

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5918

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WELLESLEY MA 02482

ZBA 2020-52

Petition of Jonathan & Rachel Hulstein-Lowe  
30 Laurel Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, October 29, 2020 at 7:30 pm, on the petition of Jonathan Lowe & Rachel Hulstein-Lowe requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that demolition of an existing nonconforming one-story structure and construction of a two-story structure with less than required left side yard setbacks, on an existing nonconforming structure with less than required left side yard setbacks and frontage, in a 10,000 square foot Single Residence District, at 30 Laurel Avenue, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 24, 2020, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication. In accordance with Chapter 53 of the Acts of 2020, the hearing was scheduled for October 29, 2020.

Present at the public hearing were Rachel and Jonathan Lowe, the Petitioner. Mr. Lowe said that they received approval on a previous design for this project in April of 2017. He said that they made modifications that reduce the square footage and made it more affordable. He said that the current proposal is for an addition to the back of the existing house, which removes a portion of the house that is nonconforming and replaces it with an addition that will remain within the previously nonconforming footprint. He said that they love the character of their 1910 home and seek to preserve it with this renovation. He said that they spoke with all of the neighbors, who were enthusiastic and supportive and offered to speak on the Lowe's behalf, if needed.

A Board member said that the Planning Board recommended that action be delayed on the retaining wall until further information is provided. Mr. Lowe said that there is a callout on Plan A0.1 that says that the low retaining wall will match the existing at the edge of the new driveway. He said that the architect's comment was that it would not exceed the allowed height limitations. He said that it will be a very low retaining wall at two feet or less. The Chairman said that there was nothing submitted that indicates that. The Board discussed approving the special permit request with the exception that the Board not take any action with respect to the proposed retaining wall. The Chairman said that the building inspector will review the plan and can issue a by right permit for the retaining wall if it is less than four feet within 10 feet of the property line.

A Board member said that a portion of the retaining wall appears to be on someone else's property, as is the driveway. Ms. Hulstein-Lowe said that the drive is shared by three properties, including 30 Laurel Avenue. She said that the neighbors who share the driveway are in full support of the plan. The Board

member said that the building inspector may request some sort of a permit from the neighbor to do a portion of the work on their property.

The Chairman said that he could not tell the extent of the new wall on Plan A0.1. Mr. Lowe said that on Plan A0.1 there is a very faint line perpendicular to the direction of the wall that shows where the new wall joins up with the existing wall. He said that it is where the curvature starts to flatten out.

There was no member of the public who wished to speak to the petition.

#### Statement of Facts

The subject property is located at 30 Laurel Avenue, in a 10,000 square foot Single Residence District, with a minimum left side yard setback of 16 feet where 20 feet is required, and minimum frontage of 56.9 feet where 60 feet is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that demolition of an existing nonconforming one-story structure and construction of a two-story structure with less than required left side yard setbacks, on an existing nonconforming structure with less than required left side yard setbacks and frontage, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 6/10/20, stamped by John R. Hamel, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 5/13/20, prepared by David Whitney, Architect, and photographs were submitted.

On October 28, 2020, 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.

It is the opinion of this Authority that demolition of an existing nonconforming one-story structure and construction of a two-story structure with less than required left side yard setbacks, on an existing nonconforming structure with less than required left side yard setbacks and frontage 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 demolition of an existing nonconforming one-story structure and construction of a two-story structure with less than required left side yard setbacks, on an existing nonconforming structure with less than required left side yard setbacks and frontage, in accordance with the submitted plot plan and construction 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.

ZBA 2020-52  
Petition of Jonathan & Rachel Hulstein-Lowe  
30 Laurel Avenue

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* lrm  
J. Randolph Becker, Chairman

*Walter B. Adams* lrm  
Walter B. Adams

*Richard L. Seegel* lrm  
Richard L. Seegel

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2020 NOV 12 P 1:56  
WELLESLEY TOWN CLERK'S OFFICE  
WELLESLEY, MA 02482

ZBA 2020-52  
Applicant Jonathan & Rachel Hulstein-Lowe  
Address 30 Laurel Avenue

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

