

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

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2021
JUN 17 P 1:23
WELLESLEY
MASSACHUSETTS

ZBA 2021-45

Petition of Daniel & Livia Madden
24 Durant Road

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, June 3, 2021 at 7:30 pm, on the petition of Daniel & Livia Madden requesting a Special Permit/Finding pursuant to the provisions of Section 14E, Section 17 and Section 25 of the Zoning Bylaw that demolition of an existing screened porch and construction of a two story addition with basement and attic with less than required right side yard setbacks, on a 7,638 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, at 24 Durant Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On March 29, 2021, 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 on behalf of the Petitioner were David Himmelberger, Esq., and Bob Williamson, Architect. Mr. Himmelberger said that the request is for a special permit for an addition to an existing nonconforming home on a nonconforming lot with less than required area in a Water Supply Protection District.

Mr. Himmelberger said that the project is an envelopment of a pre-existing nonconforming structure. He said that the existing nonconformity on the right side of 14.9 feet will be maintained. He said that a two story addition with space on the third floor will be built at the front left three-quarters of the house, inset from the existing nonconforming house with a setback of 18 feet, while all other dimensions will conform. He said that the existing ridge height is 27.2 feet and the proposed height will be 34.5. He said that proposed TLAG is 4,217 square feet. He said that Plan A0.01 shows the Cultec underground recharge system, which is designed to connect to all of the downspouts. He said that the house is a pre-1949 structure, so the project was reviewed by the Historical Commission and was deemed to be preferably preserved. He said that the Applicants subsequently received a waiver from the Historical Commission for the proposed design.

Mr. Himmelberger discussed a slight modification to the windows at the front. He said that what had been proposed as double wide windows with shutters was changed to separate the windows as individuals without shutters. He said that two small windows were added on the right side, as requested and approved by the Historical Commission. Board members said that the recommended changes to the windows and elimination of the shutters is an improvement to the design.

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

Statement of Facts

The subject property is located at 24 Durant Road, on a 7,638 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, with a minimum right side yard setback of 14.9 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 14E, Section 17 and Section 25 of the Zoning Bylaw that demolition of an existing screened porch and construction of a two story addition with basement and attic with less than required right side yard setbacks, on a 7,638 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 3/10/21, revised 3/22/21, stamped by Dennis B. O'Brien, Professional Land Surveyor, a Plot Plan, dated 3/10/21, revised 3/31/21, prepared by D. O'Brien Land Surveying, Floor Plans and Elevation Drawings, dated 3/23/21, 5/19/21, and Large House Review TLAG Affidavit, dated 3/16/20, prepared by Robert H. Williamson, Architect, and photographs were submitted.

On May 14, 2021, Jason Tobin, Civil Engineer, Town of Wellesley, reviewed the petition and submitted comments.

On June 2, 2021, the Planning Board reviewed the petition and recommended that a special permit be approved, subject to conditions.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing.

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 14E of the Zoning Bylaw for Water Supply Protection Districts.

It is the opinion of this Authority that demolition of an existing screened porch and construction of a two story addition with basement and attic with less than required right side yard setbacks will 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 screened porch and construction of a two story addition with basement and attic with less than required right side yard setbacks, subject to the following conditions:

1. Installation of infiltration systems to capture stormwater runoff from the larger house and increased impervious area
2. Planting of overstory trees in the front yard and a vegetative screen along the new driveway on the right side of the property

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 (cm)
J. Randolph Becker, Chairman

David G. Sheffield (cm)
David G. Sheffield

Walter B. Adams (cm)
Walter B. Adams

2021 JUN 17 P 1:24
WELLESLEY TOWN CLERK

ZBA 2021-45
Applicant Daniel & Livia Madden
Address 24 Durant Road

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

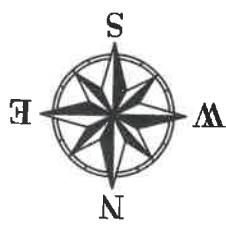
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed,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

Date:

Attest:

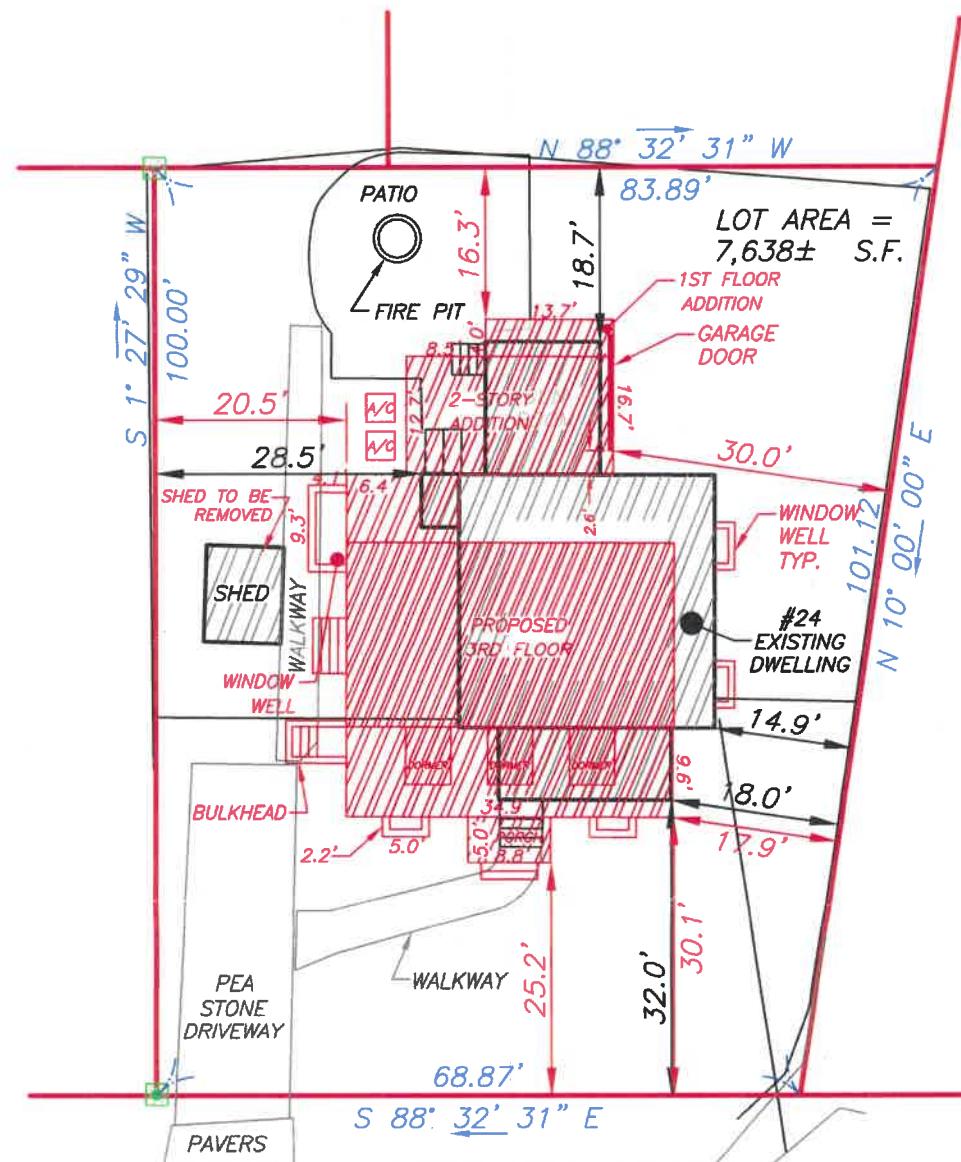
Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm



NOTES:
ALL ELEVATIONS ARE ON ASSUMED DATUM.

20 10 0 20



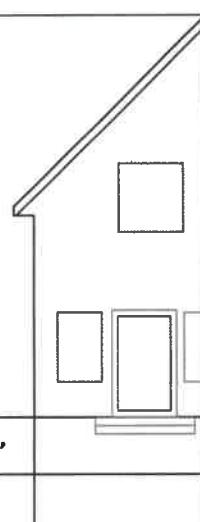
DURANT ROAD

EXISTING LOT COVERAGE = (15.3%) 1170.6 S.F.
PROPOSED LOT COVERAGE = (23.4%) 1784.4 S.F.

ROOF PEAK ELEV. = 127.6'
(PROP. PEAK ELEV. = 134.9')
ROOF HEIGHT = 27.2'
(PROP. HEIGHT = 34.5')

#24
EXISTING
DWELLING
(ZONE: SINGLE RESIDENCE 10)

FIRST FLOOR ELEV. = 103.2'
AVERAGE GRADE ELEV. = 100.4'



PLAN SHOWING PROPOSED ADDITIONS 24 DURANT ROAD WELLESLEY, MA NORFOLK COUNTY

Dennis O'Brien

P.L.S.

SCALE: 1:20' DATE: 3/10/2021 REVISED: 3/31/2021 DRAWN BY: A.R.M. CHECKED BY: D.O.