



ZONING BOARD OF APPEALS

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

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ZBA 2016-46
 Petition of Michael & Wendy Missouri
 9 Clafin Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 14, 2016, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Michael & Wendy Missouri 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 new two-story structure that will meet all setback requirements, on a 9,649 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, at 9 Clafin Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 28, 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 was David Sisson, Architect, representing Michael and Wendy Missouri, the Petitioner.

Mr. Sisson said that the existing home is nonconforming with a side yard setback of 19.8 feet where 20 feet is required. He said that the lot is nonconforming at 9,649 square feet in a 10,000 square foot Single Residence District and is located in a Water Supply Protection District (WSPD). He said that the request is for a special permit/finding to demolish the existing home and build a new one that will meet all Zoning requirements except for lot size.

Mr. Sisson read excerpts from Section XIVE of the Zoning Bylaw (ZBL). WSPD. He said that the proposal is for a single family home and does not involve any of the prohibited uses. He reviewed the project with respect to the WSPD Design and Operation Standards.

Mr. Sisson said that the lot is nonconforming at 9,649 square feet in a zone that requires 10,000 square feet, which is a difference of 351 square feet. He said that lot was laid in 1922 as two lots, with one at 5,000 square feet and the other at 4,648 square feet. He said that the lots were merged in 1934 when the house was built. He said that it pre-dates the 10,000 square foot lot size requirement.

Mr. Sisson said that the proposal is for a New England Style home that will be similar to other houses in the neighborhood. He said that it will be set back further from the road than the surrounding houses.

A Board member said that he was concerned that the house was designed so that there is no space for mistakes. He said that the house will be built right to the 20 foot side yard setbacks, will be 36 feet in height and will have 24.99 percent lot coverage. Mr. Sisson said that the surveyor will lay out stakes so that the construction will proceed as designed. He said that sizing the project correctly is a critical element. The Board said that the Applicant will have to submit a foundation and height certification to the Building Inspector to demonstrate that they do comply. The Board said that the Applicant runs the risk of having to rebuild if the structure does not meet the requirements, as it would be a self-imposed hardship. Mr. Sisson said that he represents the current homeowners and purchaser and they would like to proceed with this design.

Barry Nu said that he is the new owner of the property. He said that the design is out to the setback lines but he is willing to bring it in. The Board said that would require a redesign of the project. Mr. Nu asked if the Board could pre-approve a redesign so that they can move forward with the project. The Board said that it has to approve the design.

The Board asked if there are any plans for stormwater management in connection with the landscaping plans. Mr. Sisson said that they have not designed landscaping yet but will add infiltration if asked. The Board said that it is a flat site. The Board discussed a condition of approval that some sort of stormwater system be provided.

Kevin Nielsen, 8 Parker Road, said that his property abuts 9 Claflin Road on the northern side. He said that he sent an email to the Board voicing his concerns about the massing of the house on the side facing his property. He said that the house will be over 55 feet wide and 36 feet high. He said that the existing Cape has two windows on that side and the proposed structure will have 10 windows overlooking his property. He said that his concern is that this should come under Large House Review (LHR) because the attic has a 15 foot height. The Board said that it is exempt under the bylaw because it is subject to review for a special permit/finding. Mr. Nielsen said that it appears that there is the possibility of 750 square feet of living space in the attic. Mr. Sisson said that the intention is to put trusses every two feet in the attic space. Mr. Nu said that there will be no walk up access to the attic.

Mr. Nielsen said that the height of the property will be imposing. He said that everything will be pushed to the limits. He asked if the bulkhead or slab for air conditioning units was calculated in the lot coverage. He said that the size and massing is aggressive for the property. He said that he is concerned about privacy. He said that the amount of structure facing his side is large.

Mr. Nielsen said that there appear to be a number of trees that would be subject to the Tree Preservation Bylaw. The Board said that it does not rule on that.

Mr. Nu said that the proposal is to build the same house as Mr. Nielsen's.

The Board said that it must make a determination that the proposed structure shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The Board said that it considers the massing and how it will fit in with the neighborhood, even if it complies. The Board said that an issue is that the structure will be built up to the setback lines on an undersized lot.

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The Board asked if the Petitioner spoke with neighbors.

A Board member said that he thought that the proposed construction is reasonable with what people are building today.

Statement of Facts

The subject property is located at 9 Claflin Road, on a 9,649 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, with a minimum right side yard setback of 19.8 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 new two-story structure that will meet all setback requirements, on a 9,649 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, at 9 Claflin Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Existing Site Plan, dated 4/14/16, Proposed Site Plan, dated 6/1/16, & 500 Foot Rule Certification, dated 4/18/16, stamped by Michel El-Ashkar, Professional Land Surveyor, Proposed Floor Plans and Elevation Drawings, dated 6/1/16, prepared by David Sisson Architecture PC, and photographs were submitted.

On July 11, 2016, the Planning Department Staff reviewed the petition and recommended that the special permit be approved.

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 new two-story structure that will meet all setback requirements, on a 9,649 square foot lot in a Single Residence District in which the minimum lot size is 10,000 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 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 9,649 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, subject to the following conditions:

1. A landscaping plan with stormwater management or drywells connected to the roof and roof drainage be shall be submitted to the Zoning Board of Appeals and the Building Inspector.

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2. Some foliage trees shall be added on the left side of the property closest to 8 Parker Road to mitigate the impact of the additional windows on that side.

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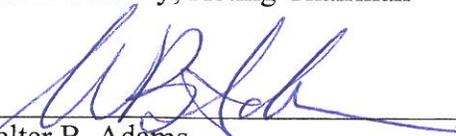
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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



Robert W. Levy, Acting Chairman



Walter B. Adams



Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm



161'

E.O.P.
CLAFLIN ROAD (40')
E.O.P.

N 08°10'10" W
96.26'

N81°20'00"E
100.00'

LOTS 10 & 11
9,649 S.F.

LOT 9

S08°10'10"E
97.13'

LOT 8

PROPOSED DRIVEWAY

S 81°49'50" W
100.00'

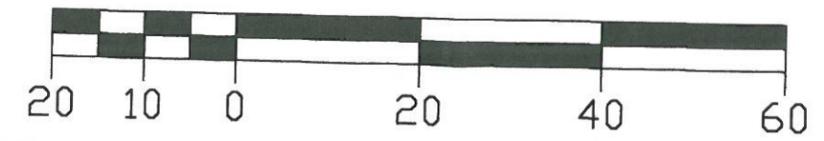
LOT 12

LOT 7

BUILDING ENVELOPE

SMH
RIM=159.97

GRAPHIC SCALE



1. THE PURPOSE OF THIS PLAN IS TO SHOW THE LOCATION OF THE PROPOSED DWELLING AND DRIVEWAY.
2. ZONING DISTRICT: SR10 - SINGLE RESIDENCE
3. REFERENCES USED:
 - Assessor's Map # 180, Lot # 51
 - Deed Book: 33053 - Page: 80
 - Plan is located in Deed Book: 1542 - Page: 31 (Recorded at the Norfolk County Registry of Deeds)
4. NO NEW GRADES ARE BEING PROPOSED.
5. THIS PLAN IS BASED ON AN "ON GROUND" SURVEY.

PROPOSED

- EXISTING LOT AREA: 9,649.0 S.F.
- PROPOSED DWELLING FOOTPRINT: 2,377.0 S.F.
- PROPOSED LANDING FOOTPRINT: 35.0 S.F.
- PROPOSED BUILDING LOT COVERAGE: 2,412.0 S.F.
- PROPOSED BUILDING LOT COVERAGE: 24.99 %



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SITE PLAN

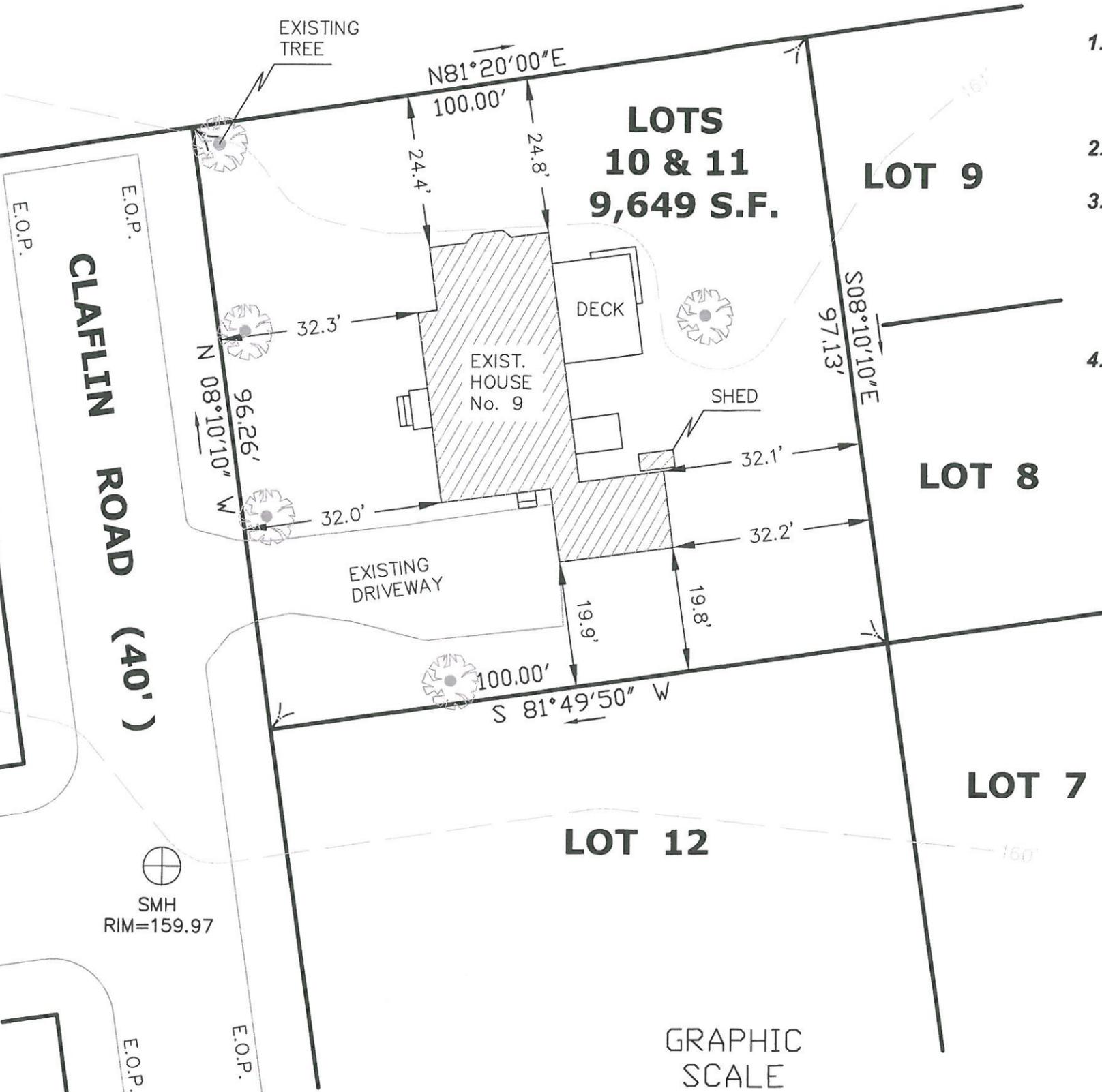
(Showing a Proposed Dwelling)
Assessor's Lot # 180 - 51

9 CLAFLIN ROAD , WELLESLEY, MA.

Prepared for: Michael & Wendy Missouri
Surveyed by: Michel G. El-Ashkar

Scale: 1"= 20 ft. Date: June 1, 2016

Ashkar
Engineering & Surveying
70 Washington Street
Suite 306
Haverhill, MA 01832
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fax: (978) 914-6528
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1. THE PURPOSE OF THIS PLAN IS TO SHOW THE LOT EXISTING CONDITIONS AND THE LOCATION OF THE EXISTING DWELLING.
2. ZONING DISTRICT: SR10 - SINGLE RESIDENCE
3. REFERENCES USED:
 - Assessor's Map # 180, Lot # 51
 - Deed Book: 33053 - Page: 80
 - Plan is located in Deed Book: 1542 - Page: 31
(Recorded at the Norfolk County Registry of Deeds)
4. THIS PLAN IS BASED ON AN "ON GROUND" SURVEY.

EXISTING CONDITIONS

- EXISTING LOT AREA: 9,649.0 S.F.
- EXISTING DWELLING FOOTPRINT: 1,361.0 S.F.
- EXISTING SHED FOOTPRINT: 16.0 S.F.
- EXISTING BUILDING LOT COVERAGE: 14.27%
- EXISTING OPEN SPACE: 85.73 %



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SITE PLAN

(Showing an Existing Dwelling)
 Assessor's Lot # 180 - 51

9 CLAFLIN ROAD , WELLESLEY, MA.

Prepared for: Michael & Wendy Missouri
 Surveyed by: Michel G. El-Ashkar

Scale: 1"= 20 ft. Date: April 14, 2016

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