

**ZONING BOARD OF APPEALS**

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ZBA 2012-26
Petition of Stella Chan-Flynn
173 Benvenue Street

Record Owner of Property: Helen W. Hickler

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 5, 2012, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of STELLA CHAN-FLYNN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing two-story dwelling and detached garage and construction of a new two-story dwelling that meets all setback requirements, on a 14,220 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, at 173 BENVENUE STREET, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On March 20, 2012, 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 Joseph Grignaffini. Also present was Stella Chan-Flynn (the "Petitioner"). Mr. Grignaffini said that the plan is to demolish the existing house and built a new one. He said that the existing house does not meet setback requirements. He said that the new house will be conforming.

The Board said that the proposed house will be tall. The Board said that the proposed house will be much larger than the existing house. The Board said that there are very few windows shown on the side elevations. The Board said that the rear elevation will have a flat façade except for an attached deck and stairs. The Board said that it will be a single plane of three stories. The Board said that it will be two and one-half stories on the west elevation and three full stories of a flat plane on the east elevation.

Mr. Grignaffini said that the small window in the dining room was done at the request of the abutter who wanted to the number of windows reduced on that side.

Mr. Grignaffini said that they could put an eyebrow over the garage doors to help visually. The Board said that would also allow them to put the lighting under the soffit so that there would be no need for a surface light next to the door.

The Board asked if the basement level could be set back so that it would not be in the same plane as the upper two levels. The Board said that it is on the south elevation and would create a shadow line that would make the house appear much smaller. Mr. Grignaffini said that they could set it back.

Mr. Grignaffini said that the gutters and downspouts will lead to drywells.

Paul Bollier, Field Resources, described the drainage system. He said that it will take care of one hundred percent of the runoff from the roof. He said that each chamber will hold just under 40 cubic feet of water. He said that the layer of stone will have water holding capacity as well.

The Board asked about runoff from the driveway. The Board said that the yard slopes down to the retaining wall at the back. Mr. Bollier said that the current plan is to have the water infiltrate the grass. The Board said that it was concerned that a lot of runoff would end up on the neighbor's property. Mr. Bollier said that they could put a trench drain in the driveway and enlarge the drywell or add a new drywell.

The Board asked about the calculation for the impervious area. Mr. Bollier said that they used the standard one inch, which is what the Wetlands Protection Committee (WPC) requires. He said that one inch is more than a one-year storm. Mr. Grignaffini said that they will be reducing the amount of driveway.

Mr. Bollier said that the height of the retaining wall at the back will be approximately 3 feet 6 inches. The Board asked if the wall will impede sheet flow. Mr. Grignaffini said that it will be a dry wall. Mr. Bollier said that there will be a fabric separator on the back side of the wall.

The Board asked about landscaping on the downhill side of the wall. Mr. Grignaffini said that the plan is for grass there. The Board said that trees would greatly mitigate the scale of the house for the neighbors at the back. The Board said that the existing garage breaks up the scale of the existing house. Mr. Grignaffini said that the neighbors at the back have a line of trees. The Board said that more trees are needed. The Board said that there should also be plant materials between the garage door and the property line at the left hand edge.

The Board said that there was a fairly large tree at the back that was cut down recently. Ms. Chan-Flynn said that they did not cut it down. She said that she just bought the house on March 12, 2012. Mr. Bollier said that the arborist walked the site. He said that he probably noted that in his report. Mr. Bollier said that they will submit a tree plan when they apply for their Building Permit.

The Board said that it would like to see a landscape plan that mitigates some of the visual and water aspects of the site.

Amy Fuller Boyd, 79 Fuller Brook Road, said that her house is directly behind 173 Benvenue Street. She said that the second story of her house practically looks into the garage. She said that she would like to see landscaping on the side of the wall that she will be looking at. She said that currently they have a dry basement. She said that there is a lot of existing driveway but it is broken up. She said that the existing roof is much smaller than the proposed roof. She said that she was concerned about continuing to own a home with a dry basement. She said that 173 Benvenue Street lost three or four trees in the storms last winter. She said that the trees were cut down because of storm damage.

Mr. Grignaffini said that the top of the retaining wall at the back will be flat. He said that the retaining wall at the front will be sloped to follow the contours.

The Board said that the stairs to the deck will hit the grass. The Board suggested that the blacktop be extended, similar to what is shown to the northeast of the garage.

The Board asked if a bay window could be considered in the family room to help mitigate the scale of the house. The Board said that they could add a canopy top similar to what is shown on the front of the house. Mr. Grignaffini said that they could add that.

The Board said that any exterior light fixtures should not emit a lot of horizontal glare.

The Board said that it appears that two to three feet of fill will be added to the front. Mr. Grignaffini said that they wanted to keep the front door as low as possible. He said that they did not want to have water going up against the house. He said that they wanted water to flow away so that there would be no water problems in the basement.

The Board said that the new house will be moved further back on the lot. Mr. Grignaffini said that it was pushed back because of the 500 foot rule.

The Board said that the front walk from the driveway to the steps is not shown on the plans. Mr. Grignaffini said that it will go straight out.

Statement of Facts

The subject property is located at 173 Benvenue Street, on a 14,220 square foot lot in a district in which the minimum lot size is 20,000 square feet.

The Petitioner is requesting a Special Permit/Finding that demolition of an existing two-story dwelling and detached garage and construction of a new two-story dwelling that meets all setback requirements, on a 14,220 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 3/6/12, Zoning Compliance/Certified Plot Plan, dated 3/12/12, stamped by Bradley J. Simonelli, Professional Land Surveyor, Proposed Floor Plans and Elevations Drawings, dated 3/8/12, stamped by John Staniunas, Registered Architect, and photographs were submitted.

On April 4, 2012, 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 finding of this Authority that demolition of an existing two-story dwelling and detached garage and construction of a new two-story dwelling that meets all setback requirements, on a 14,220 square foot lot in a Single Residence District in which the minimum lot size is 20,000 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 two-story dwelling and detached garage and construction of a new two-story dwelling that meets all setback requirements, on a 14,220 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, subject to the following conditions:

1. Architectural changes for scaling and mitigation for the bulk of the house including addition of an eyebrow over the garage, setback of the southwest façade at the basement level, and addition of a bay window in the family room be made.
2. There shall be control of exterior light glare.
3. There shall be landscaping added at the northeast and southwest edges of the property to mitigate the visual effect and to control runoff.
4. A trench drain that connects to a drywell shall be added at the bottom of the driveway.
5. Trees that will grow and block the view for the neighbor at the back shall be planted.
6. The Petitioner shall work with the neighbor at the back on landscaping plans.
7. Landscape plans shall be discussed with all of the abutters.

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 Special Permit shall expire two years after the date time stamped on this decision.

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.

Richard L. Seegel, Chairman

J. Randolph Becker

David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm