

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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

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

2015 P 249  
ZBA 2017-51

ZBA 2017-51  
Petition of Patricia Start  
64 Overbrook Drive

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 1, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Patricia Start 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 structure and shed and construction of a new two-story structure that will meet all setback and height requirements, on a 6,400 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, at 64 Overbrook Drive, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On March 28, 2017, 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 Laurence Shind, Esq., representing Patricia Start, the Petitioner. He said that the request is for a special permit to demolish the existing nonconforming house and construct a new house that will comply with all dimensional requirements and will not be substantially more detrimental than the existing structure.

Mr. Shind said that the lot is undersized at 6,400 square feet and the house is nonconforming. He said that the house was built in 1920. He said that it is a small bungalow that is in a state of extreme disrepair. He said that the existing house has 700 square feet of living area. He said that existing lot coverage is 14 percent. He said that the house is nonconforming on the front and left side. He said that the proposed new structure will have a Total Living Area plus Garage (TLAG) of 2,882 square feet and lot coverage will increase to just under 25 percent.

A Board member said that there is a severe grade issue and they will have to do some filling to put the house on the property.

The Chairman asked how they propose to retain water on the lot. Mr. Shind said that as far as he was aware it would be a gutter and downspout system. The Chairman asked where the water will run to. He said that the lot drifts off substantially to the northwest. He said that Mr. Shind's client cannot run water onto the abutters' properties. He asked about underground storage. Mr. Shind said that he was not aware of any. The Chairman said that the Board may insert that as a condition. He said that there is a pretty steep grade there.

A Board member said that the property is located in a Water Supply Protection District. He said suggested that there be a drywell that connects to the roof gutters.

A Board member said that the Wetlands Protection Committee (WPC) said that the project is just upslope from a 100-foot Buffer Zone boundary. He said that the WPC said that there should be erosion controls at the northern edge of the property.

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 64 Overbrook Drive, on a 6,400 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, with a minimum front yard setback of 12.5 feet and a minimum left side yard setback of 9.3 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 structure and shed and construction of a new two-story structure that will meet all setback and height requirements, on a 6,400 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

An Existing Conditions Plan and a Proposed Conditions Plan, dated 3/24/17, stamped by Alfred M. Berry, Professional Land Surveyor, Proposed Floor Plans and Elevation Drawings, dated 3/27/17, prepared by Jeffrey Yates Architects LLC, and photographs were submitted.

On May 16, 2017, the Planning Board reviewed the petition and recommended that Special Permit be denied.

On May 31, 2017, the Wetlands Administrator reviewed the petition and recommended the use of erosion controls at the northern edge of the property.

#### 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 nonconforming structure and shed and construction of a new two-story structure that will meet all setback and height requirements, on a 6,400 square foot lot in a Single Residence District in which the minimum lot size is 10,000 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 nonconforming structure and shed and construction of a new two-story structure that will meet all setback and height requirements, on a 6,400 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, subject to the following conditions:

1. Roof leaders shall tie into a drywell that is located somewhere on the property that is appropriate.
2. Erosion control measures shall be placed on the downslope of the lot.

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.

2017 JUN 15 PLE 19  
ZBA 2017-51

ZBA 2017-51  
Petition of Patricia Start  
64 Overbrook Drive

2017 JUN 15 P 12:49

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

Walter B. Adams

Derek B. Redgate

REGISTRY INFO:  
NORFOLK COUNTY REGISTRY OF DEEDS  
LC CERTIFICATE # 194448  
LC DOCUMENT # 1365413-1

#37 EDGEMOOR DR  
MAP 204 PCL 48  
N/F  
BRIAN CHAN  
LI CHEN

#68 OVERBROOK DR  
MAP 204 PCL 16  
N/F  
JOSEPH & PATRICIA  
DOHERTY

#62 OVERBROOK DR  
MAP 204 PCL 14  
N/F  
ADAM & NICOLE  
MEYERS

16" CHERRY

12" MAPLE

36" PINE

16" OAK

30" PINE

STON BOU

HEMLOCK ROW

N73°17'53"E

LOTS 291-292

PARCEL ID. 204-15

TOTAL AREA = 6,400 S.F.

TW 16" MAPLE

UP14

159

159

36" MAPLE

157

158

EX RE

EX. SHED

EXISTING DWELLING  
TO BE RAZED

N 16°42'17" W

12" MAPLE

161

12" OAK 12" MAPLE

S73°17'53" W

80.00'

33.9'

CHAIN LINK FENCE

*ZONING TABLE  
DISTRICT - SR10*

AREA	REQUIRED	EXISTING
	10,000 S.F.	6,400 S.F.
FRONTAGE	75.00'	80.00'
F. SETBACK*	30.00'	12.5'
S. SETBACK	20.00'	9.3'
R. SETBACK	10.00'	33.9'
MAX COVERAGE	25% 1,600 S.F.	14% 868 S.F.

**\*500' RULE**

THE CLOSEST FRONT OFFSET DWELLING WITHIN 500' IS  
#62 OVERBROOK AT 28.0'; THE REQUIRED FRONT  
SETBACK FOR THE PROPOSED DWELLING IS 30.0'

APPLICANT/AGENT:

RECORDED JUNE 20, 2012  
ACTON, MASSACHUSETTS 01720  
P(978) 264-4600 F(978) 263-0447  
[www.MarketAndRubin.com](http://www.MarketAndRubin.com)

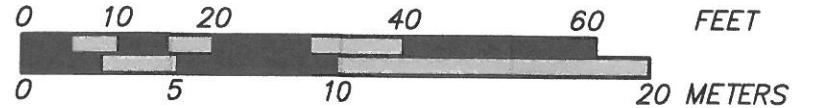
## EXISTING CONDITIONS PLAN

SCALE: 1" = 20'  
DATE: 3/24/17  
FILE NO. 5170

**Markey & Rubin** CIVIL ENGINEERING

### *GRAPHIC SCALE*

SCALE: 1"=20'

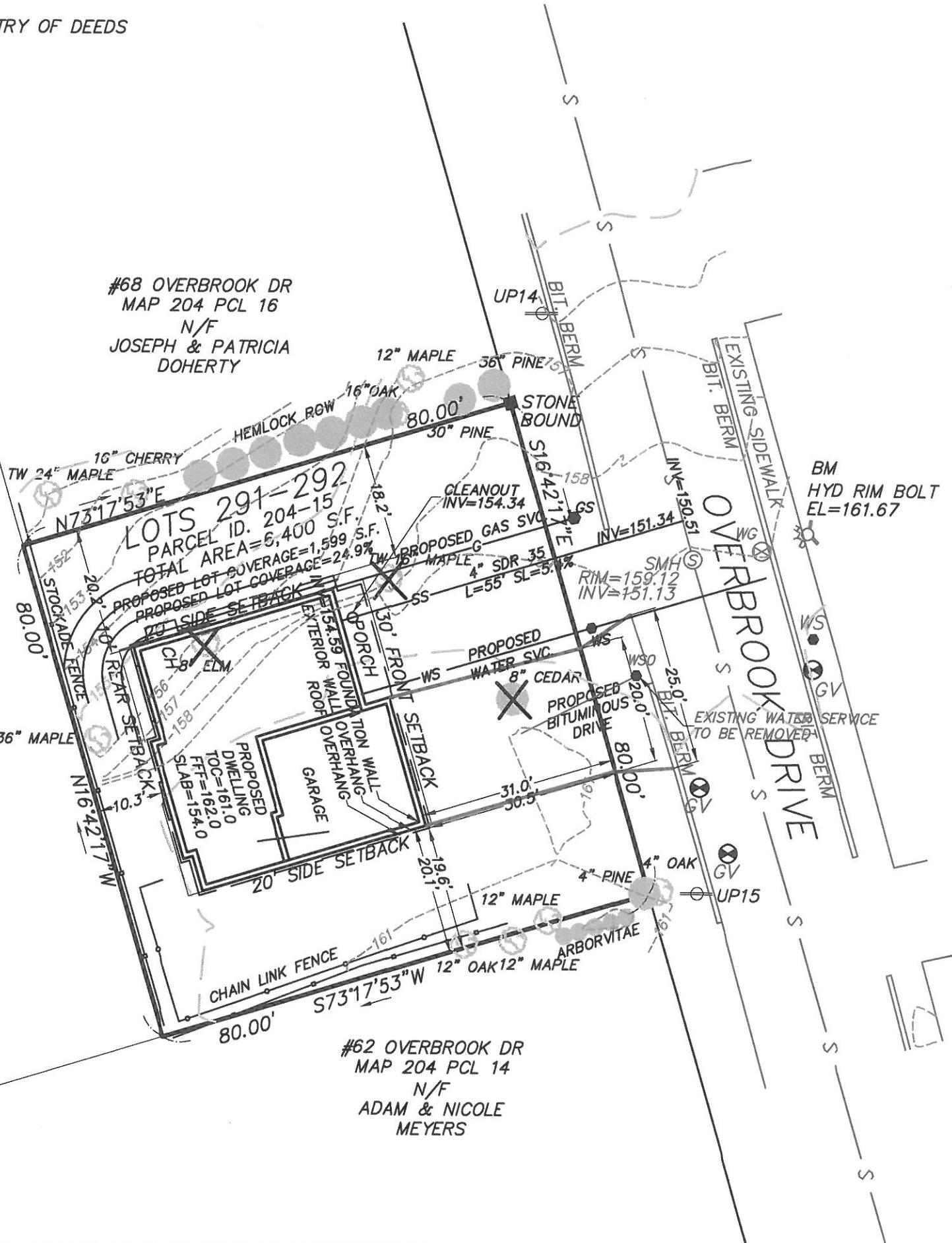


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CERTIFICATE # 194448  
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#68 OVERBROOK DR  
MAP 204 PCL 16  
N/F  
JOSEPH & PATRICIA  
DOHERTY

#37 EDGEMOOR DR  
MAP 204 PCL 48  
N/F  
BRIAN CHAN  
LI CHEN

#62 OVERBROOK DR  
MAP 204 PCL 14  
N/F  
ADAM & NICOLE  
MEYERS



ZONING TABLE  
DISTRICT - SR10

	REQUIRED	PROPOSED
AREA	10,000 S.F.	6,400 S.F.
FRONTAGE	75.00'	75.00'
F. SETBACK*	30.00'	31.0'
S. SETBACK	20.00'	20.1'
R. SETBACK	10.00'	10.3'
MAX COVERAGE	25% 1,600 S.F.	24.9% 1,599 S.F.

\*500' RULE

THE CLOSEST FRONT OFFSET DWELLING WITHIN 500' IS  
#62 OVERBROOK AT 28.0'; THE REQUIRED FRONT  
SETBACK FOR THE PROPOSED DWELLING IS 30.0'

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ACTON, MASSACHUSETTS 01720  
P(978) 264-4600 F(978) 263-0447  
www.MarkleyAndRubin.com

PROPOSED  
CONDITIONS  
PLAN

HI-POINT  
REALTY TRUST  
291 LINDEN ST  
WELLESLEY, MA 02462

APPLICANT/AGENT:

SCALE: 1"=20'

DATE: 03/24/17

FILE NO. 5168

