



ZONING BOARD OF APPEALS

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

RICHARD L. SEEDEL, CHAIRMAN
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LENORE R. MAHONEY
 EXECUTIVE SECRETARY
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ROBERT W. LEVY
 WALTER B. ADAMS
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ZBA 2015-42
 Petition of Dennis & Charlotte Brown
 44 Emerson Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 7, 2015, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of DENNIS & CHARLOTTE BROWN 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 and construction of a two-story structure that will meet all setback and height requirements, on a 14,164 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 44 EMERSON ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On April 21, 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 David Silverstein, Copper Leaf Development, representing Dennis and Charlotte Brown, (the Petitioner).

Mr. Himmelberger said that the request is for a Special permit to rebuild a home at 44 Emerson Road. He said that the existing lot is 14,164 square feet in a 15,000 square foot Single Residence District. He said that the existing house is nonconforming due to the front yard setback of 23.6 feet to Fiske Road. He said that there is a garage to the left rear of the property that is in the setback as well.

Mr. Himmelberger said that his client seeks to build a new home that will face Fiske Road to take advantage of the longer rectangular shape of the lot as it sits on Emerson and Fiske Roads. He said that his client will install complete mitigation of runoff on site. He said that the elevations show a very tastefully designed home that will fit in with the neighborhood and not be substantially more detrimental to the neighborhood than the existing structure. He said that the height will increase from 27 feet to 29.9 feet, which is well below what is permissible. He said that the Total Living Area plus Garage (TLAG) will be 4,264 square feet, which is below the limit for the district. He said that lot coverage will be 18.9 percent, which is below the 20 percent maximum. He said that the request is for a special permit.

The Board said that the only nonconformity will be the lot size.

There was no one present at the public hearing who wished to speak to the petition.

RECEIVED
 TOWN CLERK'S OFFICE
 WELLESLEY MA 02482
 MAY 21 P 12:10

Statement of Facts

The subject property is located at 44 Emerson Road, on a 14,164 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, with a minimum front yard setback from Fiske Road of 23.6 feet. The existing garage has a minimum side yard setback of 11.5 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 and construction of a two-story structure that will meet all setback and height requirements, on a 14,164 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, Infiltration Detail, Basement TLAG Exemption Plan, Allowable Height Calculation Plan, & Tree Bylaw Mitigation Plan, dated 4/7/15, stamped by Bradley J. Simonelli, Professional Land Surveyor, Proposed Floor Plans and Elevation Drawings and First & Second Floor TLAG Plans, dated 4/7/15, prepared by DNA Architecture LLC, and a photograph were submitted.

On May 4, 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 that will meet all setback and height requirements, on a 14,164 square foot corner lot in a Single Residence District in which the minimum lot size is 15,000 square feet 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 that will meet all setback and height requirements, on a 14,164 square foot corner lot in a Single Residence District in which the minimum lot size is 15,000 square feet, 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.

2015 MAY 21 10:22:10
PLANNING BOARD
CITY OF BOSTON
DEVELOPMENT DEPARTMENT

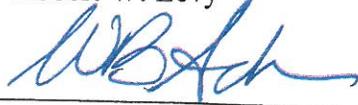
ZBA 2015-42
Petition of Dennis & Charlotte Brown
44 Emerson Road

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02452
2015 MAY 21 P 12:11

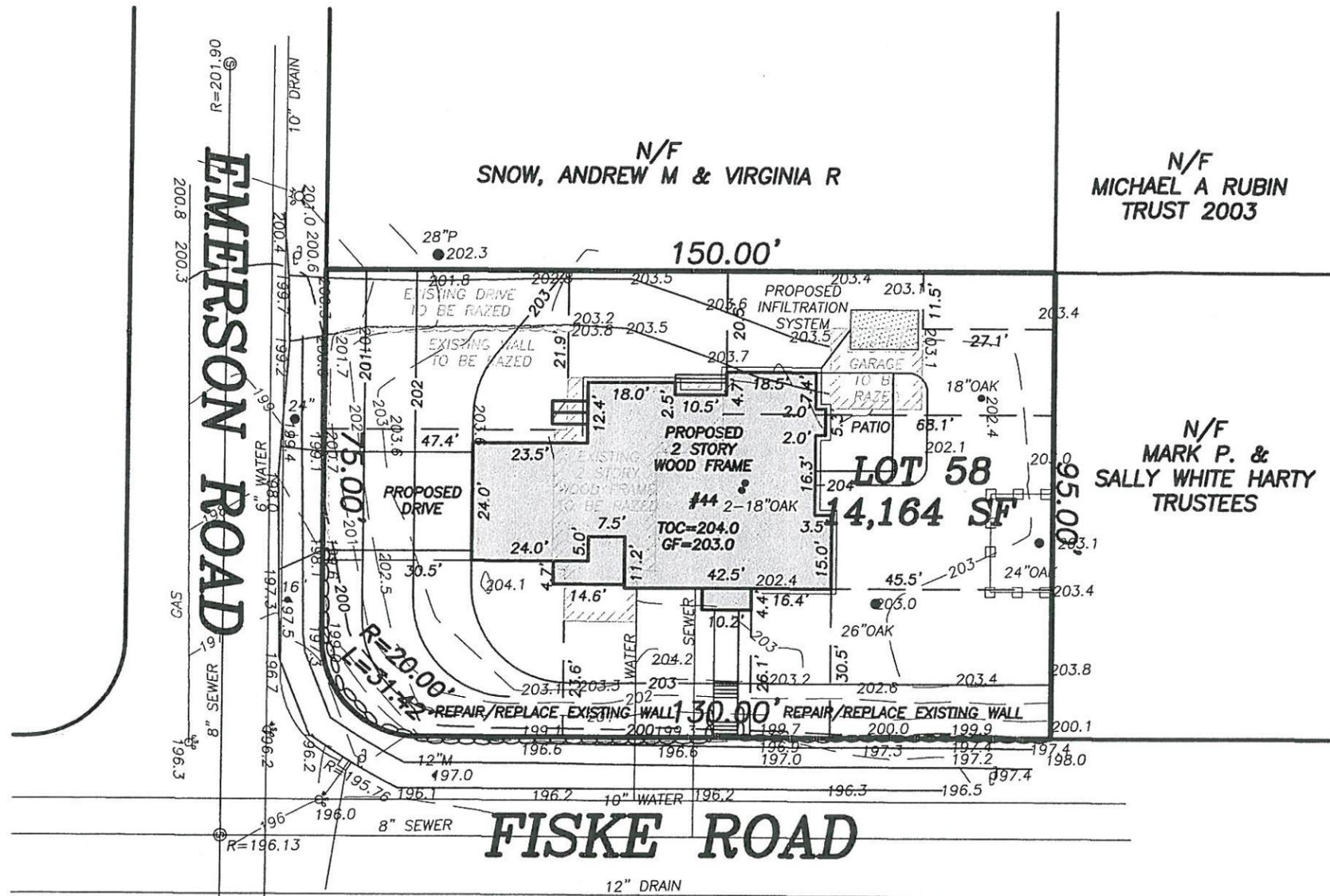
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.


Richard L. Seegel, Chairman


Robert W. Levy


Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm



EXISTING BUILDING COVERAGE = 10.4%
 PROPOSED BUILDING COVERAGE = 18.9%
 EXISTING BUILDING COVERAGE = 1,466 SF
 PROPOSED BUILDING COVERAGE = 2,676 SF

INCREASED BUILDING FOOTPRINT = 1,210 S.F.

$(1,278 \text{ S.F.} \times 1") / 12 = 100.8 \text{ Cu. Ft.}$

MITIGATED WITH 2 CULTEC CONTRACTOR 150 XLHD RECHARGER DRYWELL CHAMBERS (OR SUITABLE REPLACEMENT) CAPACITY OF 53.79 CU FT EACH. RECHARGE WILL MITIGATE COMPLETELY FOR THE ADDITIONAL PROPOSED FOOTPRINT SEE DRYWELL DETAIL FOR SPECIFICATIONS AND PLAN FOR LOCATIONS. LOCATIONS AS SHOWN MAY BE ADJUSTED AFTER SOIL TEST PITS ARE PERFORMED PRIOR TO CONSTRUCTION.

RECEIVED
 TOWN CLERK'S OFFICE
 WELLESLEY MA 02482
 2015 APR 21 P 12:01

ZONING INFORMATION: SINGLE RESIDENCE 15 (SR15)

	BYLAW	EXISTING	PROPOSED
MINIMUM LOT AREA	15,000 SF	14,146 SF	14,146 SF
MINIMUM LOT FRONTAGE	60 FEET	130 FEET	130 FEET
MINIMUM FRONT SETBACK	30 FEET*	23.6 FEET	30.5 FEET
MINIMUM SIDE YARD	20 FEET	68.1 FEET(10.8)	45.5 FEET
MINIMUM REAR YARD	15 FEET	21.9 FEET(11.5)	20.5 FEET
MAXIMUM BUILDING COVERAGE	2832 SF (20%)	10.4%	18.8%
MAXIMUM BUILDING HEIGHT	36 FEET	27.1 FEET	29.9 FEET
MAXIMUM BUILDING HEIGHT	2 1/2 STORIES		

*FRONT SETBACK DETERMINED BY 500 FOOT RULE



ZONING BOARD OF APPEALS
 SPECIAL PERMIT PLAN
 44 EMERSON ROAD
 WELLESLEY, MASS.

Field Resources, Inc.
 LAND SURVEYORS

APRIL 7, 2015 SCALE 1"=30'
 P.O. BOX 324 281 CHESTNUT ST.
 AUBURN, MA NEEDHAM, MA.
 508 832 4332 781 444 5936
 fieldresources@hotmail.com

020-15 ZONING INFORMATION: SINGLE RESIDENCE 15 (SR15)

MAP 29 PARCEL 26



ZONING BOARD OF APPEALS

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RICHARD L. SEEDEL, CHAIRMAN
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ROBERT W. LEVY
 WALTER B. ADAMS
 DEREK B. REDGATE

ZBA 2015-42 - Modified
 Petition of Dennis & Charlotte Brown
 44 Emerson Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 9, 2015, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of DENNIS & CHARLOTTE BROWN requesting modification of a previously approved Special Permit that was granted on May 21, 2015, pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that relocation of the patio from the right side of the house to the rear of the house, on a 14,164 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 44 EMERSON ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 22, 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 David Silverstein, Principal, Copper Leaf Development LLC.

Mr. Himmelberger said that this Board sat and heard a request for modification of a special permit that was previously granted. He said that the Board voted on May 7, 2015 to accept the proposed modifications but had questions about a change in the patio location from the side of the house to the rear of the house. He said that the Board was concerned that the abutter on that side had not been notified. He said that the Board re-noticed a hearing for the patio. He said that the abutter is present at the hearing. He said that he believed that she is in accord with the proposed modification to the patio.

Mr. Himmelberger said that the last proposed modification had the patio going straight out to the property line. He said that it has been pulled in from the property line and extended along the breadth of the house. He said that his client is prepared to plant significant arbor vitae along the property line for further screening from the abutter.

Mr. Himmelberger said that the request is for a vote that the proposed modification may be granted as a modification to the prior special permit.

A Board member said that he appreciated that the Applicant took the extra step. He said that he thought that it was important for the neighbor to know about the proposed patio, even though patios are not specifically regulated. He said that he appreciated that the neighbor is present at the hearing. He asked the neighbor to identify herself for the record. Virginia Snow, 40 Emerson Road, identified herself.

2015 JUL 23 P 3:41
 OFFICE OF THE
 CLERK OF THE
 ZONING BOARD OF APPEALS
 TOWN OF WELLESLEY, MA

Statement of Facts

The subject property is located at 44 Emerson Road, on a 14,164 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, with a minimum front yard setback from Fiske Road of 23.6 feet. The existing garage has a minimum side yard setback of 11.5 feet.

The Petitioner is requesting modification of a previously approved Special Permit that was granted on May 21, 2015, pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that relocation of the patio from the right side of the house to the rear of the house, on a 14,164 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 4/7/15, revised 6/2/15 & 6/10/15, stamped by Bradley J. Simonelli, Professional Land Surveyor, and photographs were submitted.

On July 7, 2015, the Planning Staff 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 previously approved Special Permit that was granted on May 21, 2015, pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that relocation of the patio from the right side of the house to the rear of the house, on a 14,164 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 modification of a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for relocation of the patio from the right side of the house to the rear of the house, on a 14,164 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.

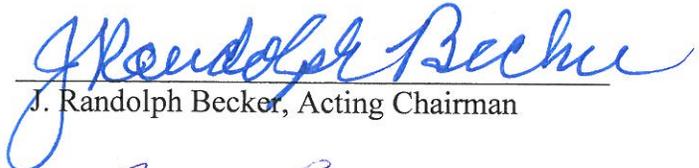
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

2015 JUL 23 PM 1:11
PLANNING DEPARTMENT
CITY OF BOSTON

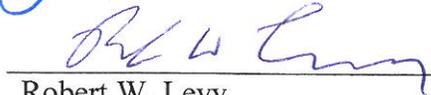
ZBA 2015-42 - Modified
Petition of Dennis & Charlotte Brown
44 Emerson Road

FILED
TOWN CLERK'S OFFICE
WELLESLEY MA 02158
2015 JUL 23 P 3:44

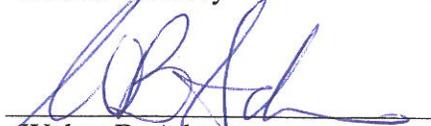
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
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OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



J. Randolph Becker, Acting Chairman

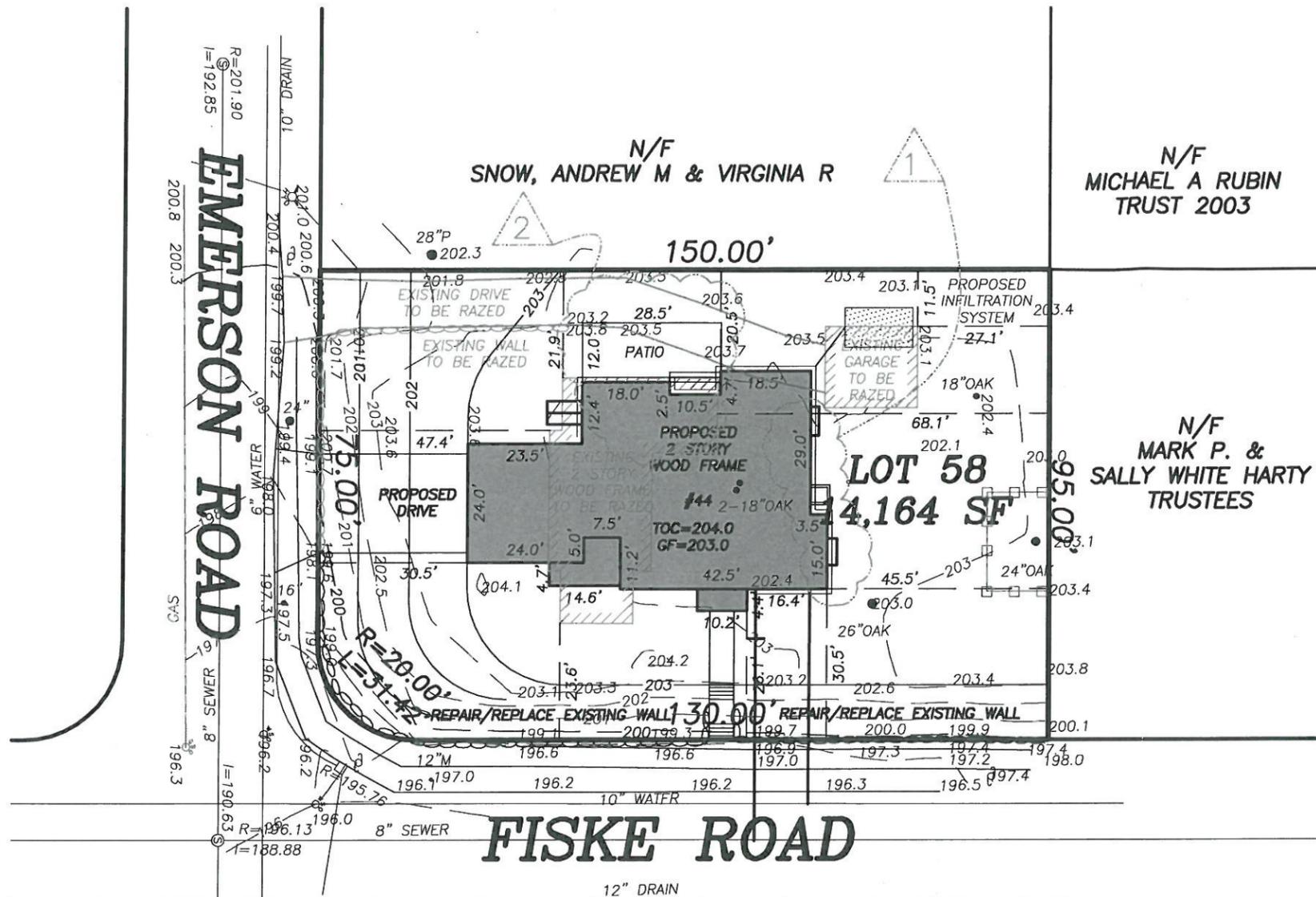


Robert W. Levy



Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm



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15 JUN 22 P 2:28
 FIELD RESOURCES, INC.
 WELLESLEY, MA 02452

ZONING INFORMATION: SINGLE RESIDENCE 15 (SR15)

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*FRONT SETBACK DETERMINED BY 500 FOOT RULE

MAP 29 PARCEL 26

ZONING INFORMATION: SINGLE RESIDENCE 15 (SR15)

020-15



ZONING BOARD OF APPEALS
 SPECIAL PERMIT PLAN
 44 EMERSON ROAD
 WELLESLEY, MASS.

Field Resources, Inc.
 LAND SURVEYORS

APRIL 7, 2015 SCALE 1"=30'
 P.O. BOX 324 281 CHESTNUT ST.
 AUBURN, MA NEEDHAM, MA.
 508 832 4332 781 444 5936
 fieldresources@hotmail.com

JUNE 10, 2015
 REVISED: JUNE 2, 2015