

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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ROBERT W. LEVY
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DEREK B. REDGATE

Thursday, February 5, 2015, 7:30 p.m.

Juliani Meeting Room
Town Hall

Zoning Board of Appeals Members Present: J. Randolph Becker, Acting Chairman
David G. Sheffield
Robert W. Levy
Derek B. Redgate

Presenting the case at the hearing was Jacky Shi, Contractor, representing Chungyan Chen, (the Petitioner). He said that the request is for a special permit/finding. He said that there is a deck at the back that they would like to replace with an addition for a two-car garage at the basement and a second floor and attic.

Mr. Sheffield said that this is not an easy thing to do. He said that it is a 60 foot wide lot and making a project work here is not easy. He said that three of four setbacks are in violation. Mr. Levy said that the height is also in violation. Mr. Sheffield said that the height is shown as 35.5 to the average.

Mr. Sheffield said that he has added second floors to houses and it takes a lot of care to control the scale of the house. He said that the apparent or obvious bulk is not a good neighbor in the neighborhood and would be a detriment. He said that the front elevation does not have any resemblance of an entrance other than a door and the side elevations have very few windows. He said that the adjacent properties will be looking at tall blank walls. He said that the rear elevation is a four-story building. He said that he had great concerns about its impact and its bulk. He said that it will continue all of the setback violations.

Mr. Becker said that he agreed with Mr. Sheffield's concerns, especially with the rear elevation and the four-story feel. He said that because the top floor is as tall as it is, it gives the roof much more mass than it would have if it was lower and had dormers instead. He said that the windows that are shown on the second floor plan are not shown on the elevations. He said that the elevations present a blank mass to the neighbors on either side. He said that the Total Living Area plus Garage (TLAG) calculation is under threshold but he felt that what was presented would be more detrimental to the neighborhood.

Mr. Becker discussed the process for the Board to vote. He said that it seems that there would be at least two negative votes for this project. –

Mr. Shi said that there is a picture on the third page of the plans that shows the house to left as a 2.5 story structure. He said that it is the same height as the proposed house. He said that the house to the right is three stories. He said that all three properties drop from the front of the house to the rear.

Mr. Sheffield said that it appears to be a single plane from top to bottom. Mr. Shi said that there were some windows missing on the plans for the second floor but that was a mistake by the architect. Mr. Sheffield said that windows always help but he thought that this needs to have more elements to create the scale. He said that this is a small scale neighborhood.

Mr. Shi said that the front eave sticks out 16 to 18 inches. He said that they may be able to have a shed roof on the overhang above the door to fit into the neighborhood. Mr. Sheffield said that the Zoning Bylaw allows a 50 square foot encroachment for front entries in the front yard setback. He said that this entire house is already encroaching.

Mr. Levy said that he was sympathetic that there is not a lot that can be done with this house. He said that it looks like it has outlived its natural course. Mr. Sheffield said that there is probably a solution but not this one. Mr. Levy said that the house was built in 1925 and it definitely needs something.

Mr. Becker said that the Board understands the design challenge to get more space but features of house that were mentioned would help to make it less detrimental to the neighborhood.

Collete Aufranc, 5 Hill Top Road, said that she was concerned about the size, scale and integration of the proposed house at 10 Hill Top Road. She said that the proposed building does not try to fit into the neighborhood. She said that there are very few houses in this neighborhood with two-car garages. She said that this seems to be continuing a trend to build boxy, utilitarian, maximum occupancy style housing which is changing the nature of the neighborhood in a negative way. She said that the neighborhood has unique houses. She said that most second floor additions have maintained the cottage feel. She said that the lots are small and the neighbors live almost on top of each other. She said that what they do really affects each other. She said that she understands the need to respect property owners' rights but this is a small, beautifully appointed house for a single person or a couple. She said that turning it into a three-story, double garage property is quite a change. She asked if, as a town, would people not want to preserve smaller houses for single people, older couples and first time buyers? She said that she has added a second story on her home and she is not a "NIMBY" type person. She said that seven houses on the street have added a second story and three have extended back. She said that the neighbors have only joined to oppose the last two proposed additions at 2 Hill Top Road and 10 Hill Top Road. She said that the neighbors have spoken to ZBA as group before regarding the VW project where they are working hard for a reasonable balance between the functionality, the look, the feel and how it impacts the neighborhood and the town. She said that they feel that they have been reasonable when working with the Town and Federal Realty. She said that they have tried to be polite, consistent and reasonable. She said that the neighbors have concerns about the process and the Contractor not adhering to the good neighbor guidelines from the Building Department. She said that the same Contractor did the work at 2 Hill Top Road. She said that there were problems with trash on the worksite blowing onto other yards and the neighbors had to ask several times for cleanup. She said that there was broken glass and bottles all over the yard. She said that this is a street where the Middle School children walk on several times a day to get to the field. She said that it should be clean and safe for people. She said that construction debris was left out for weeks and the neighbors had to ask several times for that to be cleaned up. She said that construction workers urinated on the site several times because there was no porta potty. She said that one of her main concerns is the third story and attic living space. She said that the neighbors felt that the spirit of the Zoning Board decision for 2 Hill Top Road was that there would be no third floor living space. She said that the neighbors are concerned that 7 foot high ceilings will not have the space remain as an attic for very long. She said that follow up for construction at 2 Hill Top Road was very unpleasant.

She said that she can see into the house from her house. She said that she called the Building Inspector with concerns about discrepancies with living space on the third floor. She said that she felt intimidated with the conversation because a question came up about trespassing to gain knowledge about the third floor living space. She said that she felt that the spirit of the Zoning Board approval was not followed. She said that the neighbors are concerned that this will happen again at 10 Hill Top Road.

Robert McDonnell 8 Hill Top Road, said that his house is to the left of 10 Hill Top Road. He said that the house has an abandoned garage with glass in front of it. He said that his house does not have a gable in the rear and does not have the four foot feel. He said that he was resigned to the fact that someone would buy the house and add some space but he thought that if the roof was raised by three feet there would be adequate attic space for eight foot ceilings. He said that if the roof was kept as a modified gambrel it would not loom too large. He said that proposed construction would enlarge the house by 80 percent. He said that the new owner is proposing to put a new house on top of an existing house and bump out in the rear. He said that there will be over 1,000 square feet on the first floor, over 1,000 square feet on the second floor plus the bump out at the rear of 440 square feet. He said that the attic space would have a roof that is high enough for the minimal 7 foot ceilings. He said that would be approximately 200 square feet, for a total of 2,700 square feet, where the house was originally purchased at 1,000 square feet. He said that now someone wants to add 175 percent additional space to it. He said that there will be 275 percent of what originally existed. He said that the house is located on a 6,000 square foot lot, or 1/7 of an acre. He said that is a lot of house for that lot. He said that he found it outrageous for someone to buy a house and immediately come before the Board and say that it is not big enough and they need to enlarge it 2.5 times. He said that he found that extremely objectionable.

Marion Stevens, 8 Hill Top, said that her concern is that a couple of years ago they had started to have flooding in the lower level of their house and in their back yard. She said that she called several contractors and the insurance company to find out what was going on and to remedy the situation. She said that she was told that water is coming down Hill Top from 10 Hill Top Road into their yard, partly due to landscaping changes that had been made at 10 Hill Top Road and the house behind 8 Hill Top Road. She said that there was flow from both directions. She said that she was concerned about a bulldozer creating a steep driveway. She said that the existing railroad tie wall will be taken down and there will be more sloping of water in two directions down toward their house. She said that the back yard will be all asphalted and all of the trees and shrubbery may be removed. She said that there will be nothing to catch the water. She requested that some engineering company or a company that deals with flooding and water problems be called in to find out what impacts there will be on other properties. She said that she would like to hear from someone that there will not be increased flooding problems or that something will be done to remedy any problems.

Mr. McConnell said that a huge amount of asphalt is going to be put down. He said that the previous owner had an attractive garden. He said that half of the rear lot will be under asphalt, so there will be additional runoff. He said that he has gravel in his driveway for aesthetic reasons and for water infiltration. He said that the plan is to put a huge amount of hardtop at 10 Hill Top Road. He said that it is only a 6,000 square foot lot. He said that he was concerned about the amount of impervious surface that will be created.

Ms. Stevens said that she was also concerned about large earth moving equipment damaging the roots of their trees. She said that there are six or more trees along the line between the two houses.

Steve Bogiages, 12 Hill Top Road, said that his house looks taller because it is located uphill. He said that they did a renovation 10 years ago, they were a young family with two children. He said that they waited to get to know the neighborhood before doing the renovation. He said that the neighborhood is mostly 1920's bungalow with some additions that were in character. He said that these plans show a different house. He said that the plan is to remove the front porch and the glassed windows. He said that

the garages in the neighborhood are all free standing and were probably built in the 1950's. He said that he learned from Mr. Sheffield, who helped to design his addition, that aesthetics and safety matter. He said that most of the grass will go away for extra driveway. He said that there will be cars idling next to his house in a garage that will be under the living space. He said that the fumes and exhaust could drift closer to his property than if it was a free standing garage. He asked if there was a new site survey done. He said that the lot line has a stone wall with a vinyl fence on top that is on his side of the line. He questioned whether the measurement was taken from the fence, which is set one foot in, or from the original property line.

Carole Hughes, 12 Hill Top Road, said that she is sympathetic to having young children and needing more space. She said that the existing house is adorable but she understands that you cannot legislate how it should look. She said that the Board is concerned about how proposed houses will fit into the neighborhoods. She said that everyone in the neighborhood who has done a project has worked hard to align with the original design and fit in with the neighborhood. She said that there was a lot of information sharing with the neighbors. She said that the construction project at 2 Hill Top Road was one of the most disappointing projects that she has seen in town. She said that it seems to be off scale and off kilter, according to the plans that she has seen. She said that she was concerned that that would be repeated here. She said that she is not in favor of this project as it is currently drawn. She said that she understands that the homeowners need more space but there could be other ways to do that. She said that she shares her husband's concerns about the driveway. She said that it will be a concrete lot in what is currently a lovely yard. She said that she is also concerned about exhaust. She said that she is most concerned with the bulk and the off-kilter look. She said that if the project at 2 Hill Top Road is any indication of what this will be, this could also be disappointing.

Ilse Sangree, 11 Hill Top Road, said that she lives across the street. She said that her concern is that the project at 2 Hill Top Road was such a disappointment. She said that it is the ugliest house in the neighborhood and it does not fit in there. She said that it is the same builder and she is afraid that it would be repeated. She said that she understands that the homeowners want to add. She said that most of the neighbors have a second floor but this should be in keeping with the neighborhood.

Walter Sangree, 11 Hill Top Road, said that the question about disregard for drainage in the neighborhood is a serious one. He said that the drainage problem is intense at 10 Hill Top Road. He said that he was concerned about the bulk of the house. He said that raising the house up will be unfortunate because they will be looking across at each other's windows. He said that it would be massive compared to the other houses on the street. He said that the road is on a steep hill and he does not want to see the drainage problems overlooked.

Mr. Becker read the Planning Department staff recommendation.

Mr. Becker discussed options for the Board to move forward. Mr. Zehner discussed the process for the petition to be heard again within two years, if the Board denied approval.

Mr. Shi said that he had heard the concerns about the size of the house at 2 Hill Top Road. He said that before that house was put up, there were a couple of houses on the road that were the same size. He said that it does look big. He said that it is a square box without a front or rear porch to reduce the look of it. He said that he fired the sub-contractor because he was not doing what he was asked to do. He said that he can speak with the owner at 10 Hill Top Road about taking off the third floor so that there will be no walk up attic. He said that he could go back to the engineer to have him design something to deal with the drainage.

Mr. Levy said that the Board could take a vote tonight or the petition could be withdrawn without prejudice, which would allow the petitioner to start again. He suggested that, if the petitioner chose to

withdraw without prejudice, that he meet with the neighbors, even though the ultimate decision will be made by the Board based on its interpretation of the Zoning Bylaw. He said that the Board does take the neighbors' concerns seriously. He said that the Board also listens to the recommendations of the Planning Board.

Mr. Becker said that the TLAG is 3,500 square feet in a 10,000 square foot district, which is less than the 3,600 square foot threshold but the 3,600 square foot threshold is for a 10,000 square foot lot and this lot is not 10,000 square feet. He said that, relatively speaking, this TLAG is much bigger.

Mr. Shi requested that the petition be allowed to be withdrawn without prejudice. He said that he will speak with the neighbors about new plans.

Mr. Levy moved and Mr. Sheffield seconded the motion to allow the petition to be withdrawn without prejudice. The Board unanimously approved the petition to be withdrawn without prejudice.