



ZONING BOARD OF APPEALS

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

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

LENORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 2208
web: www.wellesleyma.gov

2015 APR 21 P 3:02
RECEIVED
CLERK'S OFFICE
WELLESLEY MA 02482

ZBA 2015-30
Petition of Wayne Office Park LLC
265 Grove Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 9, 2015, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of WAYNE OFFICE PARK, 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 nonconforming structure and construction of a two-story structure with basement that will meet all setback requirements, on a 94,743 square foot lot in a 40,000 square foot Single Residence District, with no frontage, at 265 GROVE STREET, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On March 23, 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 David Himmelberger, Esq. and Lloyd Geisinger, Thorndike Development Corporation. The Petitioner is Wayne Office Park LLC, Mary Butler, Manager.

Mr. Himmelberger said that Mr. Geisinger is a 30 year Wellesley resident, currently living a 22 Kenilworth Road. He said that the proposal is to raze and rebuild at the structure at 265 Grove Street. He said that the Petitioner is seeking a special permit for that because there is no legal frontage. He said that it is a pre-existing nonconforming structure dating back to 1914. He said that it began as the carriage house to the mansion that used to be adjoining it and was owned and developed by the granddaughter H.H. Hunnewell. He said that the carriage house was conveyed in 1949, prior to Wellesley's Zoning requirement for frontage. He said that it is a landlocked parcel that is accessed by a long driveway to which there is a deeded easement for access and utilities. The Chairman read a copy of the deed to confirm that this is a perpetual easement.

Mr. Himmelberger said that the house will be increasing in size but will be below the threshold for Large House Review (LHR) in a 40,000 square foot Single Residence District. He said that it will be consistent with the other homes in the general area. He said that the house respects the landscape and the contours will fit in nicely. He said that it will not be more detrimental to the neighborhood than the pre-existing nonconforming structure.

The Chairman said that Wellesley has a few parcels like this that are landlocked and have nothing but a driveway from the street leading to them. He said that all of them were built prior to the effective date of

Zoning in Wellesley, so they are valid pre-existing nonconforming houses or lots. He said that homeowners can build and rebuild on the lots with special permits granted by the Zoning Board.

The Board asked about connecting to the sewer system. Mr. Geisinger said that an existing town sewer line crosses the property and the driveway. He said that it is an existing pipe that goes from Sabrina Road and Longmeadow Road to Ridge Hill Farm Road. He said that they will be able to make a connection.

The Board asked about driveway maintenance for snow and general maintenance. The Board said that the existing driveway is not in good shape. Mr. Geisinger said that there is another lot out in front to be sold that has legal frontage on Dover Road. He said that there is a parcel of land where the Haynes mansion used to be. He said that all three of these properties have a maintenance agreement, of record, to share plowing, fall cleanup and spring cleanup of the driveway.

The Board confirmed that the driveway will be used by construction vehicles. The Board said that it goes through a lot of wetlands. The Board asked about precautions that will be taken in the construction phase in that area. Mr. Geisinger said that he has an Order of Conditions from the Wetlands Protection Committee and that issue was discussed in detail. He said that there is a plan in place that involves extensive haybales and double sacks in order to insure that the wetlands are protected. He said that they will also be rebuilding a portion of the roadway that is in disrepair. Mr. Himmelberger submitted a copy of the Order of Conditions.

Mr. Himmelberger said that, subsequent to submittal of the plans, there were two minor interior design changes made. He submitted new plans with clouded changes. Mr. Geisinger said that the revised plans are dated 4-3-15.

The Board asked about the marked trees. Mr. Geisinger said that those trees are on the other lot and he is not involved with that.

Mr. Himmelberger said that the Total Living Area plus Garage (TLAG) in the revised plan went from 7,115 square feet to 7,145 square feet. He submitted the TLAG Affidavit.

The Board asked if the three-car garage is part of Mr. Geisinger's property. Mr. Geisinger said that it is part of the old Haynes property. He said that they had retained it with the thought that it might turn into a pool house in the future. Mr. Himmelberger said that the property has now been renumbered as 39 Ridge Hill Farm Road with access out to Ridge Hill Farm Road.

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 265 Grove Street, on a 94,743 square foot lot in a 40,000 square foot Single Residence District, with no frontage.

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 and construction of a two-story structure with basement that will meet all setback requirements, on a 94,743

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 01982
2015 APR 21 P 021

square foot lot in a 40,000 square foot Single Residence District, with no frontage, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan and a Plan to Accompany ZBA Application, Sheet No. 1, dated 3/11/15, stamped by Steven M. Horsfall, Professional Land Surveyor, Existing and Proposed Elevation Drawings, and Proposed Floor Plans, dated 3/3/15, revised 4/3/15, prepared Thorndike Development Corp., Proposed Elevation Renderings, dated 3/3/15, and Landscape Rendering, prepared by Thorndike Development Corp., and photographs were submitted.

On March 17, 2015, the Wetlands Protection Committee issued an Order of Conditions, MA DEP #324-0775.

On April 9, 2015, the Planning Board reviewed the petition and recommended that 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 demolition of an existing nonconforming structure and construction of a two-story structure with basement that will meet all setback requirements, on a 94,743 square foot lot in a 40,000 square foot Single Residence District, with no frontage, 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 demolition of an existing nonconforming structure and construction of a two-story structure with basement that will meet all setback requirements, on a 94,743 square foot lot in a 40,000 square foot Single Residence District, with no frontage, in accordance with the revised plans dated 4/3/15.

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.

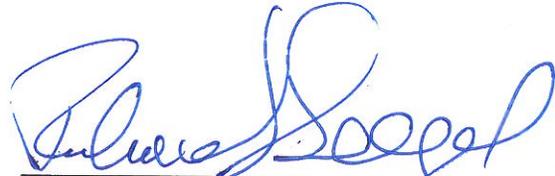
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

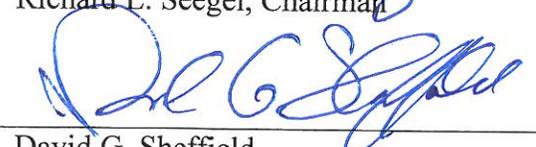
RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2015 APR 21 P 3:02

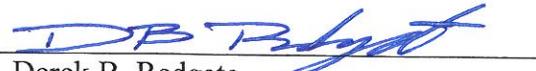
ZBA 2015-30
Petition of Wayne Park LLC
265 Grove Street

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02182
2015 APR 21 P 3:02

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



SABRINA ROAD
(40' WIDE)

LOT AREA=
2.175± ACRES

DRIVEWAY/EASEMENT TO GROVE STREET

DRIVEWAY

GARAGE DOOR LOCATION

DRIVEWAY

GARAGE DOOR LOCATION

PROPOSED DWELLING

2 STORY
4,397± S.F.
(FOOTPRINT)

DELINEATED WETLAND LINE

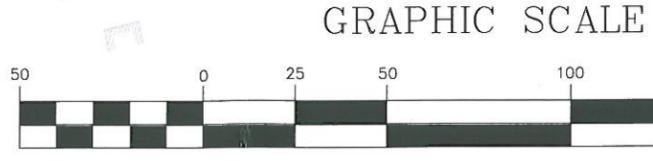
ZONING LEGEND				
ZONING DISTRICT: SINGLE RESIDENCE 40				
	REQUIRED	EXISTING	PROVIDED	COMPLIANCE
MIN. AREA	40,000 S.F.	94,743 S.F.	94,743 S.F.	YES
MIN. FRONTAGE	60'	0'	0'	SPECIAL PERMIT
MIN. FRONT YARD WIDTH	60'	0'	0'	SPECIAL PERMIT
MIN. YARD - FRONT	30'	0'	0'	SPECIAL PERMIT
	-SIDE	83.7'	31.4'	YES
	-REAR	20'	X	X
MAX. HEIGHT	36'	X	X	X
MAX. BLD. COV. (15% ALLOWABLE)		1.6% (1,744 S.F.)	4.6% (4,397 S.F.)	YES

NOTES: 1.) LOT RECORDED ON NOVEMBER, 23 1949
2.) 500 FOOT RULE DOES NOT APPLY

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2015 MAR 23 P 3:19



3-11-15

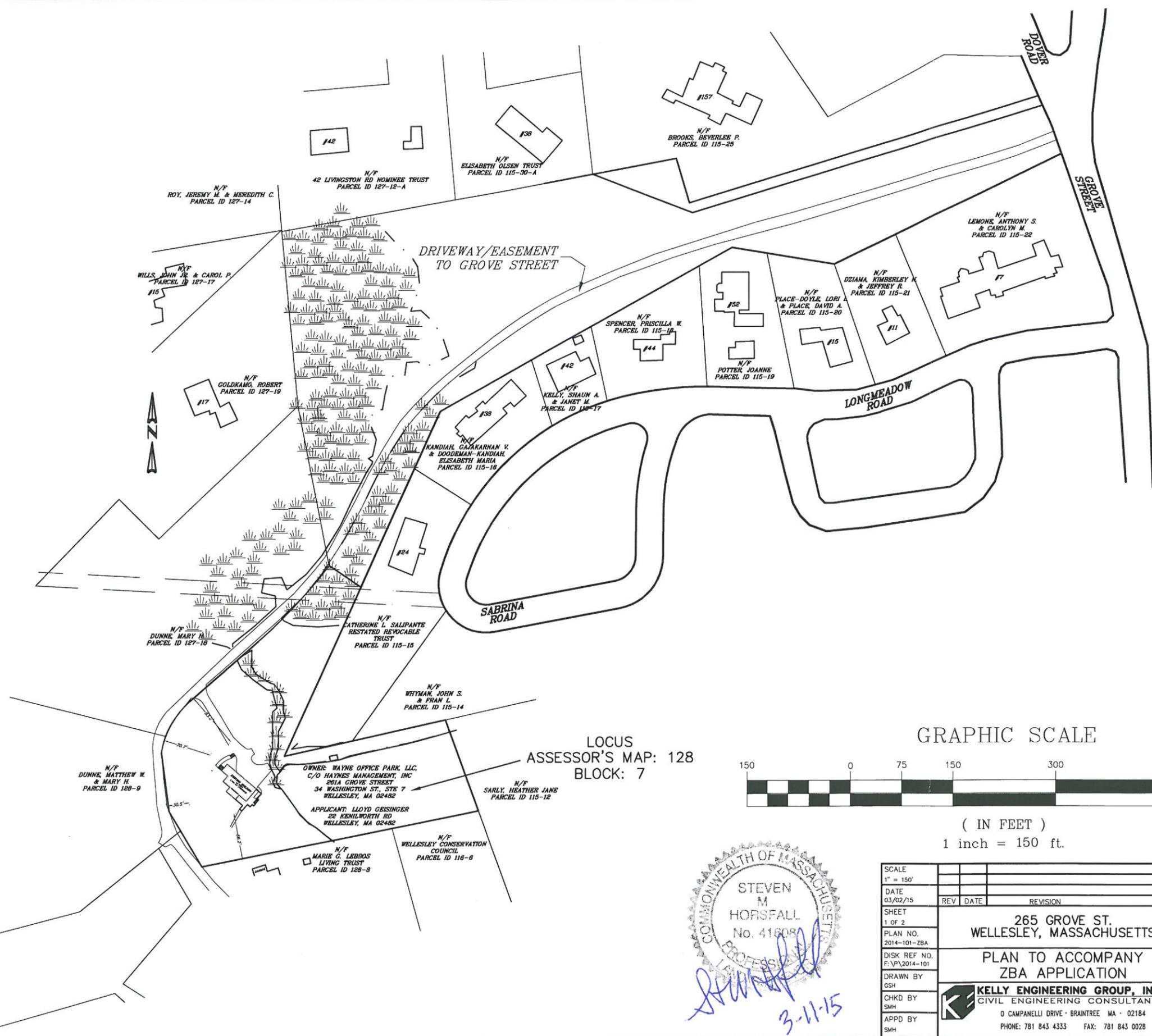


GRAPHIC SCALE

(IN FEET)
1 inch = 50 ft.

KELLY ENGINEERING GROUP SHALL NOT BE RESPONSIBLE FOR CONSTRUCTION METHODS, TECHNIQUES, OR PROCEDURES UTILIZED BY THE CONTRACTOR, NOR FOR THE SAFETY OF PUBLIC OR CONTRACTOR'S EMPLOYEES, OR FOR THE FAILURE OF THE CONTRACTOR TO CARRY OUT THE WORKING ACCORDANCE WITH THE CONTRACT DOCUMENTS.
THE EXTENT OF KELLY ENGINEERING GROUP'S LIABILITY FOR THIS PLAN IS LIMITED TO THE EXTENT OF ITS FEE LESS THIRD PARTY COST.
COPYRIGHT (C) by KELLY ENGINEERING GROUP, INC.
All Rights Reserved

SCALE 1"=50'			
DATE 03/02/15	REV	DATE	REVISION
SHEET 2 OF 2			
PLAN NO. 2014-101-ZBA	265 GROVE ST. WELLESLEY, MASSACHUSETTS XXXXXX		
DISK REF NO. F:\P\2014-101	PLAN TO ACCOMPANY ZBA APPLICATION		
DRAWN BY GSH	SHEET NO. 2		
CHKD BY SMH	KELLY ENGINEERING GROUP, INC. CIVIL ENGINEERING CONSULTANTS		
APPD BY SMH	0 CAMPANELLI DRIVE · BRAintree MA · 02184 PHONE: 781 843 4333 FAX: 781 843 0028		



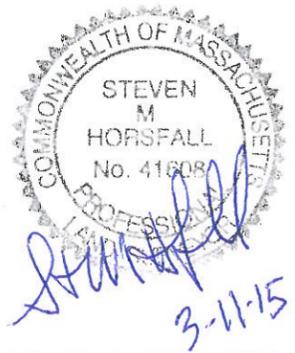
RECEIVED
 TOWN CLERK'S OFFICE
 WELLESLEY MA 02482
 2015 MAR 23 P 3:19

LOCUS
 ASSESSOR'S MAP: 128
 BLOCK: 7



GRAPHIC SCALE

(IN FEET)
 1 inch = 150 ft.



SCALE	1" = 150'	
DATE	03/02/15	
SHEET	1 OF 2	
PLAN NO.	2014-101-ZBA	
DISK REF NO.	F:\P\2014-101	
DRAWN BY	GSH	
CHKD BY	SMH	
APPD BY	SMH	
265 GROVE ST. WELLESLEY, MASSACHUSETTS		SHEET NO. 1
PLAN TO ACCOMPANY ZBA APPLICATION		
KELLY ENGINEERING GROUP, INC. CIVIL ENGINEERING CONSULTANTS 0 CAMPANELLI DRIVE • BRAintree MA • 02184 PHONE: 781 843 4333 FAX: 781 843 0028		

KELLY ENGINEERING GROUP SHALL NOT BE RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, OR PROCEDURES UTILIZED BY THE CONTRACTOR, NOR FOR THE SAFETY OF PUBLIC OR CONTRACTOR'S EMPLOYEES, OR FOR THE FAILURE OF THE CONTRACTOR TO CARRY OUT THE WORKING ACCORDANCE WITH THE CONTRACT DOCUMENTS.
 COPYRIGHT (C) by KELLY ENGINEERING GROUP, INC.
 All Rights Reserved