

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

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ZBA 2021-59

Petition of John & Evelyn Helfrich
10 Park Avenue

2021
JUL 15
2021

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 1, 2021 at 7:30 pm, on the petition of John & Evelyn Helrich 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 structure with less than required left side yard setbacks and construction of a two story structure that will meet setback requirements, on an 18,313 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, at 10 Park Avenue, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On May 26, 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 of behalf of the petition was David Himmelberger, Esq., representing the record owner of 10 Park Avenue, and David Silverstein, Copper Leaf Development LLC. Mr. Himmelberger said that the request is for a special permit for new construction to replace a home on a nonconforming lot with insufficient lot size of 18,313 square feet in a 20,000 square foot district. He said that the proposal is to raze the existing structure and build a fully conforming and dimensionally compliant new home that is 30.5 feet tall, with a TLAG of 5,636 square feet, and lot coverage of 16.4 percent, or 2,999 square feet.

Mr. Himmelberger said that a revised plan was submitted to show a height of 30.5.

Ziyang Yu, 14 Park Avenue, said that he has known Mr. Silverstein for three years. He said that Mr. Silverstein has built a lot of beautiful homes on Park Avenue. He said that the plan is to replace the existing home with one that is much larger and taller. He asked that consideration be given to maintaining privacy on both sides with fencing or something else. He said that he has young children. He asked that proper measures such as temporary construction fence be taken during construction and the demolition process to ensure the safety of the surrounding families. He said that the distance between the two houses will be close. He asked that the ac condensers be located on the left side, opposite a three car garage on the neighbor's property.

A Board member said that safety during construction is something that the building inspector is charged with enforcing. He said that it is not unusual for the building inspector to require that a construction site be fenced or at least contained in a way that children could not get hurt. The Chairman said that there is a fence on top of a retaining wall on the left side of the property.

Mr. Yu asked that efforts be made during construction to minimize the impact on surrounding structures. He asked that heavy equipment be kept far away enough to prevent excessive vibration that could impact

the foundations of surrounding houses. A Board member said that the neighbors can request that the Developer document the condition of their houses in case there is any damage. The Chairman said that those issues should be directed to the building inspector.

Mr. Himmelberger said that the plan is to keep the existing trees between the new house and the neighbor at 14 Park Avenue. He said that they will add seven arbor vitae closer to the street at a depth of 35 feet, as shown on the Planting Plan. He said that the plan is to install a board and batten fence from the back of the arbor vitae to the back of the lot. He submitted Planting Plan, L3.0.

Mr. Silverstein said that he is sensitive to the concerns about safety of the children and will put fencing up along the property line.

Statement of Facts

The subject property is located on an 18,313 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, at 10 Park Avenue, with a minimum left side yard setback of 18.4 feet where 20 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 structure with less than required left side yard setbacks and construction of a two story structure that will meet setback requirements, on an 18,313 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, Basement & Allowable Height Plan Showing Grade Planes, dated 5/24/21, revised 6/14/21, & TLAG Exemption Plan, dated 5/24/21, stamped by Bradley R. Simonelli, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 5/24/21, prepared by DNA Architecture, Planting Plan, dated 6/23/21, prepared by Ryan Associates, and photographs were submitted.

On June 30, 2021, 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 structure with less than required left side yard setbacks and construction of a two story structure that will meet setback requirements, on an 18,313 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, 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 structure with less than required left side yard setbacks and

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construction of a two story structure that will meet setback requirements, on an 18,313 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, 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.

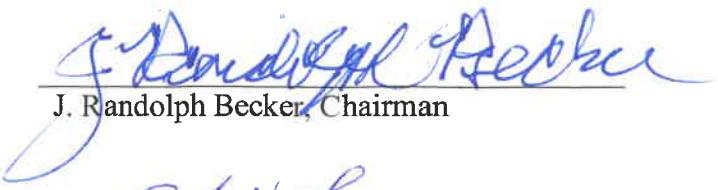
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

2021 JUL 15 PM 12:52

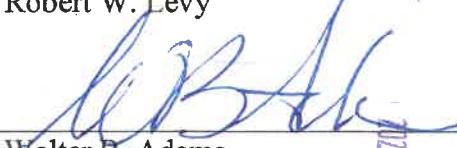
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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.


J. Randolph Becker


Robert W. Levy


Walter B. Adams

2021 JUL 15 PM 12:52
WELLESLEY TOWN CLERK'S OFFICE
MASSACHUSETTS

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Applicant John & Evelyn Helfrich
Address 10 Park Avenue

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

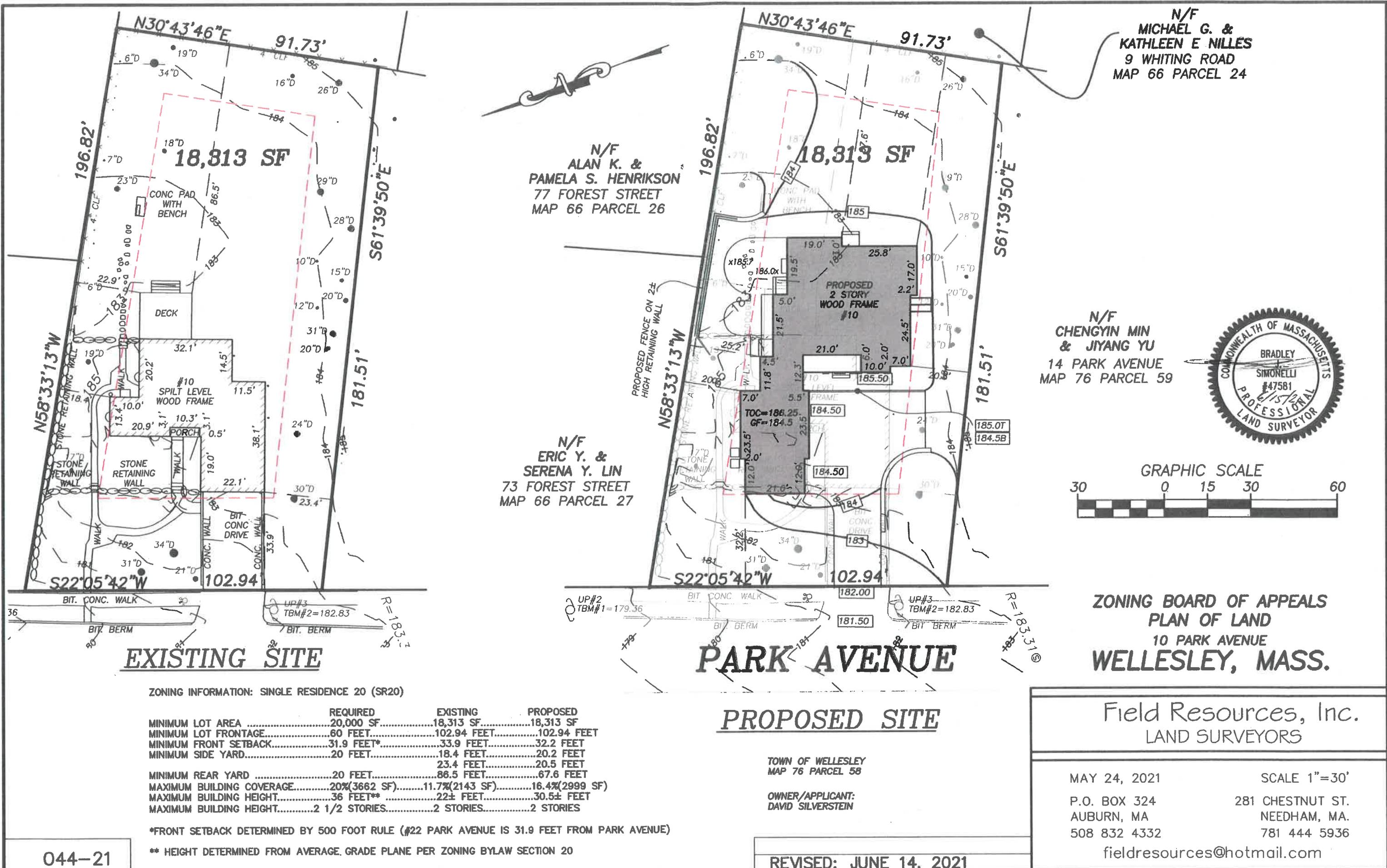
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed,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

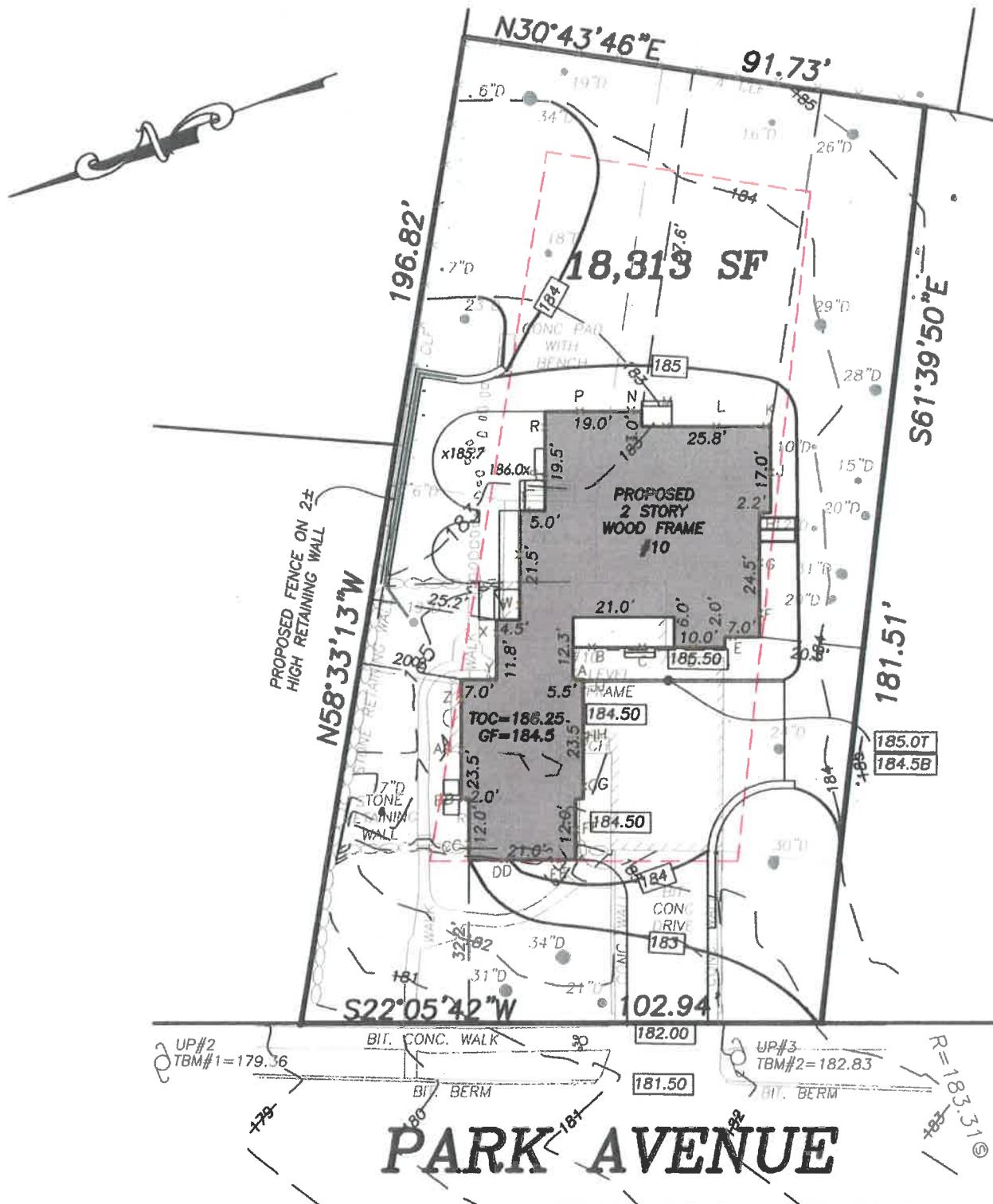
Date:

Attest:


Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm





ELEV STATION	EXISTING ELEVATION	PROPOSED ELEVATION
A	184.2	185.5
B	184.0	185.5
C	183.8	185.5
D	183.3	185.5
E	183.4	185.5
F	183.2	185.4
G	183.2	185.3
H	183.2	185.2
J	183.3	185.2
K	183.4	185.2
L	183.3	185.2
M	183.1	185.2
N	183.0	185.2
P	182.7	185.3
R	182.5	185.6
S	182.8	186.0
T	183.1	186.0
V	183.3	185.6
W	183.8	185.6
X	185.1	185.6
Y	185.3	185.6
Z	185.3	185.6
AA	185.0	185.0
BB	184.9	185.0
CC	184.6	185.0
DD	182.7	183.5
EE	183.1	184.1
FF	183.5	184.5
GG	184.2	184.5
HH	184.4	184.5
JJ	184.3	184.5

COMMONWEALTH OF MASSACHUSETTS
BRADLEY
SIMONELLI
#47581
1/15/2021
PROFESSIONAL LAND SURVEYOR

GRAPHIC SCALE

ALLOWABLE HEIGHT PLAN
SHOWING GRADE PLANES
10 PARK AVENUE
WELLESLEY, MASS.

Field Resources, Inc.
LAND SURVEYORS

MAY 24, 2021

SCALE 1"=30'

P.O. BOX 324
AUBURN, MA
508 832 4332

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NEEDHAM, MA.
781 444 5936

fieldresources@hotmail.com

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REVISED: JUNE 14, 2021