

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

J. RANDOLPH BECKER, CHAIRMAN
ROBERT W. LEVY, VICE CHAIRMAN
DAVID G. SHEFFIELD

LENORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 2208

WALTER B. ADAMS
DEREK B. REDGATE
RICHARD L. SEEGEL

ZBA 2021-01
Petition of 187-189 Walnut Street LLC
6 Wilson Street

2021 JAN 21 AM
WELLESLEY

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, January 7, 2021 at 7:30 pm, on the petition of 187-189 Walnut Street LLC requesting a Variance pursuant to the provisions of Section 14B, Section 19 and Section 24 of the Zoning Bylaw to demolish an existing structure and construct a new two-story structure with basement with less than required side yard setbacks, in a 10,000 square foot Single Residence District, in a Flood Plain or Watershed Protection District, at 6 Wilson Street.

On December 9, 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.

Present at the public hearing were Stanley Brooks, Esq., Marc Charney, homeowner and manager of 187-189 Walnut Street LLC, Paul Worthington, Architect, and Paul Beaulieu, Field Resources.

Mr. Brooks said that the Applicant's team met with the Wetlands Protection Committee (WPC) on January 7, 2021 and a draft Order of Conditions, subject to conditions, was approved.

Mr. Brooks said that the lot is an irregular reverse flagpole shape with the flag area fronting on Wilson Street and the pole area bumping into the Brook Path on the easterly side. He said that 8,700 square feet of the flag area at the front is buildable and 6,000 square feet at the back of the lot is narrow and restricted by Wetlands.

Mr. Brooks said that the left rear corner of the lot abuts the side yard of the property at 50 Wellesley Avenue, with a 48 foot common lot line. He said that in accordance with Section 19B of the Zoning Bylaw, the area at the common lot line becomes a side yard where a 20 foot side yard setback is required rather than a 10 foot rear yard setback.

Mr. Brooks said that the existing single family house is outdated. He said that a variance was granted in 1979 to enclose the front porch and allowed it to bump into the front yard setback. He said that the proposed structure will be fully compliant except for the 10.1 foot setback at the rear. He said that the corner of the garage will be 85 feet away from the closest portion of the house at 50 Wellesley Avenue. He said that a total of 234 square feet is proposed to be within the side yard setback area at the rear of the property at 6 Wilson Street.

Mr. Brooks said that they looked at a number of options to see if this could be done without the need for a variance. He said that they determined that this is the best option that fits in with neighborhood. He said

that the owners at 50 Wellesley Avenue and all of the immediate abutters reviewed the plans. He said that the neighbors at 50 Wellesley Avenue and 2 Wilson Street told Mr. Charney that they support the plans.

Mr. Brooks said that the proposed infiltration basin was reviewed by the WPC. He said that the Planning Board's concerns seemed to be based on the proposed structure being subject to Large House (LHR). He said that TLAG for the proposed home will come in under the 3,600 square foot threshold. He displayed TLAG plans and discussed the calculations.

Mr. Brooks said that the lot shape is not self-created, affects this property in particular and is not common in the Zoning district, and desired relief can be granted without substantial detriment to the public good, without nullifying or derogating from the intent or purposes of the Zoning Bylaw, and literal enforcement of the Zoning Bylaw would create a substantial hardship for any owner of this lot. He said that the structure will be fully compliant except for the setback.

The Board confirmed that the proposed air conditioning condensers will not encroach in the setback area.

The Board said that determination of compliance with the 500 Foot Rule will be solely up to the discretion of the Building Inspector.

Mr. Beaulieu discussed changes on the revised plans. The Board confirmed that there were no changes to the footprint.

A Board member said that the right setback on the north side of the property will be 20 feet. Mr. Beaulieu acknowledged the danger of being so close. He discussed staking and pinning several times prior to the walls going up.

The Board discussed comments from the Department of Public Works (DPW) regarding stormwater and drainage. Mr. Beaulieu said that the Drainage Plan was reviewed by the WPC. He said that the WPC requires a five percent reduction in off site runoff. Mr. Charney said that a Stormwater Report was recently submitted to DPW. He said that all roof water will go underground. The Chairman said that the Board would rely on the WPC to deal with the water issues that are under its jurisdiction.

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

Statement of Facts

The subject property is located at 6 Wilson Street, in a 10,000 square foot Single Residence District, in a Flood Plain or Watershed Protection District.

The Petitioner is requesting a Variance pursuant to the provisions of Section 14B, Section 19 and Section 24 of the Zoning Bylaw to demolish an existing structure and construct a new two-story structure with basement with less than required side yard setbacks, in a 10,000 square foot Single Residence District, in a Flood Plain or Watershed Protection District.

Plan of Land, dated 9/28/20, revised 12/23/20, Allowable Height Plan, dated 12/23/20, stamped by Bradley J. Simonelli, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 8/10/20, Exterior Elevations, dated 12/15/20, Preliminary Design Drawings Floor Plans, dated 8/7/20, 8/10/20 &

8/15/20, prepared by Paul Worthington Design & Restoration Inc., Letter to Zoning Board of Appeals, dated 12/22/20, from Stanley Brooks, Esq., Map 99, Tree Plan for NRC, dated 11/11/20, revised 12/3/20, prepared by Field Resources, Inc., Stormwater Improvement Plan, dated 12/16/20, prepared by Highpoint Engineering, Wellesley Property Viewer Maps, Letter to Marc Charney, dated 10/9/20, from Wellesley Historical Commission, TLAG Affidavit, Letter to Michael Grant, dated 12/18/20, from Bradley Simonelli, re: 500 Foot Rule, and photographs were submitted.

On January 6, 2021, the Planning Board reviewed the petition and recommended that a variance be denied.

On January 7, 2021, Jason Tobin, Civil Engineer, Town of Wellesley, submitted comments and recommendations.

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 literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner owing to circumstances relating to the shape of such land, which does not generally affect the zoning district in which it is located, the hardship has not been self-created, and desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested Variance from the terms of Section 19 and pursuant to the provisions of Section 24-D of the Zoning Bylaw is granted to allow demolition an existing structure and construction a new two-story structure with basement with less than required side yard setbacks, subject to the following condition:

- A final Order of Conditions from the Wetlands Protection Committee that is not subject to appeal or contest shall be submitted and its conditions shall be complied with.

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 Variance shall expire one year after the date time stamped on this decision.

2021 JAN 21 A 11:19
WELLESLEY MA 02481
WELLESLEY OFFICE
WELLESLEY MA 02481

ZBA 2021-01
Petition of 187-189 Walnut Street LLC
6 Wilson Street

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 (l.m.)
J. Randolph Becker, Chairman

Robert W. Levy (l.m.)
Robert W. Levy

Walter B. Adams (l.m.)
Walter B. Adams

2021 JAN 21 AM: 19
TOWN CLERK'S OFFICE
WELLESLEY MA 02481

ZBA 2021-01
Applicant 187-189 Walnut Street LLC
Address 6 Wilson Street

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

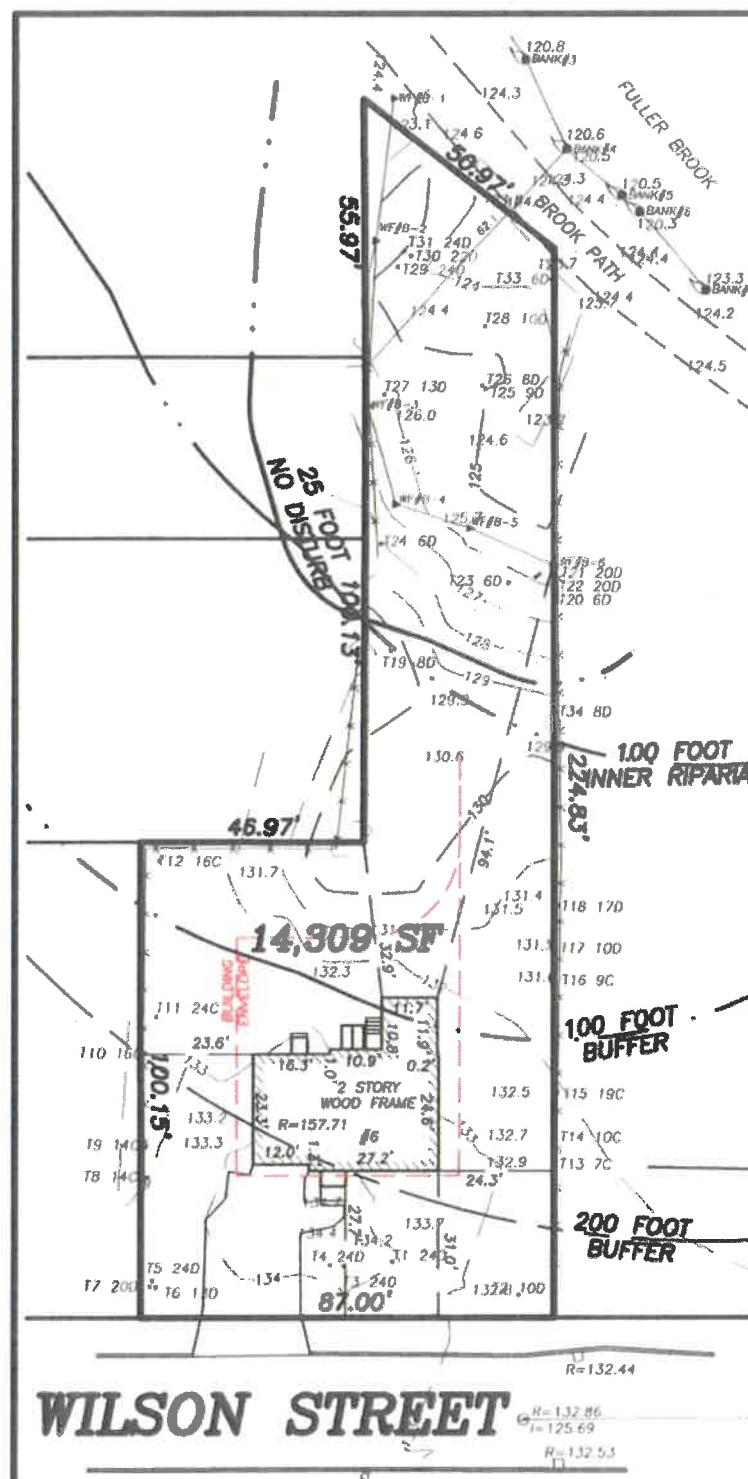
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed,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

Date:

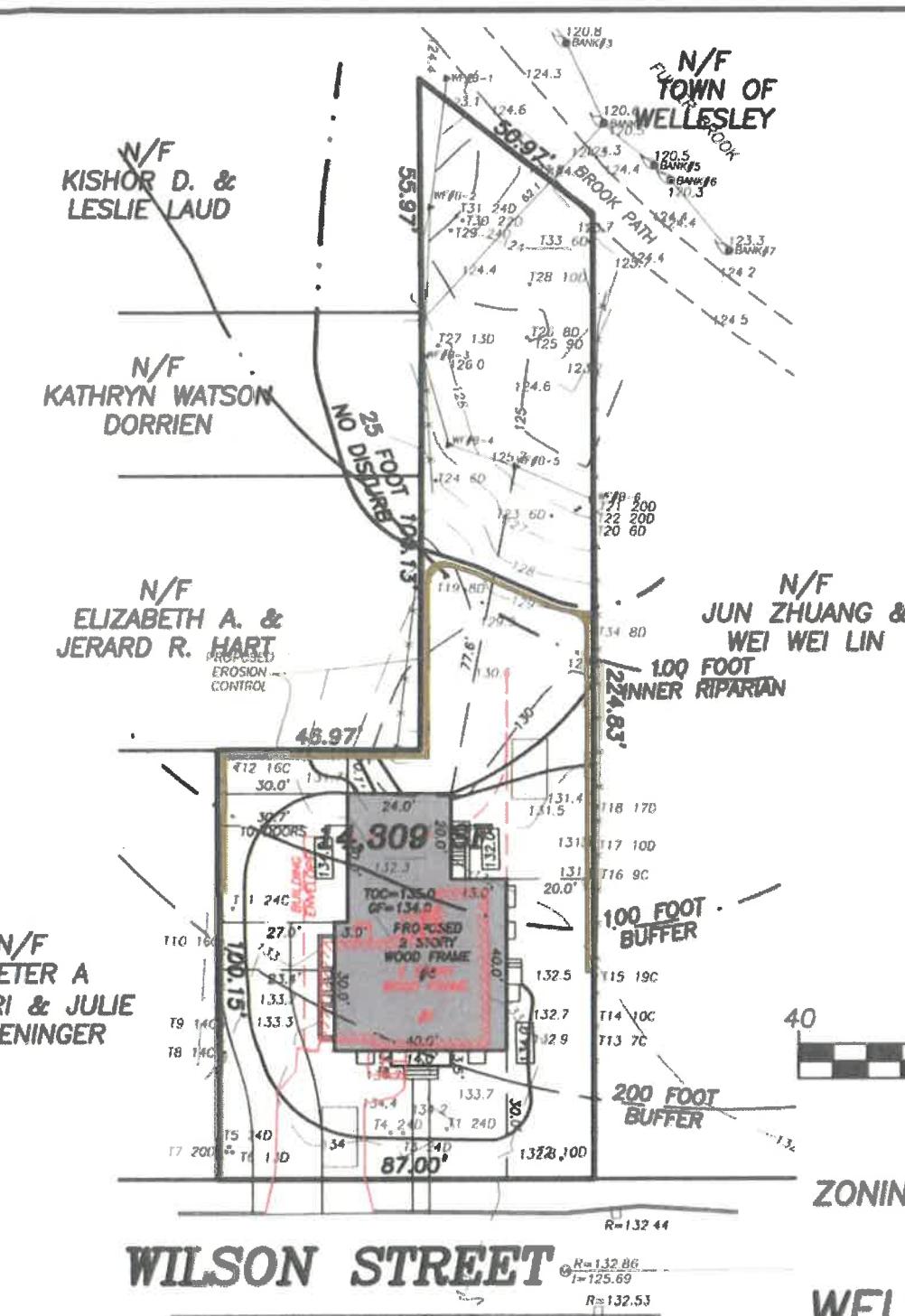
Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm



N/F
PETER A
D'ANIERI & JULIE
A. KOENINGER



ZONING BOARD OF APPEALS
PLAN OF LAND
6 WILSON STREET
WELLESLEY, MASS.

Field Resources, Inc.
LAND SURVEYORS

SEPTEMBER 28, 2020 SCALE 1"=40'
P.O. BOX 324 281 CHESTNUT ST.
AUBURN, MA NEEDHAM, MA.
508 832 4332 781 444 5936
fieldresources@hotmail.com

REVISED: DECEMBER 23, 2020

063-19

ZONING INFORMATION: SINGLE RESIDENCE 10 (SR10)

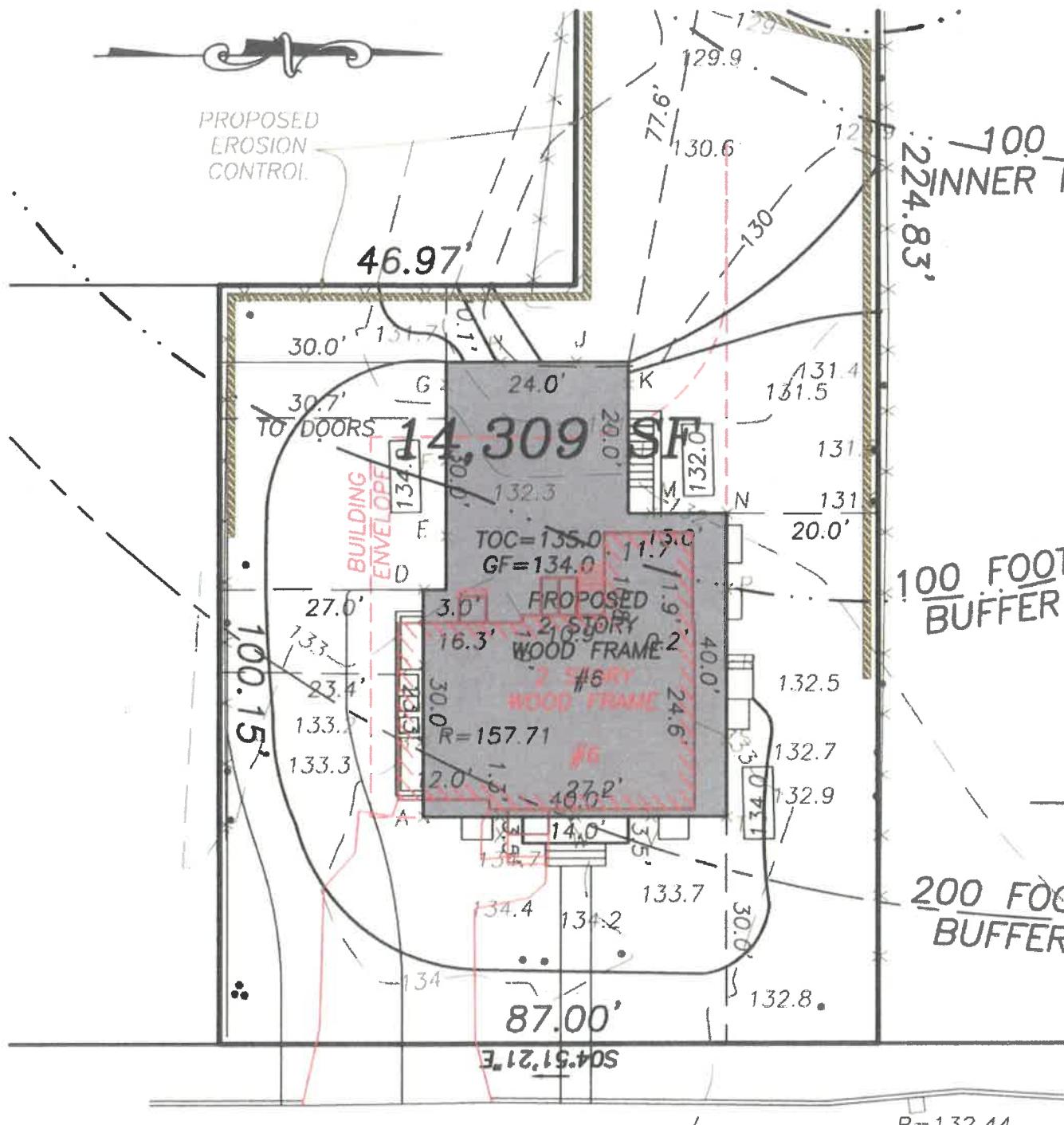
	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA	10,000 SF	14,309 SF	14,309 SF
MINIMUM LOT FRONTEAGE	60 FEET	87.00 FEET	87.00 FEET
MINIMUM FRONT SETBACK	30 FEET*	27.7 FEET**	30.0 FEET
MINIMUM SIDE YARD	20 FEET... (RIGHT)	24.3 FEET	20.0 FEET
	(LEFT)	23.6 FEET	27.0 FEET (23.4 TO AC) (30.7 TO GARAGE)
MINIMUM REAR YARD***	20 FEET	32.9 FEET	10.1 FEET
MAXIMUM BUILDING COVERAGE	25%	7.9% (1,137 SF)	14.8% (2,113 SF)
MAXIMUM BUILDING HEIGHT	36 FEET	24.7± FEET	34.41 FEET
MAXIMUM BUILDING HEIGHT	2 1/2 STORIES	2 STORIES	2 1/2 STORIES

*FRONT SETBACK DETERMINED BY 500 FOOT RULE (#8 WILSON IS 25.7 FEET FROM WILSON STREET)

**ENCLOSED FRONT PORCH AUTHORIZED TO 27.2 PER ZBA DECISION #79-41

**REAR SETBACK SET TO SIDE AS IT ABUTS NEIGHBORS SIDE YARD AT 50 WELLESLEY AVENUE.

BUILDING HEIGHT DETERMINED FROM AVERAGE GRADE PLANE PER WELLESLEY ZONING BYLAW SECTION 20



WILSON STREET

$$\textcircled{S} \frac{R=132.86}{I=125.69}$$

ELEV STATION	EXISTING ELEVATION	PROPOSED ELEVATION
A.....	134.5.....	134.0
B.....	134.0.....	134.0
C.....	133.4.....	134.0
D.....	132.8.....	134.0
E.....	132.6.....	134.0
F.....	132.4.....	134.0
G.....	131.6.....	134.0
H.....	130.2.....	132.0
J.....	129.9.....	130.0
K.....	130.4.....	132.0
L.....	131.8.....	132.0
M.....	132.3.....	132.0
N.....	131.8.....	132.0
P.....	132.3.....	133.0
R.....	132.5.....	134.0
S.....	133.0.....	134.0
T.....	133.4.....	134.0
V.....	133.7.....	134.0
W.....	134.0.....	134.0
X.....	134.7.....	134.0

EXISTING
GRADE PLANE = 2651.8 / 20 = 132.59
TOC TO GRADE = 134.00-132.59=2.41
ALLOWABLE BUILDING = 36.00-2.41=33.59

PROPOSED
GRADE PLANE = 2665.0 / 20 = 133.25
TOC TO GRADE = 134.00 - 133.25 = 1.75
ALLOWABLE BUILDING = 36.00 - 1.75 = 34.25

BASED UPON COMPARATIVE ANALYSIS THE EXISTING GRADE PLANE PROVIDES MORE RESTRICTIVE ENVIRONMENT FOR THE BUILDING HEIGHT THE MAXIMUM ALLOWABLE STRUCTURE ABOVE THE TOP OF CONCRETE IS 33.59 FEET.

THE PROPOSED STRUCTURE FROM TOP OF CONCRETE TO RIDGE IS 32.0 FEET. MAKING THE PROPOSED HEIGHT 34.41 FEET FROM THE EXISTING GRADE PLANE.

ALLOWABLE HEIGHT PLAN
SHOWING GRADE PLANES
6 WILSON STREET
WELLESLEY, MASS.



GRAPHIC SCALE



Field Resources, Inc.

LAND SURVEYORS

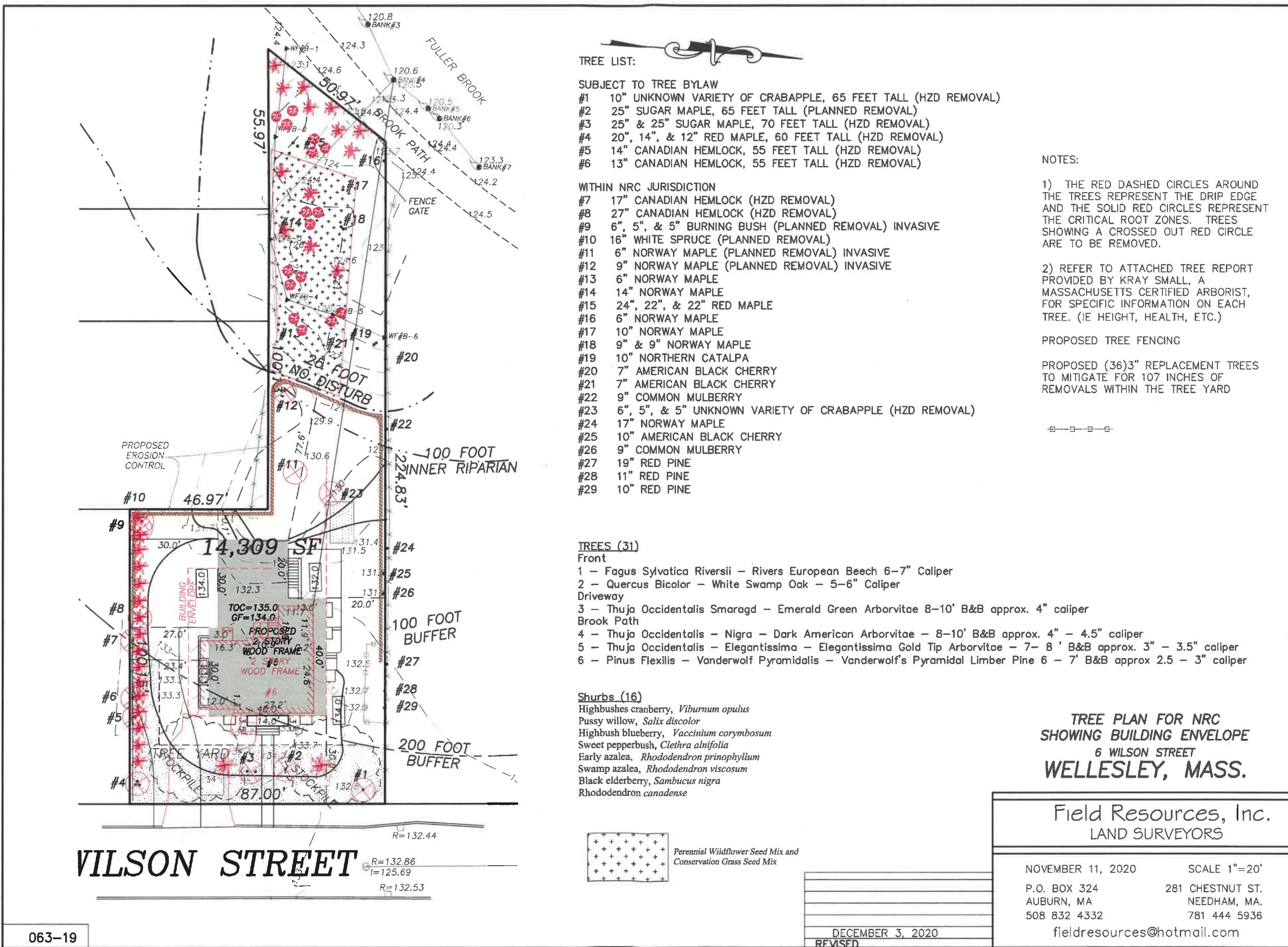
DECEMBER 23, 2020

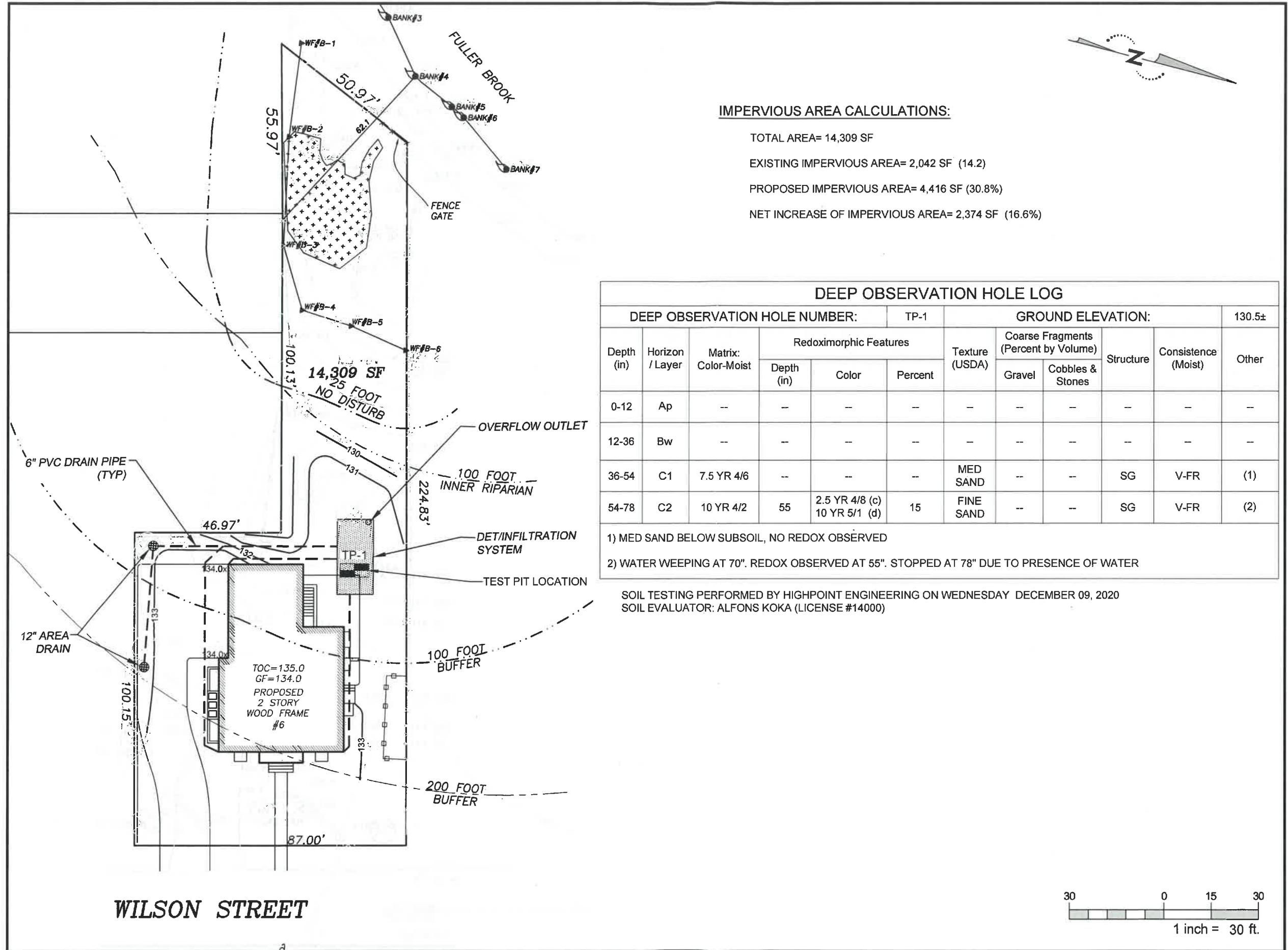
SCALE 1" = 20'

P.O. BOX 324
AUBURN, MA
508 832 4333

281 CHESTNUT ST.
NEEDHAM, MA.
781 444 5936

fieldresources@hotmail.com





WILSON ST RESIDENCE	6 WILSON ST WELLESLEY, MA	OWNER/APPLICANT: 187-189 WALLNUT ST, LLC
ISSUE DATE: 12/16/2020		
PROJECT NUMBER: PROJECT NUMBER		
SHEET TITLE:		
STORMWATER IMPROVEMENT PLAN		
SHEET NUMBER: C1.0		