



ZONING BOARD OF APPEALS

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

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ZBA 2019-69

Petition of Arvin & Christine Iracheta
49 Sheridan Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 8, 2019 at 7:30 pm in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Arvin & Christine Iracheta requesting Modification of a Variance pursuant to the provisions of Section XIX and Section XXIV, and a finding pursuant to the provisions of Section XIVE of the Zoning Bylaw for demolition of an existing one-story structure and construction of a two-story addition that will meet all setback requirements, on an existing nonconforming structure with less than required front yard setbacks to Sheridan and Madison Roads, on an 11,000 square foot corner lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District, at 49 Sheridan Road.

On July 9, 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 were Michael Connors and Joseph Cupstas, RemodelWerks, LLC, representing Arvin and Christine Iracheta.

Mr. Connors said that the proposal is to remove an existing small single story addition at the back of the house and replace it with a larger two story addition. He said that the existing lot is nonconforming at 11,000 square feet in a 15,000 square foot Single Residence District. He said that the original variance was granted for the garage. He said that it is a corner lot and the garage was built within a front yard setback in 1953. He said that a variance was granted in 1985 to bring it into conformance. He said that the proposed construction will not encroach on any additional setbacks.

The Chairman said that the plot plan that was submitted was neither signed nor stamped.

A Board member said that it is indicated on the plot plan that a portion of the retaining wall will be removed and replaced. He asked if the wall be relocated. Mr. Cupstas said that the retaining wall is currently about six feet off of the house. He said that they will add on and duplicate the same setback off of the house.

A Board member said that the proposed design is not more impactful on the neighborhood. He said that it was set in on the side to break up the façade.

A Board member asked how runoff from the added impervious roof surface will be handled. Mr. Connors said that the retaining wall and back yard were thoughtfully redesigned for all of the new surfaces to accept water that runs off of the roof. He said that the existing slab on grade is in a state of disrepair

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because of water issues and will be removed. He said that they will direct the water away from the new structure into the new space in the yard. He said that there will be a perimeter drain around the new crawl space. He said that they can add drywells. Mr. Cupstas said that the entire back yard pitches toward the house and they currently have a very damp basement. He said that the proposed changes will improve the situation. He said that roof runoff will be controlled by gutters. A Board member said that the property is located in a Water Supply Protection District. He discussed including an area drain that is connected to a drywell for the driveway as part of the landscaping, as well as at least the new addition connected to a drywell in the yard area.

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 49 Sheridan Road, on an 11,000 square foot corner lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District, with a minimum front yard setback to Sheridan Road of 29.1 feet and a minimum front yard setback to Madison Road of 28.8 feet where 30 feet is required.

The Petitioner is requesting Modification of a Variance pursuant to the provisions of Section XIX and Section XXIV, and a finding pursuant to the provisions of Section XIVE of the Zoning Bylaw for demolition of an existing one-story structure and construction of a two-story addition that will meet all setback requirements, on an existing nonconforming structure with less than required front yard setbacks to Sheridan and Madison Roads, on an 11,000 square foot corner lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District.

A Plot Plan, dated 6/19/19, revised 6/25/19, stamped by Dennis B. O'Brien, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 6/27/19, prepared by Emily's Interiors, and photographs were submitted.

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.

The Board found that the Design and Operation Standards in Part F are adequately satisfied and not otherwise prohibited in Part D.1, of Section XIVE of the Zoning Bylaw for Water Supply Protection Districts.

The Board is of the opinion that in granting modification of previously granted Variance, ZBA 85-71, it was determined by a previous Board in 1985 that a hardship existed.

Therefore, in reliance on the prior findings of that Board, this Board modifies the Variance to permit demolition of an existing one-story structure and construction of a two-story addition that will meet all setback requirements, on an existing nonconforming structure with less than required front yard setbacks to Sheridan and Madison Roads, on an 11,000 square foot corner lot in a Single Residence District in which the minimum lot size is 15,000 square feet, subject to the following conditions:

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1. A landscape area drain for the driveway shall be installed.
2. Hard piped drainage for the new addition to a drywell to be located in the lawn area shall be installed.
3. A Plot Plan that is signed and stamped shall 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, Modification of the Variance shall expire one year after the date time stamped on this decision.

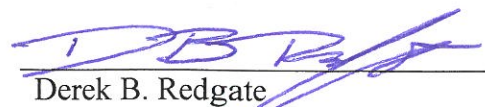
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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.


Robert W. Levy, Acting Chairman


Walter B. Adams


Derek B. Redgate

ZBA 2019-69
Applicant Arvin & Christine Iracheta
Address 49 Sheridan Road

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

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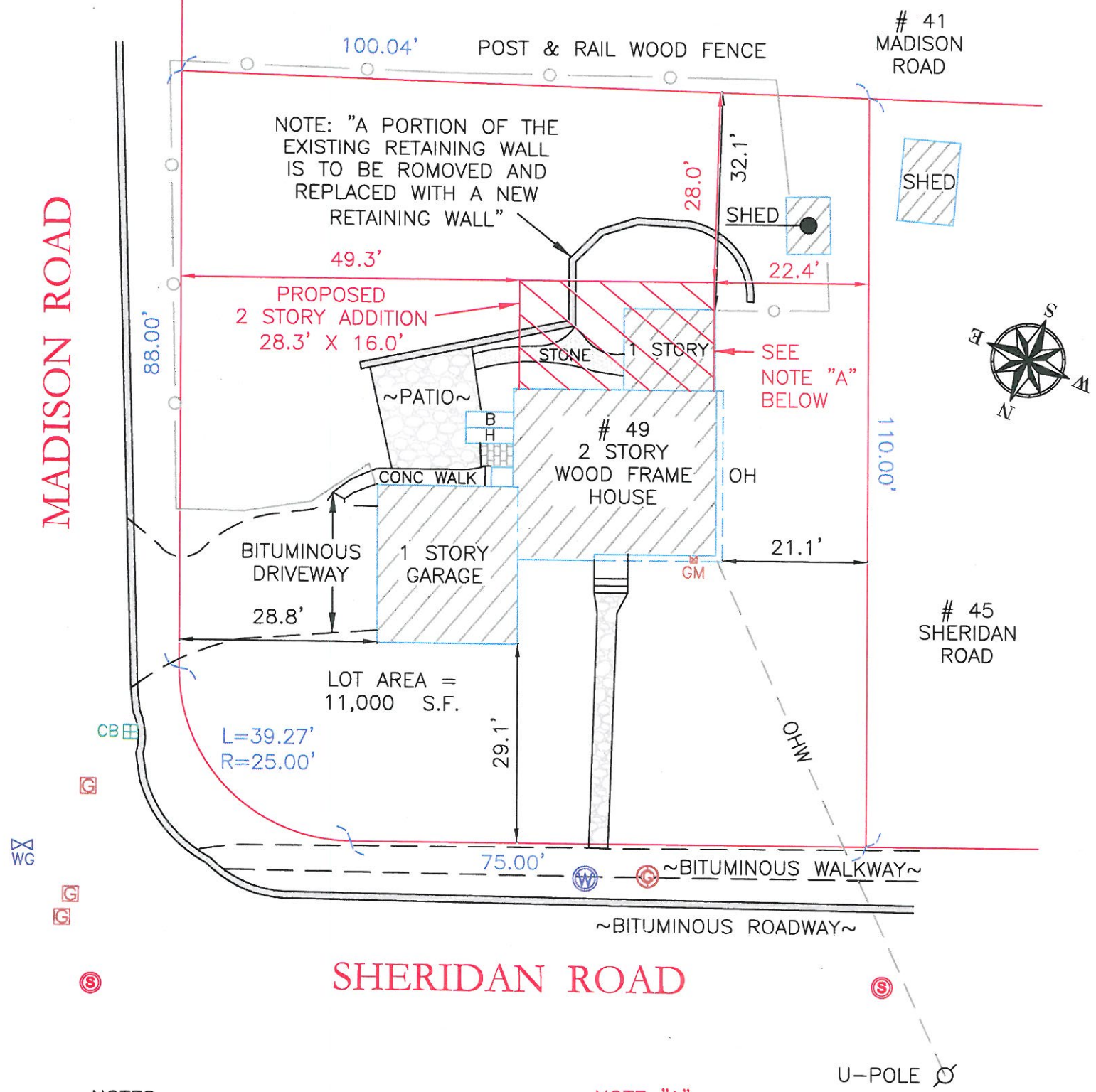
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed,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

Date:

Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm



NOTES:

ALL OFFSETS & DIMENSIONS TO THE EXISTING STRUCTURE ARE TO THE SIDING.

ALL OFFSETS & DIMENSIONS TO THE PROPOSED STRUCTURE ARE TO THE FOUNDATION.

BH=BULKHEAD
OH=OVERHANG
GM=GAS METER
CB=CATCH BASIN
WG=WATER GATE
OHW=OVERHEAD WIRES

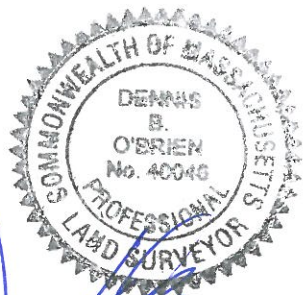
NOTE "A":

THE EXISTING 1 STORY SUNROOM /PORCH IS TO BE REMOVED AND REPLACED WITH A 2 STORY ADDITION.

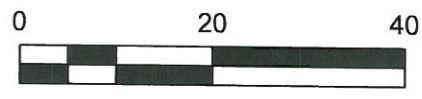
TOWN OF WELLESLEY ZONING
DIMENSIONAL REGULATIONS
ZONE: SR15-SINGLE RESIDENCE
LOT CREATED IN NOVEMBER, 1939

LOT AREA: 15,000 S.F.
LOT FRONTAGE: 60'
FRONT YARD SETBACK: 30'
SIDE YARD SETBACK: 20'
REAR YARD SETBACK: 15'

EXISTING LOT COVERAGE = (13.0%) 1,438.0 S.F.
PROPOSED LOT COVERAGE = (15.7%) 1,734.8 S.F.



[Signature]
Dennis O'Brien P.L.S.



D. O'BRIEN
LAND SURVEYING
EST. 1996
480 WEST CENTRAL STREET
FRANKLIN, MA 02038 508-541-0048

PLAN SHOWING PROPOSED ADDITION 49 SHERIDAN ROAD WELLESLEY, MA NORFOLK COUNTY				
SCALE: 1:20	DATE: 6/19/2019	REVISED: 6/25/2019	DRAWN BY: W.M.N.	CHECKED BY: D.O.