



ZONING BOARD OF APPEALS

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

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 DEREK B. REDGATE

ZBA 2015-87
 Petition of Gary McCabe
 22 Dunedin Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 5, 2015, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of GARY McCabe 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 new two-story structure that will meet all setback requirements, on a 10,879 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, at 22 Dunedin Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On October 20, 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 Gary McCabe, the Petitioner, and John Burke, Esq.

Mr. McCabe said that Dunedin Road was named after his great-great grandfather from a homeland in Scotland.

Mr. Burke submitted photographs of the existing property at 22 Dunedin Road. He said that it is an existing nonconforming single family house. He said that the intention is to construct a new house. He said that the structure and lot are pre-existing nonconforming. He said that the property is located in a 15,000 square foot Single Residence District. He said that the lot size is 10,879 square feet. He said that the front yard setback is less than required from Dunedin Road. He said that the house was built in 1947 and has four bedrooms and 1.5 bathrooms, with a one-car attached garage, for approximately 1,371 square feet of living area. He said that it is serviced by all town utilities. He said that the new single family house will have 3,563 square feet of living area with five bedrooms, 3.5 bathrooms and an attached two-car garage. He said that the two existing sheds will be removed. He said that lot coverage will increase from 12.9 percent to 20.6 percent, which is under the limit. He said that the proposed house will conform to all dimensional requirements of the Zoning Bylaw. He said that it will conform to TLAG for a 10,000 square foot Single Residence District. He said that it will not be a highly aggressive plan for the lot.

Mr. Burke said that the pictures that he submitted show a small house with a right of way on the right side that services a property at the back. He said that property has frontage on McLean Street on the other side.

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Mr. Burke said that the pictures that he submitted show adjacent structures on Dunedin Road. He said that there have been a number of renovations already done in the neighborhood. He said that the average square footage is approximately 4,000 square feet. He said that this will be slightly smaller.

Mr. Burke said that the request is for a special permit, pursuant to Section XVII B of the Zoning Bylaw and Section 6 of MGL Chapter 40A, for the reconstruction of the building in accordance with the plans. He said that the request is that the Board find that the proposed reconstruction will not intensify an existing nonconformity, will not create additional nonconformities, or being substantially more detrimental to the neighborhood than the existing nonconforming house and lot. He said that the project should qualify for relief because it will not increase or create any nonconformities. He said that it will be consistent with recently constructed and renovated houses in the neighborhood and will be in harmony with the bylaw.

A Board member said that there are two driveways to the right of the property, looking in from the street. He said that the one closest to the house has a retaining wall. He asked who owns the retaining wall. He said that it seems to be in disrepair. Mr. McCabe said that there is a long shared driveway to 26 and 30 Dunedin Road. He said that the retaining wall is not on the 22 Dunedin Road property.

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 22 Dunedin Road, on a 10,879 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, with a minimum front yard setback of 29.8 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 nonconforming structure and construction of a new two-story structure that will meet all setback requirements, on a 10,879 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.

Existing Conditions Plot Plan, dated 10/7/15, Proposed Z.B.A Plot Plan, dated 10/8/15, revised 10/13/15, stamped by Robert A. Gemma, Professional Land Surveyor, and Proposed Floor Plans and Elevation Drawings, dated 10/5/15, prepared by Chadwick Homes, LLC, and photographs were submitted.

On November 5, 2015, the Planning Board reviewed the petition and recommended that the Board approve the Special Permit.

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.

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ZBA 2015-87
Petition of Gary McCabe
22 Dunedin Road

It is the opinion of this Authority that demolition of an existing nonconforming structure and construction of a new two-story structure that will meet all setback requirements, on a 10,879 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 nonconforming structure and construction of a new two-story structure that will meet all setback requirements, on a 10,879 square foot 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.

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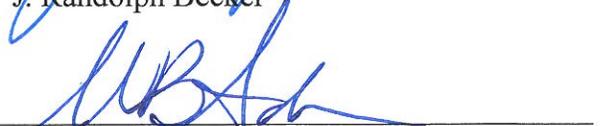
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Petition of Gary McCabe
22 Dunedin Road

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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

N/F
THE STELLA E. SMITH TRUST
ASSESSORS MAP 11, LOT 27
DEED BOOK 12163, PAGE 395

N/F
DANIEL SHEVITZ & LAURA
SMILOWITZ
ASSESSORS MAP 11, LOT 30
DEED BOOK 11535, PAGE 178

EXISTING CONDITIONS PLOT PLAN

IN

WELLESLEY, MASS.

SCALE: 1" = 20'

DATE: OCTOBER 7, 2015

LOCATION: 22 DUNEDIN ROAD

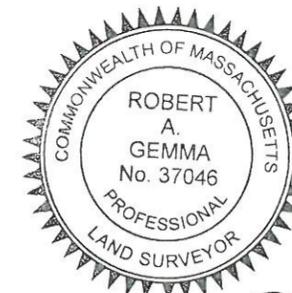
PREPARED FOR: CHADWICK PROPERTIES

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ENGINEERS & SURVEYORS:

MWE

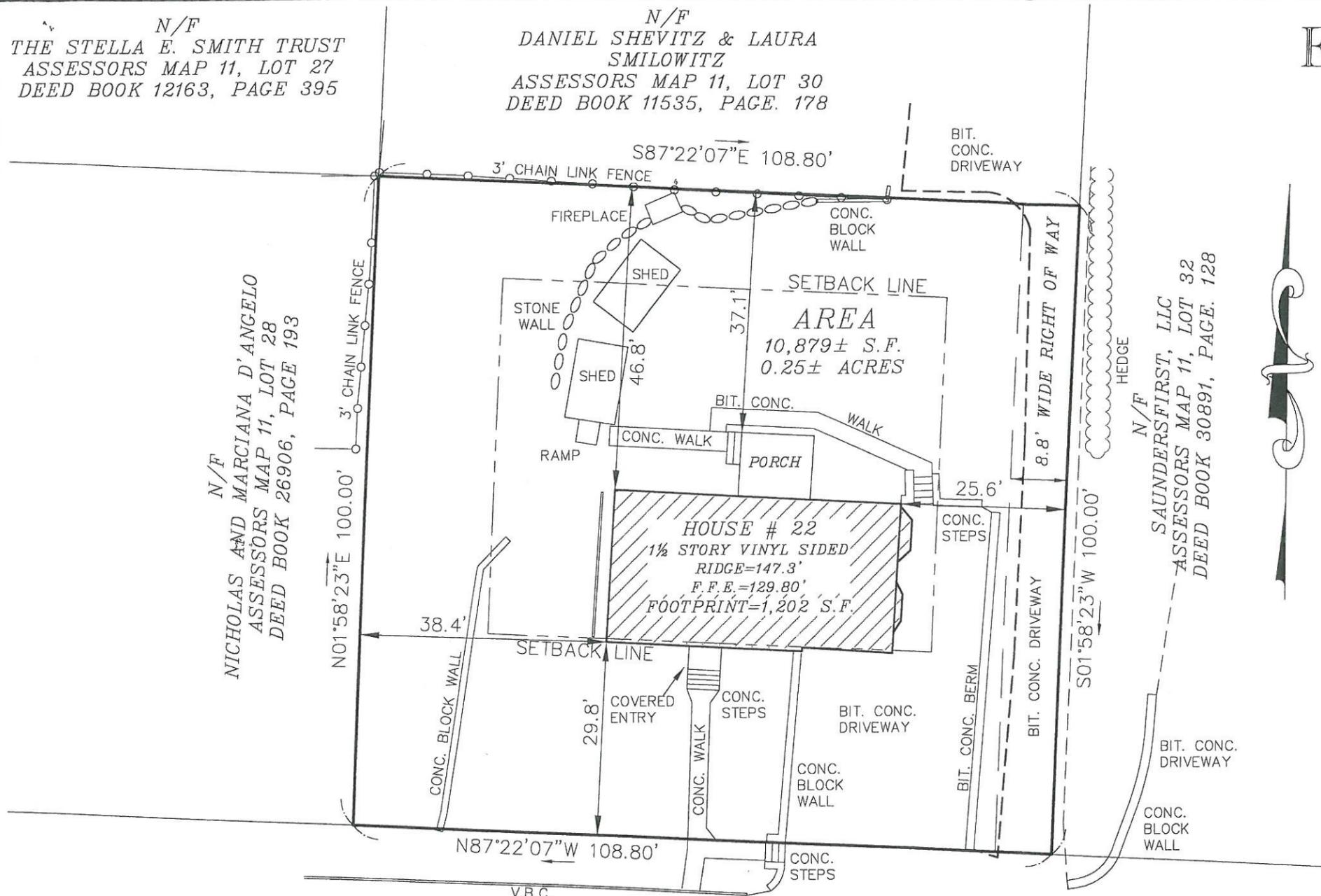
METROWEST ENGINEERING, INC.
75 FRANKLIN STREET
FRAMINGHAM, MA 01702
ROBERT A. GEMMA, PLS 37046



Robert A. Gemma
10/8/15

N/F
NICHOLAS AND MARCIANA D'ANGELO
ASSESSORS MAP 11, LOT 28
DEED BOOK 26906, PAGE 193

N/F
SAUNDERSFIRST, LLC
ASSESSORS MAP 11, LOT 32
DEED BOOK 30891, PAGE 128



DUNEDIN ROAD (PUBLIC-40' WIDE)

ZONING:

SINGLE RESIDENCE 15

MINIMUM AREA= 15,000 SQUARE FEET
MINIMUM FRONTAGE= 60 FEET
SETBACKS:

FRONT YARD= 30.3 FEET*
SIDE YARD= 20 FEET
REAR YARD= 15 FEET
MAXIMUM HEIGHT= 36 FEET
MAXIMUM LOT COVERAGE= GREATER OF 20% OR 2,500 S.F.

* SETBACK BASED ON EXISTING HOUSE SETBACKS FOR 500' OF FRONTAGE:

HOUSE #22=29.8'
HOUSE #32=30.3'
HOUSE #36=39.1'
HOUSE #40=32.8'

IMPERVIOUS AREAS

EXISTING BUILDING COVERAGE = 1,403 S.F. (12.9% OF LOT AREA)
OTHER IMPERVIOUS SURFACES = 2,224 S.F.
TOTAL IMPERVIOUS COVERAGE= 3,627 S.F.

I CERTIFY THAT THE LOT SHOWN AND THE EXISTING HOUSE THEREON PREDATE THE AREA AND SETBACK REQUIREMENTS OF THE TOWN OF WELLESLEY ZONING BYLAWS.

I CERTIFY THAT THE LOT SHOWN AND THE EXISTING HOUSE THEREON ARE NOT WITHIN THE FEDERAL FLOOD HAZARD AREA.

N/F
THE STELLA E. SMITH TRUST
ASSESSORS MAP 11, LOT 27
DEED BOOK 12163, PAGE 395

N/F
DANIEL SHEVITZ & LAURA
SMILOWITZ
ASSESSORS MAP 11, LOT 30
DEED BOOK 11535, PAGE. 178

PROPOSED Z.B.A. PLOT PLAN

IN
WELLESLEY, MASS.

SCALE: 1" = 20'

DATE: OCTOBER 8, 2015

REVISED: OCTOBER 13, 2015

LOCATION: 22 DUNEDIN ROAD

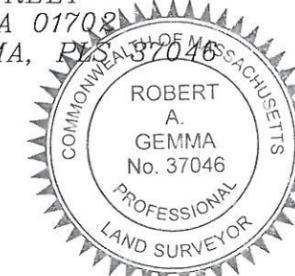
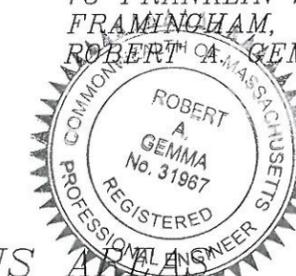
PREPARED FOR: CHADWICK PROPERTIES

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ENGINEERS & SURVEYORS:

MWE

METROWEST ENGINEERING, INC.
75 FRANKLIN STREET
FRAMINGHAM, MA 01702
ROBERT A. GEMMA, P.E. No. 37046



[Handwritten Signature]
10/13/15

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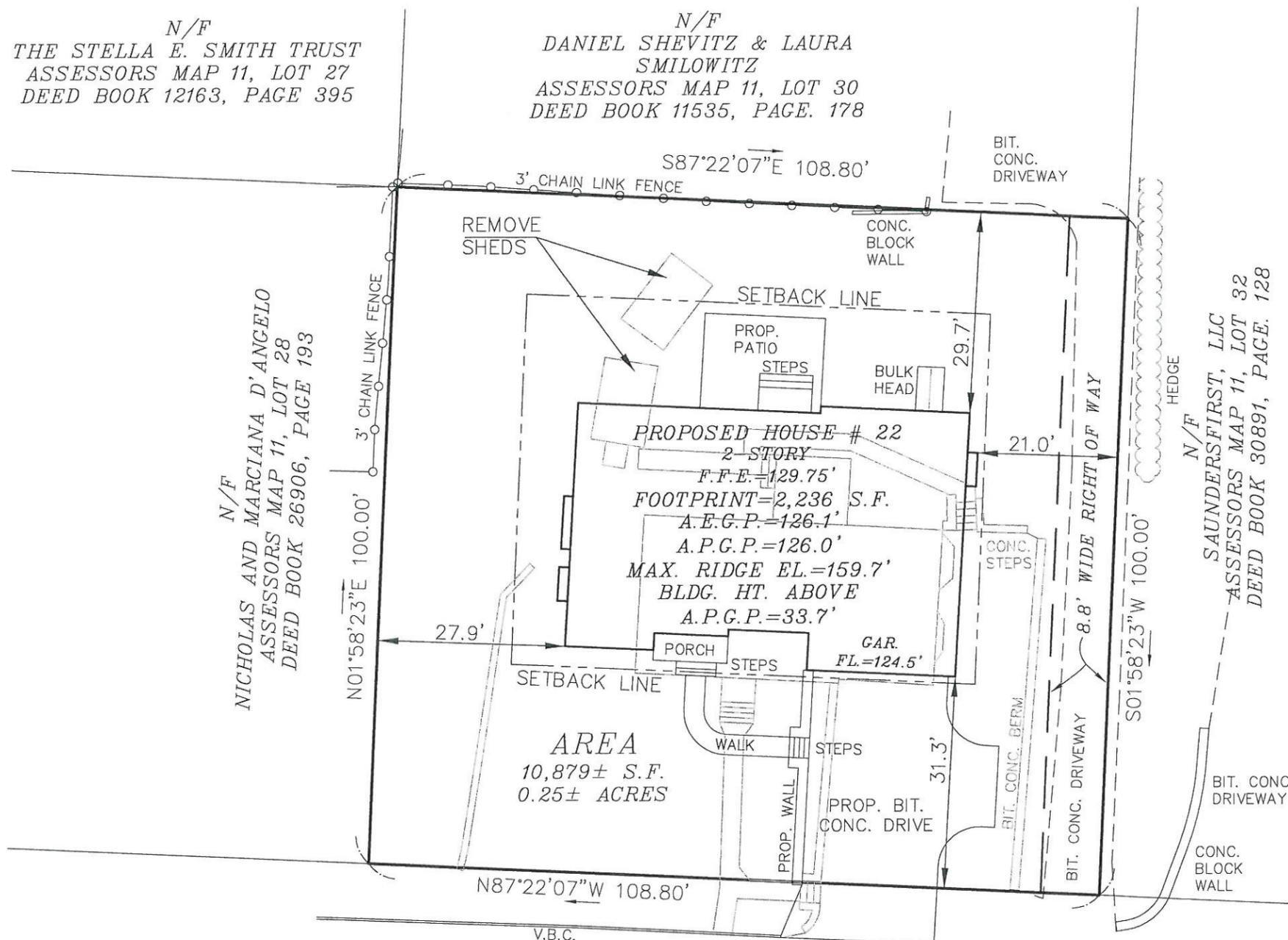
PROPOSED BUILDING COVERAGE = 2,236 S.F. (20.6% OF LOT AREA)
OTHER IMPERVIOUS SURFACES = 1,798 S.F.
TOTAL IMPERVIOUS COVERAGE = 4,034 S.F.

I CERTIFY THAT THE LOT SHOWN PREDATES THE EXISTING AREA REQUIREMENT OF THE WELLESLEY ZONING BYLAWS AND THE PROPOSED HOUSE THEREON CONFORMS TO THE DIMENSIONAL REQUIREMENTS OF THE TOWN OF WELLESLEY ZONING BYLAWS.

I CERTIFY THAT THE LOT SHOWN AND THE EXISTING HOUSE THEREON ARE NOT WITHIN THE FEDERAL FLOOD HAZARD AREA.

N/F
NICHOLAS AND MARCIANA D'ANGELO
ASSESSORS MAP 11, LOT 28
DEED BOOK 26906, PAGE 193

N/F
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