



## ZONING BOARD OF APPEALS

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

RICHARD L. SEEGER, CHAIRMAN  
J. RANDOLPH BECKER, VICE CHAIRMAN  
DAVID G. SHEFFIELD

LENORE R. MAHONEY  
EXECUTIVE SECRETARY  
TELEPHONE  
(781) 431-1019 EXT. 2208

ROBERT W. LEVY  
WALTER B. ADAMS  
DEREK B. REDGATE

ZBA 2018-50  
Petition of Joseph Fanning  
7 Priscilla Road

---

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 12, 2018, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Joseph Fanning 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 structure and construction of a new two-story structure that will meet all setback and height requirements, on a 13,350 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District, at 7 Priscilla Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The Petitioner is requesting a Special Permit pursuant to the provisions of Section XXIID and Section XXV of the Zoning Bylaw for construction of a retaining wall that will exceed four feet high within ten feet of the property line.

On June 7, 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 David Himmelberger, Esq., Joseph and Mary Ann Fanning, the Petitioner, Dustin Nolin, Architect, David Silverstein, Copperleaf Development, and Paul Beaulieu, P.E.

Mr. Himmelberger said that the request is for a special permit for relief for an undersized lot that has 13,350 square feet where 15,000 square feet is required. He said that the request is also for a special permit for a retaining wall that will be greater than four feet high within 10 feet of the property line that will retain land to the rear of the wall and will only be seen from the owner's perspective. He said that the property is located in a Water Supply Protection District. He said that the existing home was reviewed by the Historical Commission and was deemed to be preferably preserved. He said that the Historical Commission was quite impressed and granted a waiver to construct the design that was submitted to this Board. He said that the Historical Commission left their hearing open in case the Zoning Board asked for any revisions. He said that the design has a TLAG of 4,635 square feet where the threshold for Large House Review in a 15,000 square foot district is 4,300 square feet. He said that it will be dimensionally compliant with all setbacks. He said that a prior submittal in 2017 was a poor design and was withdrawn without prejudice. He said that the proposed house is more appropriate and will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Mr. Nolin said that they tried to come up with a style that is sensitive to the homes in the neighborhood. He said that a lot of effort was made to address the general massing of the home and how it presented itself to the street. He said that the lot is not wide enough to accommodate a side entry garage. He said that they stepped the garage back 10 feet from the front of the house. He said that they broke the house up into three different masses with the main gable facing the street with a steeper pitch and more narrow



to make it appear to be more vertical. He said that they did a lot of detailing with elements to bring the scale down and not overwhelm the street. He said that it will be bigger than some of the homes in the neighborhood but will be well within scale. He said that it will be just under 30 feet high from the top of concrete and approximately 31 feet from grade at certain areas. He said that the house will step back to the front entry. He said that they kept all of the rooflines down to a story and a half façade where the roof starts at six feet on the second floor rather than eight or nine feet. He said that they extended the eave details out to pull the elevation down. He said that they will use two smaller dormers on the garage rather than one large one. He said that they will break the design up with a flair coming across and some stone. He said that the main gable will face the street, which will create less mass for the neighbor on the left. He said that on the right side the gable roof for the garage will step down even further. He said that there will be a single story mudroom on the rear. He said that they used the rooflines, detailing and massing to present a house that will feel smaller from the street.

Mr. Beaulieu said that the existing site slopes quite a bit down from the rear property line to the road. He said that the majority of the slope is in the last 25 to 30 feet of the property. He said that Mr. Nolin incorporated a mud sill so that they could sink the house further into the grade to minimize the height. He said that they wanted to provide as much of a usable back yard as possible because the homeowners want to spend time there with their children. He said that they were able to stay under four feet for most of the wall but a larger wall is necessary as you go towards the left rear corner. He said that instead of being an exceptionally large single wall, they tried to break it up with a more substantial front wall with a sloped planting area to a small secondary wall. He said that adding them together will be six and a half feet tall from the grade at the front of the wall to the grade at the rear. He said that it will be six feet from the property line to the back side of the wall. He said that although the wall will be broken up, it will require a special permit.

A Board member said that it looks like they tried to keep the height of the wall under four feet as much as possible. He asked if the Petitioner anticipates having any kind of a guard rail along the wall. He said that if it considered to be a walking surface along the property line, the Building Code will require it if it is more than 30 inches above the grade. He said that it is outside the Zoning Board's jurisdiction but he urged the homeowners to consider putting a guard rail on top of the wall because four feet is a significant drop.

Mr. Beaulieu said that the area behind the wall will all be plantings. He said that the back of the abutter's property is quite wooded. He said that they will plant the uphill side to maintain the soil post-construction. He said that they want to minimize runoff from the lots behind the property. Mr. Fanning said that the plantings between the property line and the rear wall will also serve as screening, whereas the plantings will be more ornamental between the walls on the left side.

Mr. Silverstein said that the retaining wall will be mortar and fieldstone. Mr. Fanning said that the top of the wall will be level at grade. A Board member said that he would have liked to have seen some elevations and more details of the wall.

Mr. Himmelberger said that the Petitioners reached out to discuss the plans with over 20 neighbors in proximity to the property, focusing on Priscilla and Standish Roads. He said that they personally met with over 10 neighbors, including the five abutters and they were supportive of the plans.

A Board member said that there is a fairly significant grade change. He asked about fencing between the properties. Mr. Fanning said that there is significant tree screening on three sides. He said that there is old fencing on two sides that will come down. He said that it is his wife's intent that their children will play in the back yard. He said that they may put up a fence, plant trees or both. He said that they met with their neighbors on the right, the Stokes, and they plan to put a fence up because they are getting a dog. He said that they spoke today about coordinating plans for trees and fences.

The Chairman said that two infiltration systems are shown on the front side of the house. He asked if they will be taking the runoff from the front side or from the whole roof. Mr. Beaulieu said that the entire roof will be captured and collected. He said that it will be divided approximately in half between the two infiltration systems. He said that they dug test pits and groundwater was substantially below.

The Board discussed Section XXIID of the Zoning Bylaw. The Chairman asked if a report from the Design Review Board was submitted. Mr. Himmelberger said that Design Review under Section D, Design Review and Permitting, is required for retaining walls that retain seven feet or more of unbalanced fill. He said that the combination of the two walls will be under seven feet. The Chairman said that there is not a single four foot drop. He said that there are three foot eight inch drops along the back wall and the stepped wall that takes care of the biggest drop. The Board discussed inserting a condition that its finding is based on the representation that the homeowner will take positive actions to protect the safety of the children.

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 7 Priscilla Road, on a 13,350 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District.

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 structure and construction of a new two-story structure that will meet all setback and height requirements, on a 13,350 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The Petitioner is requesting a Special Permit pursuant to the provisions of Section XXIID and Section XXV of the Zoning Bylaw for construction of a retaining wall that will exceed four feet high within ten feet of the property line.

A Plot Plan, Tree Bylaw Mitigation Plan, Allowable Height Plan and Basement TLAG Exemption, dated 5/29/18, stamped by Bradley J. Simonelli, Professional Land Surveyor, Infiltration System Plan of Land, dated 5/29/18, Proposed Floor Plans and Elevation Drawings, dated 5/18/18, and Proposed Renderings, dated 5/11/18, prepared by DNA Architecture, and photographs were submitted.

On June 27, 2018, the Planning Board reviewed the petition and recommended that a Special Permit be approved.

#### 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 demolition of an existing structure and construction of a new two-story structure that will meet all setback and height requirements, on a 13,350 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District, 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 structure and construction of a new two-story structure that will meet all setback and height requirements, on a 13,350 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District, in accordance with the submitted plot plan and construction drawings.

If is the finding of this Authority that the retaining wall is otherwise is compliance with the provisions of the bylaw; that the requested retaining wall will not adversely impact adjacent property or the public; and that the proposed retaining wall is the minimum structure necessary to allow the subject property to be reasonably utilized.

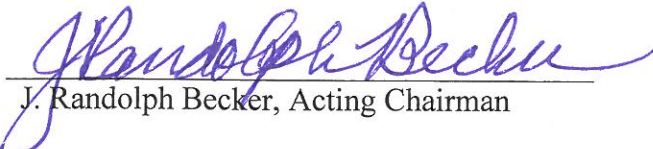
There, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for a retaining wall that will exceed four feet high within ten feet of the property line.

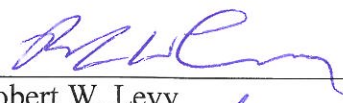
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed constructions plans.

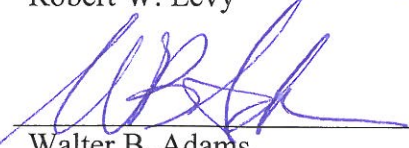
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

ZBA 2018-50  
Petition of Joseph Fanning  
7 Priscilla Road

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



N/F  
BARBARA G. MYEROW

N/F  
CAROLYN F. FOX

N72°02'02"E

97.96' (DEED)

S12°24'11"E

N/F  
MICHAEL C &  
KIMBERLY STOKES

N/F  
BETH E URDANG &  
LAWRENCE D. ZEIGLER

N12°23'54"W

141.18'

PRISCILLA ROAD

009-18

ZONING INFORMATION: SINGLE RESIDENCE 15 (SR15)

|                                | REQUIRED      | PROPOSED       |
|--------------------------------|---------------|----------------|
| MINIMUM LOT AREA .....         | 15,000 SF     | 13,350 SF      |
| MINIMUM LOT FRONTAGE.....      | 60 FEET       | 100.00 FEET    |
| MINIMUM FRONT SETBACK.....     | 30 FEET       | 32.4 FEET      |
| MINIMUM SIDE YARD.....         | 20 FEET       | 22.5 FEET      |
|                                |               | 23.3 FEET      |
| MINIMUM REAR YARD .....        | 15 FEET       | 41.3 FEET      |
| MAXIMUM BUILDING COVERAGE..... | 20%(2670 SF)  | 19.0%(2540 SF) |
| MAXIMUM BUILDING HEIGHT.....   | 36 FEET       | 31.46 FEET     |
| MAXIMUM BUILDING HEIGHT.....   | 2 1/2 STORIES | 2 1/2 STORIES  |

I CERTIFY THAT THE PARCEL SHOWN HEREON LIES WITHIN A ZONE "X", AREAS OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN. AS SHOWN ON THE FLOOD INSURANCE RATE MAP FOR THE TOWN OF WELLESLEY, MASSACHUSETTS, COMMUNITY PANEL NO. 250255 0017 E, MAP NUMBER 25021C 0017 E EFFECTIVE DATE: JULY 17, 2012.

NOTES:

- 1) BENCHMARK INFORMATION:  
TEMPORARY BENCHMARKS SET :  
SPIKE SET IN UTILITY POLE #6  
SEE PLAN FOR LOCATION  
ELEVATION = 105.97
- 2) ELEVATIONS REFER TO TOWN OF WELLESLEY BASE
- 3) CONTOUR INTERVAL EQUALS ONE (1) FOOT.



ZONING BOARD OF APPEALS  
PLAN OF LAND  
7 PRISCILLA ROAD  
WELLESLEY, MASS.

Field Resources, Inc.  
LAND SURVEYORS

MAY 29, 2018

P.O. BOX 324  
AUBURN, MA  
508 832 4332

SCALE 1"=20'

281 CHESTNUT ST.  
NEEDHAM, MA.  
781 444 5936

fieldresources@hotmail.com

