

**ZONING BOARD OF APPEALS**

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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ZBA 2011-50  
Petition of David Silverstein  
29 Tennyson Road

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 4, 2011 in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of DAVID SILVERSTEIN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing structure and construction of a conforming two-story structure with attic with a footprint of 2,528 square feet, on a 14,082 square foot lot in a district in which the minimum lot size is 15,000 square feet, at 29 TENNYSON ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Record Owner of Property: Tennyson Development LLC

Presenting the case at the hearing was David Silverstein, Manager, Tennyson Development LLC (the "Petitioner"). He said that he lives in Town and cares about the character of the Town. He said that the proposal is to build a new home at 29 Tennyson Road. He said that the lot is nonconforming. He said that although the proposed house will be of substantial size, it will meet current Zoning requirements.

Mr. Silverstein said that the proposed Colonial Greek Revival style will be in keeping with the Colonial style in the Poet's Corner neighborhood. He said that they worked hard to break up the massing with multiple roof lines. He displayed an architectural model of the proposed structure (retained by proponent).

Mr. Silverstein said that the lot is wide and shallow. He said that they tried to keep the massing at the middle of the lot. He said that the front plane of the house is 26 feet wide. He said that they included a single story front porch to bring the scale down.

Mr. Silverstein said that it will be a clapboard house with shiplapped gables. He said that there will be significant detailing on the corner and porch posts. He said that he included a picture of the inspiration house in the original application.

Mr. Silverstein said that the market calls for substantially sized houses. He said that the proposed lot coverage will be 18 percent. He said that the lot coverage for the abutter on the left side is 17.3 percent.

Mr. Silverstein said that the revised plans show different grading around the house. He said that the average height of the house will be 31.5 feet.

Mr. Silverstein said that, in response to the Planning Board's recommendation, an Engineer designed Drainage Plan that shows that there will be no additional runoff was submitted. He said that a Tree Preservation Plan describing how the existing trees at the right and rear will be maintained was submitted. He said that he has had previous experience with preserving trees during construction. He said that there is a Landscaping Plan that shows a number of fast growing shade trees. He said that details of the low retaining walls was submitted. He said that none of the walls will exceed 2.5 feet. He said that, in order to handle the grade changes on the lot, there are a few spots where they are proposing low field stone walls. He said that on the Site Plan, they saw that the elevation around the garage should be revised from 150 to 151 feet.

The Board said that it usually sees the calculations for pre and post-construction runoff. The Board said that the post-construction runoff must be less than or equal to the pre-construction runoff. The Board said that the calculations should include all of area. The Board said that the calculations should show the size of the infiltration basin and what storm event it is designed to handle. The Board said that it should be verified that the size of the infiltration basin will meet the Department of Public Works' (DPW) design criteria for a 25-year storm event.

Mr. Silverstein said that there is a utility easement where runoff flows to a drain at the rear. He submitted a Proposed Grading & Site Drainage Plan. He displayed the location of the retaining walls. The Board said that the retaining walls will not exceed the 4 feet that is allowed by right.

The Board asked why the trees had been removed along the left side of the property. Mr. Silverstein said that almost all of the trees that were removed along the left side were invasive Norway Maples. He said that the Tree Preservation Bylaw was going into effect on July 1, 2011. He said that the Landscape Plan shows that he will replace the trees with new shade trees. He said that he discussed his plans with the Building Department and the neighbors. He said that he got approval from an abutting neighbor to remove a tree that was growing at a 45 degree angle. He submitted a full scale Landscape Plan.

Mr. Silverstein said that a door on the garage has been changed to a window.

The Board discussed the Total Living Area plus Garage (TLAG) calculation. Mr. Silverstein said that the roof height was reduced by 1 foot. He submitted new TLAG calculations. The Board said that the 4,289 square foot TLAG calculation is close to the 4,300 square foot threshold for Large House Review (LHR). The Board said that it review this petition in accordance with LHR criteria.

Bob Glowacky, 25 Tennyson Road, said that he appreciated Mr. Silverstein meeting with the neighbors. He said that many of the neighbors are concerned with the size, scale and design of the proposed structure. He said that they were concerned about maintaining the integrity of the street. He said that the neighbors submitted a letter of concern.

Mr. Glowacky submitted photographs. He said that there is a consistency of greenspace in the Poet's neighborhood. He said that there are no McMansions.

Mr. Glowacky said that he lives next door and has never had water problems. He said that it is hard to tell how long the retaining wall will be. He said that he was concerned about potential effects of runoff.

Mr. Glowacky said that it is a neighborhood of mature trees.

Mr. Glowacky said that many of the neighbors were on vacation and could not attend the Public Hearing. He said that many of them had emailed him. He said that there was solidarity among them that they felt that the proposed structure would be more detrimental to the neighborhood.

Mr. Glowacky said that the plans show that the driveway will be moved. He said that the Town planted three trees and he was concerned that one or two of those trees could be lost if the driveway is moved.

Mr. Glowacky said that the majority of the houses in the neighborhood are Center-Entrance Colonials with shutters. He said that the proposed Greek Revival will be the largest house on the street on one of the smallest lots. He said that it will loom over the neighborhood.

Mary Coyne, 21 Tennyson Road, said that the view coming down the road currently is of a bare house because the trees were cut. She said that her previous profession was as a Landscape Designer. She said that she agreed that if the trees that were removed were Norway Maples, taking them out was not the worst thing in the world. She said that she hoped that they would be replaced with sizeable trees that will grow fast to cover the view.

Ms. Coyne said that she was concerned about the retaining wall. She said that there are mature Arbor Vitae along Mr. Glowacky's border. She said that when plants are put behind a wall, they are exposed to thawing and heating of the wall in the winter. She said that if the wall does go up, it should be lined with insulating material.

Ms. Coyne discussed the front of the property between the edge of the sidewalk and the lawn. She said that area slopes. She said that water will be coming down the sidewalk and most likely go over the property line. She said that it is important to see in the plans that runoff will be addressed.

Beverly Godfrey, 34 Washburn Avenue, said that she basically supports Mr. Silverstein's plan. She said that her concern was screening at the back of the property. She said that she was also concerned with water runoff. She said that there is a catch basin in her back yard. She asked if the drainage will go into a pipe that will go to the catch basin.

The Board said that, based on the plans that were submitted, the rain that falls on the roof goes to an infiltration basin and is reinjected as groundwater. The Board that it has seen grading plans but has not seen the calculations for what happens to the rest of the water.

Diane Griffith, 26 Tennyson Road, said that she has lived there for 46 years. She said that she was concerned that she would be looking at a massive structure with two doors and two garage doors facing her. She said that she was concerned about the size of the proposed house and changing the character of the street. She said that the character of the Poet's Corner has not changed even though there have been a lot of additions.

Ms. Griffith said that there is quite a slope downhill. She said that the proposed house will be the focal point of the street. She said that the scale of the proposed house is overwhelming.

Mr. Silverstein said that there are a number of houses in the Poet's Corner that are a lot bigger and have more lot coverage. He said that he looked at a number of houses on Tennyson, Fairbanks, Whittier and

Kipling Roads. He said that the houses that have been expanded or rebuilt have up to 21 percent lot coverage. He said that this house covers the lot by 18 percent.

The Board said that, according to the Town records, there are only three homes on Tennyson Road that meet the lot size requirements. Mr. Silverstein said that most of the lots are approximately 14,000 square feet.

A Board Member said that he had compiled a list of lot coverage versus total living area for houses on Tennyson Road, based on Town records. He said that he found that the proposed plan increases the size of the existing house by a factor of 2.28. He said that the Town's Long Range Plan contains a section that talks about teardowns and renovations. He said that when a house is replaced it is usually with something that is between 2.5 to 3.0 percent as big as the house that is torn down. He said that the range of the ratio between the proposed construction and the existing houses on the street is from a factor of slightly better than 1 to a factor just under 2.4. He said that it is fair to say that the house is proposed to be built to the limit of the bylaw. He said that the TLAG is very close to trigger the LHR threshold. He said that it will be the largest house on the street. He said that the next largest house is on a 21,000 square foot lot.

The Board said that this is an extraordinary neighborhood with an important character. The Board said that the mass of the proposed structure appears to be inappropriate and does not meet the LHR criterion that the scale of the building be consistent with other structures in the vicinity.

The Board said that there is lighting shown on the plans over each of the garage doors. Mr. Silverstein said that there will be a light at each of those doors and probably a couple of lights under the ceiling of the porch. He said that there will be one light at the rear door onto the deck.

The Board said that it has to find a balance between property owners' rights and abutters' rights. The Board said that it has to make a finding that the proposed project will not be substantially more detrimental to the neighborhood than the existing structure.

The Board said that Mr. Silverstein should come back with something more than just reducing the height of the proposed structure. The Board said that overall bulk and mass are the major concerns. The Board said that Mr. Silverstein should consider the scale of the houses in the neighborhood.

The Board said that it has information from the Assessor's records on the Total Living Area (TLA) for all of the houses on Tennyson Road. The Board said that the TLA's vary from 1,800 to 4,177 square feet. The Board said that the 4,177 square foot house is located on a 21,108 square foot lot. The Board said that the next largest house has a TLA of 4,046 square feet. The Board said that between 1,800 and 4,046 square feet TLA is the character of the neighborhood.

The Board voted unanimously to continue the hearing to September 14, 2011. .

### **September 14, 2011**

Presenting the case at the hearing was David Silverstein. Also present was Dustin Nolan, Architect.

The Board said that Mr. Silverstein had submitted additional information.

Mr. Silverstein displayed an architectural model (retained by proponent).

Mr. Silverstein said that at the August 4, 2011 Public Hearing, the Board thought that the structure was too large. He said that there were two full three story gables facing the street, the second one being over the garage. He said that they eliminated the whole section of massing over the garage. He said that the new structure is essentially two stories in that section of the house. He said that the roof line has been brought down to a single story with a roof line above and two dormers. He said that they still allowed for living space by adding a shed dormer at the back of the house.

Mr. Silverstein said that there was a significant reduction in the overall scale of the house. He said that there had been a lot of neighborhood concern about the mass and the style of the house.

Mr. Silverstein said that he met with the neighbors again.

Mr. Silverstein said that the revised style is now more in keeping with the neighborhood. He said that they changed the windows from two over two to six over one with shutters on the main gabled section of the house. He said that they toned down the corner boards so that there is a lot less heavy detailing. He said that they toned down the front porch by changing the stair configuration. He said that there will be a four panel front door.

Mr. Silverstein said that the grading has not changed. Mr. Nolan said that the massing of the garage and the square footage was reduced but the measurement to the ridge of the main house and the grade has not changed.

Mr. Silverstein said that the depth of the garage was reduced from 26 feet deep to 24 feet deep. He said that the garage was slid back. He said that the front plane of the garage is no longer two feet forward from the main section of the house.

Mr. Silverstein submitted a revised plot plan that included the drainage system and retaining walls. He said that he had forwarded a pdf of the Drainage Summary. The Board said that the Drainage Summary model calculations considered a weighted average with the house.

The Board said that it received a Landscape Plan.

Mr. Nolan said that most of the TLAG change occurred on the second floor where they reduced the square footage by approximately 120 square feet. He said that the footprint remained for the first floor box. Mr. Silverstein said that he spoke with the Building Inspector and confirmed the TLAG for the new design. Mr. Nolan said that access to the attic will be via pull down stairs. He said that they could not get 50 percent of the attic with a seven foot height that is required to make it habitable.

Beth Nast, 33 Tennyson Road, said that her house is at the right of 29 Tennyson Road. The Board confirmed that Ms. Nast is downhill where all of the trees were removed. Ms. Nast said that she wanted to compliment the neighbors for their vigilance and Mr. Silverstein for being incredibly responsive and flexible. She said that she was satisfied with the revised plans.

Bob Glowacky, 25 Tennyson Road, said that he agreed with Ms. Nast's opinion of the neighbors and Mr. Silverstein. He said that he appreciated that the mass of the structure was reduced. He said that it will be

the first house that is seen coming down the road. He said that he still feels that the structure will be massive. He said that he was disappointed with the mass of the house but he would defer to the Board's opinion. He said that it will be an enormous house on a small lot. The Board said that it has to apply a legal standard that the proposed structure will not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The Board said that it takes abutters' concerns very seriously.

Mr. Glowacky said that he was concerned about the retaining wall and runoff issues. The Board said that the retaining wall should not affect Mr. Glowacky's property. The Board said that the retaining wall will be under the four foot review criterion. The Board said that given that Mr. Glowacky's property is uphill, runoff should not be an issue.

Mr. Glowacky asked that the developer be careful of the trees during construction. He said that it is a fairly tight space.

The Board said that turning the gables so that there are not as many flat faces on the street was an improvement. The Board confirmed that lighting will be shielded.

Diane Griffith, 26 Tennyson Road, said that she lives directly across the street. She said that the only concern that she might have is the driveway. She said that her driveway is very tricky with a telephone pole at the end. She said that there is another driveway next to hers. She said that she was concerned that the driveways will meet. Mr. Silverstein said that the driveway is going to be moved to the left. He said that Ms. Griffith's driveway is slightly uphill.

Will Nast, 33 Tennyson Road, said that they live on the downhill side of the property. He said that he was concerned about water and freezing. He said that it seems like the system that is going to be put in will be able to handle that. The Board said that based on the plan, the runoff should be decreased from the existing condition. Mr. Nast said that hopefully the water will run to the back of the property and not to the sides. The Board said that it seems to be, based on the grading.

The Board said that the total TLAG will be 4,178 square feet.

The Board said that its concerns about visual mass and bulk have been addressed.

#### Statement of Facts

The subject property is located at 29 Tennyson Road, on a 14,082 square foot lot in a district in which the minimum lot size is 15,000 square feet.

The Petitioner is requesting a Special Permit/Finding that demolition of an existing structure and construction of a conforming two-story structure with attic with a footprint of 2,480 square feet, on a 14,082 square foot lot in a 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.

A plot plan dated 7/18/11, stamped by Bradley J. Simonelli, Professional Land Surveyor, ZBA Plan Showing Proposed Grading & Site Drainage, dated 7/25/11, revised 8/3/11, 8/31/11 and 9/13/11, stamped by Stephen Porter, Professional Engineer, Proposed Grading Plan, dated 7/18/11, prepared by Field Resources, Inc., Landscape Plan, dated 8/1/11, TLAG calculations dated 7/19/11, revised 7/27/11 &

9/6/11, Drainage Summary, dated 8/1/11, prepared by Lakeview Engineering Associates, Existing Floor Plans, dated 7/20/11, prepared by David Silverstein, Proposed Floor Plans and Elevation Drawings, dated 7/1/11, revised 9/6/11, and photographs were submitted.

On August 3, 2011, the Assistant Planning Director reviewed the petition and recommended that action be deferred until additional information was submitted.

### 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 conforming two-story structure with attic with a footprint of 2,480 square feet, on a 14,082 square foot lot in a 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, as it shall neither increase an existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted for demolition of an existing structure and construction of a conforming two-story structure with attic with a footprint of 2,480 square feet, subject to the following conditions:

1. The construction shall be in accordance with the revised plans that were submitted on September 14, 2011.
2. Detailed specifications for the retention system shall be provided and reviewed by the Building Inspector or the Town Engineer prior to issuance of 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 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.

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.

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J. Randolph Becker, Acting Chairman

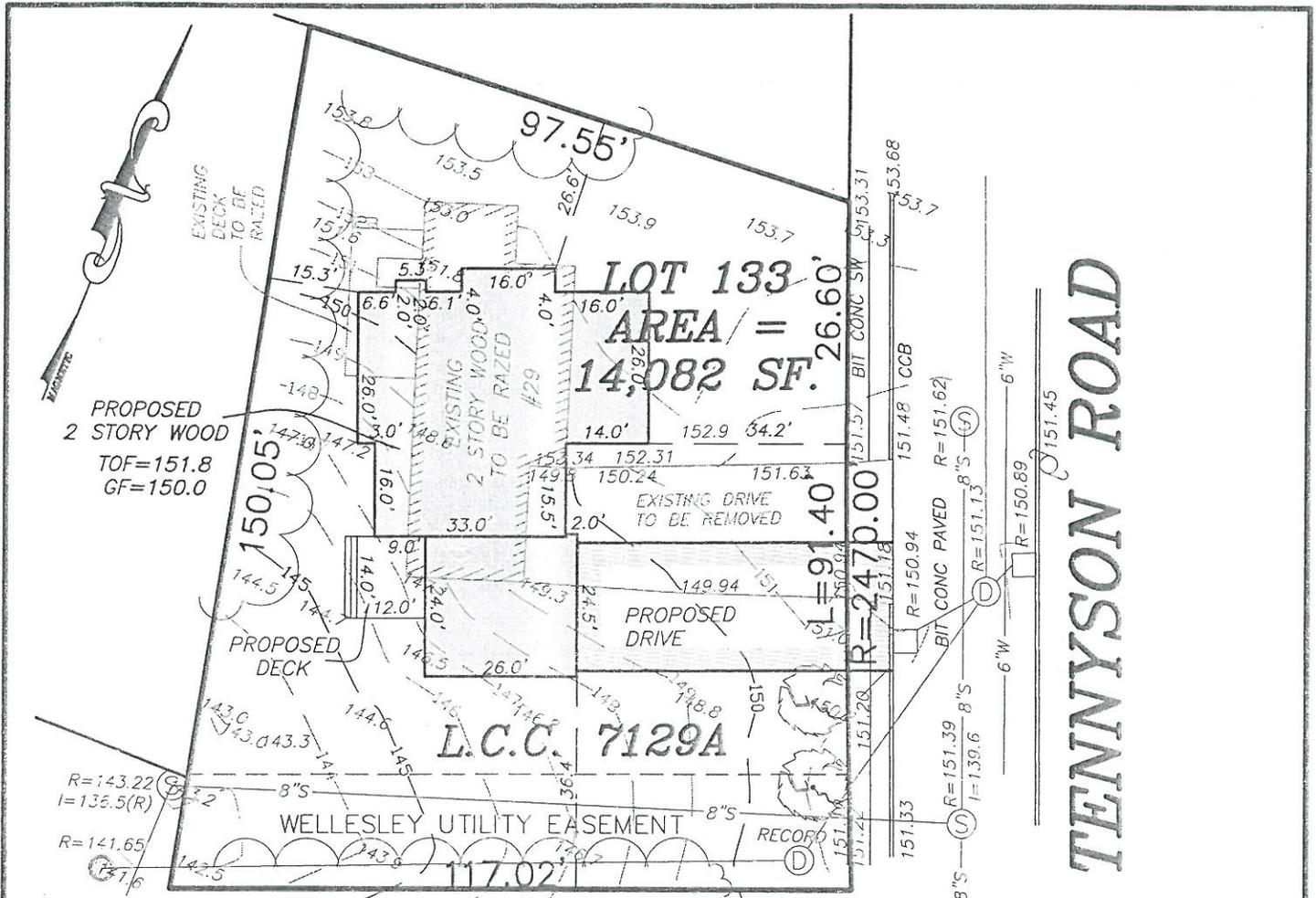
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Cynthia S. Hibbard

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Robert W. Levy

cc: Planning Board  
Inspector of Buildings  
lrm



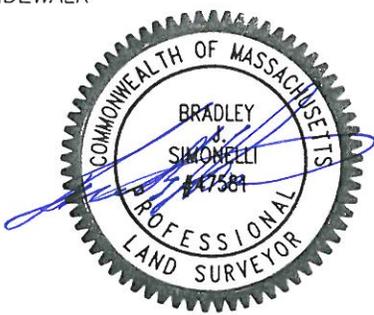
EXISTING BUILDING COVERAGE = 1473 SF  
 EXISTING LOT COVERAGE = 10.5%  
 PROPOSED BUILDING COVERAGE = 2528 SF  
 PROPOSED LOT COVERAGE = 18.0%

**LEGEND:**

- ⊙ - - - - DRAIN MANHOLE
- ⊙ - - - - SEWER MANHOLE
- - - - - CATCH BASIN
- ⊕ - - - - UTILITY POLE
- ⊙ - - - - CATCH BASIN-ROUND
- ⊙ - - - - TREE
- BIT. - - - - BITUMINOUS
- CONC. - - - - CONCRETE
- CCB - - - - CAPE COD BERM
- SW - - - - SIDEWALK

ZONING INFORMATION: SINGLE RESIDENCE 15 & WATER SUPPLY PROTECTION DISTRICT

**ZONING BOARD OF APPEALS**  
**PLAN OF LAND**  
 29 TENNYSON ROAD  
**WELLESLEY, MASS.**



Field Resources, Inc.  
 LAND SURVEYORS

**JULY 18, 2011** **SCALE 1"=30'**  
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