

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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2018 APR 19 P 3:03

ZBA 2018-19
Petition of Victoria Fazen
10 Bryn Mawr Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 5, 2018, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Victoria Fazen 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 front porch and construction of a new front porch and construction of a two-story two-car garage with less than required front yard setbacks, and construction of a deck with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard and right side yard setbacks, at 10 Bryn Mawr Road, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On March 12 2018, 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 Preston Picardi, Contractor, and Dan DiPietro, homeowner. Mr. Picardi said that the request is for a special permit/finding to construct a two-story two car garage that will be 28.5 by 31 feet. He said that the existing structure is pre-existing nonconforming in the front and right side yard. He said that 3 feet by 24.5 feet of the front of the garage will not increase the encroachment that is 27.1 feet. He said that they will reduce the encroachment of the front porch from 18.8 feet to 20.6 feet, but will increase the length of it to 20 feet for curb appeal. He said that they will also construct a back deck that will not increase the existing encroachment. He said that total lot coverage will be under 25 percent.

Mr. Picardi said that the existing Total Living Area plus Garage (TLAG) is 2,655 square feet and the proposed addition will be 2,979 square feet, for a total of 5,634 square feet. He said that it will be an increase of 112 percent. He said that 1,200 square feet of it will be attic and 350 square feet will be basement. He said that the total living space is currently just over 2,000 square feet and will increase to 3,240 square feet.

Mr. Picardi said that the attic space will be for storage. He said that there is a pull down ladder. He said that there will not be a full staircase. He said that they may add another pull down ladder in the master bedroom but they will have to see how it lays out.

A Board member said that the Planning Board suggested that the Petitioner should consider pushing the addition back. He said that he disagreed with the Planning Board. He said that this is a good example of a well designed addition that compliments the style of the existing building and maintains similar setbacks

of projecting elements. He said that the design minimizes the bulk and size of the building. He said that they could have done this elsewhere on the lot. He said that this property is the combination of two lots and is twice the size of most of the lots in the neighborhood. He said that the proposed design is a suitable way to put the addition on. Mr. Picardi said that they started with a plan to stay conforming but he and his clients did not like the look of the house at all.

A Board member asked about the tree that overhangs the proposed driveway. Mr. Picardi said that the plan is to keep the tree. He said that they designed the driveway around it. He said that they will have to fine tune where the driveway will sit but they think that they can get it in there without disturbing the tree. He said that his clients really like the tree.

The Chairman asked if the 20.6 feet is measured from the lot line to the front of the porch or to the wall. Mr. Picardi said that it is measured to the front of the porch. He said that it used to be 18.8 feet. He said that they will reduce an eight foot porch to six feet. He said that they will increase the length to make the porch and the roof more proportional to the rest of the house. The Chairman said that the front yard would be measured to the porch not to the building wall. He said that because the 20.6 is nonconforming and the existing porch was nonconforming as well, it is not an increase in the nonconformity. He said that his understanding of the Planning Board's analysis is not that they wanted the garage to be moved back to make it more conforming in a dimensional sense but rather to give a difference in planes so that you did not have one wall staring at you when you looked at it from Bryn Mawr.

The Chairman said that he struggled with the size. He said that the whole zone including the neighborhoods on either side are all significantly smaller lots than the Board is used to seeing. He said that there are only four lots on Bryn Mawr that conform. He said that most of the lots are in the range of 5,000 to 6,000 square feet, so they are half what the zone requires. He said that when you do a large house it is not necessarily like the rest of the neighborhood, not because there is anything wrong with the design of the house but because it is a giant among midgets. Mr. Picardi said that it is not the biggest house on the street. He said that there are four to five other houses that are significantly larger. The Chairman said that because of the changes in the TLAG in the most recent version of the bylaw, it is hard for the Board to refer back to the Assessor's data, which is what it would normally do. He said that the Assessor's data suggests that the living area is currently just over 2,000 square feet. He said that, even accounting for differences in definition, it is still a significant increase.

The Chairman asked about runoff due to the increase in footprint. He said that the property is located in a Water Supply Protection District where the preferred solution is to put it back to groundwater. Mr. Picardi said that they will have gutters that will run into the yard. He said that there have not been any problems in the past but they can look into putting in a drywell and diverting the gutters to it.

A Board member asked about exterior lighting. Mr. Picardi said that there may be a spotlight for the driveway, some sconces by the front porch and something at the back. He said that there will be nothing in the side yard. The Board member asked if recessed lighting was considered instead of the sconces so that you would not see the light. Mr. Picardi said that they usually do put in recessed LED lights. He said that the sconces come in if the client wants that look. He said that has not been narrowed down yet.

Board members commented on concerns about the size of the house in relation to this neighborhood. A Board member said that they have the space to do it in two stories as opposed to going up to three. The

Chairman said that one of the mitigating measures is the location of the existing house on the lot. He said that there is space on the left side that mitigates the distance to the neighbors.

A Board member asked about the height calculation. Mr. Picardi said that it is 27.5 feet and they will keep it at that.

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

Statement of Facts

The subject property is located at 10 Bryn Mawr Road, in a 10,000 square foot Single Residence District, with a minimum front yard setback of 18.8 feet and a minimum right side yard setback of 15.3 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 front porch and construction of a new front porch and construction of a two-story two-car garage with less than required front yard setbacks, and construction of a deck with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard and right side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 1/12/18, stamped by Robert F. Drake, Professional Land Surveyor, Existing & Proposed Floor Plans and Elevation Drawings, dated 1/15/18, prepared by Preston Picardi, and photographs were submitted.

On April 5, 2018, the Planning Board reviewed the petition and recommended that the hearing be continued.

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 although demolition of an existing nonconforming front porch and construction of a new front porch and construction of a two-story two-car garage with less than required front yard setbacks, and construction of a deck with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard and right side yard setbacks is increasing a nonconformity, such increase shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, a special permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of an existing nonconforming front porch and construction of a new front porch and construction of a two-story two-car garage with less than required front yard setbacks, and construction of a deck with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard and right side yard setbacks, subject to the following conditions:

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1. Any increase in runoff from additional roof and impervious surfaces shall go into a drywell.
2. Best efforts shall be made to maintain the existing tree.

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.

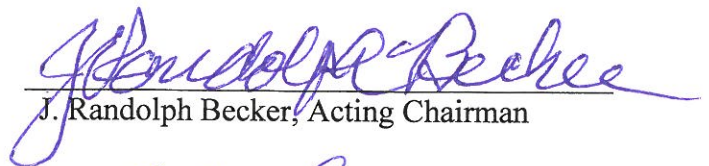
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

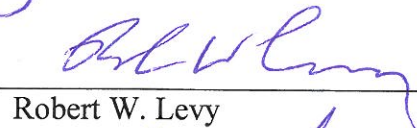
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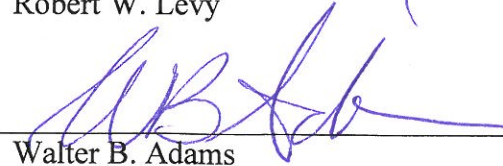
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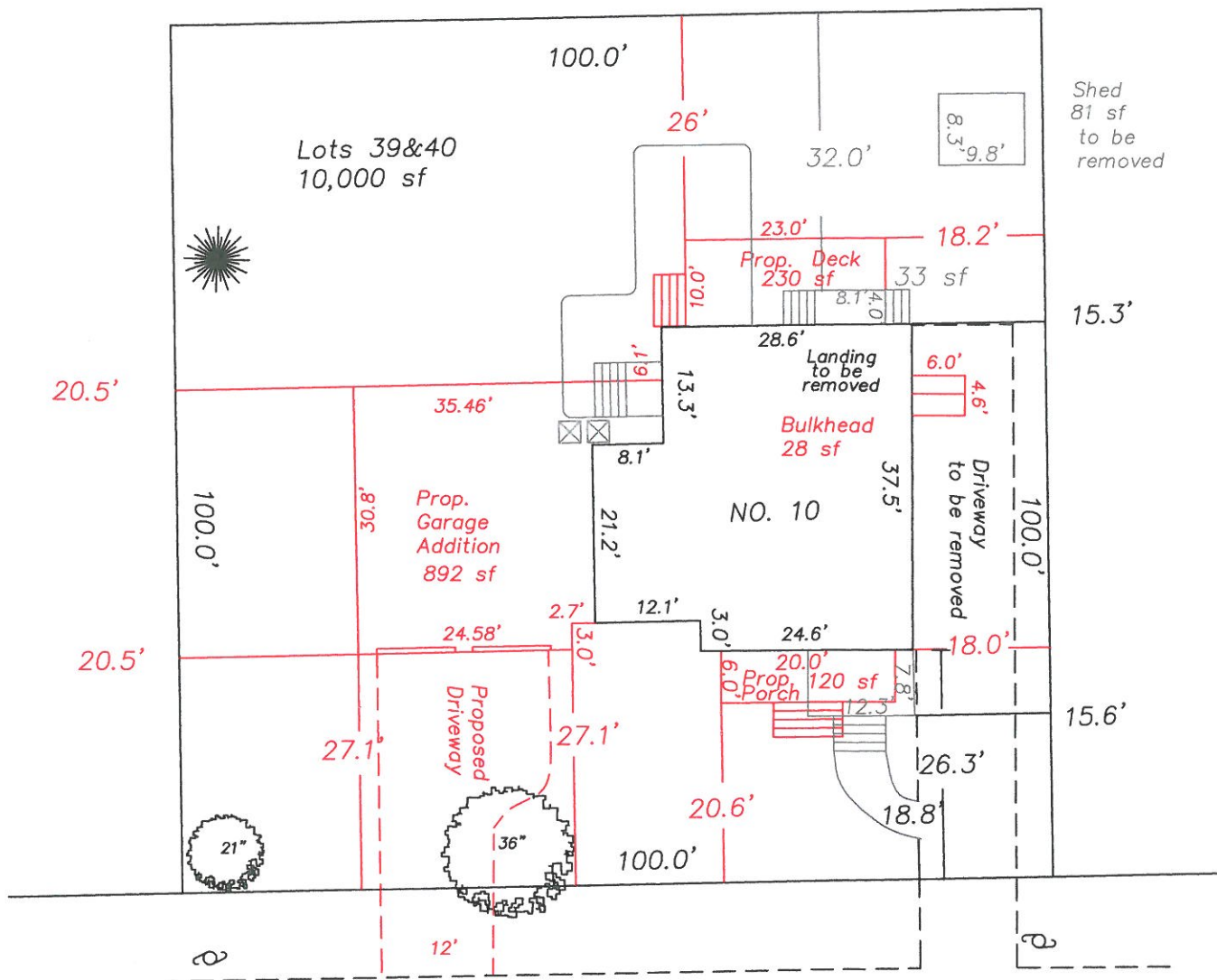
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.


J. Randolph Becker, Acting Chairman


Robert W. Levy


Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm



Exist. Lot Cov.	1,457 sf	14.6%
Hse	1,219 sf	
Porch	96 sf	
Landing	33 sf	
Shed & B/H	109 sf	
Total	1,457 sf	
Prop. Lot Cov.	2,489 sf	24.9%
Hse	1,219 sf	
Addition	892 sf	
Porch	120 sf	
Deck	230 sf	
B/H	28 sf	
Total	2,489 sf	24.9%

BRYN MAWR ROAD

Ass Map 190 Lot 9
Deed Bk 30928 Pg 6

I HEREBY CERTIFY THAT THE CONDITIONS ON THE GROUND
ARE THE SAME AS SHOWN HEREON.

SIGNED:

Robert F. Drake PLS 30321



CERTIFIED PLOT PLAN
IN

No. 10 Bryn Mawr Road
WELLESLEY MASS

SCALE 1"=20' JANUARY 12, 2018

Drake Associates Inc.

Civil Engineers Land Surveyors
25 Wellesley Ave. Wellesley Mass.

508 877-0848

FAX 781 416-1865