



ZONING BOARD OF APPEALS

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

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 2016 MAR 17 P 2:46

ZBA 2016-20

Petition of Diane Redmond, Robert Donahue,
 Dennis Donahue, Daniel Donahue, Laurie Sprague
 55 Hunnewell Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 3, 2016, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Diane Redmond, Robert Donahue, Dennis Donahue, Daniel Donahue & Laurie Sprague 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 with an attached two-story, two-car garage that will meet all setback requirements, on a 12,815.52 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, at 55 Hunnewell Street, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On February 16, 2016, 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 George Giunta, Jr., Esq. appearing on behalf of the Applicant and Michael Tedoldi, Principal behind the prospective purchaser of the property. Mr. Giunta said that Mr. Tedoldi will be building the proposed house.

Mr. Giunta said that the existing lot has 12,815.52 square feet of area, which is under the 15,000 square foot requirement for the Zone. He said that most of the lot was created by a plan in 1922. He said that they added a couple of thousand square feet in 1953 to make it bigger. He said that the main body of the lot was created by a plan in 1922, which pre-dated zoning. He said that the existing house was built in 1925.

Mr. Giunta said that the Applicant is proposing to demolish the existing house and build a new single family residence with an attached garage. He said that the existing garage does not meet setbacks requirements. He said the garage is proposed to be demolished, which will get rid of the nonconformity.

Mr. Giunta said that the replacement house will comply with all applicable dimensional and density requirements. He said that the proposed Total Living Area plus Garage (TLAG) will be 3,702 square feet, which is almost 600 square feet under the 4,300 square foot maximum.

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Mr. Giunta said that they feel that the design of the house is appropriate. He said that it has appropriate size and scale, given that it meets or exceeds the setback requirements. He said that it will be well under the TLAG threshold.

The Board asked about an analysis of the 500 Foot Rule. Mr. Giunta said that it was not submitted. He said that they did look at it. Mr. Tedoldi said that they moved the house back to the 30 foot requirement. A Board member said that the 500 Foot Rule requires the setback to be for whichever house is furthest set back from the line for three houses within 500 feet. He said that the 30 foot setback is the Zoning Bylaw. He said that the setback requirement could be greater than 30 feet, depending on the current setbacks of the neighbors. He said that the Board could insert a condition so that it is something that the Building Inspector can look at. Mr. Giunta said that they had flagged it as the plan was being developed. He said that if the house had to be shifted a bit, there is plenty of room in the back to do that. The Board said that if it is shifted, it will have to come back before the Board.

A Board member said that the proposed house is at 20 feet on two sides. He asked why it was not twisted three degrees to pick up three to four inches on the two corners that are exactly 20 feet. He said that if it is not in compliance, they will have to come back before the Board. Mr. Tedoldi said that he has been a builder for 40 years. He said that they pin everything, including the site, the footing and foundation. He said that the reason that he positioned it that way was because he felt that it gave a better approach to the street because of the way that the road turns. He said that the house will look better on the traffic approach.

Jonathan Fortesque, 59 Madison Road, said that he is an abutter on the cul de sac side of the property. He said that he was trying to understand the ratio of the building to the lot size. He said that the maximum lot coverage allowed is 2,500 square feet or 20 percent. The Board said that is the footprint.

Mr. Fortesque said that he lives on the side where there is a 20 foot setback. He said that the house will be moved 15 feet closer to the property line. He said that there is a nonconforming garage right on the property line that has existed for a long period of time. He said that it is a single story garage. He said that what is proposed is a 2.5 story structure. He said that it seems like a substantial change to the circumstances on the lot.

A Board member said that it is a substantially larger building. He said that the Board sees that regularly in the community. He said that Mr. Fortesque's property is fairly well set back from this property. He said that there are not a lot of plantings there and there is a driveway there. He said that it does not appear to interfere with Mr. Fortesque's access to light or ventilation.

Mr. Tedoldi said that he lined up the house so that it had visual lines that were angled away from the other houses for privacy.

Mr. Fortesque said he was more concerned about the setbacks being right at 20 feet. A Board member said that the Board cannot require the Applicant to make it more than 20 feet. Mr. Tedoldi said that he did not go lot line to lot line to max it out. He said that it will not be a big house. He said that he tries to build houses into the neighborhood. He said that he dropped something off at Mr. Fortesque's to offer the

opportunity for any conversation. He said that he tries to be respectful of the neighborhoods. He said that this will be substantially smaller than the other new houses that are there.

Dan Thornton, 56 Madison Road, said that his property is at the backyard. He said that his concern is that the existing house is relatively modest, as is his. He said that there will be a substantial impact to a change in the neighborhood. He said that it will almost triple the square footage. He said that 3,700 square feet is a big home. He said that with the house that is there now, with the way that it is graded, there is very little ability for him to see over his stockade fence. He said that there is not a lot of visual disturbance. He said that when he saw the new plans, the house will be raised up and overlook his backyard, family room and dining room. A Board member asked about foliage that separates the properties. Mr. Thornton said that there is a spindly pine tree. He said that he does not have an objection to construction of a new home there. He questioned whether it needs to be that large. He asked about working with the developer to work out the privacy issue. Mr. Tedoldi said that he angled the house for privacy so that the windows will not look into the neighbors' windows. He said that the visual lines for people in the house will be angled away from the neighbors. Mr. Thornton said that, from the plans, it looked like the kitchen area and the family room to the side of it would look back into his main living area. He said that it is a very different type of structure from the existing house.

Mr. Tedoldi said that, considering some of the things that are built in the town, this is 600 square feet under what is allowable. He said that it will be six to seven feet shy of the height restriction. He said that other houses on street are larger. He said that he took into consideration that it is abutting a lot of smaller houses. He said that he was trying to fit it into the neighborhood.

The Chairman said that the existing house is 1,148 square feet. He said that comparing the houses on Hunnewell Street, tripling the size is starting from a low base. Mr. Thornton said that 3,700 square feet is more acceptable than 5,500 square feet. He said that the existing house is so small and this will triple the amount of structure in his backyard.

Statement of Facts

The subject property is located at 55 Hunnewell Street, on a 12,815.52 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 with an attached two-story, two-car garage that will meet all setback requirements, on a 12,815.52 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.

An Existing Conditions Plan and a Zoning Plan, dated February, 2016, stamped by Marc N. Nyberg, Registered Land Surveyor, and Proposed Floor Plans and Elevation Drawings, dated 1/12/16, prepared by McKay Architects, were submitted.

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55 Hunnewell Street

On February 23, 2016, 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 structure and construction of a new two-story structure with an attached two-story, two-car garage that will meet all setback requirements, on a 12,815.52 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 with an attached two-story, two-car garage that will meet all setback requirements, on a 12,815.52 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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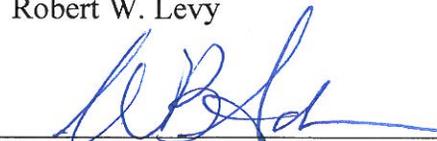
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



J. Randolph Becker, Acting Chairman



Robert W. Levy



Walter B. Adams

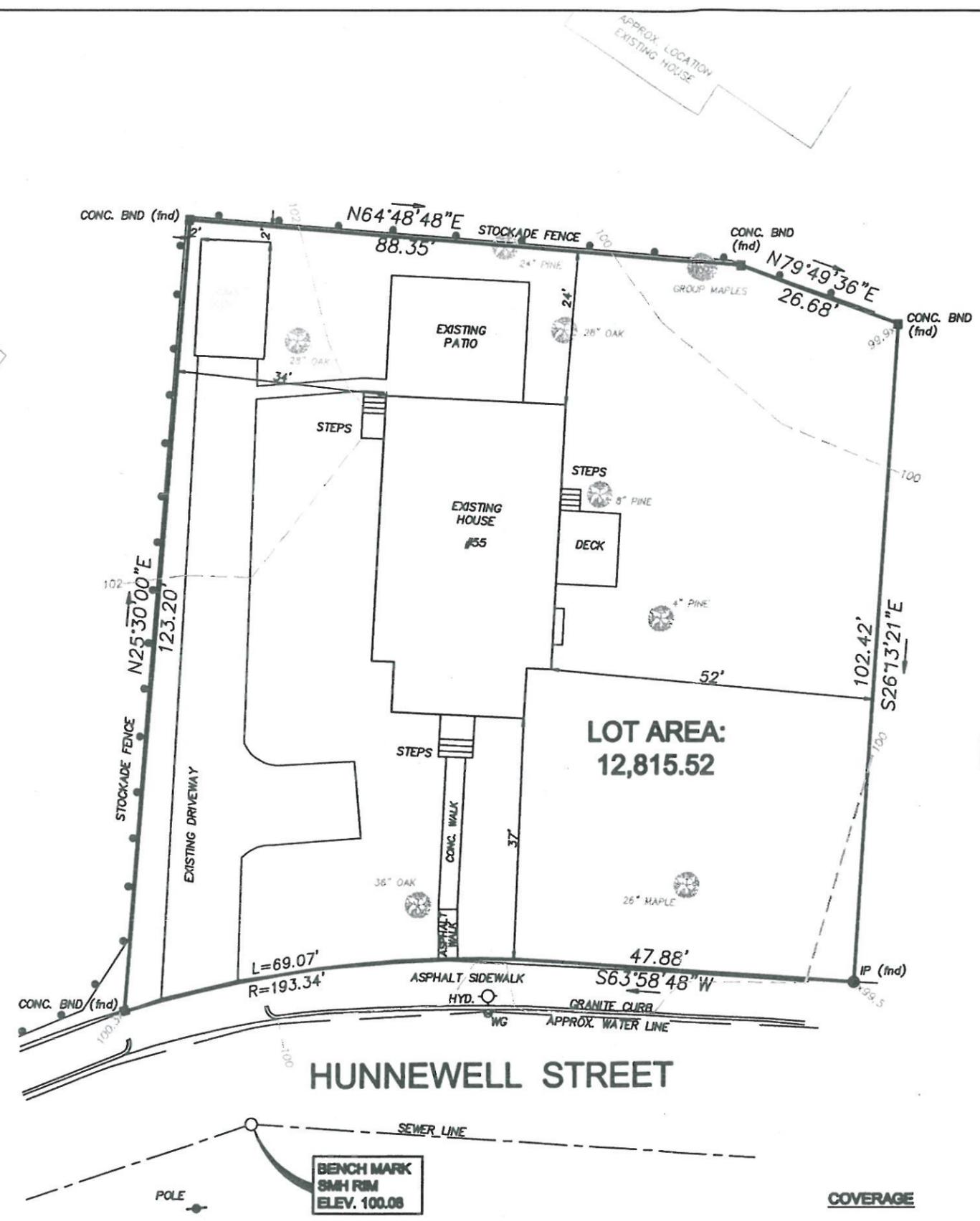
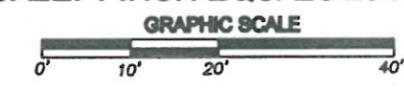
cc: Planning Board
Inspector of Buildings

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**EXISTING CONDITIONS
PLAN
for
PLAT 17, LOT 22
55 HUNNEWELL STREET
WELLESLEY, MA
FEBRUARY, 2016**

SCALE: 1 INCH EQUALS 20 FEET



ZONING DISTRICT: SR15

MINIMUM LOT AREA: 18,000 SF
 MINIMUM FRONTAGE: 60'
 MINIMUM OPEN SPACE: 65%
 MAXIMUM LOT COVERAGE: 20%
 MAXIMUM BUILDING HEIGHT: 40'
 MINIMUM FRONTAGE: 120'
 MINIMUM SETBACKS: FRONT 30'
 SIDE 20'
 REAR 15'
 RATIO OF BUILDING TO LOT AREA: 20% or 2,800 SF max.

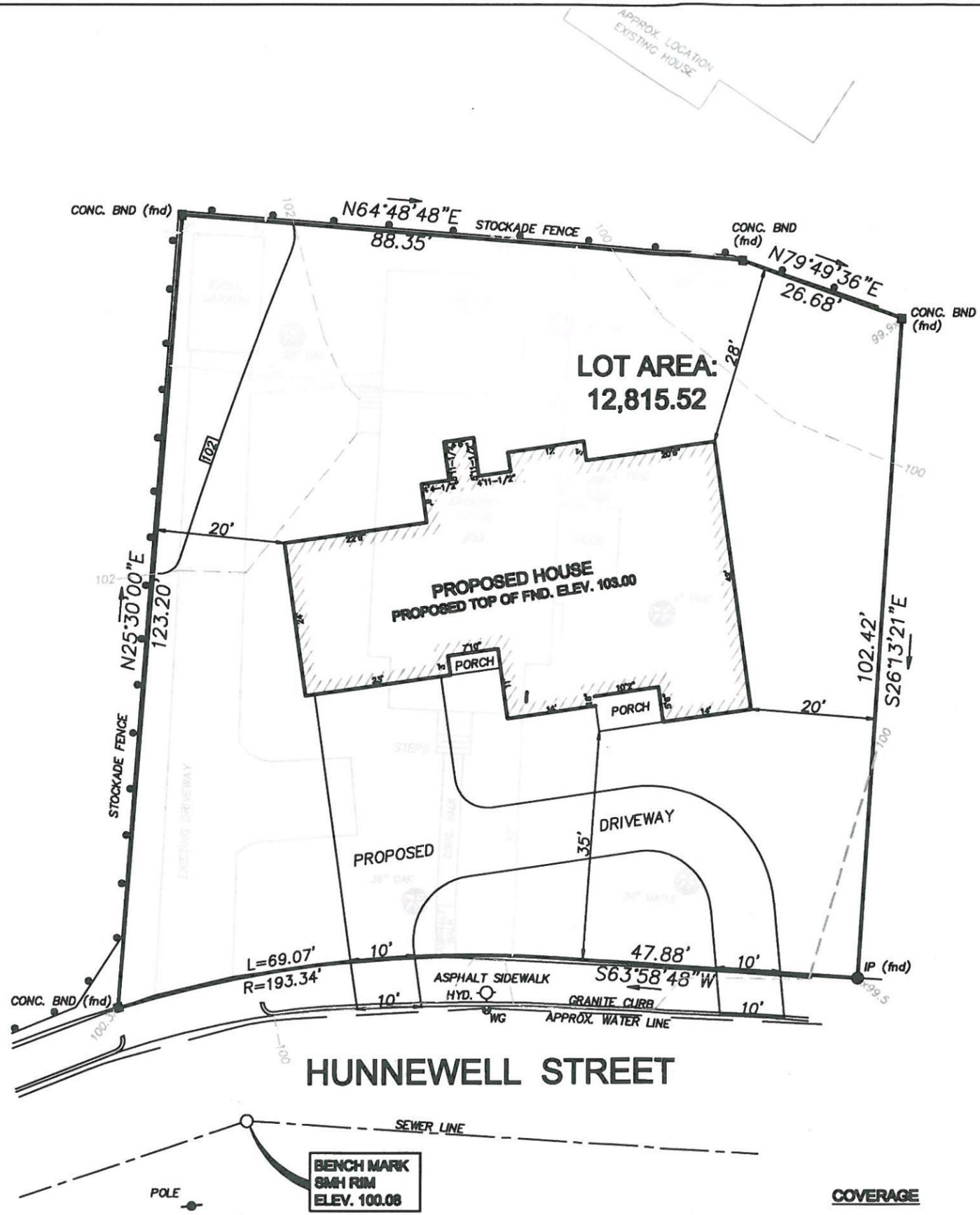
COVERAGE
 EXISTING PERCENTAGE LOT COVERAGE: 12%
 EXISTING BUILDING COVERAGE: 1,840 SF



MARC N. NYBERG ASSOCIATES, INC.
 LAND SURVEYORS and PLANNERS
 601 GREAT ROAD, UNIT 104
 NORTH SMITHFIELD, RHODE ISLAND 02898
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ZONING PLAN
for
PLAT 17, LOT 22
55 HUNNEWELL STREET
WELLESLEY, MA
FEBRUARY, 2016
SCALE: 1 INCH EQUALS 20 FEET
REVISED: FEBRUARY 11, 2016



ZONING DISTRICT: SR15

MINIMUM LOT AREA: 18,000 SF
MINIMUM FRONTAGE: 80'
MINIMUM OPEN SPACE: 66%
MAXIMUM LOT COVERAGE: 20%
MAXIMUM BUILDING HEIGHT: 38'
MINIMUM FRONTAGE: 120'
MINIMUM SETBACKS: FRONT 30'
SIDE 20'
REAR 18'

RATIO OF BUILDING TO LOT AREA: 20% or 2,500 SF max.

AVERAGE HEIGHT OF EXPOSED FOUNDATION: 18"

COVERAGE

EXISTING PERCENTAGE LOT COVERAGE: 12%
PROPOSED PERCENTAGE LOT COVERAGE: 19%
EXISTING BUILDING COVERAGE: 1,840 SF
PROPOSED BUILDING COVERAGE: 2,321 SF



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