TOWN OF WELLESLEY MASSACHUSETTS

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02181
1999 OCT -5 A 11:33

ZONING BOARD OF APPEALS

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

KENDALL P. BATES, CHAIRMAN
WILLIAM E. POLLETTA, VICE CHAIRMAN
RICHARD L. SEEGEL

ELLEN D. GORDON
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 208

ROBERT A BASTILLE
CYNTHIA S. HIBBARD
ROBERT W. LEVY

ZBA 99-72
Petition of Andrew Company, LLC
Douglass Stiles
29 Hundreds Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 23, 1999 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of the ANDREW COMPANY, LLC (DOUGLASS STILES) requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the demolition of the existing conforming dwelling and construction of a new three-story 78 foot by 92 foot conforming dwelling at 29 HUNDREDS ROAD, in a Single Residence District, on a 51,198 square foot lot, with a minimum frontage of 40 feet in a 20,000 square foot district in which the minimum frontage required is 110 feet, shall not be substantially more detrimental to the neighborhood than the existing structure.

On September 7, 1999, 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Presenting the case at the hearing was Douglass Stiles, who said that his previous petition had been withdrawn in response to concerns of an abutter in regard to Wight's Pond. He has moved the footprint of the house out of the 100 foot Buffer Zone of the pond. The house has been slightly downsized and relocated on the site at a distance of 102 feet from the pond. Mr. Stiles submitted a site plan on which the new house was overlaid on the existing house, and a section plan showing the elevation of the foundation, which is 8 feet higher than the pond.

The Board asked if the new plan met the Wetlands requirements. The Executive Secretary explained that in a letter to the Board, Stephen Fogg, Chairman of the Wetlands Committee, had verified that the proposed house was not subject to Wetlands requirements, but the demolition of the existing house would still be subject to the original conditions contained in the Negative Determination of Applicability.

Mr. Stiles said that although there were no conditions for the construction phase, he would be glad to put down hay bales along the area closest to the pond.

The Board stated that an erosion control system would be conditioned as well as the placement of hay bales along the pond.

Jerry Blackwood, 112 Woodlawn Avenue, expressed concern that the tree removal and erosion problem, which has occurred on his property, might happen on 29 Hundreds Road. During construction of a

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02181
2000 OCT 5 A 11:33

dwelling by Mr. Stiles on an abutting property, trees and vegetative cover had been removed on his property. Mr. Blackwood said his property had not been staked out, which might have led to the problem.

The Board decided to add conditions that the property at 29 Hundreds Road must be completely staked; that the stakes along the property line abutting Wight's Pond be placed at a distance no greater than 15 feet apart; that hay bales be placed along said property line to prevent any siltation; that the staking and erosion control system must be in place prior to the instigation of any demolition or site work; and that the staking and erosion control system must be maintained throughout the period of construction. Furthermore, all conditions regarding demolition required in the Negative Determination of Applicability would be incorporated into the decision.

Statement of Facts

The subject property is located at 29 Hundreds Road, in a Single Residence District, on a 51,198 square foot lot, with a frontage of 40 feet on Hundreds Road. The northeast property line runs parallel to Wight's Pond for 225 feet at a distance of 42 feet from the pond.

The petitioner is requesting a Special Permit/Finding that the demolition of the existing conforming dwelling and construction of a new three-story 78 foot by 92 foot "L-shaped" conforming dwelling on a lot with the minimum frontage of 40 feet in a 20,000 square foot district in which the minimum required frontage is 110 feet, shall not be substantially more detrimental to the neighborhood than the existing structure. The footprint of the proposed construction will be located 102 feet from Wight's Pond at its closest point.

A Plot Plan dated August 31, 1999, drawn by George N. Giunta, Registered Land Surveyor; and Proposed Floor Plans and Elevations (A1-8) dated August 30, 1999, drawn by The Stiles Company were submitted.

On June 3, 1999, the Wetlands Protection Committee issued a Negative Determination of Applicability with Conditions for the project on 29 Hundreds Road, which was located at a distance of 80 feet from Wight's Pond. In a letter dated August 31, 1999, Stephen Fogg, Chairman of the Wetlands Protection Committee, stated that Mr. Stiles' modified plan should be in compliance with the Wetlands Protection Act as the proposed building will be more than 100 feet in an upland direction from any nearby wetlands resources.

On September 21, 1999, the Planning Board reviewed the petition and had no objection to granting the Special Permit.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The frontage of the subject property does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Fact.

It is the finding of this Authority that the proposed demolition of the existing conforming dwelling and construction of the new conforming 78 foot by 92 foot three-story dwelling on a lot with minimum ZBA 99-72

Petition of Andrew Company, LLC
Douglass Stiles
29 Hundreds Road

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02181
1999 OCT -5 A 11: 33

frontage of 40 feet in a district requiring minimum frontage of 110 feet, shall not be substantially more detrimental to the neighborhood than the existing structure.

Therefore, a Special Permit is granted for construction, as voted unanimously by this Authority at the Public Hearing, subject to construction in accordance with the submitted plot plan and construction drawings, and further subject to the following conditions:

1. Prior to the onset of any site work and/or demolition, all lot lines of the property at 29 Hundreds Road shall be staked. Stakes along the 225 foot property line abutting Wight's Pond shall be placed at a distance of no greater than 15 feet apart. Stakes shall be maintained until the completion of all construction.

2. Prior to the onset of any site work and/or demolition, hay bales shall be placed along said property line to prevent any siltation.and shall be maintained until the completion of all construction

3. Prior to the onset of any site work and/or demolition, an erosion control barrier shall be installed along said property line upgradient from the pond and maintained until the lawns and shrubbery have been stabilized to the extent that they can control the run-off.

4. All conditions pertaining to the demolition of the existing structure contained in the Negative Determination of Applicability shall be incorporated into this decision.

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.

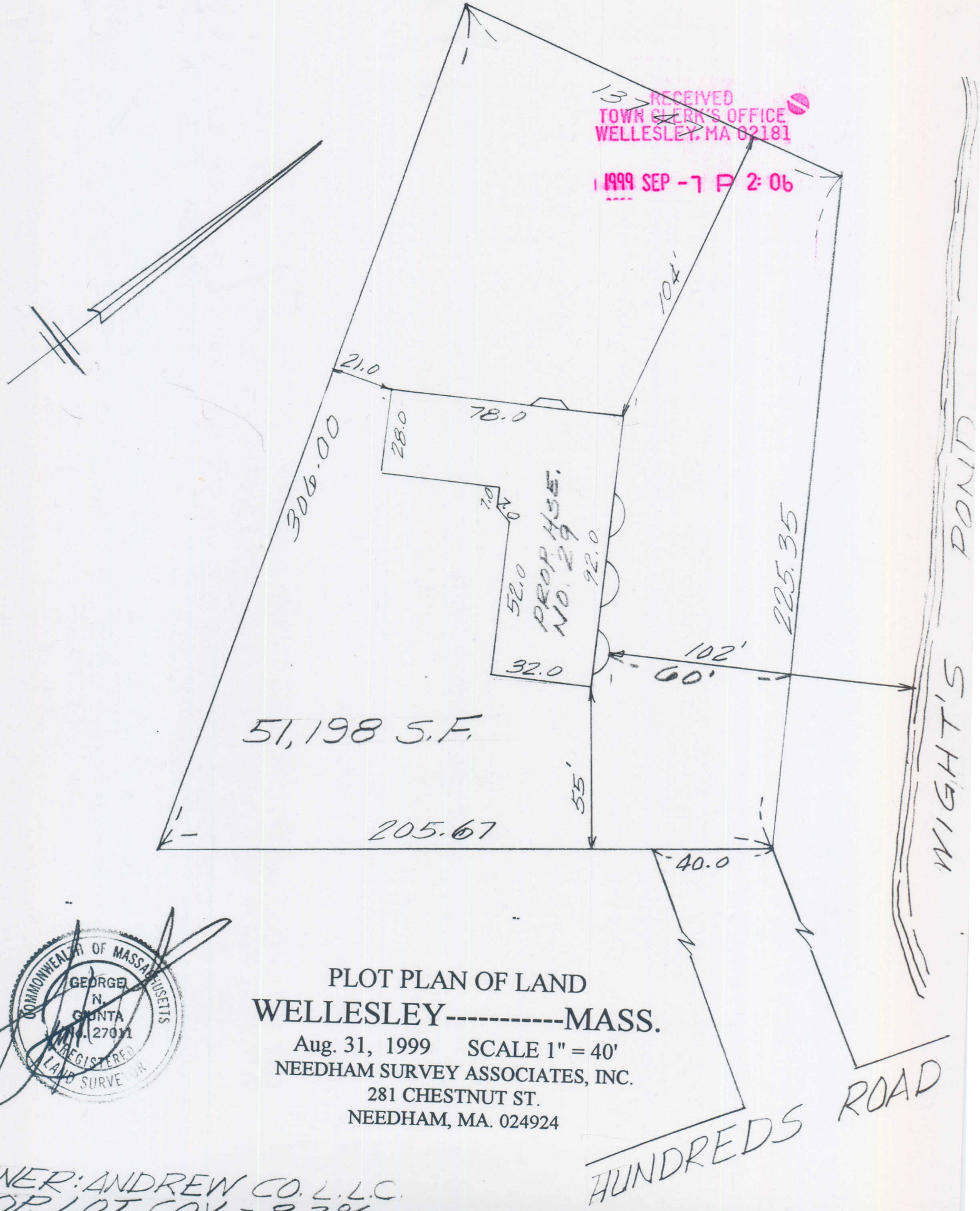
APPEALS FROM THIS DECISION, IF ANY, SHALL BE MADE PURSUANT TO GENERAL LAWS, CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK.

Kendall P. Bates
Kendall P. Bates, Chairman

William E. Polletta
William E. Polletta

Richard L. Seegel
Richard L. Seegel

Cc: Planning Board
Wetlands Protection Committee
Inspector of Buildings
edg



COMMONWEALTH OF MASSACHUSETTS
GEORGE N. GIUNTA
No. 27011
REGISTERED LAND SURVEYOR

PLOT PLAN OF LAND

WELLESLEY----------MASS.

Aug. 31, 1999 SCALE 1" = 40'

NEEDHAM SURVEY ASSOCIATES, INC.
281 CHESTNUT ST.
NEEDHAM, MA. 024924

OWNER: ANDREW CO. L.L.C.
PROP. LOT COV. = 8.3%
EXIST. LOT COV. = 10.4%