

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ZBA 2017-92 - Extension
Petition of Olimpiu Dejue, Olga Boric,
Frederick & Margaret Klingmeyer
28, 30 & 32 River Ridge

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 7, 2018, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Olimpiu Dejue, Olga Boric, Frederick & Margaret Klingmeyer requesting a six month extension of Variances granted on December 21, 2017, such that the Variances will now be extended through June 21, 2019. On April 12, 2018, the Historical Commission determined that the structure at 28 River Ridge was deemed Preferably Preserved and imposed a one year demolition delay to run through April 12, 2019. The properties are located at 28, 30 & 32 River Ridge.

On May 2, 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 was David Himmelberger, Esq., who said that the request is for a minor modification and extension of previously granted variance for six months. He said that the variance was granted and date stamped on December 21, 2017, and was conditioned upon the existing nonconforming structure being razed prior to or effective upon recording of any subsequent ANR or subdivision approved by the Planning Board. He said that following the Board's decision, the Petitioner submitted an ANR Plan, which was endorsed by the Planning Board. He said that the plan incorporated the variances that had been granted. He said that 28 River Ridge was constructed prior to 1949, which is the trigger date for review by the Historical Commission for Demolition Delay. He said that on April 12, 2018, the Historical Commission determined that the structure at 28 River Ridge was deemed preferably preserved and imposed a one year demolition delay to run through April 12, 2019. He said that the earliest that the existing nonconforming structure can be razed is April 12, 2019 and this date falls after the expiration of the 12 month period following the Board's December 21, 2017 decision. He said that, pursuant to MGL, Section 40A.10, the Petitioner is requesting that the Board extend the variances for a period of six months such that they will now run through June 21, 2019.

Mr. Himmelberger said that, subsequent to the Board's decision granting various variances, the Applicant determined that it would be more beneficial to slightly alter the proposed lot line between 28 and 30 River Ridge. He said that it will slightly widen the rear of what could be determined to be the driveway area. He said that the land falls sharply to the west. He said that the previously approved plan showed a 28.1 foot width at the rear of the driveway. He said that the revised plan that was approved by the Planning Board shows a 32 foot width. He said that the revision will not alter the frontages for which the variances were granted.

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Mr. Himmelberger said that the proposed area for 28 River Ridge will be 20,610 square feet, as opposed to 20,307 square feet, as previously approved. He said that there will be a decrease in 30 River Ridge from 11,232 square feet to 10,929 square feet. The Board said that the properties are located in a 10,000 square foot Single Residence District. The Board said that this does not affect the previously approved modification of the property line for 32 River Ridge.

A Board member said that there is a clear rationale for why this is being done. He said that he lives three houses away from this property and is aware of the significant slope from the property at 32 River Ridge down to the property at 28 River Ridge. He said that the more room that can be provided to allow for two separate driveways to parallel each other on the newly created properties will benefit the design.

The Chairman said that the request for a minor modification was not published. Mr. Himmelberger said that they are seeking a determination that it is a minor modification to the plan that was previously submitted. The Chairman asked if the request for a minor modification is to substitute the plans. Mr. Himmelberger asked that the variances be based on the January 29, 2018 Plan. A Board member confirmed that the rationale is that it does not change the basis for needing to seek relief and is just a change in the plan.

There was no one present at the Public Hearing who wished to speak to the petition.

Statement of Facts

The subject properties are located at 28, 30 & 32 River Ridge, in a 10,000 square foot Single Residence District and a Water Supply Protection District.

The Petitioner is requesting a six month extension of Variances granted on December 21, 2017, such that the Variances will now be extended through June 21, 2019. On April 12, 2018, the Historical Commission determined that the structure at 28 River Ridge was deemed Preferably Preserved and imposed a one year demolition delay to run through April 12, 2019.

The Petitioner is requesting that the Board make a determination that proposed changes to slightly alter the proposed lot line between 28 and 30 River Ridge are minor modifications that do not require a public hearing.

Letter to Zoning Board of Appeals, dated 4/30/18, from David H. Himmelberger, Esq., re: Request for Six Month Extension of Variances for 28, 30, 32 River Ridge, Wellesley, Request for Minor Modification of Variance, Exhibit A, Plan of Land, dated 10/25/17 and Exhibit B, Plan of Land, dated 1/29/18, stamped by David W. Humphrey, Professional Land Surveyor, were submitted.

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Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing.

A Six Month Extension of the Variances granted under ZBA 2017-92 is granted, such that the Variances will now be extended through June 21, 2019, as voted unanimously by this Authority at the Public Hearing.


The Board voted unanimously to make a determination that the proposed changes to slightly alter the proposed lot line between 28 and 30 River Ridge, in accordance with a plan dated, January 29, 2018, are minor modifications that do not require a public hearing.

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WELLESLEY, MA 02462
JUN 21 P 3:00

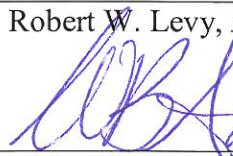
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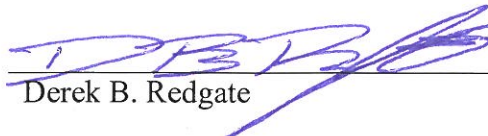
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



Robert W. Levy, Acting Chairman



Walter B. Adams



Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm