side yard setbacks and construction of a new structure on the same footprint in a Flood Plain or Watershed Protection District shall make adequate provision for the protection, preservation and maintenance of the water table and water recharge areas; the preservation of the natural river channel plus sufficient width of overbank areas for the passage of flood flows; the retention of existing floodwater storage capacity; the design of proposed construction in a manner which ensures anchoring to prevent flotation, collapse and/or excessive movement of structures; and the design of public utilities including sewer, water, gas and electrical systems in a manner which will minimize or eliminate flood damage.

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 left side yard setbacks and construction of a new structure on the same footprint in a Flood Plain or Watershed Protection District, in accordance with the submitted plot plan and construction drawings.

ZBA 2014-69
Petition of John Thompson
10 Pickerel Road

RECEIVED
TOWN CLERK'S OFFICE
BELLESEY MA 02102
2014 AUG 21 P 4:22

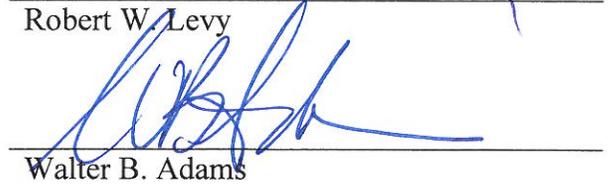
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



J. Randolph Becker, Acting Chairman



Robert W. Levy



Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm



LOCUS MAP
1"=500'

NOTE:
THERE IS NO FILLING/LOSS
OF FLOOD STORAGE AREA.

FLOOD STORAGE VOLUME CALCULATION:

Elevation (feet)	Existing Area (s.f.)	Proposed Area (s.f.)
128.5	2774	2774
128.6	2625	2470
128.7	2293	2207
128.8	2088	1978
128.9	1950	1783
129.0	1828	1607
129.1	1804	1487
129.2	1688	1287
129.3	1424	1050
129.4	1244	850
129.5	1080	678
129.6	973	518
129.7	848	374
129.8	713	247
129.9	530	148
130.0	210	87
130.1	132	57
130.2	88	37
130.3	48	21
130.4	18	12
130.5	8	7
130.6	3	4
130.7	0	0
130.8	0	0
130.9	0	0
131.0	0	0
131.1	0	0
131.2	0	0
131.3	0	0
131.4	0	0
131.5	0	0
131.6	0	0
131.7	0	0
131.8	0	0
131.9	0	0
132.0	0	0
132.1	0	0
132.2	0	0
132.3	0	0
132.4	0	0
132.5	0	0
132.6	0	0
132.7	0	0
132.8	0	0
132.9	0	0
133.0	0	0
133.1	0	0
133.2	0	0
133.3	0	0
133.4	0	0
133.5	0	0
133.6	0	0
133.7	0	0
133.8	0	0
133.9	0	0
134.0	0	0
134.1	0	0
134.2	0	0
134.3	0	0
134.4	0	0
134.5	0	0
134.6	0	0
134.7	0	0
134.8	0	0
134.9	0	0
135.0	0	0
135.1	0	0
135.2	0	0
135.3	0	0
135.4	0	0
135.5	0	0
135.6	0	0
135.7	0	0
135.8	0	0
135.9	0	0
136.0	0	0
136.1	0	0
136.2	0	0
136.3	0	0
136.4	0	0
136.5	0	0
136.6	0	0
136.7	0	0
136.8	0	0
136.9	0	0
137.0	0	0
137.1	0	0
137.2	0	0
137.3	0	0
137.4	0	0
137.5	0	0
137.6	0	0
137.7	0	0
137.8	0	0
137.9	0	0
138.0	0	0
138.1	0	0
138.2	0	0
138.3	0	0
138.4	0	0
138.5	0	0
138.6	0	0
138.7	0	0
138.8	0	0
138.9	0	0
139.0	0	0
139.1	0	0
139.2	0	0
139.3	0	0
139.4	0	0
139.5	0	0
139.6	0	0
139.7	0	0
139.8	0	0
139.9	0	0
140.0	0	0
140.1	0	0
140.2	0	0
140.3	0	0
140.4	0	0
140.5	0	0
140.6	0	0
140.7	0	0
140.8	0	0
140.9	0	0
141.0	0	0
141.1	0	0
141.2	0	0
141.3	0	0
141.4	0	0
141.5	0	0
141.6	0	0
141.7	0	0
141.8	0	0
141.9	0	0
142.0	0	0
142.1	0	0
142.2	0	0
142.3	0	0
142.4	0	0
142.5	0	0
142.6	0	0
142.7	0	0
142.8	0	0
142.9	0	0
143.0	0	0
143.1	0	0
143.2	0	0
143.3	0	0
143.4	0	0
143.5	0	0
143.6	0	0
143.7	0	0
143.8	0	0
143.9	0	0
144.0	0	0
144.1	0	0
144.2	0	0
144.3	0	0
144.4	0	0
144.5	0	0
144.6	0	0
144.7	0	0
144.8	0	0
144.9	0	0
145.0	0	0
145.1	0	0
145.2	0	0
145.3	0	0
145.4	0	0
145.5	0	0
145.6	0	0
145.7	0	0
145.8	0	0
145.9	0	0
146.0	0	0
146.1	0	0
146.2	0	0
146.3	0	0
146.4	0	0
146.5	0	0
146.6	0	0
146.7	0	0
146.8	0	0
146.9	0	0
147.0	0	0
147.1	0	0
147.2	0	0
147.3	0	0
147.4	0	0
147.5	0	0
147.6	0	0
147.7	0	0
147.8	0	0
147.9	0	0
148.0	0	0
148.1	0	0
148.2	0	0
148.3	0	0
148.4	0	0
148.5	0	0
148.6	0	0
148.7	0	0
148.8	0	0
148.9	0	0
149.0	0	0
149.1	0	0
149.2	0	0
149.3	0	0
149.4	0	0
149.5	0	0
149.6	0	0
149.7	0	0
149.8	0	0
149.9	0	0
150.0	0	0
150.1	0	0
150.2	0	0
150.3	0	0
150.4	0	0
150.5	0	0
150.6	0	0
150.7	0	0
150.8	0	0
150.9	0	0
151.0	0	0
151.1	0	0
151.2	0	0
151.3	0	0
151.4	0	0
151.5	0	0
151.6	0	0
151.7	0	0
151.8	0	0
151.9	0	0
152.0	0	0
152.1	0	0
152.2	0	0
152.3	0	0
152.4	0	0
152.5	0	0
152.6	0	0
152.7	0	0
152.8	0	0
152.9	0	0
153.0	0	0
153.1	0	0
153.2	0	0
153.3	0	0
153.4	0	0
153.5	0	0
153.6	0	0
153.7	0	0
153.8	0	0
153.9	0	0
154.0	0	0
154.1	0	0
154.2	0	0
154.3	0	0
154.4	0	0
154.5	0	0
154.6	0	0
154.7	0	0
154.8	0	0
154.9	0	0
155.0	0	0
155.1	0	0
155.2	0	0
155.3	0	0
155.4	0	0
155.5	0	0
155.6	0	0
155.7	0	0
155.8	0	0
155.9	0	0
156.0	0	0
156.1	0	0
156.2	0	0
156.3	0	0
156.4	0	0
156.5	0	0
156.6	0	0
156.7	0	0
156.8	0	0
156.9	0	0
157.0	0	0
157.1	0	0
157.2	0	0
157.3	0	0
157.4	0	0
157.5	0	0
157.6	0	0
157.7	0	0
157.8	0	0
157.9	0	0
158.0	0	0
158.1	0	0
158.2	0	0
158.3	0	0
158.4	0	0
158.5	0	0
158.6	0	0
158.7	0	0
158.8	0	0
158.9	0	0
159.0	0	0
159.1	0	0
159.2	0	0
159.3	0	0
159.4	0	0
159.5	0	0
159.6	0	0
159.7	0	0
159.8	0	0
159.9	0	0
160.0	0	0
160.1	0	0
160.2	0	0
160.3	0	0
160.4	0	0
160.5	0	0
160.6	0	0
160.7	0	0
160.8	0	0
160.9	0	0
161.0	0	0
161.1	0	0
161.2	0	0
161.3	0	0
161.4	0	0
161.5	0	0
161.6	0	0
161.7	0	0
161.8	0	0
161.9	0	0
162.0	0	0
162.1	0	0
162.2	0	0
162.3	0	0
162.4	0	0
162.5	0	0
162.6	0	0
162.7	0	0
162.8	0	0
162.9	0	0
163.0	0	0
163.1	0	0
163.2	0	0
163.3	0	0
163.4	0	0
163.5	0	0
163.6	0	0
163.7	0	0
163.8	0	0
163.9	0	0
164.0	0	0
164.1	0	0
164.2	0	0
164.3	0	0
164.4	0	0
164.5	0	0
164.6	0	0
164.7	0	0
164.8	0	0
164.9	0	0
165.0	0	0
165.1	0	0
165.2	0	0
165.3	0	0
165.4	0	0
165.5	0	0
165.6	0	0
165.7	0	0
165.8	0	0
165.9	0	0
166.0	0	0
166.1	0	0
166.2	0	0
166.3	0	0
166.4	0	0
166.5	0	0
166.6	0	0
166.7	0	0
166.8	0	0
166.9	0	0
167.0	0	0
167.1	0	0
167.2	0	0
167.3	0	0
167.4	0	0
167.5	0	0
167.6	0	0
167.7	0	0
167.8	0	0
167.9	0	0
168.0	0	0
168.1	0	0
168.2	0	0
168.3	0	0
168.4	0	0
168.5	0	0
168.6	0	0
168.7	0	0
168.8	0	0
168.9	0	0
169.0	0	0
169.1	0	0
169.2	0	0
169.3	0	0
169.4	0	0
169.5	0	0
169.6	0	0
169.7	0	0
169.8	0	0
169.9	0	0
170.0	0	0
170.1	0	0
170.2	0	0
170.3	0	0
170.4	0	0
170.5	0	0
170.6	0	0
170.7	0	0
170.8	0	0
170.9	0	0
171.0	0	0
171.1	0	0
171.2	0	0
171.3	0	0
171.4	0	0
171.5	0	0
171.6	0	0
171.7	0	0
171.8	0	0
171.9	0	0
172.0	0	0
172.1	0	0
172.2	0	0
172.3	0	0
172.4	0	0
172.5	0	0
172.6	0	0
172.7	0	0
172.8	0	0
172.9	0	0