



ZONING BOARD OF APPEALS

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

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ZBA 2013-88
Petition of Needham Miller LLC
148 Washington Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, December 5, 2013, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of NEEDHAM MILLER LLC 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 new structure that will meet all Zoning requirements, on an 11,511 square foot lot in a district in which the minimum lot size is 15,000 square feet, at 148 WASHINGTON STREET, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On November 18, 2013, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was David Himmelberger, Esq., representing the record owners of 148 Washington Street, Needham Miller LLC, (the "Petitioner"). Mr. Himmelberger said that the request is for a Special Permit. He said that it is a nonconforming lot due to its being 11,511 square feet in a 15,000 square foot Single Residence District. He said that there is an existing nonconforming front yard setback on the southeast corner at Washington and Heckle Streets.

Mr. Himmelberger said that there is 1,567 square feet of lot coverage, which is 13.61 percent. He said that the existing house is 38 feet tall.

Mr. Himmelberger said that the proposed home will be fully compliant. He said that there will be an increased front yard setback on Washington Street to 39 feet, compared to the existing setback of 33.8 feet and the front yard setback on Heckle Street will be 30.5 versus the existing 24.8 feet.

Mr. Himmelberger said that the proposed house will be turned to front on Heckle Street and will be 34.5 feet tall. He said that he was before the Planning Board on Monday and one of the members commented favorably that one of the benefits to turning the house and maintaining a single story element on Washington Street was to reduce the massing on Washington Street.

Mr. Himmelberger said that the proposed house will have a Total Living Area plus Garage (TLAG) of 3,785 square feet, which is significantly below the 4,300 square foot threshold for the district. He said that comparing the proposed home with the existing structure, this will be a significant improvement to the neighborhood. He said that the request is for approval with a finding that the proposed structure shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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 TOWN OF WELLESLEY MA 02482

Mr. Himmelberger said that John Bruno, Principal of the LLC was present at the hearing. He said that the neighbors were contacted and were provided copies of the plans, along with a letter and a brochure.

The Board said that it received a letter from Marilyn Nutting of 144 Washington Street. The Board said that the questions that were raised concerned the water table and significant flow in heavy rains that ended up in basements. The Board asked if there will be rain water connectors to the Wellesley stormwater system. Mr. Bruno said that he will be the builder on the project. He said that if it is permissible, they will connect to the Town's water system.

The Board asked about measures that will be taken to prevent runoff. Mr. Bruno said that it is a flat lot and they will not be changing the grading. The Board said that there is a water problem for the people on Heckle Street because of the way that the street comes down. The Board said that it wanted to make sure that the problem is not added to. The Board discussed the possibility of installing substantial drywells. Mr. Bruno said that he would not be opposed to doing that.

The Board asked about the plans for the existing trees. Mr. Bruno said that they will prune five to six beautiful trees if they are all healthy. He said that surrounding the house, it is very overgrown with Norway Maples. He said that it is their intention to take those Norway Maples down.

The Board said that there are no trees identified on the survey. The Board said that a Proposed Condition Plot Plan should note all of the existing trees and the trees to come down that are over the caliper limit in the bylaw. Mr. Bruno said that they do not intend to take down any trees that exceed the caliper limit. He said that all of the Norway Maples are sucker trees. The Board said that there is a large Norway Maple on the Washington Street side. Mr. Bruno said that they will not be taking that tree down. The Board said that has to be identified so that the Building Inspector will know what is going on.

The Board confirmed that the series of trees along the right side of the property facing it will remain. Mr. Bruno said that his concern was the trees on Heckle Street that overgrow the driveway. He said that he would like to be able to open the front of the house up.

Mr. Himmelberger said that it is his understanding that tree bylaw requirements are a predicate to issuance of a building permit. He said that the intent is to comply with the Tree Bylaw.

The Board said that the Tree Bylaw describes the area of protected tree setbacks. The Board said that the trees within those areas should be identified on the plans.

The Board said that the neighbor on the other side of the property on Washington Street has concerns. The Board said that even though it is a Norway Maple, it should not be taken down because of drainage issues.

The Board said that it would be helpful to have some of the Zoning information and the setbacks labeled on the existing and proposed plans to show the building envelope.

The Board said that the plans are dimensioned to the center of the windows. The Board said that the plans are fairly detailed as to where everything will be going. The Board said that the plans cannot be changed after Board approval and issuance of a building permit.

The Board asked if Marilyn Nutting, 144 Washington Street, was present at the public hearing to speak to the petition.

The Board said that the height of new house will be a few feet lower than the existing house. The Board said that it could help with the trees but does not have the ability to help out with the sunlight issues.

The Board said that the surveyor incorrectly labeled the compass rose on the existing and proposed plot plans.

Ms. Nutting said that a concern is the different placement on the lot.

The Board said that Ms. Nutting's property is on the northeasterly side of 148 Washington Street. A Board member said that he did not think that the proposed new construction will block Ms. Nutting's sunlight. He said that the sun comes from the Washington Street side of the property. Ms. Nutting said that the sun comes from Washington Street side late in the day.

The Board said that the design of the house has the portion of the house at the corner of Washington and Heckle Streets at one story. The Board said that Ms. Nutting will get more sunlight from this design than from the existing house.

The Board said that the four large maple trees parallel to the back along the lot line will remain. The Board said that nothing is going to happen to the trees facing the front on Washington Street. The Board said that the large Norway maple will also remain.

Ms. Nutting said that water flow issue is a concern. She said that she has never had water in her basement in the 35 years that she has lived there. The Board said that it will issue a condition with its decision that drywells must be installed to contain roof runoff so as to not flood adjacent properties. The Board said that the drywells will be located at the downspouts. The Board said that the proposed construction will not exacerbate the problem.

Ms. Nutting asked about the scale and the size in proportion to the lot. The Board said that the proposed house is not as large as a lot of houses. The Board said that they could build a bigger house there.

Ms. Nutting said that the patio will be close to her side fence. The Board said that the house will be almost 21 feet from the side lot line. The Board said that the patio will be closer but that will be a flat area.

Ms. Nutting said that the existing house does need to be improved.

The Board said that it will be a larger house than what is there now. The Board said that they have made an effort to reduce the scale at Washington and Heckle Streets and reduced the height of the house. The Board said that the property is located in a 15,000 square foot Single Residence District. The Board said

that the Total Living Area plus Garage (TLAG) of the proposed house is closer to the Large House Review (LHR) threshold for new construction in 10,000 square foot Single Residence Districts. The Board said that they made a good effort to bring the scale lower than they could have. The Board said that they have done a reasonably good job in protecting the neighborhood. The Board said that the mass and size of the house is fair.

The Board said that construction is allowed only after 7 am. Ms. Nutting asked about winter construction. The Board said that it is allowed. The Board said that once the shell of the house is up, the work will be indoors. The Board said that it does not take long to get the shell up.

Mary Benoit, 152 Washington Street, said that her house is right across the street from the property. She said that she had some concerns regarding when the house is demolished. She asked what precautions will be taken to encapsulate the area for debris and dust so that it does not float over to their side of the street. She also asked about the schedule for trucks going in and out on the side street. She said that a concern was that it would affect access to their driveway. She said that she is most concerned about demolition of the house.

The Board said that there are appropriate ways to take the house down. The Board asked if there is asbestos in the existing house. Mr. Bruno said that they have not had any inspections yet. He said that there are internal plastered walls. He said that once everything is permitted they will have all of the necessary inspections done and have all hazardous materials removed. He said that as the building is being torn down everything will be wet down so that there is no dust flying around the neighborhood. He said that once everything is done, they will police the entire area to make sure that everything is clean. He said that if anything blows into neighbors' yards, it will be cleaned up. He said that demolition will probably take a day. He said that there will probably be a couple of big trucks coming down Heckle Street. He said that the trucks will be loaded and shipped off. He said that he will be there the entire time to make sure that driveways are not blocked. He said that he will be the go to person on the site.

The Board asked about construction fencing. Mr. Bruno said that there will be construction fencing around the entire property before they start demolition. He said that the fencing will be open while they are on-site and supervising and the fencing will go back up if there is any kind of a hole or hazard there.

Ms. Benoit asked if the fencing will have scrim. Mr. Bruno said that it will be normal construction fencing. He said that they could put up the green cloth, which is typically 36 inches. He said that they will not leave the site with anything blowing around. The Board said that 36 inches of cloth would be helpful because there are a lot of children there.

The Board said that the law requires that all hazardous materials be removed from the house and properly disposed of prior to the time that the house is demolished. The Board said that the Building Inspector will enforce that.

The Board said that because Washington Street is a very busy street, they will have to be very careful to not let things blow out to the street.

The Board asked if, once the demolition takes place and the foundation is poured, all of the vehicles of the construction workers will be parked on-site. The Board said that it is a flat site. Mr. Bruno said that they

will be able to get all of the construction workers' parking on-site. He said that they will not be able to accommodate deliveries on-site.

Larry Benoit, 152 Washington Street, said that a concern is that theirs is the first driveway on Heckle Street. He said that it is already sort of a turnaround. He said that they wanted to make sure that heavy trucks are prohibited from turning or parking in their driveway. He said that there is a bus stop there, so there are quite a few children day and night.

Ms. Benoit said that they are not opposed to construction of the house. She said that their biggest concern is the demolition of the existing house. She said that 36 inches of scrim may not be enough. She asked if there could be a six foot scrim if there is to be a six foot fence. She said that recent demolition on Croton Street had a full scrim. Mr. Bruno said that he would be happy to wrap the perimeter with construction fencing and scrim.

The Board said that screening is a good idea, particularly on both sides on Heckle and Washington Streets during construction so that people driving by on Washington Street will not be trying to look in on the site.

Ms. Benoit asked that after demolition when the construction workers will be there, that the workers be told to be careful because of the bus stop at the corner of Washington and Heckle Streets.

Susan Johnson, 12 Heckle Street, said that she is thrilled to have a new property at 148 Washington Street because it sorely needed updating. She said that she shared Ms. Nutting's concerns about the mass and the large footprint.

Ms. Johnson said that she is also concerned about parking on Heckle Street. She asked how all of the trucks will be able to fit onto the property at 148 Washington Street. She said that there is no sidewalk from Washington Street up until the house past hers. She said that she was concerned that construction vehicles will park on that side of Heckle Street and rip up the lawns.

The Board said that the only time that there will be big trucks parked on the street will be during demolition. The Board said that there will be a large piece of equipment on the property that will be loaded up with debris from the existing house. The Board said that the only other time that there might be a large truck sticking out could be when they are pouring the concrete foundation. The Board said that, after that lumber trucks will back onto the site and unload lumber. The Board said that employees will park their vehicles on the property. The Board said that the larger trucks that will be backing onto the site will be delivering and not parking. He said that the Board will issue a condition of the decision that there shall be no subcontractor or employee parking on Heckle Street.

The Board said that because there will be a number of subcontractors on the site at the same time, it will be up to Mr. Bruno to create a lay down area for the materials. Mr. Bruno said that it is usually two weeks during construction when all the subcontractors are on-site. He said that he will have to deal with it by moving cars around.

The Board said that the sidewalk abruptly ends near 12 Heckle Street. The Board said that there is a grass area where it is very tempting to pull a car onto and park. The Board suggested that the builder take some

pictures of the grass areas on Heckle Street before construction starts. The Board asked that any tire marks or damage be repaired when they are in the final landscaping phase.

Statement of Facts

The subject property is located at 148 Washington Street, on an 11,511 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 pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing structure and construction of a new structure that will meet all Zoning requirements, on an 11,511 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.

Existing Conditions Plot Plan and Proposed conditions Plot Plan, dated 11/12/13, stamped by Anthony M. Dellorco, Professional Land Surveyor, Proposed Floor Plans and Elevation Drawings, dated 11/5/13, prepared by Needham Miller LLC, and photographs were submitted.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that although demolition of an existing structure and construction of a new structure that will meet all Zoning requirements, on an 11,511 square foot lot in a district in which the minimum lot size is 15,000 square feet is increasing a nonconformity, such increase shall 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 structure that will meet all Zoning requirements, on an 11,511 square foot lot in a district in which the minimum lot size is 15,000 square feet, subject to the following conditions:

1. There shall be no changes to the approved construction drawings.
2. All subcontractor parking shall be on-site.
3. There shall be perimeter fencing on three sides with a full height dust screen.
4. Revised site plans shall be submitted that show the correct orientation of the north arrow, the location of trees related to the Tree Bylaw, the trees to be taken down, and a dashed setback line for the building envelope.
5. All drainage shall go from downspouts into sufficiently sized drywells so that there is no water runoff from the site.
6. The project shall comply in all aspects with all demolition rules and regulations.
7. All hazardous materials shall be removed from the property before construction begins.
8. The School Department shall be notified before major construction begins.

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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.

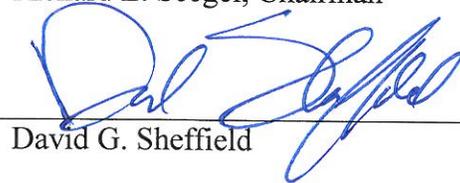
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MILLISLEY MA 02482
INSPECTOR'S OFFICE

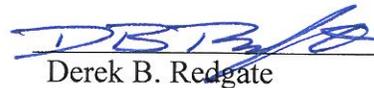
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TOWN CLERK'S OFFICE
NEEDHAM MA 02482

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.

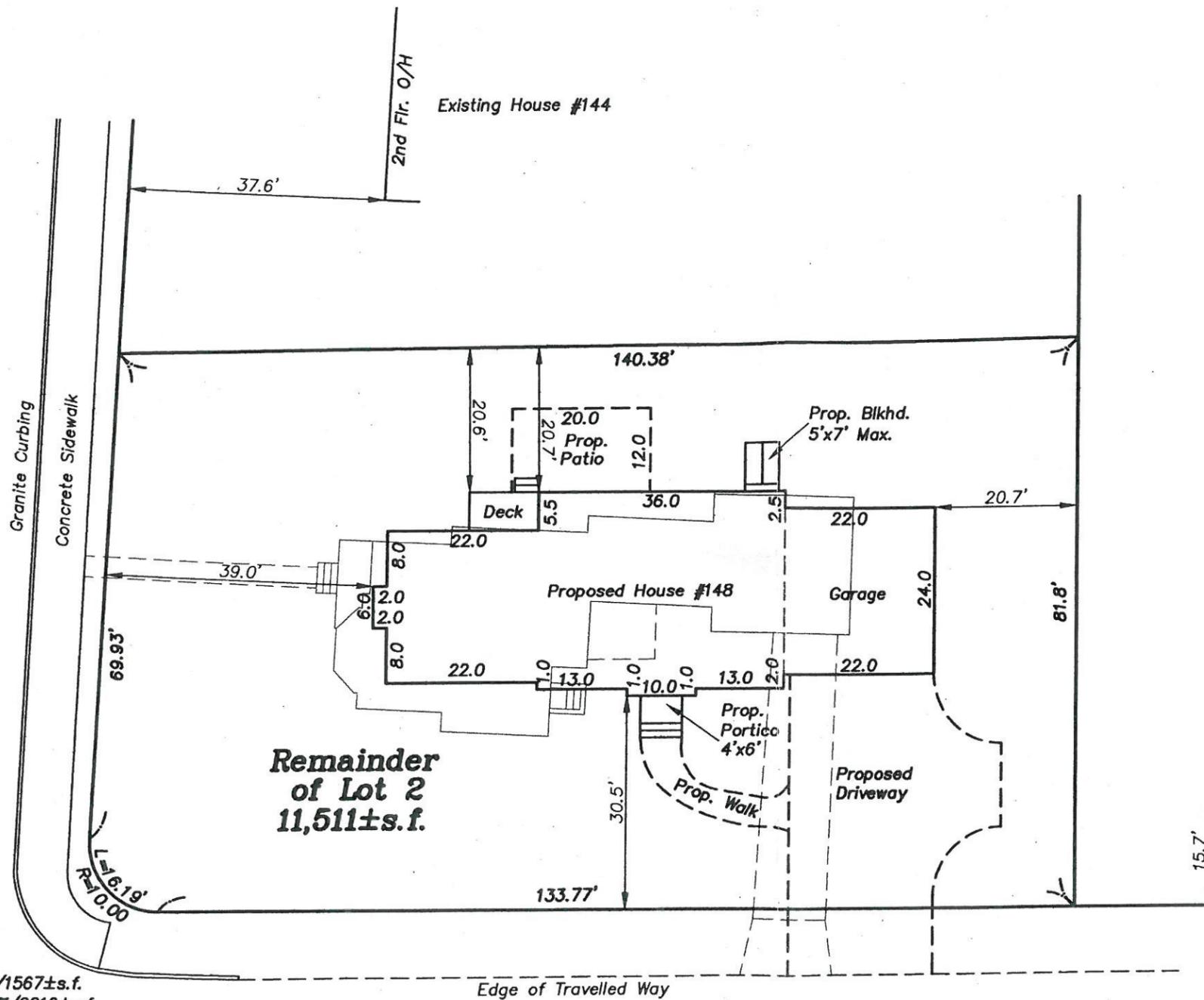

Richard L. Seegel, Chairman


David G. Sheffield


Derek B. Redgate

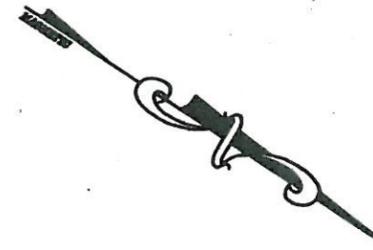
cc: Planning Board
Inspector of Buildings
lrm

Washington Street

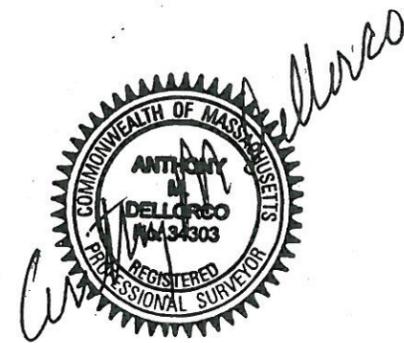


Remainder of Lot 2
11,511±s.f.

Heckle Street



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 SURVEYOR'S OFFICE
 WELLESLEY MA 02482



Assessors Map 53 Parcel 41
 Zoning District Residential 15

Existing Lot Coverage=13.61±%/1567±s.f.
 Proposed Lot Coverage=19.25±%/2216±s.f.
 Max. Allowed Lot Coverage 20% or 2500s.f.
 Whichever is Greater

Owners:
 Charles S. Crawford Jr. & Alice L. Crawford,
 Trustees of the Crawford Family Trust
 148 Washington Street
 Wellesley, Ma. 02481
 Deed Book 29522 Page 261

Note
 Locus subject to Washington Street & Heckle Street
 Takings and any other restrictions, easements or
 takings of record.

PROPOSED CONDITIONS PLOT PLAN
 148 WASHINGTON STREET
 WELLESLEY, MASSACHUSETTS
 SCALE: 1"=20' NOVEMBER 12, 2013
 DELLORCO ASSOCIATES
 214 EAST STREET, FOXBOROUGH, MA. 02035
 508-549-9965