



ZONING BOARD OF APPEALS

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

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ZBA 2015-27
 Petition of Sean & Nancy Hill
 5 Carver Road

2015 MAR 19 P
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 WELLESLEY MA 02482

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 5, 2015, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of SEAN & NANCY HILL 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 structure and construction of a new two-story structure with basement that will meet all setback requirements, on a 12,360 square foot corner lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District, at 5 CARVER ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On February 17, 2015, 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 Les Shea, Esq., Sean and Nancy Hill, (the Petitioner) and Douglas Wills-Lipscomb, Architect.

Mr. Shea said that the request is to demolish an existing home and replace it with a new home. He said that the property is located in a SR15 District, on a 12,360 square foot lot. He said that the existing house is 987 square feet and the proposed house will be 2,284 square feet. He said that Total Living Area plus Garage (TLAG) calculations were submitted at the recommendation of the Planning Board. The Board said that it just received the TLAG calculations. The Board said that it prefers to get information a week in advance of the hearing. The Board said that the TLAG will be under the threshold for a SR10 District. Mr. Shea said that the total TLAG will be 3,527 square feet where 4,300 square feet are allowed.

Mr. Shea said that the Hills have spoken with all of the neighbors, some of whom have written to the Board in favor of the house.

Mr. Shea said that the house will fit in nicely with the neighborhood.

The Board asked how much grading will have to be done to get the garage under. The Board asked if a retaining wall will be needed. Mr. Lipscomb said that they will construct a retaining wall but it will not be significant. He said that there is a 13 foot fall across the side. The Board said that the garage will connect with the house at a higher level than the existing house. The Board said that the Applicant did a good job identifying the average grade. The Board questioned what will have to be done to the driveway since it will slope down further. Mr. Lipscomb said that the Site Plan was not prepared by their office.

He said that they left the existing house on the plan for reference purposes. He said that the existing driveway will not be used for the new house. He said that the driveway for the new house will go off to the east to Brewster Road. He said that there will be a significant amount of 9 foot grade difference, so a slight retaining wall will be required. He said that the East Elevation Drawing shows the slope below average ground level that tapers as it gets to the road.

The Board said that there will be a 230 percent increase in the footprint. The Board said that the property is located in a Water Supply Protection District (WSPD). The Board asked what will happen to the runoff. Mr. Lipscomb said that there will still be a good amount of the lot that will not be impervious for absorption. He said that he usually recommends to his clients that they minimize capture with gutters because they tend to create a lot of problems with ice dams. He said that they could look at putting capture into drywells. The Board said that the Applicant needs to look at the requirements in a WSPD. The Board said that the runoff needs to be captured or it needs to be explained why that cannot be done. The Board said that the Petitioner should look at Section XIVE F6 with respect to recharging stormwater.

The Board said that it would be worthwhile to submit a site plan to the Board that shows the proposed driveway, retaining wall and drywells.

The Board said that it is a tasteful design. The Board said that the house will not be built to highest amount allowed. The Board said that the property is located in a neighborhood that is trying to protect the scale of the houses. The Board said that the proposed house is much larger but a reasonably good job was done to keep it compact so that it does not read as a large house.

Mr. Lipscomb said that he used to live around the corner on Priscilla Road, so he is aware of water issues in the neighborhood.

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 5 Carver Road, on a 12,360 square foot corner lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District.

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 structure and construction of a new two-story structure with basement that will meet all setback requirements, on a 12,360 square foot corner lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

An Existing Conditions Plot Plan, dated 12/29/14 and a Plot Plan, dated 2/11/15, stamped by Bruce Bradford, Professional Land Surveyor, Proposed Floor Plans and Elevation Drawings, dated 2/10/15, prepared by Royal Barry Wills Associates, Inc., and photographs were submitted.

On March 3, 2015, the Planning Board reviewed the petition and recommended that the petition be granted.

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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 12,360 square foot corner lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District 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 structure and construction of a new two-story structure with basement that will meet all setback requirements, on a 12,360 square foot corner lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District, subject to the condition:

- A revised plot plan shall be submitted showing the driveway and the retaining wall and the solution to the WSPD question related to Section XIVE F 6 of the Zoning Bylaw.

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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ZBA 2015-27
Petition of Sean & Nancy Hill
5 Carver 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.



Richard L. Seegel, Chairman



J. Randolph Becker



Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm

LEGEND

- UTILITY POLE
- WATER GATE
- HYDRANT
- SEWER MANHOLE
- DRAIN MANHOLE
- TELEPHONE MANHOLE
- CATCH BASIN
- 71.4 X SPOT ELEVATION
- PROPOSED CONTOUR
- EXISTING CONTOUR
- DRAIN LINE
- WATER LINE
- SEWER LINE
- GAS LINE
- FENCE
- TREELINE
- STONEWALL
- DECIDUOUS TREE
- EVERGREEN TREE
- TO BE REMOVED

ESTABLISHED 1916



EVERETT M. BROOKS CO.
SURVEYORS & ENGINEERS

49 LEXINGTON STREET
WEST NEWTON, MA 02465

(617) 527-8750
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ZONE: SR-15

DEED REFERENCE:
BOOK 32750 PAGE 493

PLAN REFERENCE:
BOOK 2185 PAGE 564

EXISTING STRUCTURES: 987 S.F.
PROPOSED STRUCTURES: 2284 S.F.

EXISTING LOT COVERAGE: 8.0%
PROPOSED LOT COVERAGE: 18.5%

**PLAN OF LAND IN
WELLESLEY, MA**

5 CARVER ROAD

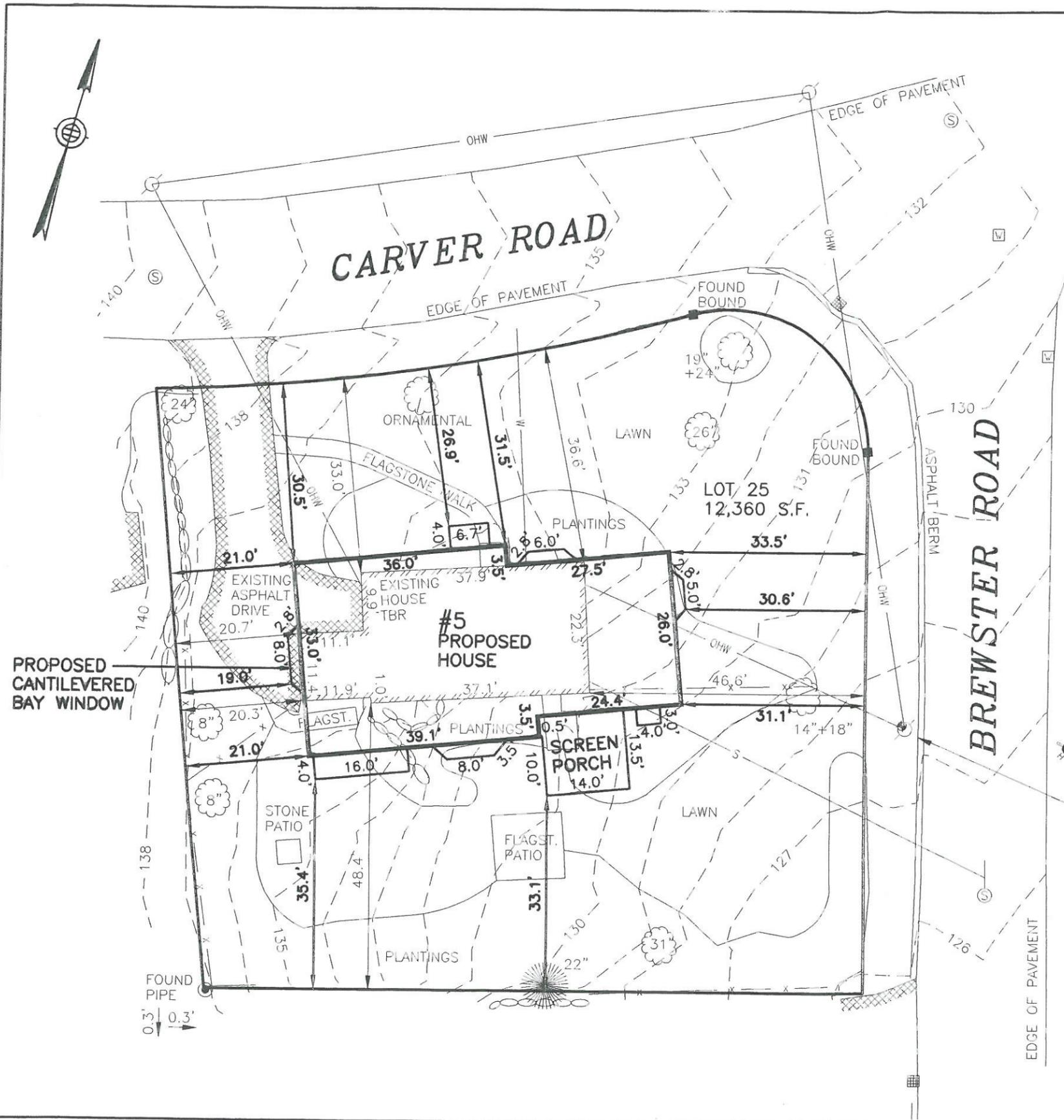
TO ACCOMPANY THE PETITION OF:
NANCY & SEAN HILL

SCALE: 1 IN. = 20 FT.
DATE: FEBRUARY 11, 2015
DRAWN: JF
CHECK: BB

REVISIONS:

PROJECT NO. 24573

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WELLESLEY, MA 02482
2015 FEB 17 PM 1:41



BENCHMARK:
PK NAIL SET IN UTILITY POLE
ELEVATION = 129.1
TOWN OF WELLESLEY BASE





ZONING BOARD OF APPEALS

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 2016 APR 21 P 12:43

ZBA 2015-27 - modified
 Petition of Sean & Nancy Hill
 5 Carver Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 7, 2016, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Sean & Nancy Hill requesting modification of a Special Permit that was granted on March 19, 2015, pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw, that changes to the approved front and rear porch designs and the addition of a stoop and a retaining wall, on a 12,360 square foot corner lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District, at 5 Carver Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On March 21, 2016, 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 Doug Lipscomb, Architect and Nancy Hill, the Petitioner. Mr. Lipscomb said that they came before the Board last year for a Special Permit for construction of a house on a nonconforming lot. He said that the Special Permit was granted. He said that since then the owner has requested a couple of changes to the house design. He said that there was a screened porch on the back of the house, further to Brewster Road to the east side of the property. He said that the homeowners would like to relocate that directly off of the living room at the other end of the house on the west side. He said that the porch will extend across the back of the house.

Mr. Lipscomb said that they would like to increase the width of the front stoop by two feet and add a cover over it. The Board confirmed that it will still be under 50 square feet.

Mr. Lipscomb said that there is a little stoop off of the garage that was 3 feet by 4 feet. He said that they would like to increase that to 4.5 feet by 5 feet.

Mr. Lipscomb said that the screened porch functioned as a retaining wall in the previous location. He said that they will add a retaining wall in its place to address the grading issues there. He said that the planned dimension of the retaining wall is an L shape off of the back of the house at 13.8 feet that make the bend and then be 10 feet. He said that the height will be 8 feet. He said that they will veneer the wall with thin brick. The Board said that it will be part of the foundation.

A Board member said that if this configuration had been presented previously, it would have been approved.

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 5 Carver Road, on a 12,360 square foot corner lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District.

The Petitioner is requesting modification of a Special Permit that was granted on March 19, 2015, pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw, that changes to the approved front and rear porch designs and the addition of a stoop and a retaining wall, on a 12,360 square foot corner lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 3/9/16, stamped by Bruce Bradford, Professional Land Surveyor, and Floor Plans and Elevation Drawings, dated 10/16/15, revised 12/07/15 & 3/13/16, prepared by Royal Barry Hills Associates, Inc. were submitted.

On April 6, 2016, the Planning Board reviewed the petition and recommended that modification of the 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 modification of a Special Permit that was granted on March 19, 2015, pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw, that changes to the approved front and rear porch designs and the addition of a stoop and a retaining wall, on a 12,360 square foot corner lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it shall neither increase an existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for modification of a Special Permit that was granted on March 19, 2015, for changes to the approved front and rear porch designs and the addition of a stoop and a retaining wall, on a 12,360 square foot corner lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District, 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.

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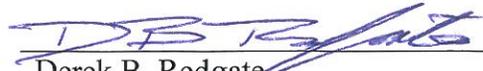
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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.


Richard L. Seegel, Chairman


David G. Sheffield


Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm

