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## ZONING BOARD OF APPEALS

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ZBA 98-10

Petition of Eastland Partners  
15 and 19 Oak Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 26, 1998 at 8 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of EASTLAND PARTNERS requesting Site Plan Approval pursuant to the provisions of Section XVIA and Section XI of the Zoning Bylaw to demolish the existing structures at 15 and 19 OAK STREET in a General Residence and a Business District and construct a two-family duplex in the 12,000 General Residence portion of the lots and a three-unit Townhouse with a footprint of 4,182 square feet and a total floor area of 5,675 square feet in the 19,139 square foot Business portion of the lot. The floor area ratio is .297. Two-car garages will be provided for each unit.

On February 3, 1998, 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 Logan Huffman, principal of Eastland Partners, who was accompanied by his architect, David O'Sullivan of MZO, and his engineer, Michael Kosmo of Everett M. Brooks.

Using the submitted site plan and building elevations, Mr. O'Sullivan walked the Board through the project. He said that the Oak Street entrance would serve the duplex and the second driveway would serve the Townhouse units. Each unit would have two bedrooms and a two-car garage. The duplex has the height and appearance of a single family dwelling.

Mr. Kosmo explained that water and sewer will be brought to the buildings from Oak Street. A two-inch water line will be used. Peak drainage flows for 100 year storm will be reduced by collecting all the roof run-off on site and discharging it into the Town system on Oak Street. A catchbasin will be installed at the end of the driveway. The discharge from the catchbasin will be into an on-site dry well. The four inch sewer lines from each building will connect to the 8 inch line in the access drive, which will connect to the Oak Street sewer lines.

The Board noted that the Wetlands Committee had recommended that all roof drainage be recharged on site. Mr. Kosmo said that this had been considered, but after doing soil testing, refusal was met at 4 feet below grade near the proposed buildings. At the rear of the property, they were able to go down between 9 and 10 feet, which will be the location of the dry well.

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The Board asked if Mr. Huffman had met with the Electric Department. Mr. Huffman said that he had, and that the MLP hasn't yet determined where the manhole is located. They have asked that the project access the underground electric rather than connecting to a utility pole. He agreed to make the connection requested by MLP. Once the work is laid out, he will execute the necessary easements.

Mr. Huffman stated that the Design Review Board comments dealt mainly with the duplex. Mr. O'Sullivan said that the entrances on the townhouses have been made more prominent and the garages less prominent. The grade has also been raised and a stone wall installed to screen the garages and cars of the front duplex.

The Board asked what the distance was from the driveway to Linden Square. Mr. Kosmo said it was about 30 feet. The Board asked where the snow would be dumped. Mr. Huffman said that the edge of the pavement abuts Diehl's. They have no right to dump anything over the property line.

The Board noted that the Park Department had some comments about the landscaping. Mr. O'Sullivan said that the plan saves some of the landscaping on Oak Street, provides some new shrubbery at the front of the duplex, and adds a line of yews at the rear to give privacy to the neighbors.

Celeste Guarnieri, 23 Oak Street, expressed concerns about increased traffic due to the proposed Sprague School project, the proposed duplex and townhouses; and about the potential loss of neighborhood community.

Meg Davis, 1 Oak Street, also expressed concerns about traffic and safety relating to the neighborhood children. She was also concerned that the height of the buildings would not be in keeping with the neighborhood homes. The Board said that the allowed height is 36 feet, but the proposed buildings will not have that height, and will be at the same height as the neighborhood homes.

Mrs. Davis expressed concern about the drainage. In a storm, the street drains overflow now directly in front of her home. Mr. Kosmo said that they have looked at the timing of the proposed discharge and the system capacity. The time of the peaks will not coincide. The flow entering the drainage system from the development will be gone before the peak use of the town system in any storm event.

Lawrence Mills, representing his daughter and son-in-law, who, when they purchased the Covati property at 25 Oak Street last August, were unaware of the proposed construction. He expressed opposition to the entire project. The existing open space on the Business zoned portion of the properties will be lost. Furthermore, under Section XVIA of the Zoning Bylaw, the Board must consider the project as it relates to the health, safety and welfare of the community. The increase in traffic will be dangerous. There is a stone wall between the three Oak Street properties and the locus. Planting trees in this area would darken the entire area. Mr. Mills urged the Board to deny the project.

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The Board stated that the proposed construction meets all zoning requirements. Although there is no open space requirement in a Business District, 60% of the property will be retained as open space.

Jim Donahue, 20 Oak Street, expressed concern about snow removal. The property slopes off dramatically in the rear. The driveway is narrow, and he would not like to see the snow dumped on Oak Street. Mr. Huffman said that the snow will not be pushed onto the street. It will be pushed into the grassy area and off the edge of the driveway. In big storms, the snow will be removed from the premises. The plows will not operate near the curb or stone wall areas.

Joseph Guarnieri, 20 Hundreds Road, representing his mother at 18 Oak Street, was concerned about a change in the topography of the lot. There is a 5 foot drop along the side and another at the rear. He questioned whether the water run-off would be increased due to construction. Mr. Kosmo said that the existing stone wall along the property line will not be changed. In the front, the grading will change very slightly as it will be 2 feet lower in spots in the middle of the property, but not near the wall. None of the drainage patterns will be changed.

Alison Mills, 25 Oak Street, said she is concerned about the impact of the construction on both Westerly and Oak Streets in relation to construction vehicles. Mr. Huffman said he plans to begin construction in August, while Joseph Grignaffini, owner of the Westerly Street property, said he plans to begin as soon as possible.

The Board requested that the petitioner revisit the proposed screening along the Oak Street property line. The current plan is to plant yews, which would darken the area. Six foot pines might be more appropriate. The Board further suggested that the neighborhood form a group and initiate a dialogue with the petitioner as to the landscaping.

#### Statement of Facts

The subject locus is comprised of two lots at 15 and 19 Oak Street of which 12,000 square feet are located in a General Residence District and 19,139 square feet in a Business District.

The petitioner is requesting a Special Permit for Site Plan Approval to allow demolition of the existing structures on the General Residence portion of the site and construction of a two-family duplex, which will have a footprint of 2,396 square feet, and conforming setbacks of 30.3 feet from the front property line; 20.3 feet from the left side line and 36.2 feet from the right side property line. Section XVIII of the Zoning Bylaw requires that a minimum of 5,000 square feet be provided for each dwelling unit. The square footage of the General Residence portion of the lot is 12,000 square feet, which satisfies this requirement.

The petitioner proposes to construct 3 two-story townhouse units, each with a two-car garage, with a total footprint of 4,182 square feet and a floor area of 5,675 square feet in the Business zoned portion of the lot. The floor area ratio will be .297. The distance between

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the duplex and the townhouses will be 33.6 feet. Access to the townhouse units will be via a driveway from Oak Street along the right side property line.

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The following information was submitted: an Official Development Prospectus; Drainage Analysis dated November 14, 1998, prepared by Michael S. Kosmo, Registered Professional Engineer; and letters of approval from Joanne and Reza Fazel, current owners of 15 Oak Street and from Audrey G. Allen, current owner of 19 Oak Street.

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The following plans were submitted: Existing Site Features Plan (E-1), dated 11/14/97, revised 2/23/98, drawn by Bruce Bradford, Professional Land Surveyor; Plot Plan of Land (E-2) dated 11/14/97, revised 2/23/98, drawn by Bruce Bradford, Professional Land Surveyor; Grading, Drainage & Utilities Site Plan dated 11/14/97, revised 1/26/98, revised 2/23/98, drawn by Michael S. Kosmo, Registered Professional Engineer; Landscape Plan dated 11/18/97, stamped 1/26/98, drawn by David H. O'Sullivan, Registered Architect; Plans Unit A & B/Duplex on Oak Street, dated 11/5/97, revised 1/26/98; Elevations for Front Building/Units A & B/ dated 11/5/97, revised 1/26/98; Plans Units C & D/Building at Oak Street dated 11/5/97, revised 1/26/98; and Elevations for Rear Building/Units C & D/ dated 11/5/97, revised 1/26/98. The Plans and Elevations were drawn by David H. O'Sullivan, Registered Architect.

On January 8, 1998, the Design Review Board held a review on the project, and recommended that the petitioner minimize the importance of the duplex garages, and make the duplex reflect the residential character of the neighborhood. In regard to the townhouses, the DRB recommended that the entryways, not the garages, be emphasized; requested a more detailed landscape plan, and that the proposed 5 foot stone wall have ivy planted at the base.

On February 12, 1998, the Design Review Board held a final review and recommended further work on the emphasis of the entryways in the townhouse units, ivy planting at the base of the stone wall and that the petitioner look at curving the stone wall at the last driveway entrance, if said curving does not affect the exiting of cars.

Site Plans and other submission materials were also sent to the Planning Board, Wetlands Protection Committee, Town Engineer, Board of Health, and Fire Chief, as required by Section XVIA of the Zoning Bylaw. Written responses from each of the above were received and are on file in the office of the Board of Appeals.

On February 10, 1998, the Planning Board reviewed the petition and had no objection to the granting of the request.

#### Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The petitioner's proposed three townhouse units with a floor area of 5,675 square feet constitutes a Major Construction Project, which requires Site Plan

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Approval, pursuant to Section XVIA of the Zoning Bylaw because it includes construction of 2,500 or more square feet of gross floor area.

It is the opinion of this Authority that the submitted plans enumerated in the foregoing Statement of Facts comply with the Zoning Bylaws of the Town, protect the safety, convenience and welfare of the public, minimize additional congestion in public and private ways, and insure adequate protection for water, sewerage and drainage. Furthermore, they insure compliance with Section IV, Section XI, and Section XXII of the Zoning Bylaw.

A Special Permit is hereby granted and Site Plan Approval is given, as voted unanimously by this Authority at the Public Hearing, pursuant to Section XVIA and Section XI of the Zoning Bylaw, subject to the conditions attached hereto as Addendum A.

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.

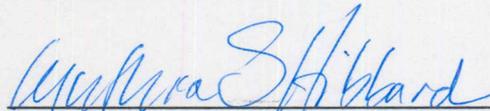
cc: Planning Board  
Inspector of Buildings



Kendall P. Bates, Acting Chairman



William E. Polletta



Cynthia S. Hibbard

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ADDENDUM A

1. All work shall be performed in accordance with the plans submitted and on file with this Authority.
2. All design and construction must comply with all applicable state and local codes.
3. All requirements of the Town of Wellesley Fire Department shall be complied with.
4. All requirements of the Department of Public Works shall be met, including, but not limited to the requirement that water, sewer and electric connections, together with drainage connections, be made in accordance with DPW standards and installed and maintained at no cost to the Town of Wellesley.
5. Upon completion of the project, a complete set of Site Utility Plans shall be submitted to the Department of Public Works.
6. A copy of the Occupancy Permit issued by the Inspector of Buildings shall be submitted to this Authority at the time of issuance.

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