

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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

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ROBERT W. LEVY, VICE CHAIRMAN  
DAVID G. SHEFFIELD

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(781) 431-1019 EXT. 2208

WALTER B. ADAMS  
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RICHARD L. SEEGEL

ZBA 2021-10  
Petition of Patti Quigley  
76 Fairbanks Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, February 4, 2021 at 7:30 pm, on the petition of Patti Quigley 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 nonconforming structure with less than required left and right side yard setbacks, and construction of a new two story structure that will meet setback requirements, on a 14,108 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District, at 76 Fairbanks Avenue, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On December 31, 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 David Himmelberger, Esq., Patti Quigley, the Petitioner, and J.B. Clancy, Architect.

Mr. Himmelberger said that the request is for a special permit for a pre-existing nonconforming lot and structure, in a Water Supply Protection District, with a nonconforming right side yard setback of 9 feet and a nonconforming left side yard setback of 15 feet, on a 14,108 square foot lot in a 15,000 square foot Single Residence District. He said that the proposed structure will be fully dimensionally compliant. He said that proposed TLAG of 4,677 square feet will be eight percent greater than the 4,300 square foot threshold for the district. He said that there is extensive screening at the rear and the stockade fence will remain. He said that additional arbor vitae will be planted along the back left property line, along the entrance to the garage. He said that the abutters support the project.

Mr. Clancy said that a proposed zero energy house that makes as much energy as it consumes will replace the existing Colonial Revival that was built in 1931. He said that the intent is to recycle and salvage as much of the existing building as possible. He said that the proposed house was reviewed by the Building Inspector. He said that the front yard setback was established in accordance with the 500 Foot Rule.

Mr. Clancy said that because the house will be using solar energy, it was oriented to face south where the windows become the heaters. He said that solar array panels will be on the east-west axis of the roof.

Mr. Clancy said that the garage was moved to the back due to the width of the lot and appearance from the street. He said that the side facing garage will meet setbacks requirements. He said that a side driveway has precedence in the neighborhood.

Mr. Clancy said that they looked for a style that would be compatible with the neighborhood of Colonial and Tudor Revivals. He said that they chose a Greek Revival style that has a good roof pitch for solar panels and helps to keep the ridge height down. He said that they looked at farm buildings in New England as a way to break down the mass. He said that they created discreet volumes that connect to each other.

Mr. Himmelberger said that two recharge systems, one in the back part of the driveway and one on the right side will take three inches of water, as shown on a Stormwater System plan submitted on February 4, 2021. Mr. Clancy said that they have been working with the manufacturer to size the system and installation will be done by a licensed civil engineer. A Board member said that the size and length of the driveway and the patio should be taken into consideration.

A Board member said that although this is not a typical solution, he complimented the architect's design and how it fits into the neighborhood. He said that a letter, dated January 13, 2021, from the DPW discussed backyard flooding, which the recharge chambers are probably meant to address. He said that DPW asked that a Utilities Plans be submitted for review prior to the project start.

Mr. Clancy said that the hemlocks at the back will be maintained. He said that screening on the north side is not expected to make it through construction in healthy condition, so they will put new screening in that area. He said that the existing stockade fence that runs around three sides will be retained.

#### Statement of Facts

The subject property is located at 76 Fairbanks Avenue, on a 14,108 square foot lot in a Single Residence District, in a Water Supply Protection District, with a minimum left side yard setback of 15.3 feet and a minimum right side yard setback of 9 feet where 20 feet is required.

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 nonconforming structure with less than required left and right side yard setbacks, and construction of a new two story structure that will meet setback requirements, on a 14,108 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Existing Conditions Site Plan and Building Permit Plan, dated 12/29/20, stamped by John R. Hamel, Professional Land Surveyor, Site Plan and Letter to Building Department, Town of Wellesley, dated 9/25/20, prepared by John R. Hamel, Professional Land Surveyor, Floor Plans and Elevation Drawings, A1.0 Stormwater System, dated 11/16/20, revised 12/24/20, prepared by Albert-Righter-Tittmann Architects, and photographs were submitted.

On February 3, 2021, the Planning Board reviewed the petition and recommended that a special permit be approved.

On January 13, 2021, Jason Tobin, Civil Engineer, Town of Wellesley, reviewed the petition and submitted comments.

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 nonconforming structure with less than required left and right side yard setbacks, and construction of a new two story structure that will meet setback requirements, on a 14,108 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet will not intensify an existing nonconformity, 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 and right side yard setbacks, and construction of a new two story structure that will meet setback requirements, on a 14,108 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, subject to the following condition:

- Drainage and Stormwater Plans shall be reviewed and approved by the Department of Public Works.

The Board determined that a Utility Plan would not be subject to a condition of this decision as it is a requirement for a building permit.

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, this Special Permit shall expire two years after the date time stamped on this decision.

2021 FEB 18 P 1:01  
CITY OF FAIRBANKS  
BUILDING DEPARTMENT  
1111 E. 7TH AVE. 2ND FL.  
FAIRBANKS, AK 99701

ZBA 2021-10  
Petition of Patti Quigley  
76 Fairbanks 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.

Robert W. Levy (A.M.)  
Robert W. Levy, Acting Chairman

David G. Sheffield (A.M.)  
David G. Sheffield

Derek B. Redgate (A.M.)  
Derek B. Redgate

ZBA 2021-10  
Applicant Patti Quigley  
Address 76 Fairbanks Avenue

RECEIVED  
TOWN CLERK  
WELLESLEY MA 02482  
2021 FEB 18 P 1:01

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

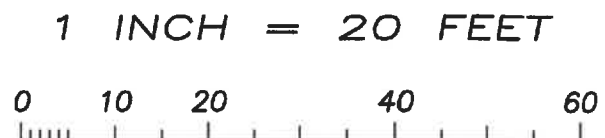
cc: Planning Board  
Inspector of Buildings  
lrm


**BUILDING PERMIT PLAN  
76 FAIRBANKS AVENUE  
WELLESLEY, MASSACHUSETTS**

1 INCH = 20 FEET DECEMBER 29, 2020

SNELLING & HAMEL ASSOCIATES, INC.  
PROFESSIONAL LAND SURVEYORS & ENGINEERS  
10 LEWIS STREET P.O. BOX 102  
LINCOLN, MASSACHUSETTS 01773  
(781) 259-0071


OWNERS OF RECORD:  
76 FAIRBANKS AVENUE REALTY TRUST  
CERTIFICATE #188315



- NOTES:
- ZONING DISTRICT: SINGLE RESIDENCE 15
  - PROPOSED LOT COVERAGE = 2,817 SF OR 19.97%
  -  - DENOTES PROPOSED FEATURES CONTRIBUTING TO LOT COVERAGE
  - THE MINIMUM REQUIRED FRONT YARD ZONING SETBACK OF 39.5' IS BASED ON THE EXISTING SETBACK OF 39.5' AT 68 FAIRBANKS AVENUE.

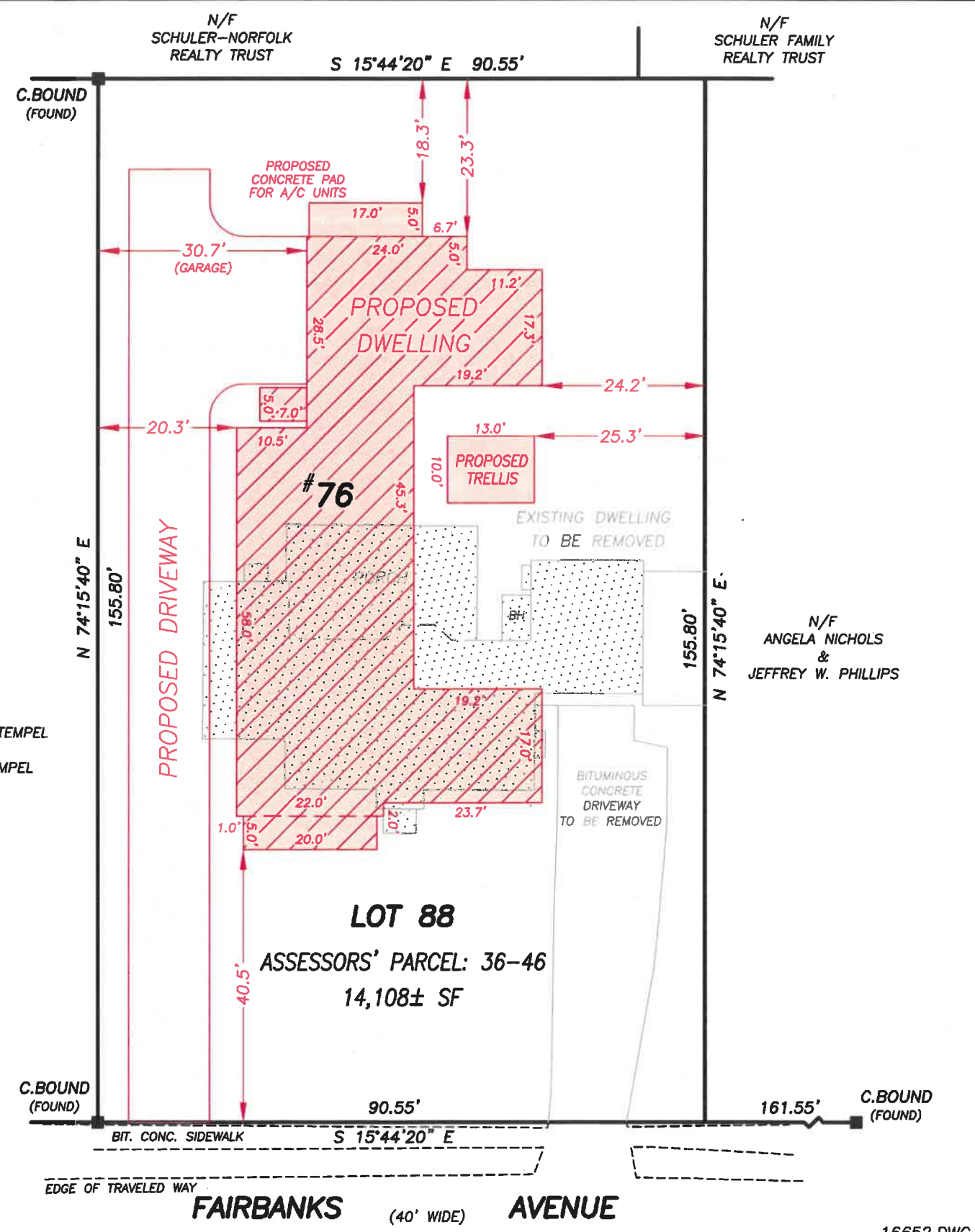
PLAN REFERENCE:  
- LAND COURT PLAN 7129-A

I HEREBY STATE THAT THE LOCATION OF THE FEATURES SHOWN HEREON IS THE RESULT OF A FIELD SURVEY PERFORMED AS OF SEPTEMBER 24, 2020, WITH THE USE OF A TOPCON TOTAL STATION.

  
JOHN R. HAMEL  
PROFESSIONAL  
LAND SURVEYOR



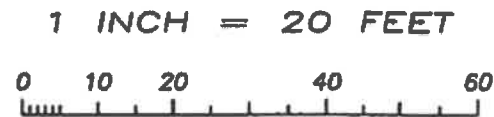
DECEMBER 29, 2020  
DATE:



EXISTING CONDITIONS SITE PLAN  
 76 FAIRBANKS AVENUE  
 WELLESLEY, MASSACHUSETTS  
 1 INCH = 20 FEET DECEMBER 29, 2020

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NOTES:

- ZONING DISTRICT: SINGLE RESIDENCE 15
- THE TREES DEPICTED HEREON ARE CLASSIFIED AS EITHER DECIDUOUS "D" OR EVERGREEN "E"
- THE DATUM WAS ESTABLISHED WITH THE USE OF STONEX GPS EQUIPMENT.
- EXISTING LOT COVERAGE = 1,988 SF OR 14.1%

BENCHMARKS: (N.A.V.D. 1988)

- BM1 - RIM OF SEWER MANHOLE 569  
ELEVATION = 150.80
- BM2 - SPIKE SET IN THE ROOT OF AN 8" DECIDUOUS TREE  
ELEVATION = ELEVATION = 150.94

PLAN REFERENCE:

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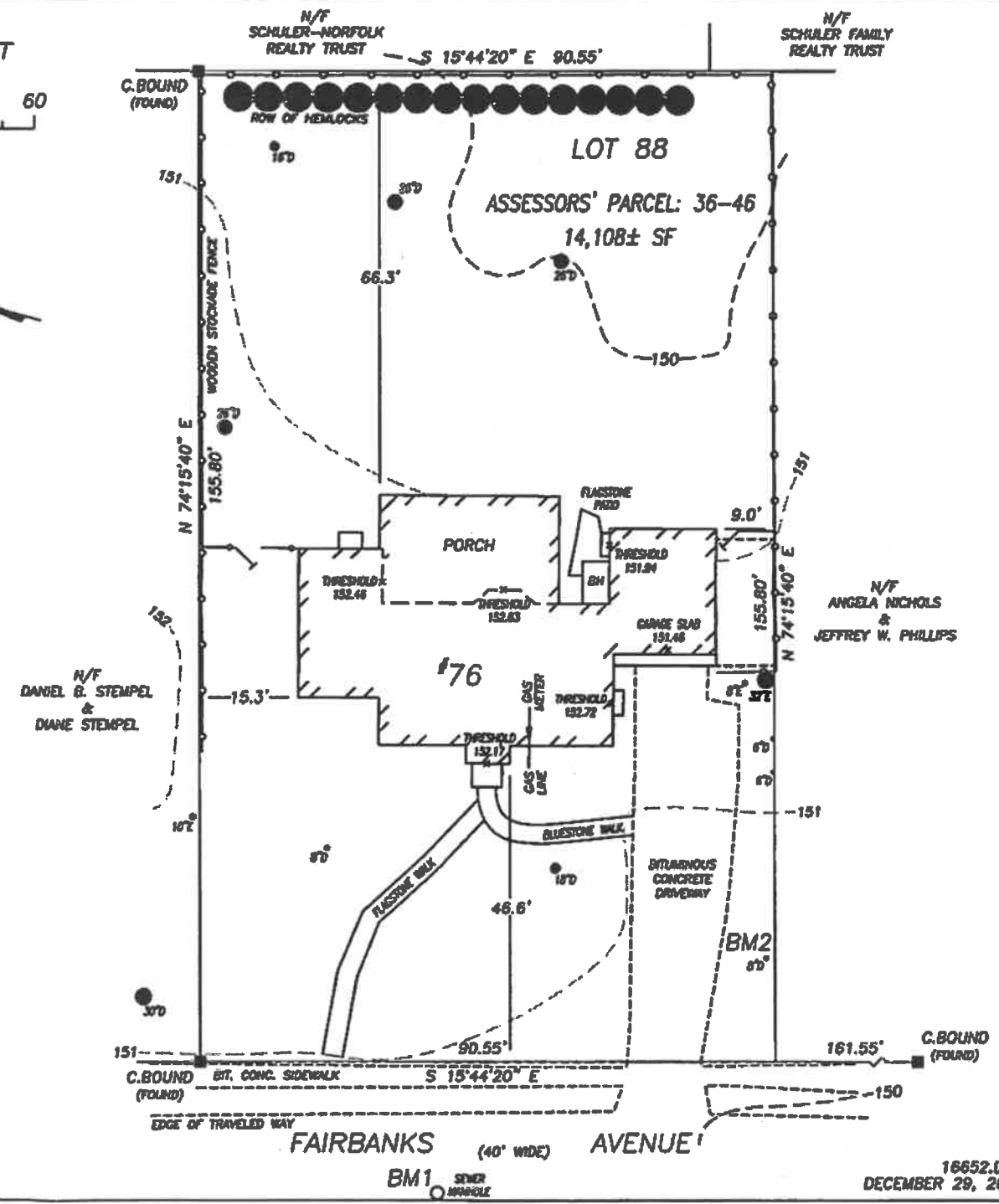
*John R. Hamel*



JOHN R. HAMEL  
 PROFESSIONAL  
 LAND SURVEYOR

12-29-2020

DATE:



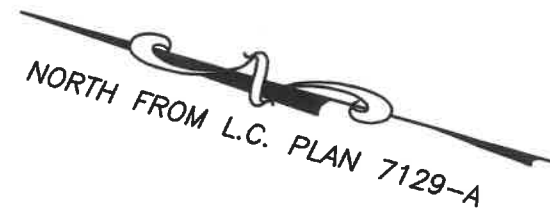
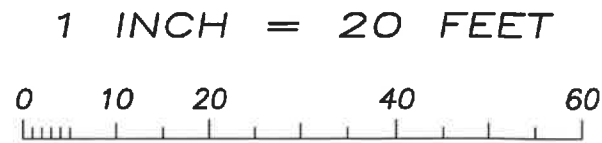
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 DECEMBER 29, 2020

**SITE PLAN**  
**76 FAIRBANKS AVENUE**  
**WELLESLEY, MASSACHUSETTS**

1 INCH = 20 FEET SEPTEMBER 25, 2020

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 10 LEWIS STREET P.O. BOX 102  
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- THE DATUM WAS ESTABLISHED WITH THE USE OF STONEX GPS EQUIPMENT.
- EXISTING LOT COVERAGE = 1,988 SF OR 14.1%
- THE FRONT YARD ZONING SETBACK OF 39.5' IS BASED ON EXISTING SETBACK OF 68 FAIRBANKS AVENUE. (SEE 500' RULE LETTER DATED SEPTEMBER 25, 2020)

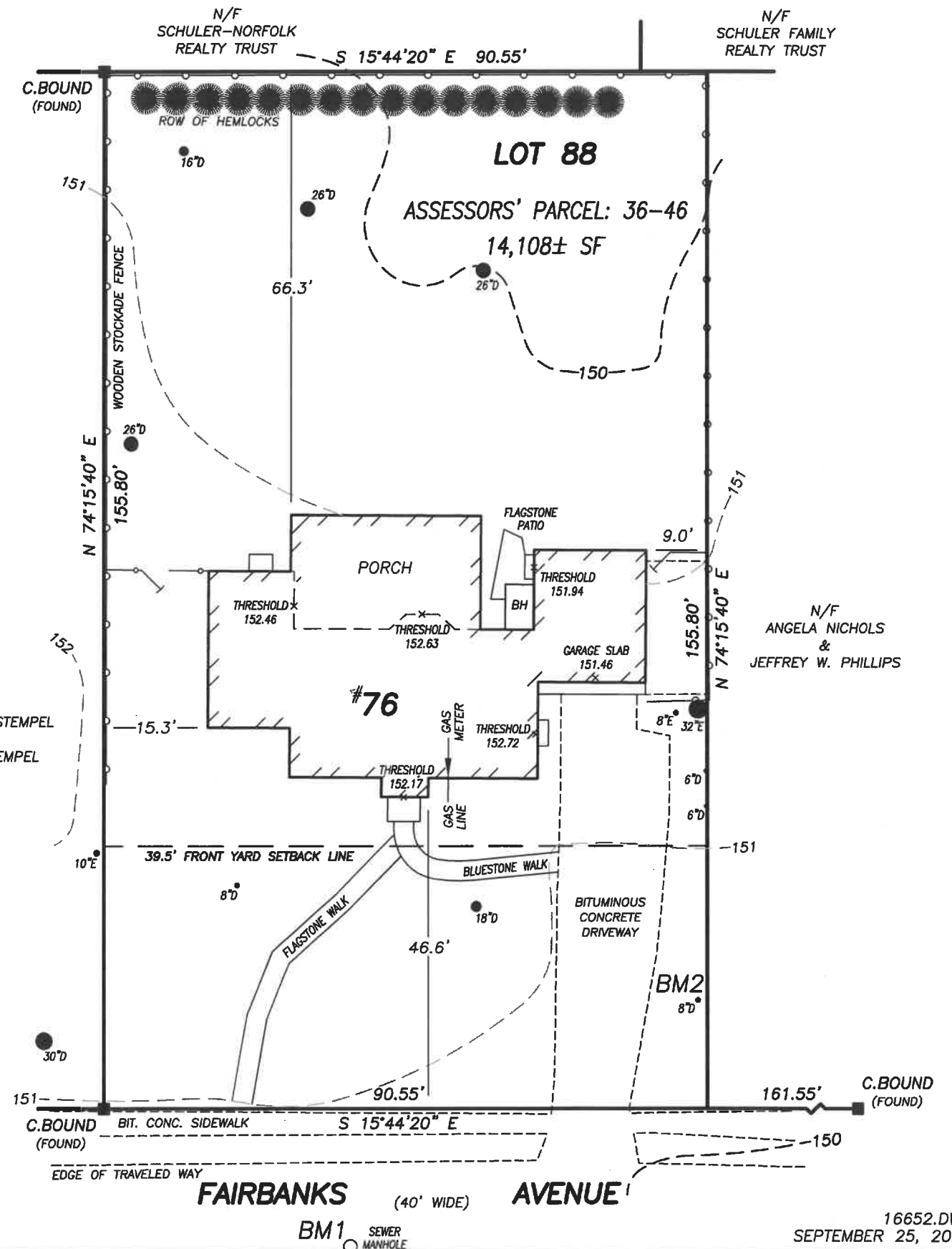
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JOHN R. HAMEL  
 PROFESSIONAL  
 LAND SURVEYOR

DATE: \_\_\_\_\_

BM1 SEWER MANHOLE

16652.DWG  
 SEPTEMBER 25, 2020