



ZONING BOARD OF APPEALS

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

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ZBA 2016-06
 Petition of Alexis Kissam
 77 Russell Road

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 WELLESLEY MA 02482
 2016 JAN 21 P 12:47

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 7, 2016, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Alexis Kissam requesting renewal of a Variance, ZBA 2014-24, that was granted on April 25, 2014 and expired on April 25, 2015, pursuant to the provisions of Section XIVE, Section XIX and Section XXIV-D of the Zoning Bylaw for demolition of an existing nonconforming structure and construction of a new structure with less than required front yard and right side yard setbacks, at 77 Russell Road, in a 10,000 square foot Single Residence District and a Water Supply Protection District. The plans have not changed from the April 25, 2014 approval.

On December 21, 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 Alexis Kissam, the Petitioner, and Les Litwinczyk.

Ms. Kissam said that the request is for renewal of a previously approved variance that was granted in April of 2014 and expired in April of 2015. She said that they would like to get started on their project.

A Board member said that he was not part of the original Board. He asked that the Petitioner focus on what condition qualifies the request for a variance for a gigantic house. Ms. Kissam said that the house is a pre-existing nonconforming structure. She said that the hope is to demolish the existing structure. She said that the proposed house will meet or exceed the current Zoning dimensions. She said that the existing front yard setback is 19.2 feet and the right side yard setback is 17.2 feet. She said that the variance was to keep those existing setbacks as part of the new design.

The Board said that the lot size is conforming. Mr. Litwinczyk said that they would like to preserve two nonconforming setbacks.

A Board member said that when he first read the materials, he did not realize that this was a previously granted variance. He said that if the variance had been exercised in the past, it would have been a done deal. He said that the Petitioner will have to convince this Board that there is a hardship. Mr. Litwinczyk said that the hardship is the topography of the land. He said that there is a 30 percent slope from the water to the street. He said that they had a really hard time designing the proper foundation. He said that some of the footings on the street side are almost 10 feet wide. He said that the foundation walls are 16 to 20 inches for support. He said that after going for Adequacy of the Way, they were told that the project was

subject to Large House Review (LHR). He said that after they did the Total Living Area plus Garage (TLAG) calculations, they found that they were under the threshold for the district. He said that they went back for review of Adequacy of the Way. He said that the Engineering Department required the Petitioner to do soil testing because of runoff to the street. He said that all of the runoff from the roof goes to Morses Pond. He said that they have designed a special tank to collect all of the runoff. He said that there were many issues that they had to deal with. He said that when they applied for the demolition permit, the Town could not connect to the sanitary line. He said that they had to research for a septic system. He said that they have only owned the property for four years and had no knowledge of a septic tank. He said that they thought that it was always connected to the Town system. He said that one thing after another prevented them from applying for the building permit.

The Board said that the structure was designed to the slope and the presentation to the street is two-stories. The Board said that it will be more than double the size of the previous house. Mr. Litwinczyk said that the existing house is less than 1,000 square feet. He said that it was a summer cottage with additions.

The Board asked if the pool will be in the setback. Michael Zehner, Planning Director said that pools are regulated under Section XXIIB of the Zoning Bylaw. The Board said that the proposed pool will be smaller than 150 square feet. Mr. Litwinczyk said that it will be a plunge pool.

The Board asked about the retaining wall. Mr. Litwinczyk said that they were granted a special permit for that.

The Board confirmed that nothing in the plans that were previously approved has changed.

Ms. Kissam said that a letter of support was submitted from the neighbor at 81 Russell Road.

A Board member said that he sat on the Board that previously granted the variance. He recalled that there was a lot of discussion about construction management issues. He said that one of the concerns was that the roads in that area of town are not really conducive to larger houses because it was originally an area for summer homes. He said that there was quite a bit of discussion about construction management.

The Board said that the request is for a variance for relief for right side yard and front yard setbacks.

The Board asked about Total Living Area plus Garage (TLAG) calculations. The Board said that it will insert a condition in the decision that a TLAG Affidavit be submitted.

The Board said that the conditions of the previously approved decision, ZBA 2014-24, shall be part of this approval.

The Board said that nothing in this finding is deemed to waive the retaining wall requirements.

There was no one present at the public hearing who wished to speak to the petition.

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Statement of Facts

The subject property is located at 77 Russell Road, in a 10,000 square Single Residence District and a Water Supply Protection District, with a minimum front yard setback of 19.2 feet and a minimum right side yard setback of 17 feet.

The Petitioner is requesting renewal of a Variance, ZBA 2014-24, that was granted on April 25, 2014 and expired on April 25, 2015, pursuant to the provisions of Section XIVE, Section XIX and Section XXIV-D of the Zoning Bylaw for demolition of an existing nonconforming structure and construction of a new structure with less than required front yard and right side yard setbacks.

Application for Renewal of ZBA Variance, a Plot Plan, dated 2/12/14, stamped by Dennis B. O'Brien, Professional Land Surveyor, Proposed Floor Plans and Elevation Drawings, dated 3/10/14, stamped by Andrew T. Zalewski, Registered Architect, Application for Special Permit, dated 3/11/14, from M.A. Kablack & Associates, P.C., and photographs were submitted.

On January 30, 2014, the Wetlands Protection Committee issued Order of Conditions MA DEP #324-0729.

On January 5, 2016, the Planning Board reviewed the petition and recommended that renewal of the Variance be granted.

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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 renewal of a Variance may be granted from the terms of the Zoning Bylaw with respect to side yard and front yard setbacks at 77 Russell Road as the Board found that a literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the Petitioner owing to the topography of this lot, especially affecting this land but not generally affecting the zoning district in which it is located; and that the hardship has not been self-created. The Board found that desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, renewal of the requested Variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw is granted to allow for demolition of an existing nonconforming structure and construction of a new structure with less than required front and right side yard setbacks, in a 10,000 square foot Single Residence Water Supply Protection District, subject to the following conditions:

1. A sign that is at least two feet by two feet shall be erected at the front of the property bearing the name and telephone number of the contractor and any other emergency numbers for people to reach the owners of the property.

2. No box trailers longer than 30 feet shall be utilized to deliver materials to the property.
3. There shall be only one delivery vehicle at a time on Russell Road.
4. All workers on the property, whether employees of the contractor or any subcontractor, shall not park on Russell Road or surrounding streets.
5. During construction, the owners shall provide off-site parking and small vehicle busing to the site.
6. When construction commences or when equipment deliveries, box trailer deliveries and things of that nature are to be made, the Wellesley Police shall be given 24 hour advance notice.
7. A TLAG Affidavit showing compliance with the threshold for Large House Review for the district shall be submitted.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

If construction has not commenced, except for good cause, this Variance shall expire one year after the date time stamped on this decision.

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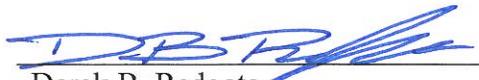
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



Robert W. Levy, Acting Chairman



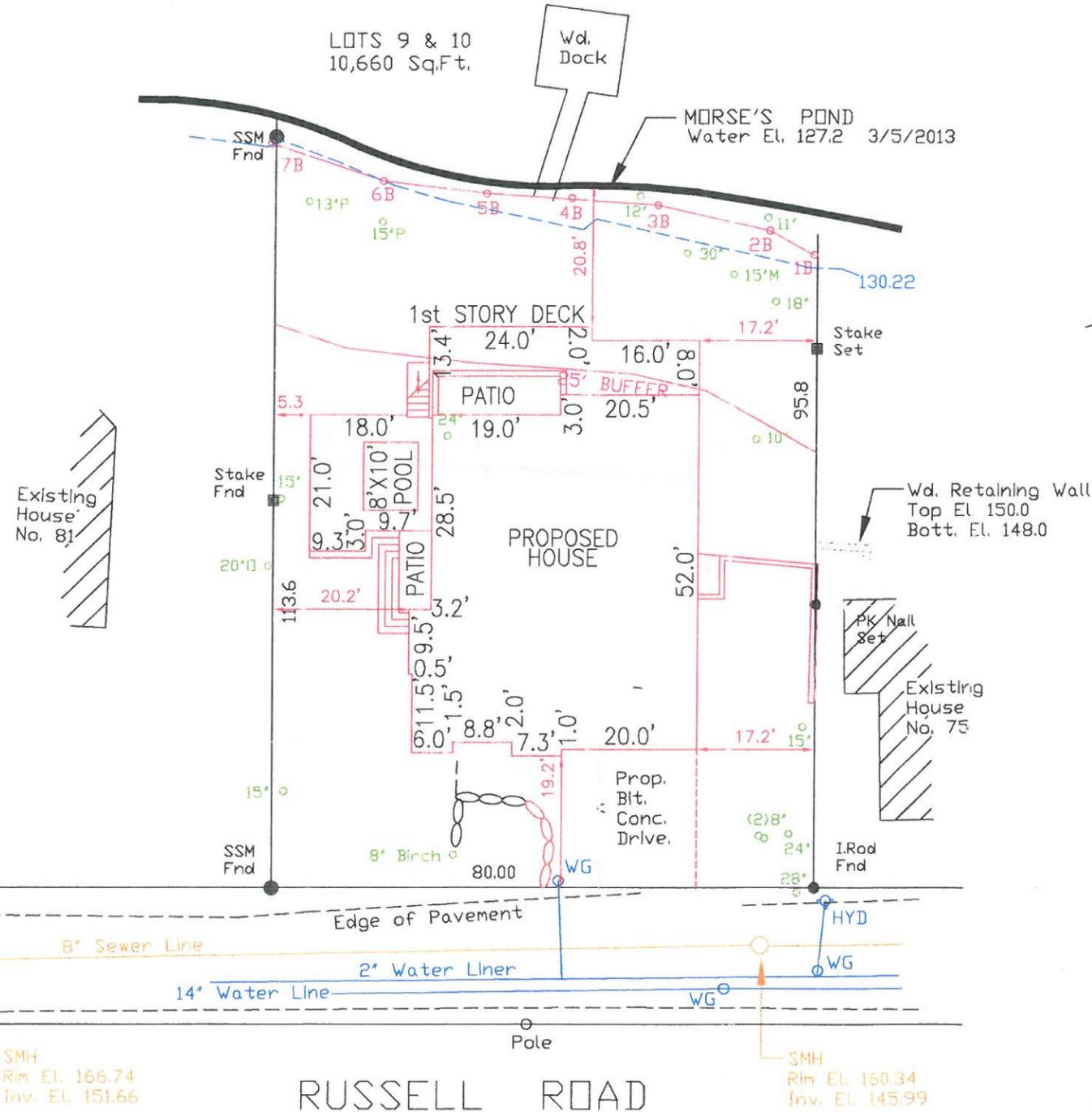
Walter B. Adams



Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm

	REQUIRED	EXISTING	PROPOSED
Area	10,000 S.F.	10,660 S.F.	10,660 S.F.
Frontage	60 Ft.	80.0 Ft.	80.0 Ft.
Front Yard	30 Ft.	19.2 Ft.	19.2 Ft.
Side Yard	20 Ft.	17.0 Ft.	17.2 Ft.
Rear Yard	10 Ft.	41.6 Ft.	20.8 Ft.
Lot Coverage	25%	10.8%	19.3%



NOTE: Bank flagged by Norse Environmental 10/8/2013

NOTE: All plan elevations are Town of Wellesley Datum (6.22' above NAVD 1988)

NOTE: Per FEMA map #25021C0012 shows 100-year flood elevations at 124.0 NAVD 1988 (130.22 Town of Wellesley)

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2014 MAR 17 P 2:51

PLAN SHOWING PROPOSED HOUSE IN WELLESLEY, MASS.

Norfolk County

Scale: 1" = 20 February 12, 2014

Dennis O'Brien P.L.S.

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(508) 541 - 0048


Dennis O'Brien
 Dennis O'Brien P.L.S.

