



ZONING BOARD OF APPEALS

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

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ZBA 2015-73
 Petition of Frederic Sherman
 18 Willow Park

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 10, 2015, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of FREDERIC SHERMAN 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 that will meet all setback requirements, on a 10,784 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, at 18 WILLOW PARK, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On August 24, 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 Laurence Shind, Esq., and Roger Kane, Principal, Kane Built, Inc.

Mr. Shind said that the request is for a special permit/finding to allow reconstruction of a new home. He said that the current property is an undersized lot of 10,784 square feet in a district in which the minimum lot size is 15,000 square feet.

Mr. Shind said that the existing house was built in 1951. He said that it is a small outdated ranch with 1,000 square feet of living area. He said that lot coverage is at just under 10 percent. He said that the new structure will fully comply with Zoning requirements. He said that the total finished TLAG will be 3,487 square feet including 400 square feet of attic space. He said that the first and second floors will have 3,100 square feet of living area.

Mr. Shind said that lot coverage will increase to 17.25 percent, which is under the 20 percent allowed. He said that the 3,487 square foot TLAG will be well within the threshold for the district, which is 4,300 square feet. He said that the Planning Board noted that this lot is more representative of a 10,000 square foot district. He said that the TLAG is below the threshold for that district as well.

Mr. Shind said that this neighborhood has been transitioning from small capes and ranches to a mix of new and larger homes. He said that he believes that the proposed construction is consistent with that trend.

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The Board asked about the remains of old steps shown on the plot plan. The Board asked if there is an easement on the property. Mr. Shind said that he had not done any title work. He said that he was aware of the notation on the plot plan. The Board said that if there is an easement it will affect where they can put a house and how much they can build. The Board said that a condition will be that this decision will not go to the Town Clerk until certification from an attorney from a conveyancing office confirming that there is no easement on the property is submitted.

The Board discussed the Planning Board recommendation.

The Board said that there are probably two or three identical buildings around Wellesley. Mr. Kane said that it is a 3,000 square foot home. He said that is a common size that there is a demand for. The Board said that the neighborhood has already started its transition.

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 18 Willow Park, on a 10,784 square foot lot in a Single Residence District in which the minimum lot size is 15,000 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 that will meet all setback requirements, on a 10,784 square foot 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.

Letter of Authorization, dated 7/15/15, signed by Frederic G. Sherman, Existing Plot Plan and Proposed Plot Plan, dated 8/12/15, stamped by Alfred M. Berry, Professional Land Surveyor, Setback Plot Plan, dated 8/20/15, prepared by Foresite Engineer, Letter to Michael Grant, Wellesley Building Inspector, dated 8/5/15, re: 500-foot Rule, Proposed Floor Plans and Elevation Drawings, dated 7/15/15, revised 8/12/15, prepared by Alicia B. Macy, Architect, and photographs were submitted.

On September 9, 2015, the Planning Board reviewed the petition and recommended that the Zoning Board of Appeals approve the special permit subject to a condition.

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 structure and construction of a new two-story structure that will meet all setback requirements, on a 10,784 square foot 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 structure and construction of a new two-story structure that will meet all setback requirements, on a 10,784 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, subject to the following condition:

- Certification from a conveyancing attorney's office confirming that the title is free of a right of way shall be submitted before the Board takes formal action.

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.

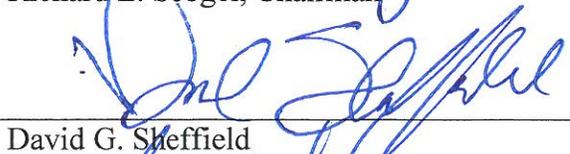
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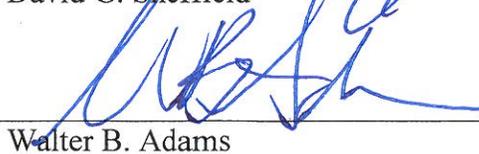
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18 Willow Park

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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


Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm



BURKE LANE
PUBLIC WAY



N/F
MARIE A. FLAHERTY
MAP 10 LOT 31
14 WILLOW PARK

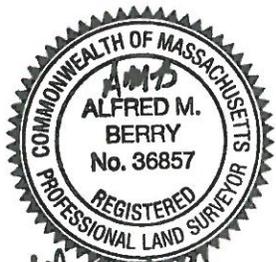
N/F
YOUNG KIM & SUK CHIN YI
MAP 10 LOT 33
22 WILLOW PARK

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WILLESLEY MA 02482
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SITE DATA

18 WILLOW PARK, WELLESLEY
RECORD OWNERS: FREDERIC G. SHERMAN &
JUDITH MISHARA
ASSESSORS MAP 10 LOT 32
DEED BOOK 8453 PAGE 449
PLAN NO. 966 OF 1950
ZONE SRD 15 - TABLE 1

FRONT YARD: 30-FT
SIDE YARD: 20-FT
REAR YARD: 15-FT
MAX. TLAG = 4,300 S.F. (WITHOUT LHR)
MAX. LOT COVERAGE = THE GREATER OF 20% OF
LOT AREA OR 2,500 SQ.FT.



Alfred M. Berry

**EXISTING PLOT PLAN
18 WILLOW PARK
WELLESLEY, MASSACHUSETTS**

PREPARED FOR:
KANE BUILT, INC.
P.O. BOX 620-636
NEWTON LOWER FALLS, MA 02462

DATE: AUGUST 12, 2015
SCALE: 1"=40'

www.foresitel.com



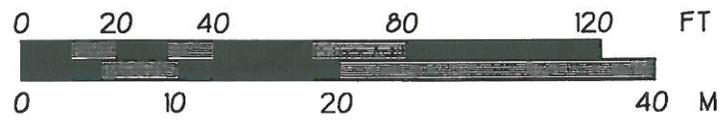
**FORESITE
ENGINEERING**
ENGINEERING SURVEYING PLANNING

16 Gleasondale Road Suite 1-1
Stow, Massachusetts 01775

Phone: (978)461-2350

1915EX.2D

GRAPHIC SCALE





BURKE LANE
PUBLIC WAY

BAY WINDOW 10.33' X 1.00'

REMAINS OF
OLD STEPS

21.99'



LOT 8
AREA=10,784 S.F.
PROP. LOT COVERAGE
= 1,060 SF = 17.25%

N/F
YOUNG KIM & SUK CHIN YI
MAP 10 LOT 33
22 WILLOW PARK

CHIMNEY 5.00' X 1.83'

#18
PROP. DWELLING
TOC = 97.0
BF = 89.0

PROPOSED DWELLING HEIGHT
PROPOSED TOC = 97.0
AVERAGE NATURAL GRADE (ANG) = 95.4
PROPOSED HEIGHT ABOVE TOC = 29.17'
PROPOSED HEIGHT ABOVE ANG = 30.77'

BAY WINDOW 10.33' X 1.00'

N/F
MARIE A. FLAHERTY
MAP 10 LOT 31
14 WILLOW PARK

PORTICO 8.00' X 4.00'
(32 SQ.FT.)

WILLOW PARK
PUBLIC WAY - 50-FT WIDE

EDGE OF PAVEMENT

2015 AUG 24 A 9:39
TOWN OF WILLOW PARK
WILLESLEY MA 02452
REC'D FOR THE

SITE DATA

18 WILLOW PARK, WELLESLEY

RECORD OWNERS: FREDERIC G. SHERMAN &
JUDITH MISHARA

ASSESSORS MAP 10 LOT 32

DEED BOOK 8453 PAGE 449

PLAN NO. 966 OF 1950

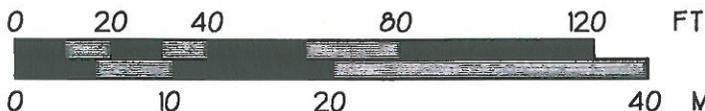
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GRAPHIC SCALE

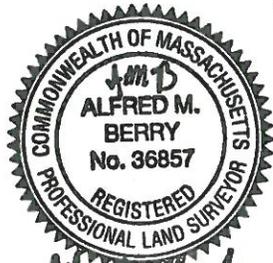


PROPOSED PLOT PLAN
18 WILLOW PARK
WELLESLEY, MASSACHUSETTS

PREPARED FOR:
KANE BUILT, INC.
P.O. BOX 620-636
NEWTON LOWER FALLS, MA 02462

DATE: AUGUST 12, 2015
SCALE: 1"=40'

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Alfred M. Berry



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KERTZMAN & WEIL, LLP
40 Grove Street
Wellesley, MA 02482

Laurence D. Shind
Email: larry@kertzmanweil.com

Phone: 781-237-8701
Fax: 781-237-6361

September 17, 2015

BY EMAIL
Zoning Board of Appeals
Town of Wellesley Town Hall
525 Washington Street
Wellesley, MA 02482

Re: Special Permit/Finding Application, 18 Willow Park (the "Property")

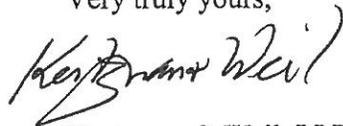
Dear Board Members:

As requested, this office has reviewed the title to the above-captioned property relative to the question posed at the September 10, 2015 hearing relating to a possible easement for the remains of the old stairs shown on the plot plan from Foresite Engineering dated August 12, 2015. Based on our title review, we hereby certify that there are no recorded easements over the property to use any portion of the land. The only exceptions to title are an outstanding first mortgage and takings by the Town of Wellesley for sewer construction and the layout of Willow Park and Burke Lane.

In our examination of the title, we have assumed the authenticity of all documents submitted to us. We express no opinion except as specifically stated herein, and we express no opinion as to the laws of any state or jurisdiction other than the laws of the Commonwealth of Massachusetts.

This opinion is for your exclusive use and may not be relied upon by any other person or entity.

Very truly yours,

 By:  Laurence D. Shind
Kertzman & Weil, LLP

cc: Roger Kane