



## ZONING BOARD OF APPEALS

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

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ZBA 2014-09  
 Petition of Verdant Properties LLC  
 28 Westwood Road

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FEB 20 P 2:39  
 TOWN'S OFFICE  
 WELLESLEY MA 02482

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 6, 2014, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of VERDANT PROPERTIES LLC requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing structure and construction of a new two-story structure with basement that will meet all setback requirements, on a 17,974 square foot lot in a district in which the minimum lot size is 20,000 square feet, at 28 WESTWOOD ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On January 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., representing Verdant Properties, (the "Petitioner") and Michael Caraviello, Principal, Verdant Properties.

Mr. Shind said that the request is for a Special Permit/Finding that the proposed demolition of the existing nonconforming structure and construction of a new structure that will comply with all dimensional setback requirements will not be more detrimental to the neighborhood than the existing structure.

Mr. Shind said that the lot is slightly undersized at 17,974 square feet in a 20,000 square foot Single Residence District. He said that the existing house was built in 1952. He said that it is a two story colonial that contains approximately 2,250 square feet of living area. He said that the proposed new structure will comply with Zoning and dimensional requirements. He said that lot coverage will increase to 19.2 percent, which is below the 20 percent that is allowed. He said that finished living area or TLAG (Total Living Area plus Garage) will be 5,500 square feet, which is below the threshold for Large House Review (LHR).

Mr. Shind said that careful consideration was given to the design of the home. He said that it will be consistent with prevailing design and scale of homes in the neighborhood.

Mr. Shind said that the Planning Board had recommended that the petition be approved.

Mr. Caraviello said that he submitted a revised plan that shows where the drainage structure will be located. He said that four Cultec Chambers were called out on the plans, and were based on additional lot coverage.

Catherine Todd, 6 Woodway Road, said that she had some concerns with the demolition and construction process. The Board said that all hazardous materials will have to be removed prior to demolition by a licensed contractor. The Board said that when the house is demolished, they will have to keep it wetted down so that there is no dust. Ms. Todd asked who enforces that. She said that there was a house at the bottom of Temple Road where the house was demolished and someone was standing there with a garden hose. The Board said that "Good Construction Practices" are enforced by the contractor. Ms. Todd said that she is concerned that there are a lot of children in the neighborhood who walk to school. The Board said that Ms. Todd can call the Building Inspector and ask him to remind the contractor of his responsibilities during demolition.

Mr. Caraviello said that he would provide a phone number that neighbors can call if there are concerns.

#### Statement of Facts

The subject property is located at 28 Westwood Road, on a 17,974 square foot corner lot in a district in which the minimum lot size is 20,000 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 structure and construction of a new two-story structure with basement that will meet all setback requirements, on a 17,974 square foot lot in a district in which the minimum lot size is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, TLAG Foundation Exemption Plan, and Plan of Land with Drainage System details, dated 1/13/14, stamped by Bradley J. Simonelli, Professional Land Surveyor, Proposed Elevation Drawings, dated 1/9/14 and 1/14/14 and Proposed Floor Plans, dated 1/14/14, Silver Street Architects, and photographs were submitted.

On February 4, 2014, the Planning Board reviewed the petition and recommended that the petition be approved.

#### 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 structure and construction of a new two-story structure with basement that will meet all setback requirements, on a 17,974 square foot lot in a district in which the minimum lot size 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.

PLANNING BOARD  
FEB 20 2:39 PM  
BRADLEY J. SIMONELLI  
PROFESSIONAL LAND SURVEYOR  
02482

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of an existing structure and construction of a new two-story structure with basement that will meet all setback requirements, on a 17,974 square foot lot in a district in which the minimum lot size is 20,000 square feet, subject to the condition:

- Neighbors shall be alerted to the timing of the demolition and that demolition shall be done in accordance with all safety regulations and code requirements.

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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INSPECTOR'S OFFICE  
BUILDING DEPARTMENT  
BOSTON, MA 02482

ZBA 2014-09  
Petition of Verdant Properties LLC  
28 Westwood Road

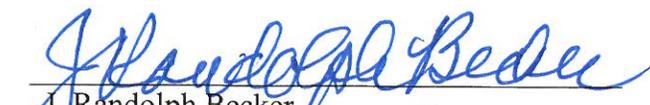
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TOWN'S OFFICE  
LITTLETON MA 02482

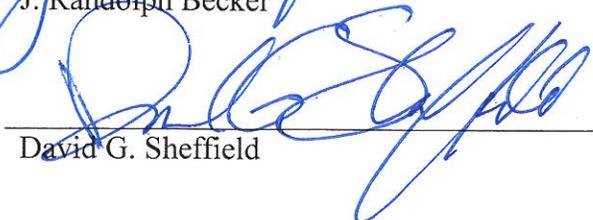
APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.



Richard L. Seegel, Chairman

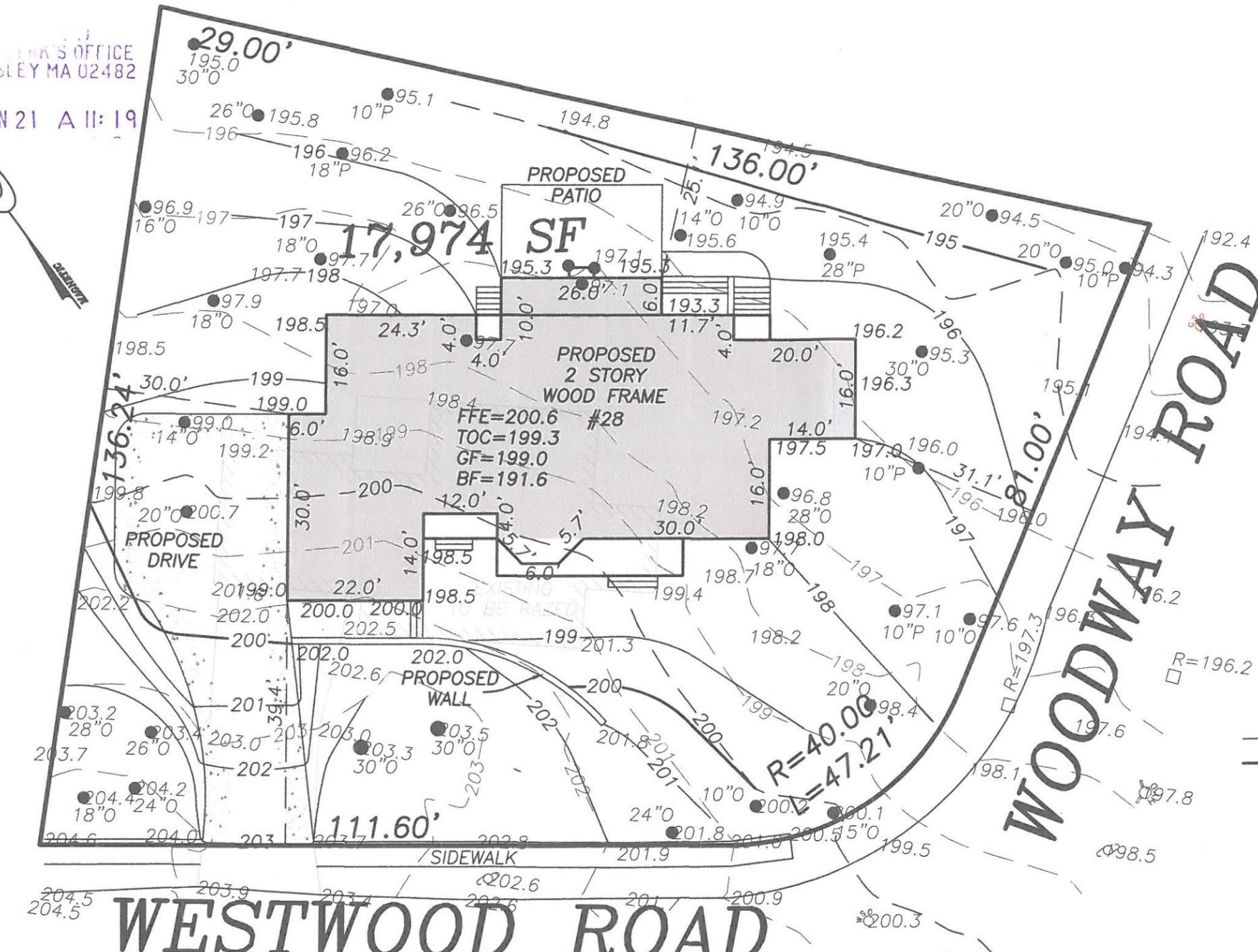


J. Randolph Becker



David G. Sheffield

cc: Planning Board  
Inspector of Buildings  
lrm



EXISTING BUILDING COVERAGE= 1951 SF  
 EXISTING LOT COVERAGE = 10.8%

PROPOSED BUILDING COVERAGE=3,451  
 PROPOSED LOT COVERAGE= 19.2%

**LEGEND:**

- ⊙ . . . . . SEWER MANHOLE
- . . . . . CATCH BASIN
- ⊕ . . . . . UTILITY POLE
- R= . . . . . RIM ELEVATION
- O . . . . . OAK
- M . . . . . MAPLE
- P . . . . . PINE

--- 165 --- EXISTING CONTOURS  
 --- 165 --- PROPOSED CONTOURS

**ZONING BOARD OF APPEALS  
 PLAN OF LAND  
 28 WESTWOOD ROAD  
 WELLESLEY, MASS.**

Field Resources, Inc.  
 LAND SURVEYORS

JANUARY 13, 2014 SCALE 1"=20'  
 P.O. BOX 324 281 CHESTNUT ST.  
 AUBURN, MA NEEDHAM, MA.  
 508 832 4332 781 444 5936  
 fieldresources@hotmail.com



**ZONING INFORMATION: SINGLE RESIDENCE 20 (SR20)**

- MINIMUM LOT AREA .....20,000 SF.
- MINIMUM LOT FRONTAGE.....60 FEET
- MINIMUM FRONT SETBACK.....39.4 FEET\*
- MINIMUM SIDE YARD.....20 FEET
- MINIMUM REAR YARD .....20 FEET
- MAXIMUM BUILDING HEIGHT.....36 FEET
- MAXIMUM BUILDING HEIGHT.....2 1/2 STORIES

\*FRONT SETBACK IS DETERMINED BY 500 FOOT RULE

PLANNING OFFICE  
 WELLESLEY MA 02482  
 2014 JAN 21 A 11:19