

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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

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ZBA 2019-25  
Petition of Nancy A. Alevizos Trust  
9 Pickerel Road

FEB 21 P 13  
RECEIVED  
CLERKS OFFICE  
WELLESLEY MA 02482

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 7, 2019 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Nancy A Alevizos Trust requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that construction of a second story addition over an existing nonconforming structure with less than required front yard and left side yard setbacks, on a 6,090 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet and a Water Supply Protection District, at 9 Pickerel Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On January 7, 2019, 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 John Sullivan, representing Nancy Alevizos, the Petitioner. He said that the request is to put a second floor on the existing structure. He said that the only setback issue is in the front where the house is encroaching.

The Chairman asked about TLAG calculations. A Board member said that the size of the house will be doubled. The Chairman said that plans show living area at 2,294 square feet, which would not trigger Large House Review but the percentage increase may exceed the threshold. He said that he did not see any dimensions on the proposed landing. He said that when he looked at the elevations and the floor plans, the door was not in the same place. He said that the door that is shown on the elevation drawing is consistent with the site plan but not the floor plan.

The Chairman said that the landscaping at the back is outside of the property line. Mr. Sullivan said that they went before the Wetlands Protection Committee (WPC) and the WPC found that the fence is on town property. He said that the WPC required them to put plantings in and take the fence out. The Chairman confirmed that the reason that the trees are shown is because the WPC asked for them. He confirmed that part of the work will be to take out a piece of the patio that is on town land. A Board member said that a copy of the Order of Conditions must be submitted to the Board. He said that there should be something in the file from WPC that states that this project will have no impact on the wetlands.

A Board member asked about the distance between the house and the water. He said that it appears to be 100 to 200 feet. Mr. Sullivan said that they will not be putting a shovel in the ground. He said that he went before the WPC because he was concerned about containing roof debris during construction. He said that he will put in silt fences for protection if anything blows off of the roof. He said that the plan is to take the roof off and put a second floor on.

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The Chairman said that the Board received a letter from a neighbor who enthusiastically supported the construction but said that there should be no parking on the street. Mr. Sullivan said that they have an arrangement to park up the street. He said that he worked on the house at 11 Pickerel Road and the neighbors allowed him to park on their lots. A Board member said that the Board will need to see the letters from the neighbors who are granting permission to park on their lots. Mr. Sullivan said that they can park on the property at 9 Pickerel Road because there will only be two or three vehicles there at a time. He said that he can park four vehicles at Ms. Alevizos' sister's house up the street. He said that you could not park on Pickerel Road because it is only 18 feet wide. The Board said that a condition will be that there will be no parking on Pickerel Road.

The Chairman said that because the request is for a special permit, LHR and TLAG do not apply. He said that the Board looks at TLAG to get a sense of how big the changes are and use that to compare the proposed house to other houses in the neighborhood, because key to the special permit is whether it will be detrimental to the neighborhood. He said that there is information on the plans that indicates what the living area will be and it is significantly under the size trigger in a 10,000 square foot Single Residence District but it is unclear if it will meet the percentage requirement.

A Board member said that there are no dimensions on the elevations. Mr. Sullivan said that the height to the ridgeline is shown on the plot plan.

The Chairman asked about the ac units. Mr. Sullivan said that the ac unit next to the wrap around deck on the back and the one on the left side are existing. He said that there are no plans to change them.

The Chairman said that the Board will need more information, including the Order of Conditions and floor plans that show a door consistent with the other plans. Mr. Sullivan said that he will get the letter for parking. He said that he will submit a cross section plan.

A Board member confirmed that the existing front setback of 8.8 feet will be maintained with the second floor.

A Board member said that he did not think that the contractors should park on this property. He said that they would have to put something down so that no oil drips and gets into the pond. Mr. Sullivan said that they can park up the street.

A Board member identified the nonconformities on 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 9 Pickerel Road, on a 6,090 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 8.8 feet where 30 feet is required, and a minimum left side yard setback of 11.9 feet where 20 feet is required.

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 construction of a second story addition over an existing

nonconforming structure with less than required front yard and left side yard setbacks, on a 6,090 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Topographic Site Plan showing Existing Conditions, dated 8/30/18, and a Topographic Site Plan showing Proposed Conditions, dated 9/26/18, revised 11/23/18, stamped by Joseph R. Porter, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 12/27/18, prepared by Konosky Associates Inc, and photographs were submitted.

On February 5, 2019, 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 although construction of a second story addition over an existing nonconforming structure with less than required front yard and left side yard setbacks, on a 6,090 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet will intensify an existing nonconformity, the proposed alteration shall not result in additional nonconformities and 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 construction of a second story addition over an existing nonconforming structure with less than required front yard and left side yard setbacks, on a 6,090 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, subject to the following conditions:

1. A copy of the approved Order of Conditions shall be submitted.
2. There shall be written notice from the WPC stating that this project will have no impact on the wetlands.
3. Floor plans that show a door that is consistent with the elevation drawings and site plan shall be submitted
4. There shall be no construction parking on Pickerel Road or at the site.

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

2019 FEB 20 1:25 PM  
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IOWA CITY MUNICIPAL  
WATER & SEWER  
DEPARTMENT  
0248

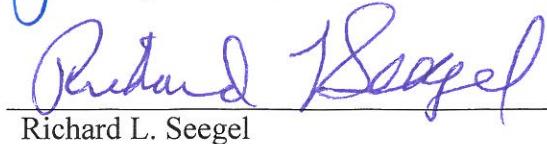
ZBA 2019-25  
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9 Pickerel Road

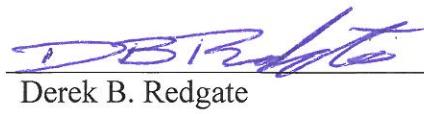
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TOWN CLERK'S OFFICE  
WELLESLEY MA 02482

2019 FEB 21 P 1:25

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, Chairman

  
Richard L. Seegel

  
Derek B. Redgate

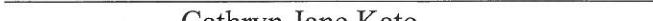
ZBA 2019-25  
Applicant Nancy A. Alevizos Trust  
Address 9 Pickerel Road

**NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK**

In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

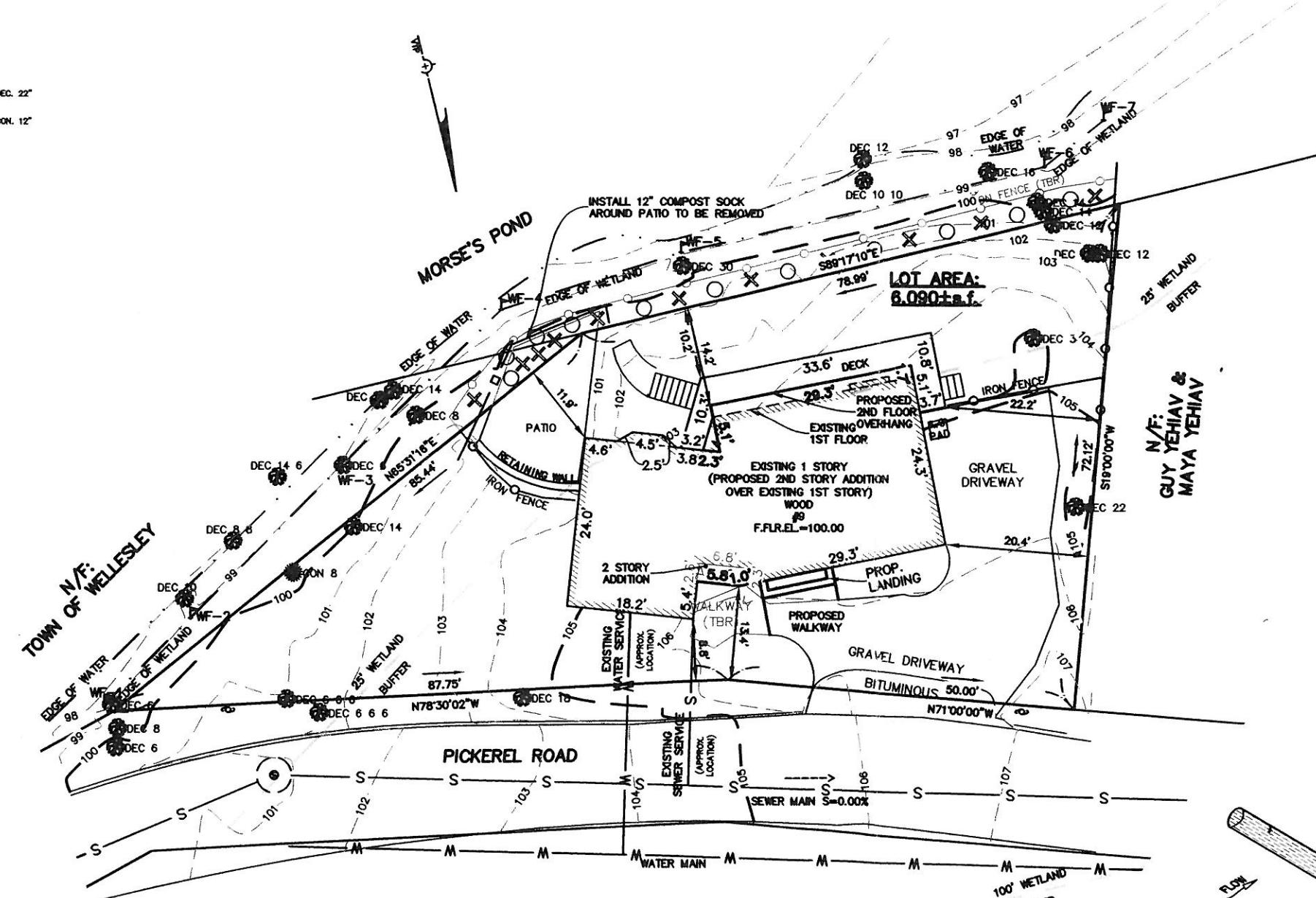
Date:

Attest:

  
Cathryn Jane Kato  
Town Clerk

cc: Planning Board  
Inspector of Buildings  
lrm

<u>LEGEND</u>	
<u>EXISTING BUILDING</u>	_____
<u>PROPOSED BUILDING</u>	_____
<u>PROPERTY LINE W/ BEARING DISTANCE</u>	S 118° 23' E 118.23
<u>CONTOUR</u>	70
<u>STOCKADE FENCE</u>	□ □ □
<u>CHARBLING FENCE</u>	○ ○ ○
<u>PICKET FENCE</u>	_____
<u>SEWER LINE</u>	S
<u>DRAIN LINE</u>	D
<u>WATER LINE</u>	W
<u>GAS LINE</u>	G
<u>GAS VALVE</u>	☒
<u>WATER VALVE</u>	☒
<u>DRAIN MANHOLE</u>	○
<u>SEWER MANHOLE</u>	○
<u>CATCH BASIN</u>	□
<u>UTILITY POLE</u>	β
<u>LIGHT POLE</u>	★
<u>DECIDUOUS TREE</u>	● DEC. 22'
<u>CONIFEROUS TREE</u>	● CON. 12'

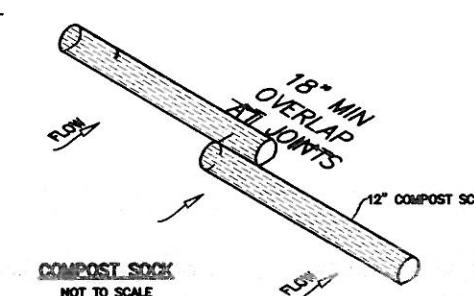


SCALE: 1" = 20'

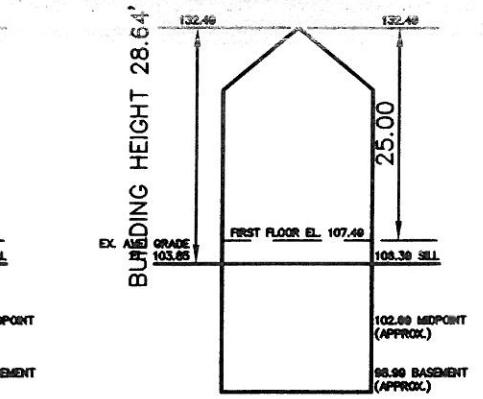
SEQUENCE OF RESTORATION OF TOWN LAND

1. CUT EXISTING IRON FENCE INTO SECTIONS AND REMOVE BY HAND. ANY HOLES WILL BE FILLED WITH TOPSOIL MULCHED WITH BARK MULCH.
2. INSTALL COMPOST SOCK AROUND PATIO AS SHOWN. STAKES MAY BE ADDED ON THE DOWNSHILL SIDE OF THE SOCK, AS NECESSARY.
3. REMOVE ENROACHING PATIO. SPREAD 6" OF TOPSOIL.
4. PLANT SHRUBS AS SHOWN AND PER TABLE. MULCH ANY EXPOSED ROOTS WITH 1-2" BARK MULCH.

PLATING TABLE			
ENTITY	SIZE	SPECIES	SYMBOL
11	24-36"	CONTAINERIZED, SWEET PEPPERSHUB (CLETHRA ALNIFOLIA)	X
11	24-36"	CONTAINERIZED, WINTERBERRY (ILEX VERTICILLATA)	O



**COMPOST  
NOT TO SCALE**



### EXISTING BUILDING HEIGHT

**NOT TO SCALE**

$$(104.85+106.11+105.93+105.86+104.25+102.64+103.31+100.65+100.74+104.11)/10=103.85$$

**PROPOSED BUILDING HEIGHT**

**NOT TO SCALE**  
**PROPOSED AVERAGE GRADE CALCULATION:**

$$(104.85+106.11+105.67+105.91+105.86+104.25+102.64+103.31+100.65+100.74+104.11)/11=104.01$$

ZONING CHART WELLESLEY, MASSACHUSETTS			
ZONE: SR-10	SUBMISSION: PROPOSED		
REGULATION	REQUIRED	EXISTING	PROPOSED
LOT AREA	10,000 s.f.	6,000± s.f.	N/C
LOT FRONTAGE	60.0'	137.75'	N/C
FRONT SETBACK	30.0'	8.8' *	N/C
SIDE SETBACK	20.0'	20.4'	N/C
REAR SETBACK	10.0'	10.2'	N/C
AVERAGE GRADE	—	103.85	104.01
BUILDING HEIGHT	36.0'	19.54'	28.64'
B.F.	—	—	—
MAX. LOT COVERAGE	25%	20.1% (1,225.9 s.f.)	21.2% (1,289.3 s.f.)
MIN. OPEN SPACE	75%	61.2% * (3,727.16 s.f.)	60.9% * (3,709.4 s.f.)

→ Does not comply, needs variance

TOPOGRAPHIC SITE PLAN  
ELLESLEY, MASSACHUSETTS

SHOWING PROPOSED CONDITIONS AT

DRAWING FOR USE UNDER CONDITIONS AT  
#9 PICKEREL ROAD  
SCALE: 1in.=20ft. DATE: SEPTEMBER 26, 2018  
REVISED: NOVEMBER 23, 2018

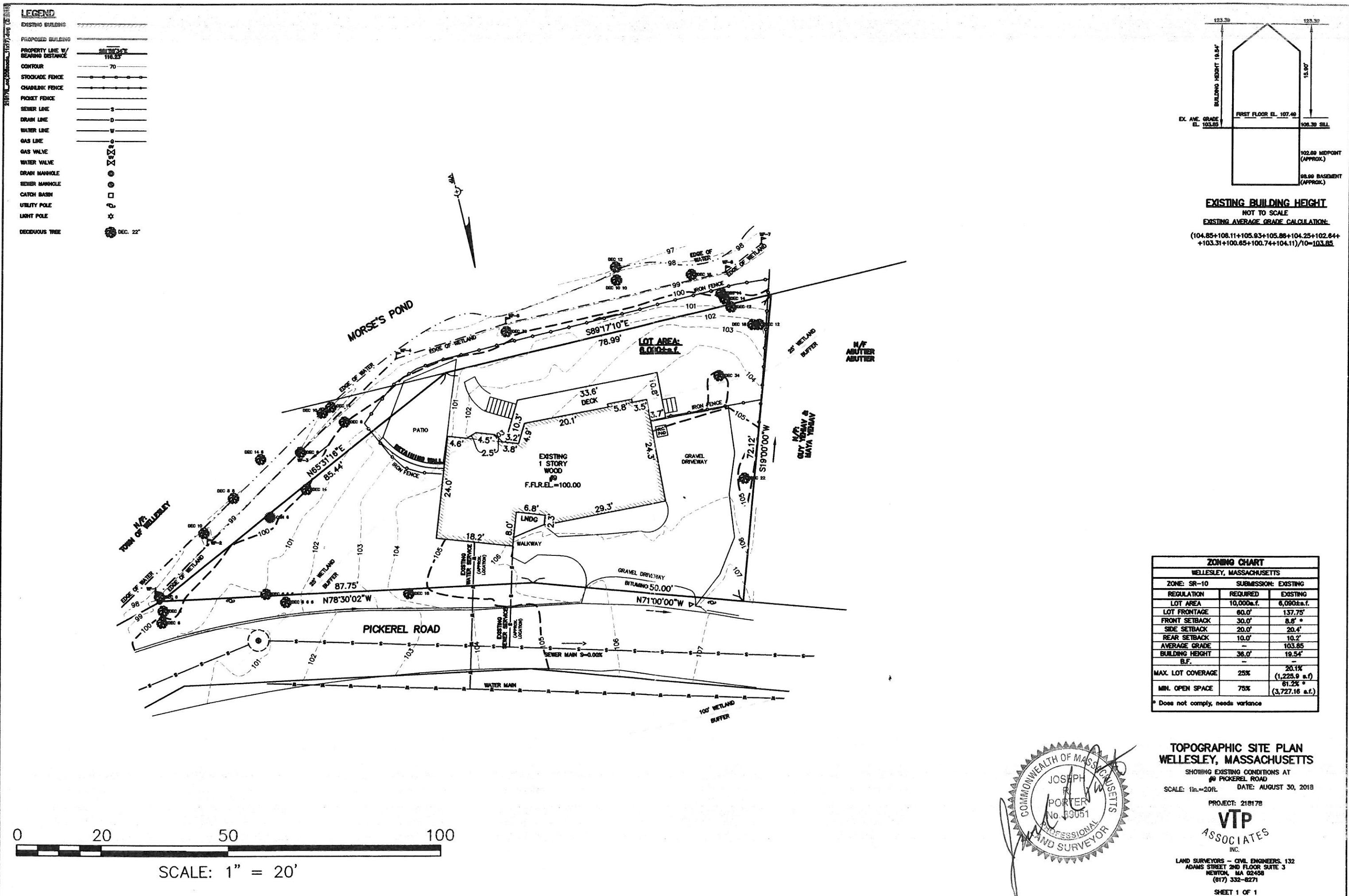
REvised: NOV

**VTP**  
ASSOCIATES

INC.  
LAND SURVEYORS - CIVIL ENGINEERS. 132  
ADAMS STREET 2ND FLOOR SUITE 3  
NEWTON, MA 02458  
(617) 265-2051

(617) 332-8271

SHEET 1 OF 1



TOPOGRAPHIC SITE PLAN  
WELLESLEY, MASSACHUSETTS

SHANNON, MASSACHUSETTS  
SHOWING EXISTING CONDITIONS AT

SHOWING EXISTING CONDITIONS AT  
#9 PICKEREL ROAD

200 FORM 010100

PROJECT: 218178  
**VTP**  
ASSOCIATES

INC.  
LAND SURVEYORS - CIVIL ENGINEERS, 132  
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NEWTON, MA 02458

LAND SURVEYORS - CIVIL ENGINEERS, 132  
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