

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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TELEPHONE
(781) 431-1019 EXT. 2208

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ZBA 2018-67
Petition of Teagan Properties LLC
38 Maugus Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 4, 2018 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Teagan Properties LLC requesting a Special Permit pursuant to the provisions of Section XXIID and Section XXV of the Zoning Bylaw for construction of a retaining wall, parts of which shall exceed four feet in height within 10 feet of the property line, at 38 Maugus Avenue, in a 20,000 square foot Single Residence District.

On September 13, 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 Mike Coutu, Sudbury Design Group, and David Stern, Stern McCafferty, representing Teagan Properties LLC, the Petitioner. Mr. Coutu said that the request is for a special permit for construction of a retaining wall that is in excess of four feet within the setback. He said that the project has gone through all of the permitting phases with the Historic, Design Review and Planning Boards.

Mr. Coutu said that they have had substantial discussions with the neighbors. He said that they held a meeting that over 20 people attended. He said that they have met with the direct abutter who the wall may impact the most for a couple of off line meetings.

Mr. Coutu said that the wall will allow them to turn the front loading garage doors to the side and provide enough turning and parking area to get in and out of the garage. He said that will give them the opportunity to save some trees that are adjacent to the wall that give protection to the direct neighbor. He said that the proposed project will have no detrimental effect on the neighbors and will be beneficial to the neighbor where the parking court and car activity will be depressed.

A Board member said that it would have been helpful to see plans for the garage so that the Board could see how it integrates into the work that the Petitioner is seeking relief for. He said that the garage itself is of right and does not need relief from the Board.

A Board member said that a certified plot plan was not submitted. Mr. Coutu said that a full engineering package was submitted to and reviewed by George Saraceno, Wellesley Department of Public Works. The Board member said that the Board will want to have a certified plot plan for the record. He said that the plan that was submitted does not show the original or the proposed garage. He said that there is a

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bylaw requirement of 30 feet from the garage to the side lot line. Mr. Coutu said that the garage will be 35 feet from the proposed wall and the proposed wall is inside the property line.

Mr. Coutu said that the retaining wall over four feet in height will require a building permit as well. The Chairman said that Wall Elevation and Plan 5.0 shows the wall at eight feet from grade to top of wall. He asked if the intent is for any planting on the uphill side of the wall. Mr. Coutu said that there is substantial hedge for privacy from the neighbor. The Chairman confirmed that the hedge will be thick enough to serve as a barrier to keep people from falling over the wall.

Mr. Couto said that a drainage plan was submitted as part of their application. He said that there will be some porous pavement but they cannot use a lot of it because of high groundwater. The Board confirmed that the drainage plan will be submitted to the Building Inspector as part of the application package.

The Chairman said that the Board received the letter of recommendation from the Design Review Board.

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 38 Maugus Avenue, in a 20,000 square foot Single Residence District.

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, parts of which shall exceed four feet in height within 10 feet of the property line.

A Proposed Site Plan and a Wall Elevation and Plan dated 8/8/18, revised 8/22/18, and Cover Sheet Description, dated 8/8/18, prepared by Stern McCafferty and Sudbury Design Group, and photographs were submitted.

On August 16, 2018, the Design Review Board voted unanimously to approve the retaining wall, as presented.

On September 19, 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 the retaining wall is otherwise in compliance with the provisions of Section XXIID. Retaining Walls, the requested retaining wall will not adversely impact adjacent property or the public, the report of the Design Review Board has been received and the requested retaining wall is consistent with that report and those criteria contained in Section XXII, Design Review, Part C., Design Criteria, of the Zoning Bylaw, and the proposed retaining wall is the minimum structure necessary to allow the subject property to be reasonably utilized.

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Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of a retaining wall, parts of which shall exceed four feet in height within 10 feet of the property line, subject to the following condition:

- A certified plot plan that shows the retaining wall be submitted.

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.

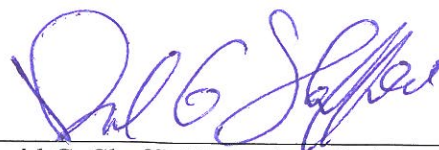
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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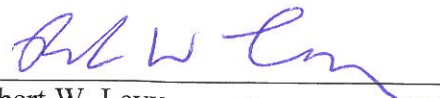
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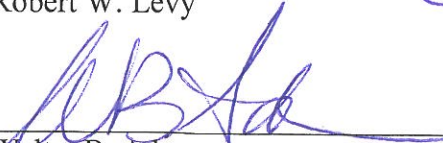
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



David G. Sheffield, Acting Chairman



Robert W. Levy



Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm

17 SEP 13 P 2:45

ARCHITECT:
STERN McCAFFERTY
46 WALTHAM STREET,
SUITE 302A
BOSTON, MA 02118

617.338.1125

LANDSCAPE ARCHITECT:
SUDBURY DESIGN GROUP
740 BOSTON POST RD
SUDBURY, MA 01776

978.443.3638

CIVIL ENGINEER:
METROWEST ENGINEERING
75 FRANKLIN ST
FRAMINGHAM, MA 01702

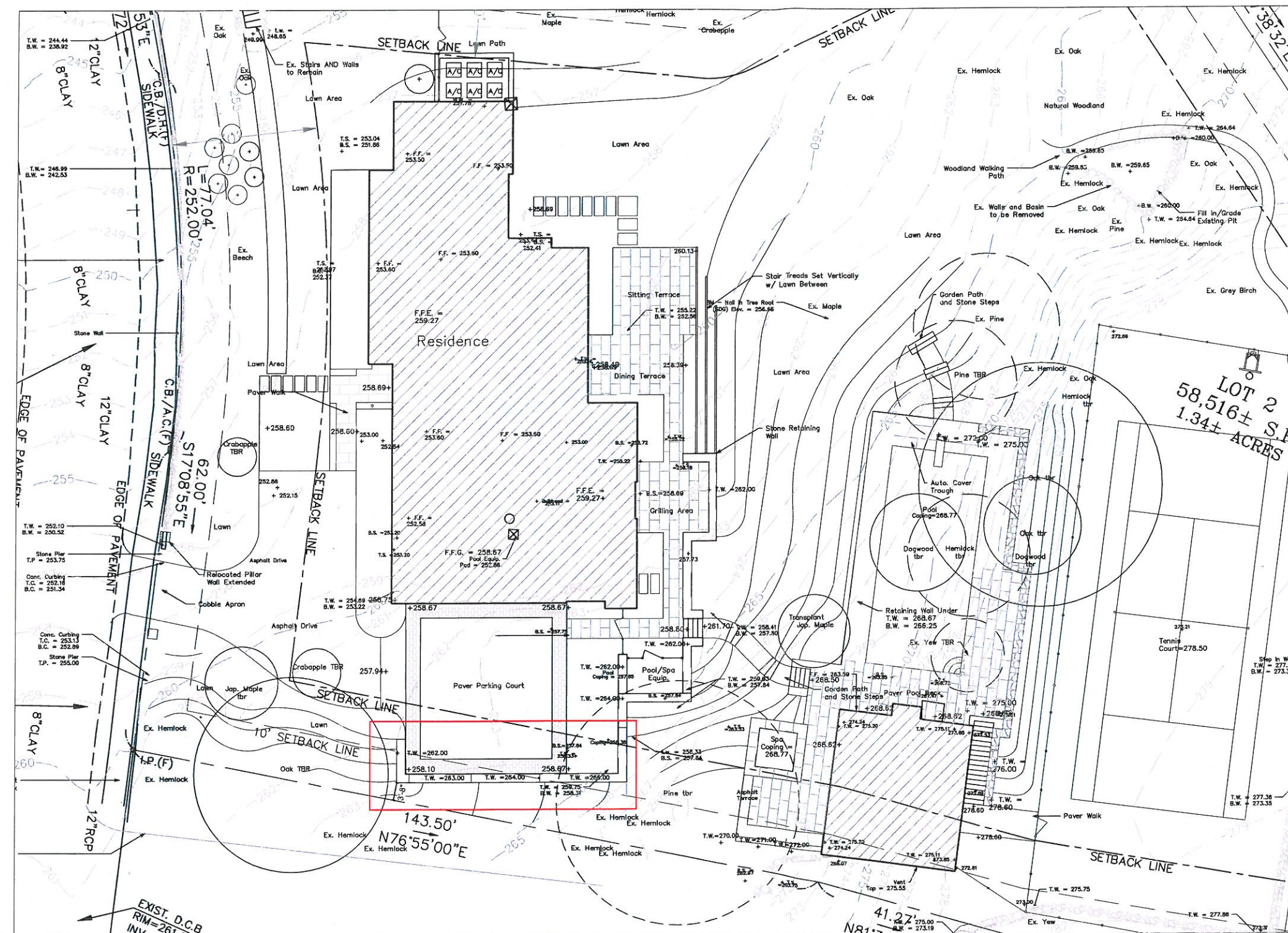
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SCALE:
1" = 20'

DATE:
AUGUST 8, 2018
REV. 8/22 / 2018

4.0



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PROJECT:
38 MAUGUS AVE
WELLESLEY, MA
02481

ARCHITECT:
STERN McCafferty
46 WALTHAM STREET,
SUITE 302A
BOSTON, MA 02118

617.338.1125

LANDSCAPE ARCHITECT:
SUDBURY DESIGN GROUP
740 BOSTON POST RD
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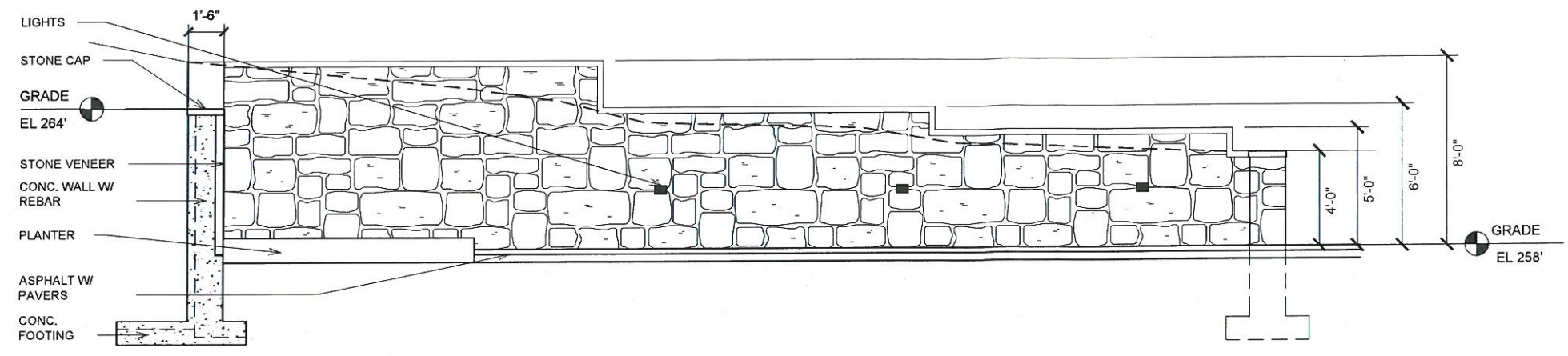


**WALL
ELEVATION
AND PLAN**

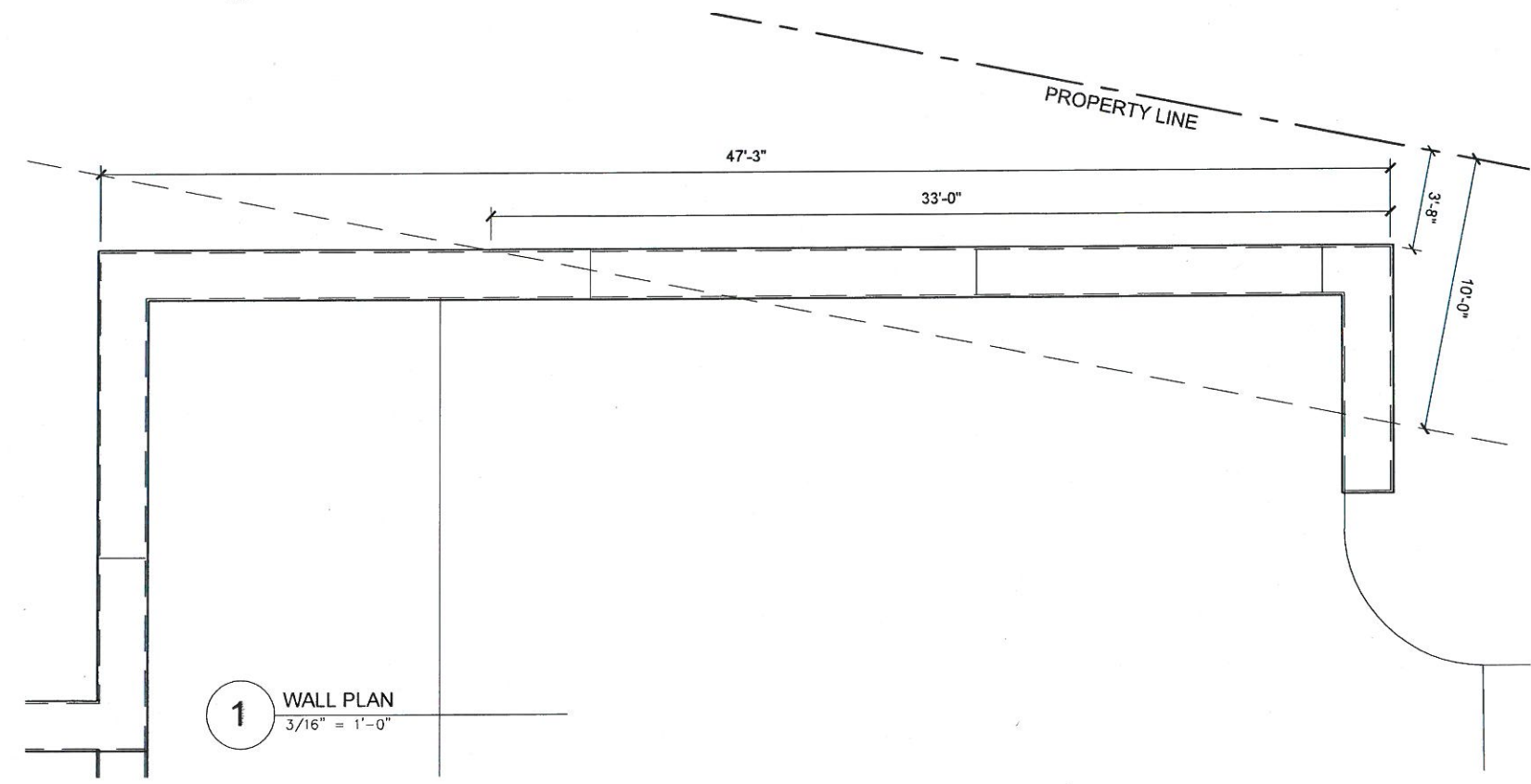
SCALE:
 $\frac{3}{16}" = 1'-0"$

DATE:
AUGUST 8, 2018
REV. 8/22/2018

5.0



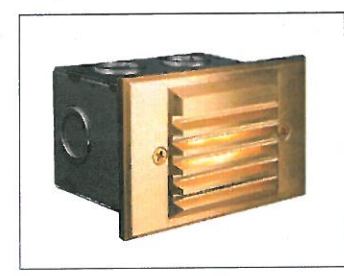
2 WALL ELEVATION
 $\frac{3}{16}" = 1'-0"$



1 WALL PLAN
 $\frac{3}{16}" = 1'-0"$



WALL MATERIAL



LED LIGHT