

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ZBA 2019-18

Petition of Fardad Farahmand & Motiee Pakizeh
183 Walnut Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 7, 2019 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Fardad Farahmand and Motiee Pakizeh requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming structure with less than required side yard setbacks, and construction of a new structure with less than required side yard setbacks, on an existing nonconforming structure on a corner lot with less than required front yard setbacks to Walnut and Prospect Streets and less than required side yard setbacks, at 183 Walnut Street, in a 10,000 square foot Single Residence District, 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. On January 18, 2019, the Petitioner requested that the petition be continued to the March 7, 2019 public hearing.

Present at the public hearing was Fardad Farahmand, the Petitioner, who said that he has lived at 183 Walnut Street since 1995. He said that the plan is to demolish the left side of the structure and replace it with a new structure. He said that the requested relief is for nonconforming setbacks, where the left side setback will be improved from 1.1 to 11 feet. He said that the front setback on the new construction on the left side will be slightly worse but will be less nonconforming than the front yard setback on the right side of the house. He said that this project will improve the structure significantly, will help with the flow of the house and will be good for the neighborhood.

A Board member asked if the part of the house in the back has been occupied. Mr. Farahmand said that his daughter had an apartment in the basement but has moved. He said that since then, his mother has been living there for part of the year. He said that it is used as an in law guest area. The Board member confirmed that the structure will be maintained as single family with full services for one dwelling unit. Mr. Farahmand said that the existing house has six bedrooms but does not have a master bedroom. He said that the top level in the new construction will have a master bedroom. The Board member said that the drawings were a little confusing because one level is called the garden level. Mr. Farahmand said that there will be three levels on the left. He said that the property sits on a significant slope. He said that what the architect called the garden level on the left will be at the same level as the basement on the right. He said that even though the house will be smaller, the flow will be improved.

The Chairman said that it is hard to figure out how high the retaining wall on the left hand side of the residence is. He said that there was nothing in the plans that showed the elevation or material of the wall. Mr. Farahmand said that he assumes that it will be some type of cement structure. He said that there is an

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existing retaining wall there and they will have to figure out how to best modify the situation. He said that he does not any have details on it now.

The Chairman said that the Board received a letter from Bruce Bradford that talks about the height from average grade but does not talk about how the calculation was done. A Board member said that the roof line on the proposed addition will not be higher than the existing structure.

A Board member confirmed that the lowest level of the existing structure will connect with the lowest level of the proposed structure. He said that the plans are hard to understand. Mr. Farahmand said that the existing garden level and the new structure will be connected by two steps, as shown on Plan A102 as door G04 .

Mr. Farahmand said that there will be two heating systems in the basements.

A Board member said that he would like to get more clarity that what is shown on the plans can actually be built. He said that the plans do not accurately reflect what will be built there and there are questions about the retaining wall. Mr. Farahmand said that he is looking for approval from the Board for the setbacks and feasibility. He said that he can work with the Building Department on the retaining wall and the other issues. The Board member said that the Board needs to see an accurate set of plans that show what will be built.

A Board member asked if there will be more than one kitchen. Mr. Farahmand said that there is one kitchen that is located in the old structure, as shown on Plan A103. He said that the in law area does not have a kitchen.

A Board member asked about access to the in law area. He said that he did not want to permit an accessory apartment unintentionally. Mr. Farahmand said that the access is shown on Plan A102. He said that there is no intention to create a separate apartment.

A Board member said that his concern is that because the design is not properly fleshed out, refining the plans may result in a change to the envelope of the building. Mr. Farahmand asked that the Board approve the special permit, subject to a condition that the exterior of the house will not change, so that he can move on to the next step. The Chairman said that the Board approve plans that the Building Inspector enforces.

The Chairman identified the nonconformities that will remain after the proposed addition is built. A Board member said that the nonconforming left side yard setback will be improved but the structure will be taller on the left.

The Board discussed concerns with the drawings related to the in law apartment and the possibility for two dwellings instead of one. Mr. Farahmand said that the existing structure lends itself more to being two separate units. He said that the proposed structure will make it a better single family by improving the look and the internal flow.

The Chairman said that the proposed changes will not result in new nonconformities, will not intensify existing nonconformities, and will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

There was no one present at the public hearing who wished to speak to the petition.

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WELLESLEY MA 02482

Statement of Facts

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The subject property is located at 183 Walnut Street, on a corner lot in a 10,000 square foot Single Residence District, with a minimum side yard setback of 1.1 feet where 20 feet is required, a minimum front yard setback of 8.6 feet to Walnut Street and a minimum front yard setback of 12.8 feet to Prospect Street where 30 feet is required. The existing nonconforming detached garage has a minimum front yard setback of 17.6 feet to Prospect Street.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming structure with less than required side yard setbacks, and construction of a new structure with less than required side yard setbacks, on an existing nonconforming structure on a corner lot with less than required front yard setbacks to Walnut and Prospect Streets and less than required side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Existing Condition, dated 7/11/18, Proposed Addition, dated 11/13/18, and Height Certification, dated 12/4/18, stamped by Bruce Bradford, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 11/14/18, prepared by Nee-Koo-Dah, and photographs were submitted.

On February 5, 2019, the Planning Board reviewed the petition and recommended that a special permit be denied or the project be continued to allow time to make substantial changes.

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 with less than required side yard setbacks, and construction of a new structure with less than required side yard setbacks, on an existing nonconforming structure on a corner lot with less than required front yard setbacks to Walnut and Prospect Streets and less than required side yard setbacks, shall not result in additional nonconformities, shall not result in intensification of existing 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 demolition of an existing nonconforming structure with less than required side yard setbacks, and construction of a new structure with less than required side yard setbacks, on an existing nonconforming structure on a corner lot with less than required front yard setbacks to Walnut and Prospect Streets and less than required side yard setbacks, subject to the following conditions:

1. The building envelope shall not vary from the dimensions shown on the plot plan
2. The perimeter walls of each floor shall not vary from the dimensions shown on the drawings

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.

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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.

J. Randolph Becker
J. Randolph Becker, Chairman

Robert W. Levy
Robert W. Levy

Walter B. Adams
Walter B. Adams

ZBA 2019-18
Applicant Fardad Farahmand & Motiee Pakizeh
Address 183 Walnut Street

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

ESTABLISHED 1916



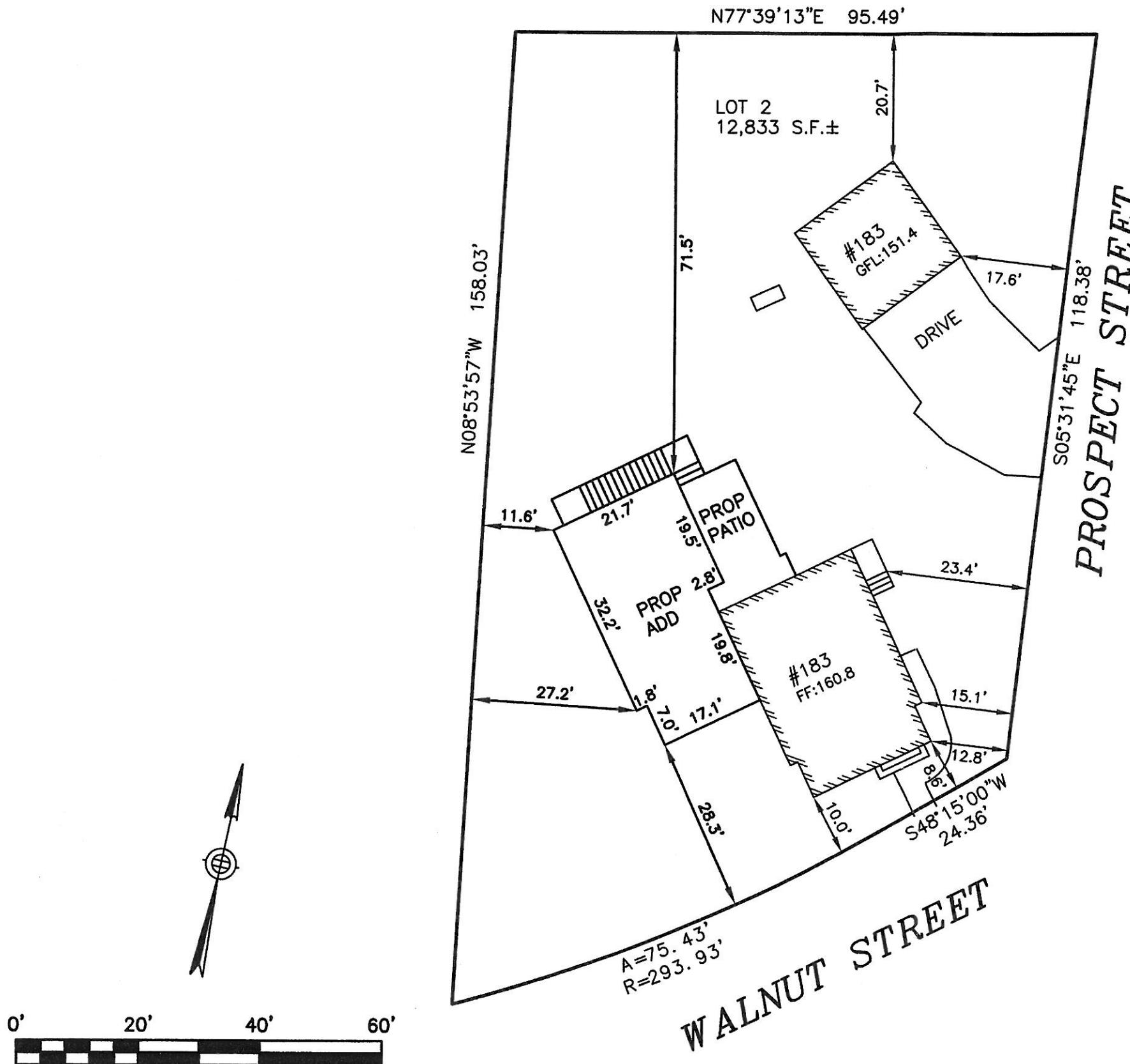
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SURVEYORS & ENGINEERS

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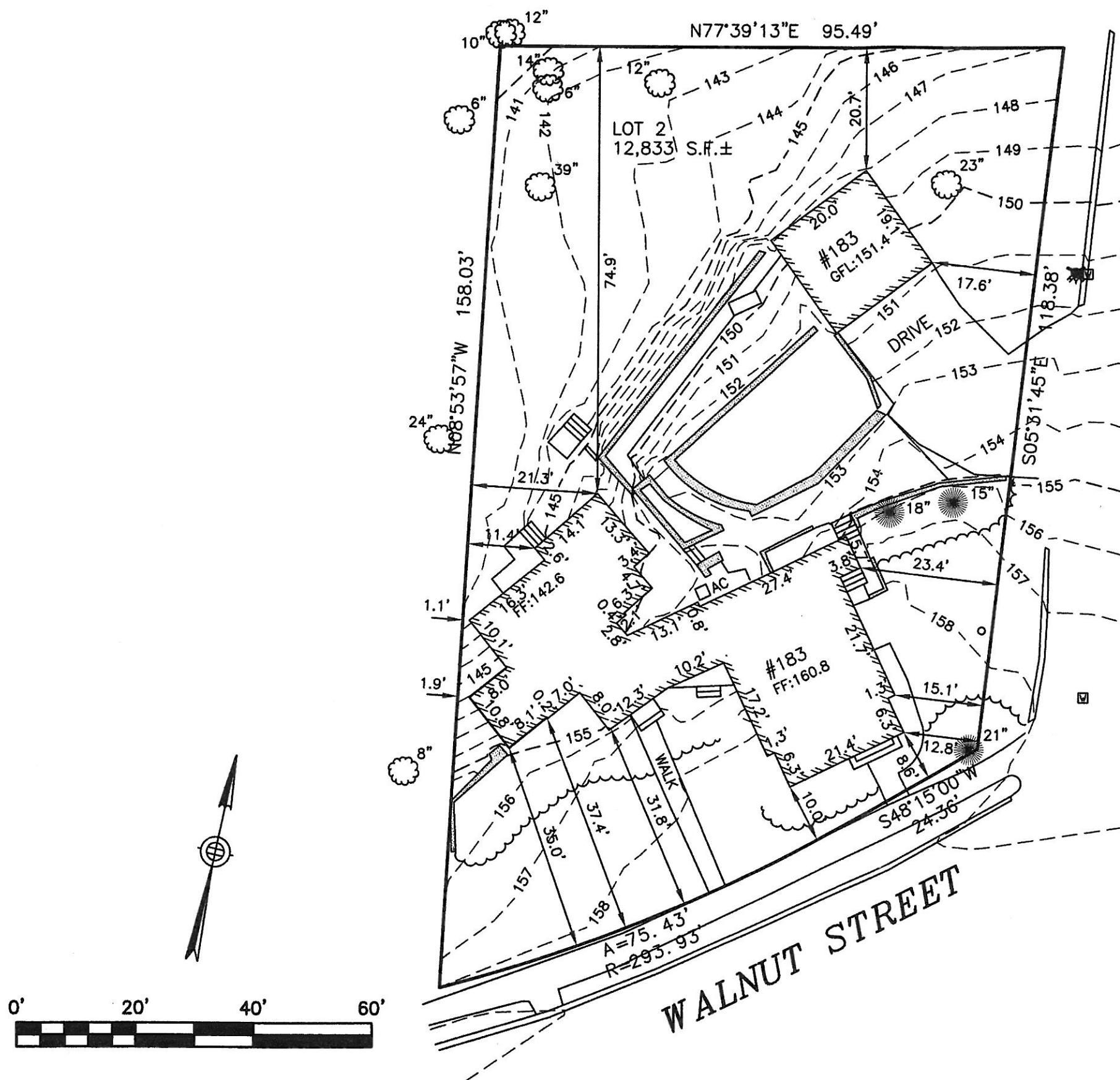
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PROSPECT STREET



STRUCTURES 2160 S.F.
LOT COVERAGE 16.8%

PLAN REFERENCE:
BOOK 10781 PAGE 153

DEED REFERENCE:
BOOK 20005 PAGE 520

PLAN OF LAND IN
WELLESLEY, MA

183 WALNUT STREET
EXISTING CONDITION

SCALE: 1 IN. = 20 FT.

DATE: JULY 11, 2018

DRAWN: GAR

CHECK: BB

REVISIONS:

PROJECT NO. 25594