



ZONING BOARD OF APPEALS

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

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ZBA 2015-90
 Petition of Gustaf & Barbara West
 6 Vane Street

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 Gustaf & Barbara West 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 garage, retaining wall and driveway, and construction of a new two-story structure that will meet all setback requirements, on a 9,469 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, at 6 Vane Street, 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 was David Silverstein, 6 Vane Street LLC, representing Gustaf and Barbara West, the Petitioner.

Mr. Silverstein said that he is a resident at 17 Framar Road. He said that the request is for a special permit for a new house at 6 Vane Street that will comply with Zoning regulations. He said that the lot is nonconforming due to size. He said that the house is located in a 10,000 square foot Single Residence District and the lot is 9,469 square feet. He said that the proposed house will be a two-story, four bedroom residence, slightly more than 3,500 square feet above grade in a zone that allows for 3,600 square feet above grade.

Mr. Silverstein said that the house will comply with all Zoning setbacks and building height. He said that he discussed the plans with all of the abutters and spoke with the neighbors across the street. He said that he has had positive feedback from the neighbors. He said that he discussed grading, stormwater management, and tree bylaw mitigation. He said that the property has been reviewed by the Wetlands Protection Committee (WPC), who issued an Order of Conditions. He said that the property is located in the 200 foot outer riparian zone from Fuller Brook. He said that he designed the stormwater infiltration to account for the 100-year storm. He said that he spoke with the neighbor to the right whose property is slightly lower.

Michael Zehner, Planning Director, said that the proportional reduction for the TLAG threshold with respect to the lot size exceeds it by 180 square feet. He said that typically the Planning Board would ask that the Zoning Board look at landscaping, stormwater and lighting impacts. He said that only two trees

will be removed. He said that the project will be subject to planting new trees under the Tree Protection Bylaw. He said that some of the tree removal is under the jurisdiction of the WPC. A Board member said that he did not agree with the Planning Board practice of proportional reduction for TLAG.

Mr. Silverstein said that he did not have a specific lighting plan for this property. He said that he has built a number of houses in town and has made a point of using more dark sky lighting. He said that garage lighting is always a down light. He said that he can use down lighting at the front door and at any exterior egresses. He said that there is no landscape lighting planned. The Chairman said that landscape lighting would have been the major concern. He said that they are small lots and exterior lighting would have an effect on neighbors.

A Board member said that even though the TLAG is just a little over 3,500 square feet, the renovated house is only about 1.6 times as large as the existing house. He said that is less than the average increase that the Board typically sees. Mr. Silverstein said that he always tries to bring the scale and massing brought down as much as possible. He said that the Architect did a nice job using craftsman architecture to bring the roof line down through the second floor.

A Board member clarified that the project is a demolition and reconstruction, not an alteration.

Tim Baldwin, 45 Ingraham Road, said that he lives on the right side of the proposed property. He said that he has lived there since 1991. He said that he made some additions and went before ZBA for special permits over the years. He said that had a good relationship with the previous owners. He said that they shared a property line, trees and a fence. He said that he pruned the trees on his side. He said that one of his trees is cabled. He said that he has spent considerable sums to keep the trees from hanging over the house and causing property damage.

Mr. Baldwin said that he asked the previous owner to repair fence but he was not willing to do that. Mr. Baldwin said that he offered to fix it himself. He said that his concern is that the fence is a retaining wall. He said that the property at 6 Vane Street slopes as you move back from the Street. He said that the elevation change is approximately seven to eight inches. He said that there is a garden on his side of the fence. He said that the fence does not do a lot to keep the soil from eroding. He said that if the fence and two trees are taken down, there could be significant erosion. He requested that the builder raise the elevation at 6 Vane Street as it slopes back or put in something that would retain the elevation on Mr. Baldwin's property.

Mr. Silverstein said that he had a conversation with Mr. Baldwin on site. He said that the grade will be coming up. He said that they can plant groundcover to help retain the soil and help mitigate erosion. The Chairman asked if something could be built there to prevent erosion from Mr. Baldwin's property. Mr. Baldwin said that his property is higher. He said that the trees that are on the shared property will be in danger if the soil erodes away from the root system.

Mr. Silverstein said that the trees in question are Norway Maples, which are extremely hardy. He said that it is an invasive tree that is not allowed to be planted as part of the Tree Preservation Bylaw. He said that their root systems preclude anything else from growing around them. A Board member confirmed that the trees in question are at the left lot line, not the ones at the northeast corner.

A Board member said that the easiest solution is to raise the grade up so that it is level with the neighbors. Mr. Silverstein said that there should not be much of a grading difference when they are done.

A Board member asked about the elevation change between 6 Vane Street and the property at the rear on Dover Road. He asked if it would be possible to fill it in so that all of the properties are level. Mr. Baldwin said that the elevation difference starts from approximately one-third of the way back. He said that the fence begins to act as a retaining wall. A Board member confirmed that the fence is holding back soil on Mr. Baldwin's property. He said that the grading plan shows that the grade will be coming up on that side. The Chairman said that Mr. Silverstein will be doing Mr. Baldwin a favor by raising the grade on his property.

The Chairman said that Mr. Silverstein and Mr. Baldwin will have to work together on this. He said that Norway maples are an invasive species but they are there. He said that one will be coming out.

Mr. Baldwin said that he has a deck out back that is probably 40 feet away from the demolition. He asked about the process for ensuring that demolition will not affect his property with respect to dust. He said that his family eats out on the deck. The Chairman said that during demolition they will have to keep it watered down all of the time so that there is no dust or debris flying around. Mr. Silverstein said that there is a process where he will get a temporary water meter from the Town to water down during demolition. The Board said that it will impose a condition that watering down must be done during demolition.

Mr. Baldwin asked when demolition will take place. The Board said that it will not take long to demolish the existing house.

A Board member said that it is in both Mr. Silverstein's and Mr. Baldwin's interests to cause the least damage to the properties by raising the grade so that they are equal. He said that a retaining wall would be much more disruptive because they would have to excavate soil, which would pose a greater risk to Mr. Baldwin's garden and property. He said that the Board would impose a condition that the grade will be altered so the properties are equal at the side back to the corner. Mr. Silverstein said that the grading plan that was submitted accounts for that.

The Board recommended that Mr. Silverstein let Mr. Baldwin know when he plans to start demolition.

Statement of Facts

The subject property is located at 6 Vane Street, on a 9,469 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with a minimum front yard setback of 22.7 feet. The existing garage has less than required right side yard setbacks.

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 garage, retaining wall and driveway, and construction of a new two-story structure that will meet all setback requirements, on a 9,469 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 10/13/15, stamped by Bradley J. Simonelli, Professional Land Surveyor, Proposed Floor Plans and Elevation Drawings, dated 8/18/15, prepared by DNA Architecture LLC, and photographs were submitted.

On November 2, 2015, the Wetlands Protection Committee issued an Order of Conditions, MassDEP File #:324-0802.

On November 5, 2015, the Planning Board reviewed the petition and recommended that the Board defer action on the application until the TLAG for the altered home is presented.

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 garage, retaining wall and driveway, and construction of a new two-story structure that will meet all setback requirements, on a 9,469 square foot lot in a Single Residence District in which the minimum lot size is 10,000 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 garage, retaining wall and driveway, and construction of a new two-story structure that will meet all setback requirements, on a 9,469 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, subject to the following conditions:

1. The grades shall be altered so that the properties at 6 Vane Street and 45 Ingraham Road are equal at the side, back to the corner of the properties.
2. Watering down must be done during demolition so that there is no dust or debris flying around.

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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WELLS RILEY MA 02448
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ZBA 2015-90
Petition of Gustaf & Barbara West
6 Vane Street

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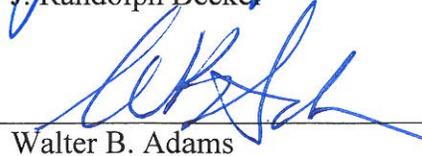
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



Richard L. Seegel, Chairman



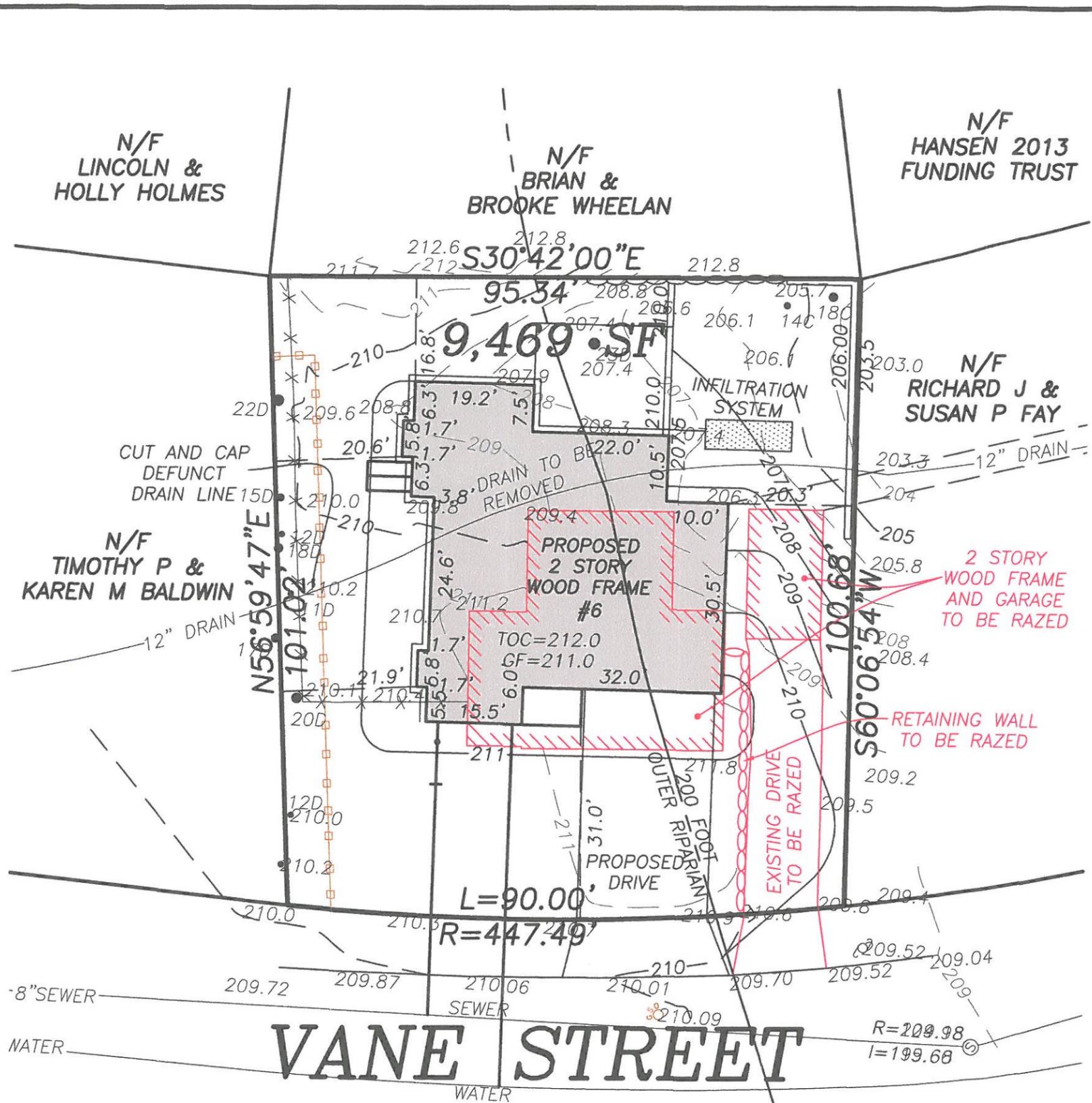
J. Randolph Becker



Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm

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EXISTING BUILDING FOOTPRINT = 1620 SF
 PROPOSED BUILDING FOOTPRINT = 2197 SF
 INCREASE IN BUILDING FOOTPRINT = 577 SF

(577 S.F. X 1") / 12 = 48 Cu. Ft.

MITIGATED WITH 1 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.

ZONING INFORMATION: SINGLE RESIDENCE 10 (SR10)

	REQUIRED	ACTUAL	PROPOSED
MINIMUM LOT AREA	10,000 SF	9,469 SF	9,469 SF
MINIMUM LOT FRONTAGE	60 FEET	90.00 FEET	90.00 FEET
MINIMUM FRONT SETBACK	30 FEET	22.7 FEET	31.0 FEET
MINIMUM SIDE YARD	20 FEET	20.3 FEET	20.3 FEET
MINIMUM REAR YARD	10 FEET	37.4 FEET	16.8 FEET
MAXIMUM BUILDING COVERAGE	25%	17.1%	23.2%
MAXIMUM LOT COVERAGE	2500 SF	1620 SF	2197 SF
MAXIMUM BUILDING HEIGHT	36 FEET		32.5'
MAXIMUM BUILDING HEIGHT	2 1/2 STY	2 1/2 STY	2 1/2 STY



ZONING BOARD OF APPEALS
 PLAN OF LAND
 6 VANE STREET
 WELLESLEY, MASS.

TOWN OF WELLESLEY
 MAP 126 PARCEL 23
 NORFOLK COUNTY
 REGISTRY OF DEEDS
 BOOK 2161 PAGE 630
 PLAN IN BOOK 1713 PAGE 447

OWNER/APPLICANT:
 DAVID SILVERSTEIN

Field Resources, Inc.
 LAND SURVEYORS

OCTOBER 13, 2015 SCALE 1"=20'

P.O. BOX 324 281 CHESTNUT ST.
 AUBURN, MA NEEDHAM, MA.
 508 832 4332 781 444 5936
 fieldresources@hotmail.com

NOTE: 12" DRAIN LINE SHOWN TAKEN FROM TOWN ASSESSORS INFORMATION. NO EASEMENT ON RECORD FOR ANY DRAIN LINE AND NO SURFACE EVIDENCE EXISTS.

109-15

PROPOSED HEIGHT: AVERAGE GRADE TO RIDGE = 32.50'

REVISED: OCTOBER 15, 2015