



ZONING BOARD OF APPEALS

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ZBA 2021-19

Petition of Franklin Nine Wellesley LLC
9 Franklin Road

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, March 4, 2021 at 7:30 pm, on the petition of Franklin Nine Wellesley LLC requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that demolition of an existing structure and construction of a new two-story structure that will meet setback requirements, on a 15,042 square foot corner lot in a 20,000 Single Residence District, at 9 Franklin Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On January 21, 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 at the public hearing were Victor Corda, representing Franklin Nine Wellesley LLC, and John Farrington, Esq. Mr. Corda said that the request is for a special permit is to raze the existing dwelling and build a new dwelling on a 15,000 square foot lot in a 20,000 square foot Single Residence District. He said that the proposed house will have a TLAG of 5,500 square feet, which is under the threshold for Large House Review in the district. He said that lot coverage will increase three percent, or approximately 500 square feet. He said that the plan is to turn the garage towards Arlington Road, as Franklin Road is a cut through and it will be safer and easier to enter and exit the property. He said that they expect to cut down a couple of small trees and will replicate anything that they remove.

Mr. Corda said that the lot has a pre-existing drainage issue with a depression that collects water. He said that a sump pump was connected to the Town's catch basin and they expect to re-connect to it. He said that the plan is to adjust the grades away from the abutting neighbors.

Mr. Corda said that the existing house was built in 1963. He said that the neighborhood has a lot of undersized lots with setback issues. He said that the proposed house will conform to dimensional requirements and will not be substantially more detrimental to the neighborhood than the existing house.

A Board member said that he had not seen any proposed underground structures or engineering reports that indicate that drainage will be handled appropriately. He said that the plan to raise the lot up two feet will not solve the problem. Mr. Corda said that he planned to tie an engineering plan with the final plans. He said that he has worked in this area and is familiar with the earth materials. The Board said that it will need to see the drainage plan.

The Chairman said that the height and setbacks for the retaining walls are not shown on the plans, so the Board does not have enough information to determine whether a special permit is needed for them.

2021 MAY 20 11:33

A Board member read a letter from the abutter at 12 Arlington Road regarding concerns about relocation of the driveway. The Board member said that the Applicant is presenting something that changes what the neighbors have looked at for several years. He said that those concerns should be addressed with the neighbors.

A Board member said that the Department of Public Works (DPW) submitted comments stating that the utilities have not been reviewed with them yet. Mr. Corda said that the engineered plan has the utilities laid out. He said that typically the utility plan is not designed until a house is established. He said that there are proposed gas and sewer lines on Arlington Road where the utilities were originally connected.

A Board member said that there is no turning location shown for cars backing out of the garage on the relocated driveway.

Peter Litman, 2 Arlington Road, confirmed that two sets of plans were submitted. Mr. Corda said that the second set that is currently online is the correct version. Mr. Littman confirmed that the significant change in size is from the existing house. He asked if the plan is to move the house or change its orientation. Mr. Corda said that it will face the same way but will be pushed 15 feet to the left, closer to Arlington Road.

Mr. Litman confirmed that an architect worked on the plan. He asked if they tried to match the style of houses in the surrounding area. Mr. Corda discussed the location of houses of similar style in the neighborhood.

Robert Hale, 104 Forest Street, said that a history of drainage problems was recently remedied through work with the town. He discussed concerns about drainage running down toward Franklin and Arlington Roads in the direction of his house. He said that his concern is that it may exacerbate a past problem.

Christine Oliver, 104 Forest Street, said that the proposed house will be approximately 5,000 square feet. She asked about the square footage of the existing dwelling. The Chairman said that according to the town records, the total living area is 2,261 square feet. Ms. Oliver said that they will double the size of the house. She said that it is a small lot and the house will substantially occupy the space. She said that she sees that property from her family room. She said that the entire back of their house faces the Arlington Road/Franklin Road corner and this will be a very significant change for them.

The Board voted unanimously to continue the petition to May 6, 2021.

May 6, 2021

Mr. Farrington said that redesigned plans titled, "Proposed Conditions Site Plan," prepared by Verne Porter, dated April 7, 2021, were submitted to the Board for this hearing. He said that the driveway entrance has been relocated to Franklin Road. He said that the existing curb cut will be closed and a new driveway entrance will be located approximately 20 feet to the northeast. He said that to the left of the driveway will be a leeching or detention basin where all runoff from the new driveway will flow to. He said that all roof runoff will flow into drywells located at a drainage discharge point and then to the detention basin. He said that they estimate controlling runoff from 4,000 square feet of impervious surface from the roof and the driveway. He said that currently there is no drainage mitigation in place.

Mr. Farrington said that grading on the Arlington Road side of the house will be changed to prevent ponding in that area. He said that two proposed retaining walls off of the left corner of the front of the house and towards the rear of the house will control water flow and make the yard areas more level. He said that neither wall will exceed three feet.

Mr. Farrington said that the proposed house will be in approximately the same location as the existing house. He said that revised plans show the garage doors at the other side of the house, not dominating the front of the house. He said that the new plans and a cover letter were hand delivered to the abutters who made comments or raised objections at the previous hearing. Mr. Corda said that he supplied his email and phone number to the neighbors and did not receive any response to discuss the revised plans.

The Chairman said that the proposed structure is close to the trigger for Large House Review for a 20,000 square foot lot, where this is a 15,000 square foot lot. He said that mounding will reduce the basement height for less TLAG but the Board cannot see that because a TLAG Affidavit was not submitted. He said that this will be a lot of house on a small lot. Mr. Corda confirmed that there will be no living space in the attic. He said that leveling the yard had to do with reversing the house. He said that when they turned the driveway to the other side of the property, they had to carry the grade throughout. He said that it is not a dramatic adjustment. He said that they wanted to be able to keep the water on the property.

The Board discussed a condition for maintenance of the leeching area after the house is sold. Mr. Corda said that there will be a clean out. He said that they have the ability to tie into the catch basin, as written into the deed, and can put in an overflow, as suggested by the town.

Statement of Facts

The subject property is located at 9 Franklin Road, on a 15,042 square foot corner lot in a 20,000 Single Residence District.

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 structure and construction of a new two-story structure that will meet setback requirements, on a 15,042 square foot corner lot in a 20,000 Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Proposed Conditions Plot Plan, dated 2/2/21, stamped by Verne T. Porter, Jr., Professional Land Surveyor, Proposed Conditions Site Plan, dated 4/7/21, prepared by Verne T. Porter, Jr., Professional Land Surveyor, Proposed Floor Plans and Elevation Drawings, dated 2/2/21, revised 4/9/21, prepared by Lacuna Design, and photographs were submitted.

On February 11, 2021, Jason Tobin, Civil Engineer, Town of Wellesley, reviewed the petition and submitted comments.

On March 3, 2021, the Planning Board reviewed the petition and recommended that action be delayed on the petition.

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 structure and construction of a new two-story structure that will meet setback requirements, on a 15,042 square foot corner lot in a 20,000 Single Residence District 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 structure and construction of a new two-story structure that will meet setback requirements, on a 15,042 square foot corner lot in a 20,000 Single Residence District, subject to the following conditions:

1. There shall be no habitable space in the attic.
2. The retaining walls shall be less than four feet in height.
3. The leeching area shall be maintained by the Applicant for 30 months after the house is sold.

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 MAY 20 P 1:39
CITY OF WELLESLEY
BUILDING DEPARTMENT
100 STATE STREET
WELLESLEY, MA 02481

ZBA 2021-19
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9 Franklin Road

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

Richard L. Seegel (lrm)
Richard L. Seegel

Walter B. Adams (lrm)
Walter B. Adams

ZBA 2021-19
Applicant Franklin Nine Wellesley LLC
Address 9 Franklin Road

2021 MAY 20 P 1:35
RECEIVED
TOWN CLERK
WELLESLEY MA 02158

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

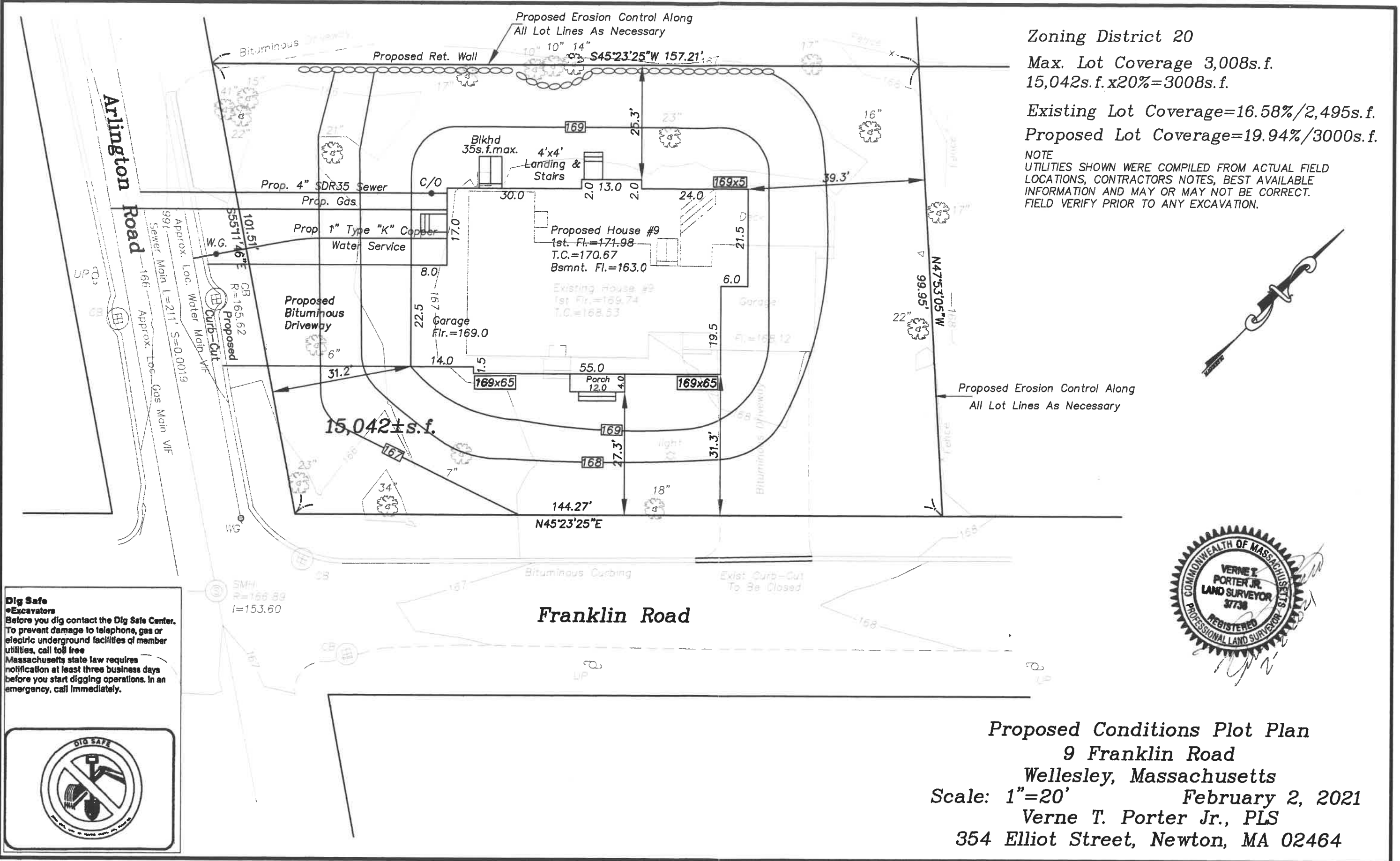
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed,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

Date:

Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm



Dig Safe
 Excavators
 Before you dig contact the Dig Safe Center. To prevent damage to telephone, gas or electric underground facilities of member utilities, call toll free Massachusetts state law requires notification at least three business days before you start digging operations. In an emergency, call immediately.



Proposed Conditions Plot Plan
 9 Franklin Road
 Wellesley, Massachusetts
 Scale: 1"=20' February 2, 2021
 Verne T. Porter Jr., PLS
 354 Elliot Street, Newton, MA 02464

