



## ZONING BOARD OF APPEALS

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

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ZBA 2019-51

Petition of Estate of Joellen Toussaint

Shawne H. Toussaint

84 Whittier Road

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TOWN CLERK'S OFFICE  
WELLESLEY MA 02482  
2019 JUN 20 P 3:38

RECORD OWNER OF PROPERTY AMENDED TO: 84 WHITTIER ROAD LLC

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 6, 2019 at 7:30 pm in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Estate of Joellen Toussaint 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 two story rear addition with finished basement, dormers over the front and rear of the garage, converting an existing two-story screened porch to living space, and construction of an open front door portico, on an existing nonconforming structure with less than required left and right side yard setbacks, at 84 Whittier Road, in a 15,000 square foot Single Residence District, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On May 8, 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.

Present at the public hearing David Himmelberger, Esq., David Silverstein, Copper Leaf Development and Dustin Nolin, Architect.

Mr. Himmelberger said that ownership of the property has changed and should be amended to 84 Whittier Road LLC.

Mr. Himmelberger said that the request is for a special permit for a pre-existing nonconforming structure with less than conforming side yard setbacks of 11.1 feet on the right side and 16.3 feet on the left side. He said that the property is located in a SR15 district where 20 foot side yard setbacks are required. He said that the property is located in a Water Supply Protection District.

Mr. Himmelberger said that the project was originally contemplated to be a teardown and rebuild. He said that after meeting with the Historical Commission, his client accepted their recommendation to preserve the main house and its façade. He said that all of the addition will be to the rear with some improvements to the front façade, including a dormer to break up the massing of the existing garage roof and a small overhang over the front entry. He said that the ridge height will remain unchanged and lot coverage will increase to 17.4 percent or 2,758 square feet on a 15,863 square foot lot. He said that all of the addition will be to the rear where there is a significant setback to the rear property line.

Mr. Nolin said that they kept the whole main structure of the house at the front. He said that they will rework some of the interior for a better floor plan. He said that they will maintain the existing garage and enclose the playroom/sunroom on the right side. He said that there will be a family room addition off of the rear, and behind the garage will be a new mudroom/entrance. He said that on the right will be a one story breakfast area with a deck. He said that the main mass of the addition will sit within the box of the house and towards the center so that the view from the street will be limited, if at all. He said that on the second floor over the family room, the ridge will be lower than the main house. He said that area will be the master suite. He said that the proposed dormers above the garage will be on the left side. He said that there is an existing screened porch on the second floor on the right side that they will enclose. He said that the dormers are pre-existing. He said that they will replicate the details on the house with a lot of it being replacement in kind. He said that they will maintain the rafter tails, replace windows, paint the brick, and keep or replace siding as required.

Mr. Nolan said that existing TLAG is 3,459 square feet, excluding the screened porches. He said that the total proposed TLAG will be 5,373 square feet, of which 337 square feet will be enclosed porches and 984 square feet in the attic, for a total addition of 1,915 square feet.

Mr. Himmelberger said that all of the addition will be fully conforming to setback requirements.

A Board member said that the Board received a letter from a neighbor about the proposed patio shown on the plot plan. He said that he had not seen a site plan with landscaping and the renderings do not show how a patio will integrate with a sloped site. Mr. Silverstein said that the patio that is shown on the site plan is conceptual but where it is shown is generally where it is planned to be laid out. He said that outside of the new breakfast area will be a deck with stairs that wrap around and run down to a patio that will be on the upper level of the sloped back yard. He said that they will regrade the area around the stairs. He said that the plan is to have stepping stones down to a lower level at the walkout. The Chairman said that the patio is not included in the definition of side yard, so there is no requirement for setbacks. Mr. Himmelberger said that the neighbor to the right at 86 Whittier Road sits well back with a garage on what will be the patio side at 84 Whittier Road. Mr. Silverstein said that his landscape plan will include screening between the patio and the sight lines to the neighbors to the right.

The Chairman said that at the rear of the proposed addition there are two retaining walls, with the one to the left clearly being less than four feet. He asked about the height of the wall on the other side. Mr. Silverstein said that the plan is for both of the walls to be less than four feet.

A Board member confirmed that there are no plans to put a patio outside of the sliding doors on the lower walkout level.

A Board member asked about the dimension of the new work from the side lot line. Mr. Himmelberger said that they will clarify what that setback will be.

A Board member said that Plans A6 and A8 show an uninterrupted façade of three stories. He asked that the architect consider adding an eyebrow over the sliding door to diminish the bulk of the house from that angle and provide an opportunity for lighting in the soffit to protect the neighbors. Mr. Himmelberger said that the house to the rear is 30 feet lower and at a distance.



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Shawne H. Toussaint  
84 Whittier Road

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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 84 Whittier Road, in a 15,000 square foot Single Residence District, in a Water Supply Protection District, with a minimum left side yard setback of 16.3 feet and a minimum right side yard setback of 11.1 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 two story rear addition with finished basement, dormers over the front and rear of the garage, converting an existing two-story screened porch to living space, and construction of an open front door portico, on an existing nonconforming structure with less than required left and right side yard setbacks, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 3/25/19, Allowable Height Plan of Land, dated 1/29/19, and Proposed Infiltration Plan of Land, dated 3/25/19, stamped by Bradley J. Simonelli, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings and Renderings, dated 4/4/19, prepared by Dustin Nolin, R.A., and photographs were submitted.

On May 24, 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 construction of a two story rear addition with finished basement, dormers over the front and rear of the garage, converting an existing two-story screened porch to living space, and construction of an open front door portico, on an existing nonconforming structure with less than required left and right side yard setbacks, will not result in the intensification of existing nonconformities, will not result in additional nonconformities, and will 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 two story rear addition with finished basement, dormers over the front and rear of the garage, converting an existing two-story screened porch to living space, and construction of an open front door portico, on an existing nonconforming structure with less than required left and right side yard setbacks, subject to the following condition:

- There shall be additional plantings between any proposed patio and the property to the right at 86 Whittier Road.

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JUN 20 10 33 AM '19

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Shawne H. Toussaint

84 Whittier Road

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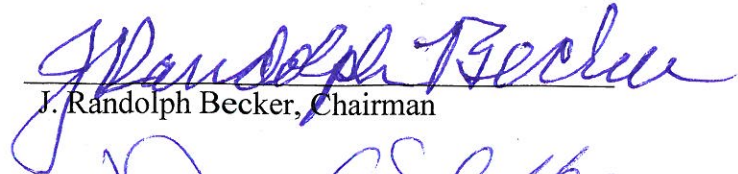
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed constructions plans.

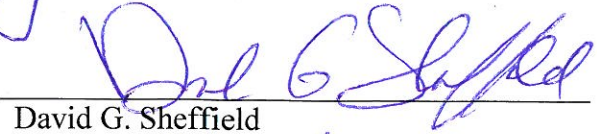
If construction has not commenced, except for good cause, the Special Permits shall expire two years after the date time stamped on this decision.

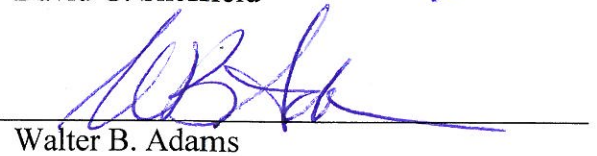
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84 Whittier Road

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

  
David G. Sheffield

  
Walter B. Adams

ZBA 2019-51  
Applicant Estate of Joellen Toussaint (Shawne H. Toussaint)  
Address 84 Whittier Road

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

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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.

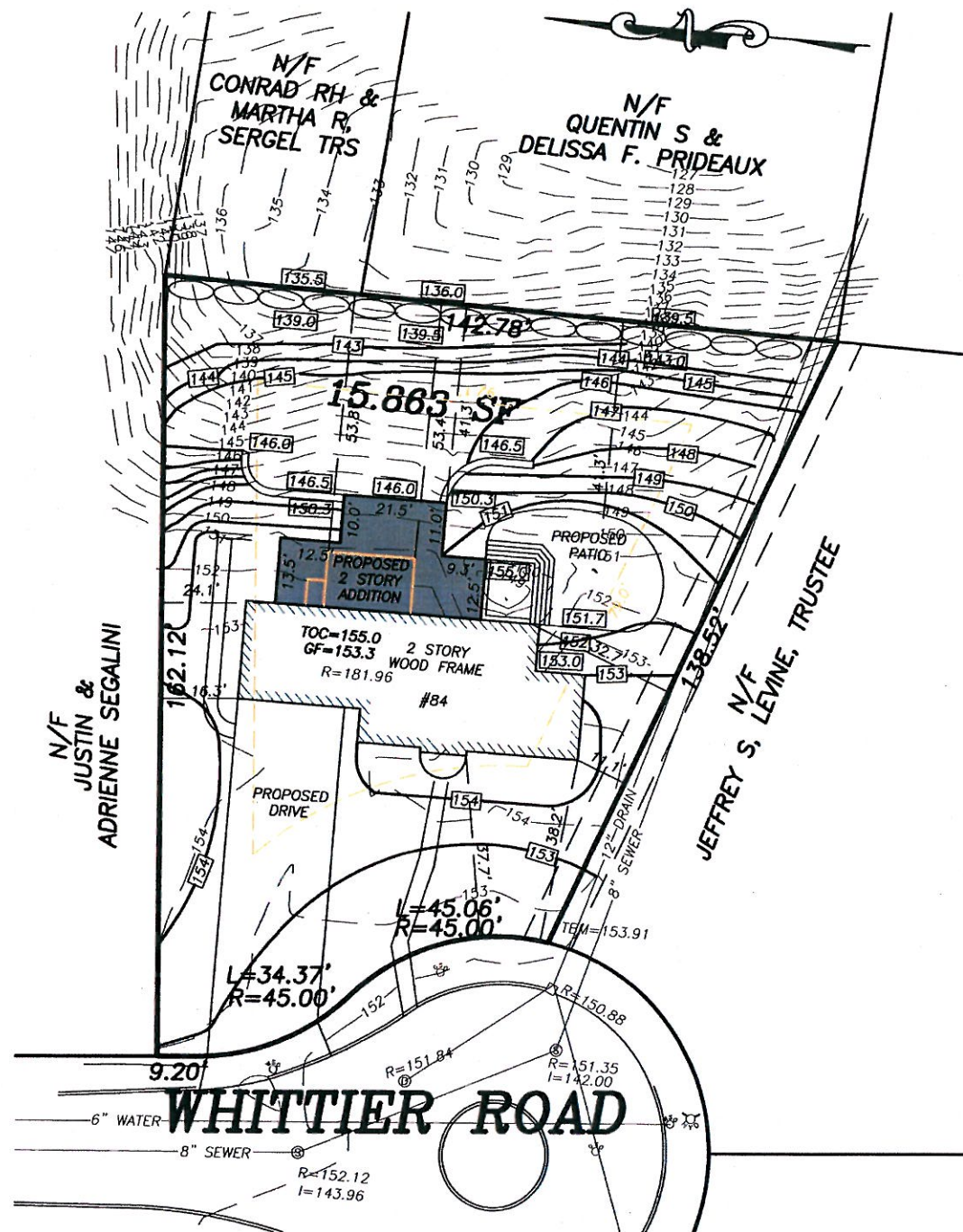
Date:

Attest:

\_\_\_\_\_  
Cathryn Jane Kato  
Town Clerk

cc: Planning Board  
Inspector of Buildings  
lrm





# NOTES:

- 1) BENCHMARK INFORMATION:  
TEMPORARY BENCHMARKS SET :  
SPIKE SET IN A TREE AT THE SOUTHWESTERLY CORNER OF NUMBER 84 WHITTIER ROAD.  
ELEVATION = 153.91
- 2) ELEVATIONS REFER TO TOWN OF WELLESLEY BASE
- 3) CONTOUR INTERVAL EQUALS ONE (1) FOOT.
- 4) UTILITY INFORMATION SHOWN IS BASED ON BOTH A FIELD SURVEY AND THE LATEST PLANS OF RECORD. THE LOCATIONS OF UNDERGROUND PIPES AND CONDUITS HAVE BEEN DETERMINED FROM THE AFOREMENTIONED RECORD PLANS AND ARE APPROXIMATE ONLY. BEFORE PLANNING FUTURE CONNECTIONS, THE PROPER UTILITY ENGINEERING DEPARTMENT SHOULD BE CONSULTED AND THE ACTUAL LOCATION OF SUB-SURFACE STRUCTURES SHOULD BE DETERMINED IN THE FIELD. CALL, TOLL-FREE, THE DIG SAFE CALL CENTER AT 1-888-344-7233 (1-888-DIG-SAFE) SEVENTY-TWO HOURS PRIOR TO EXCAVATION.

## ZONING INFORMATION: SINGLE RESIDENCE 15 (SR15)

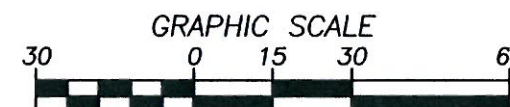
	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA	15,000 SF	15,863 SF	15,863 SF
MINIMUM LOT FRONTAGE	60 FEET	88.57 FEET	88.57 FEET
MINIMUM FRONT SETBACK	35.4 FEET	37.7 FEET	37.7 FEET
MINIMUM SIDE YARD	20 FEET	16.3 FEET	16.3 FEET (24.1 TO ADDITION)
		11.1 FEET	11.1 FEET (32.7 TO ADDITION)
MINIMUM REAR YARD	15 FEET	53.4 FEET	41.3 FEET
MAXIMUM BUILDING COVERAGE	20%(3172 SF)	12.5%(1,982 SF)	17.4%(2,758 SF)
MAXIMUM BUILDING HEIGHT	36 FEET	31.0± FEET	29.72 FEET**
MAXIMUM BUILDING HEIGHT	2 1/2 STORIES	1 1/2 STORIES	1 1/2 STORIES

\*\*AS PER THE TOWN OF WELLESLEY ZONING BYLAW, ALL HEIGHTS ARE DERIVED BY MEASURING FROM THE RIDGE TO THE AVERAGE GRADE PLANE.



ZONING BOARD OF APPEALS  
PLAN OF LAND  
84 WHITTIER ROAD  
WELLESLEY, MASS.

Field Resources, Inc.  
LAND SURVEYORS



REVISED: APRIL 22, 2019

MARCH 25, 2019  
P.O. BOX 324  
AUBURN, MA  
508 832 4332

SCALE 1"=30'  
281 CHESTNUT ST.  
NEEDHAM, MA.  
781 444 5936

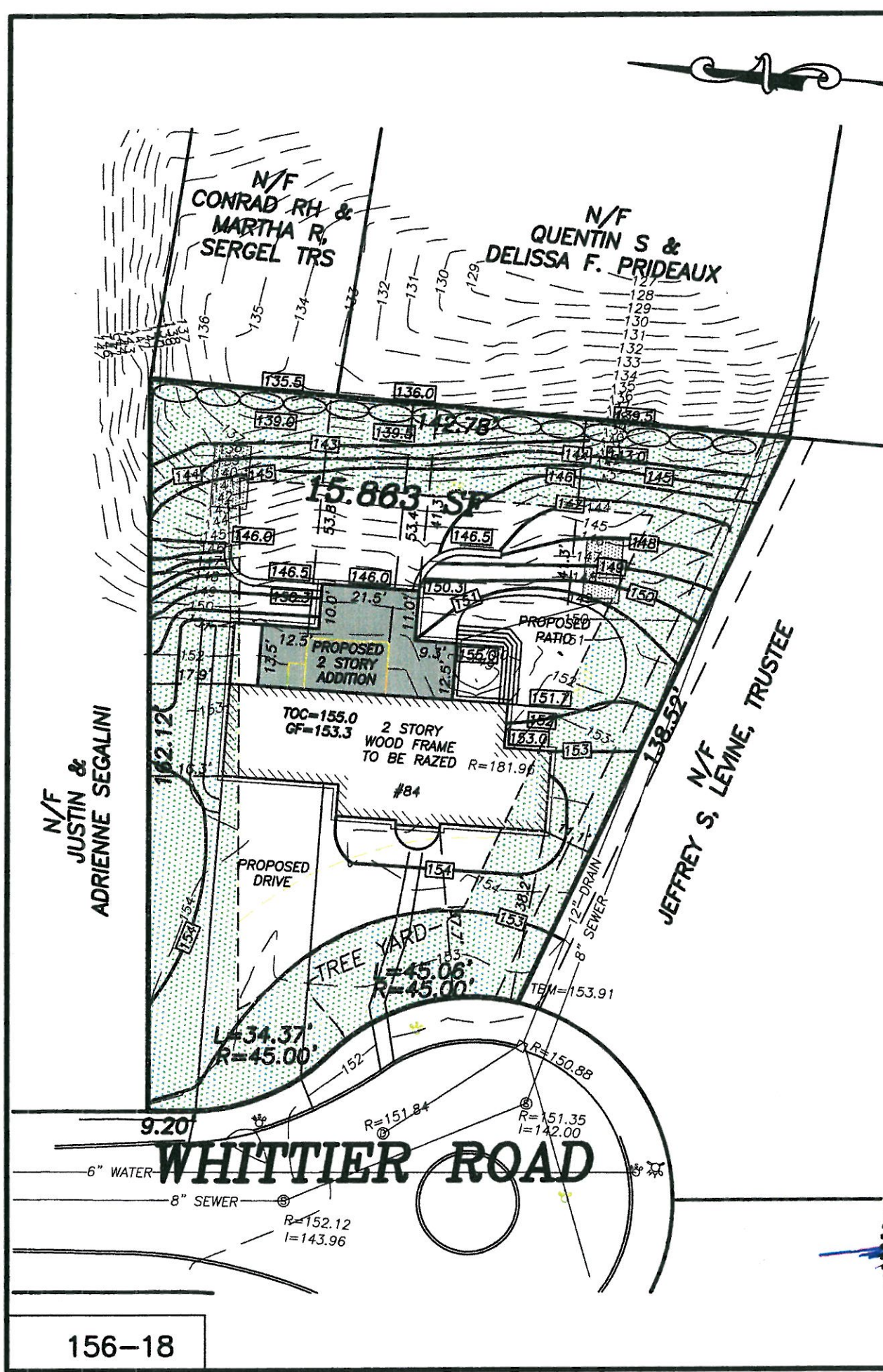
fieldresources@hotmail.com

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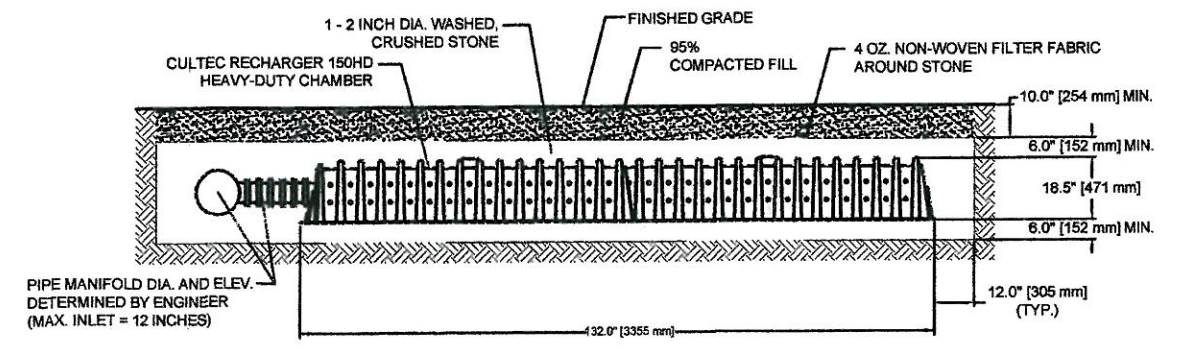
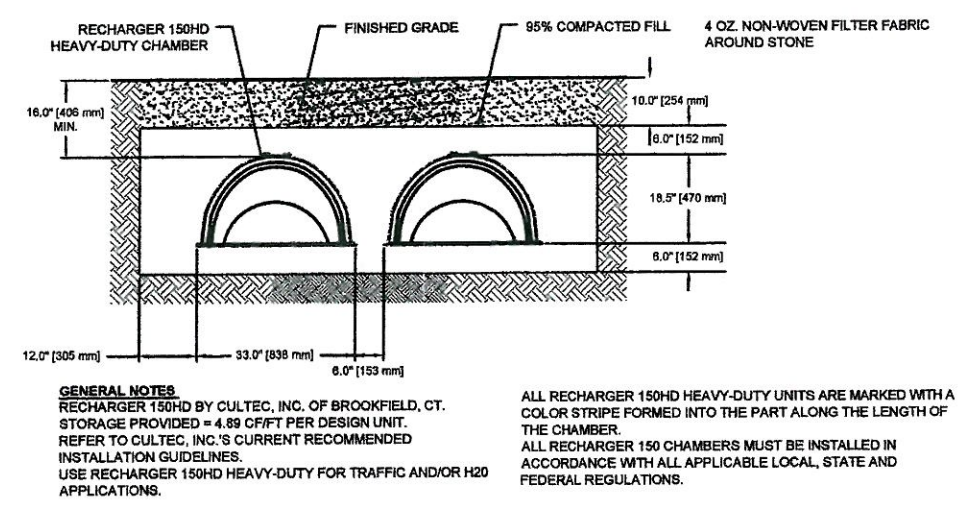








PROPOSED BUILDING FOOTPRINT = 2,758 SF  
(2,758 S.F. X 1" ) / 12 = 229.83 Cu. Ft.  
MITIGATED WITH 5 CULTEC CONTRACTOR 150 XLHD RECHARGER DRYWELL CHAMBERS (OR SUITABLE REPLACEMENT) CAPACITY OF 53.79 CU FT EACH.  
RECHARGE WILL MITIGATE COMPLETELY FOR A 1" STORM FOR THE PROPOSED FOOTPRINT  
SEE DRYWELL DETAIL FOR SPECIFICATIONS AND PLAN FOR LOCATIONS. LOCATIONS AS SHOWN.



### INFILTRATION SYSTEM DETAILS

NOT TO SCALE

- NOTES:
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### PROPOSED INFILTRATION PLAN OF LAND 84 WHITTIER ROAD WELLESLEY, MASS.

Field Resources, Inc.  
LAND SURVEYORS

MARCH 25, 2019  
P.O. BOX 324  
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508 832 4332

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