

**ZONING BOARD OF APPEALS**

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ZBA 2014-77

Petition of Residential Redevelopment
of Wellesley LLC
16 Pine Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 4, 2014, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of RESIDENTIAL REDEVELOPMENT OF WELLESLEY LLC requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a conforming two-story addition to attach to an existing nonconforming garage with less than required right side yard setbacks, on a 13,878 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, at 16 PINE STREET, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On August 18, 2014, 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 Laurence Shind, Esq., representing Residential Redevelopment of Wellesley LLC (the Petitioner). He said that also present at the hearing were Patrick Brown, Principal, Residential Redevelopment of Wellesley LLC and Bob Williamson, Architect.

Mr. Shind said that the request is for a Special Permit/Finding that construction of a two story addition to the existing residence on the lot will not be substantially more detrimental to the neighborhood than the existing structure. He said that it is an undersized lot at 13,878 square feet in a 15,000 square foot minimum district. He said that the existing house was built in 1926, according to the Assessor's records. He said that it is a two-story colonial that contains 2,158 square feet of living area, according to TLAG calculations. He said that the existing house and addition conform to all dimensional and setback requirements except for the garage on the right side of the property. He said that has a setback of ten feet.

Mr. Shind said that the intent is to attach the new addition to the existing garage. He said that there will be no change to the footprint, layout or use of the garage.

Mr. Adams said that the plans are so small it is almost impossible to read them. He said that it appears that there is no pass through between the garage and the house. Mr. Brown said that going through the garage there is a small mudroom to the right and a powder room to the left. He said that you then enter into a family room area.

Mr. Adams said that the house presents itself as much more overwhelming than it is. He said that it is a large lot but the way that the large addition on the back is proposed, there will be big a large mass of house and the roofline of the garage will go up to the side of the house.

Mr. Seegel said that they could move the whole structure over and take the garage down and put up a garage that is conforming. He questioned why the Board should grant a Special Permit when the Petitioner has the ability to do that. Mr. Brown said that his goal was to build an addition that would have the lowest impact to the street. He said that connecting the existing structures as they currently sat as opposed to doing a tear down or redevelopment of the site seemed to be in keeping with the nature of the street. Mr. Seegel said that the proposed addition is slightly smaller than the existing house. He said that it would make more sense to move everything over even if it called for a side entry.

Mr. Seegel discussed the left side of the house. He said that the first floor has a little porch railing on top. He said that this design has railing on first floor, front left side and a railing above the second floor. He said that it is a lot of massing for the house next to it

Mr. Adams said that the plan is to put a second story on. He said that does not show up on the plot plan.

Mr. Sheffield said that by attaching the house to the garage causes the entire structure to be nonconforming. Mr. Shind said that they had understood that there was precedent for allowing that. Mr. Seegel said that each case is heard on its own facts.

Mr. Seegel said that the Planning Board recommended that the ZBA grant a special permit. He said that he was not prepared to do so. He said that he could not see enough on the size plans that were submitted.

Mr. Adams said that there is a stair going up to the third floor but that space is being called unfinished. Mr. Brown said that the plan does not meet the space to meet code for building space. He said that they will probably put a pull down stair in.

Mr. Seegel said that what the Board approves is what will have to be built, according to the Building Inspector. He suggested that the Petitioner withdraw the petition without prejudice because he was not prepared to approve the plans. He said that he would like to see a full size set of plans. He said that he found it hard to believe that a house of 4,600 square feet would be living with a one-car garage.

Hugh Crowther, 24 Pine Street, said that he was also representing Bill Pike, who lives to the northwest and the Olaksons at 28 Pine Street. He said that they are in support of the addition but are concerned about the height and the ridgeline. He said that it will appear to be three stories high from his property. He said that the plan is too boxy and needs some tapering and lowering. He said that the proposed structure will max out the zoning laws in several ways. He said that they will be almost doubling the living area. He said that the size approaches the threshold for Large House Review (LHR), which 4,300 square feet. He said that the house is located on a nonconforming lot with less than a 20 foot setback to his property line. He said that proposed lot coverage will be 19.4 percent where the maximum is 20 percent. He said that it would obstruct his open view of the trees and the sky. He said that it would be so high that it would block the much needed low winter sun. He said that the current design would take away from distinctive era of style on that side of Pine Street. He said that he walked around on Pine and Elm Street and did not see any houses of the proposed size in the neighborhood. He said that a house that

will sell for \$2.5 million will have to have a three-car garage, which will look like the parking lot of a Hampton Inn from his property. He said that the proposed addition is too big.

Mr. Seegel said that the Board does consider some of the criteria for Large House Review for large houses on nonconforming lots.

Nicholas Ferrence, 10 Pine St, said that the house is in need of updating. He said that he had not seen any tree or landscape design plans. He said that there is some beautiful bushes and shrubbery separating his yard and 16 Pine Street. He said that there are beautiful maple trees that he hopes will be preserved. He said that the proposal is to go from 2,150 square feet to almost double the size of the house. He said that the proposed structure will not fit in well with a neighborhood of this age and character.

Mr. Seegel said that the plans do not make sense. He said that the Board would need to have a readable set of plans. He said that the plot plan should have had existing trees on it and any to be taken down. He said that it did not make sense to continue the petition because the plans need to be redesigned.

Mr. Shind requested that the Board allow the petition to be withdrawn without prejudice.

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