



ZONING BOARD OF APPEALS

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ZBA 2014-79
 Petition of Gerald & Elizabeth Hume
 5 Thomas Road

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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 GERALD & ELIZABETH HUME requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming structure and garage and construction of a new structure that will meet all setback requirements, on a 9,859 square foot lot in a Water Supply Protection and Single Residence District in which the minimum lot size is 10,000 square feet, at 5 THOMAS ROAD, 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 were Steven Venincasa, Elite Homebuilders, and Paul Beaulieu, Field Resources, representing Gerald and Elizabeth Hume, (the Petitioner).

Mr. Beaulieu said that the proposal is to take down the existing house and detached garage. He said that the lot is generally level. He said that the Elevation Stations for Grade Plan Calculations Plan shows how the site will be graded. He said that the proposed structure will meet all setback, lot coverage and Total Living Area plus Garage (TLAG) requirements. He said that when the lot was created it was 9,859 square feet in what is now a 10,000 square foot Single Residence District.

The Board said that it appears that since a number of houses on Thomas Road have less than required lot size, the Town may have widened the road after 1925.

The Board said that the proposed structure seems to be running up to the maximum height. The Board said that there is no third floor shown on the plans. The Board said that there is a drop down stair at the second level by the laundry door to the proposed attic. The Board asked if there is a dimension to the ridgeline. The Board said that, on Plan 2.1, there is a notation that the distance from grade to the first floor elevation varies. The Board said that it is a fairly flat site. The Board said that there is a requirement that the dimension be to the highest point of the house from average grade around the house. The Board asked about the intention for the ridge. Mr. Beaulieu said that the intent is to be well under 36 feet. He said that because the lot is so flat, the Elevation Stations for Grade Plane Calculations Plan allows for Top of Concrete to grade at 166.00 and from there allows a maximum height of 34.61 feet. The Board said that somehow the Planning Board came up with a height of 35.25 feet.

The Board said that there is a full third floor with windows and skylights. Mr. Beaulieu said that these builders typically truss their third floors. The Board said that the plan does say that the attic will be fully trussed and uninhabitable.

The Board said that there was a letter from a neighbor who thought that the design was nice but was concerned about the size. The neighbor said that the increased footprint eliminates the only significant green space between 5 and 11 Thomas Road and the new driveway will also eat up the green space. The neighbor said that it will change the look to Thomas Road, which he believes will be detrimental to the neighborhood. He said that he has lived on Thomas Road for 28 years and this is the most significant change to any open space between neighbors during this timeframe. He said that the garage that is planned is unlike other attached garages built on the other newer homes, as it will jut out beyond the house itself. He said that it appeared that the two 75 foot 100 year old Maples will be removed, which will change the green space look to the neighborhood. He said that the unfinished attic space has effectively increased the building to a 3 story versus the request for a 2.5 story building. He asked about the 500 Foot Rule. Mr. Beaulieu said that the proposed structure will meet that requirement.

Mr. Beaulieu said that the green space that is being diminished for the neighbor on the left is being traded to the other side of the property that was all driveway, garage and house. He said that will now be green space.

The Board asked if any thought had been given to moving the house back. The Board said that only a 10 foot rear yard setback is required. The Board discussed making the garage flush with the front of the house or moving part of the house forward. The Board said that instead of jutting out in front, it could jut out in back. Mr. Beaulieu said that there is a major ridgeline that runs left to right that the garage comes into. The Board said that it has to address part of the neighbor's concerns.

The Board said that Thomas Road is one of the roads in the Fells Area that has been discovered and there is a lot of construction activity throughout that neighborhood. The Board said that already there are five homes on Thomas Road evaluated at over \$1 million. The Board said that #4, almost directly across the street is \$1.3 million and its floor area is approximately 3,400 square feet. The Board said that this is not totally out of range for what is already happening to Thomas Road.

A Board member said that he thought that this house was designed without consideration of the neighborhood and the property. He said that the corner property on Weston and Thomas Roads, will probably not have its garage on Weston Road. Mr. Beaulieu said that he spoke with the architect about that. He said that one of the things was to not have the driveway so close because this will be one house from Weston Road. He said that the current owners come out of their driveway very close to a very active intersection. He said that the driveway was moved mainly due to safety concerns and accessing the road.

The Board said that there are ways for an architect to reduce the perceived mass and bulk of a house. The Board said that the 10/12 slope increases its height.

The Board asked about the trees. Mr. Beaulieu said that they submitted a Tree Bylaw Plan that shows the trees and the protective fencing. He said that there are no bylaw protected trees coming down. He said that was another reason to flip the house to the left.

The Board asked about the dimension to the two air conditioning units. Mr. Beaulieu said that the 20.4 foot dimension is to the edge of the air conditioning units. The Board said that the dimension of 22.1 feet to the front edge of the porch is pretty much parallel to the property line. Mr. Beaulieu said that they shifted the proposed structure to the left so that the air conditioning units will meet setback requirements. He said that, depending on the size of the units, they may be set back further away from the lot line.

The Board said that it needs a definitive answer to the height to the ridge from average grade.

The Board discussed continuing the public hearing. Mr. Beaulieu asked if showing the height from average grade could be a condition of the permit. The Board said that dimension has to be on the plans that it is approving. The Board said that it would prefer that the roofline be brought down so that it does not look like they are building a three-story house. The Board said that a requirement is that the dimension of average grade to the ridge line be shown on the plan. The Board said that has to be available for the Building Inspector in order for him to issue a permit. Mr. Beaulieu asked about having a condition for a 9.5 pitch roof. He said that the only reason to continue the hearing is to quantify the 10 pitch roof. The Board suggested that the pitch be adjusted to 10 or less. The Board said that the hearing should be continued so that the Board can see the right information and the Applicant makes a good effort to see if the house can be a little bit lower.

Mr. Venincasa said that the taller the roof, the more attractive the house looks. He said that they do want to be sensitive to the neighborhood. Mr. Beaulieu said that the height requirement is 36 feet. The Board said that it is a nonconforming lot and building on this lot requires a special permit. The Board said that the guidelines for it to vote a special permit is whether the proposed building would be substantially more detrimental to the neighborhood. The Board said that one of the neighbors thinks that it would be. The Board said that the Planning Board recommended that the special permit be denied. The Board said that it is willing to consider the house that was designed but with reduced height so that it fits better in this neighborhood at this point. The Board said that it has to look at what is there now.

There was no one present at the public hearing who wished to speak to the petition.

The Board voted unanimously to continue the hearing to October 9, 2014.

October 9, 2014

Presenting the case at the hearing were Paul Beaulieu and Steven Venincasa.

Mr. Beaulieu said that at the previous hearing there was some data that was missing and there were concerns of a neighbor regarding the height of the building and site work as far as shifting things to the left and right. He said that there was a note from the Planning Board that the height from average grade was 35 feet, which was a miscalculation on their part. The Board said that it was the Petitioner's failure to calculate the height from average grade that was the issue. Mr. Beaulieu said that the proposed height from average grade will be 33.7 feet. He said that the calculation was taken from the existing grade. He said that the proposed grade will go up approximately seven to eight inches after they smooth the lot out. The Board said that it will be a shorter house from the average finished grade to the peak.

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Mr. Venincasa said that he met with the neighbor who had sent a letter of concern to the Board. He said that they discussed the misinterpretation of the height of the house. He said that the Galligans expressed their concern about losing open space on the side of house but they recognize that it is the Petitioner's property. He said that he explained to them that they have to meet the Zoning regulations. He said that they could not put a house closer to the other side. He said that the Galligans do not like having the driveway on the left side of the property. He said that they put the driveway there to get it further away from the street and to save a substantial sugar maple tree. He said that he agreed to flip the house to the right side with the driveway on the right, which is not his preference. He said that they will try to save the tree. He said that the Galligans are not concerned about the tree. He said that if they do have to remove the tree, they will have to prepare a Planting Plan to meet the Tree Preservation Bylaw. He said that he explained to the Galligans that the height of the new structure will be almost three feet below the maximum. He said that the Galligans now support the project.

Mr. Beaulieu submitted revised plans that show the house flipped to the right. The Board asked if the only change is the flipped image. Henry Arnaudo, HPA Design, said that the window in the uppermost gable was changed to a decorative louver. Mr. Venincasa said that the wraparound porch will be on the Galligans side and will soften the height. He said that there will be a nine foot height on the first floor and an eight foot height on the second floor. He said that the roof pitch at the gable end will slope away from the Galligans house.

The Board commended Mr. Venincasa for working with the neighbors and addressing their concerns.

The Board said that the Tree Mitigation Plan will have to be revised. Mr. Beaulieu said that they will have to plant seven new trees. He said that they have been discussing some hammerhead options to try to save the tree. Mr. Venincasa said that the tree is almost directly in the middle of the driveway. The Board said that there are a couple of examples in that neighborhood of driveways dodging around trees.

There was no one present at the public hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 5 Thomas Road, on a 9,859 square foot lot in a Water Supply Protection and Single Residence District in which the minimum lot size is 10,000 square feet, with a minimum front yard setback of 19.7 feet and a minimum right side yard setback of 4.9 feet for the garage.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming structure and garage and construction of a new structure that will meet all setback requirements, on a 9,859 square foot lot in a Water Supply Protection and Single Residence District in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plan of Land, Elevation Stations for Grade Plane Calculations, Tree Bylaw Mitigation Plan, Sheet Metal Bylaw Permit Plan & TLAG Basement Exemption Plan, dated 8/5/14, stamped by Bradley J. Simonelli, Professional Land Surveyor, Proposed Floor Plans and Elevation Drawings, dated 6/25/14,

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revised 7/16/14, and Building Section SK-1, dated 6/25/14, revised 9/11/14, prepared by HPA Design were submitted.

On September 3, 2014, the Planning Board reviewed the petition and recommended that the Special Permit be denied.

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 nonconforming structure and garage and construction of a new structure that will meet all setback requirements, on a 9,859 square foot lot in a Water Supply Protection and Single Residence District in which the minimum lot size is 10,000 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 for demolition of an existing nonconforming structure and garage and construction of a new structure that will meet all setback requirements, on a 9,859 square foot lot in a Water Supply Protection and Single Residence District in which the minimum lot size is 10,000 square feet, in accordance with revised plans:

- Elevation Stations For grade Plan Calculations dated 10/9/14, stamped by Bradley J. Simonelli, Professional Land Surveyor
- Building Section SK-1, dated 6/25/14, revised 9/11/14, prepared by HPA Design, Inc.
- Floor Plans A1.1 and A1.2, dated 6/25/14, revised 7/16/14, 8/1/14 & 10/7/14, prepared by HPA Design, Inc.
- Elevation Drawing A2.1, dated 6/25/14, revised 7/16/14, 8/1/14 & 10/7/14, prepared by HPA Design, Inc.
- Elevation Drawing A2.2, dated 6/25/14, revised 8/1/14 & 10/7/14, prepared by HPA Design, Inc.
- Foundation Plan S1.1, dated 6/25/14, revised 8/1/14 & 10/7/14, prepared by HPA Design, Inc.
- TLAG Analysis Z1.1, dated 6/25/14, revised 8/1/14 & 10/7/14, prepared by HPA Design, Inc.

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.

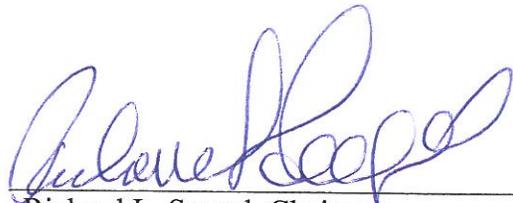
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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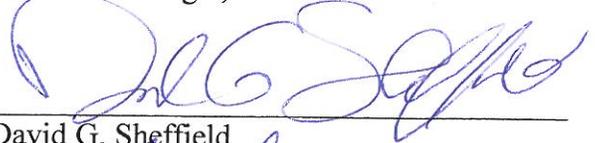
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5 Thomas Road

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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

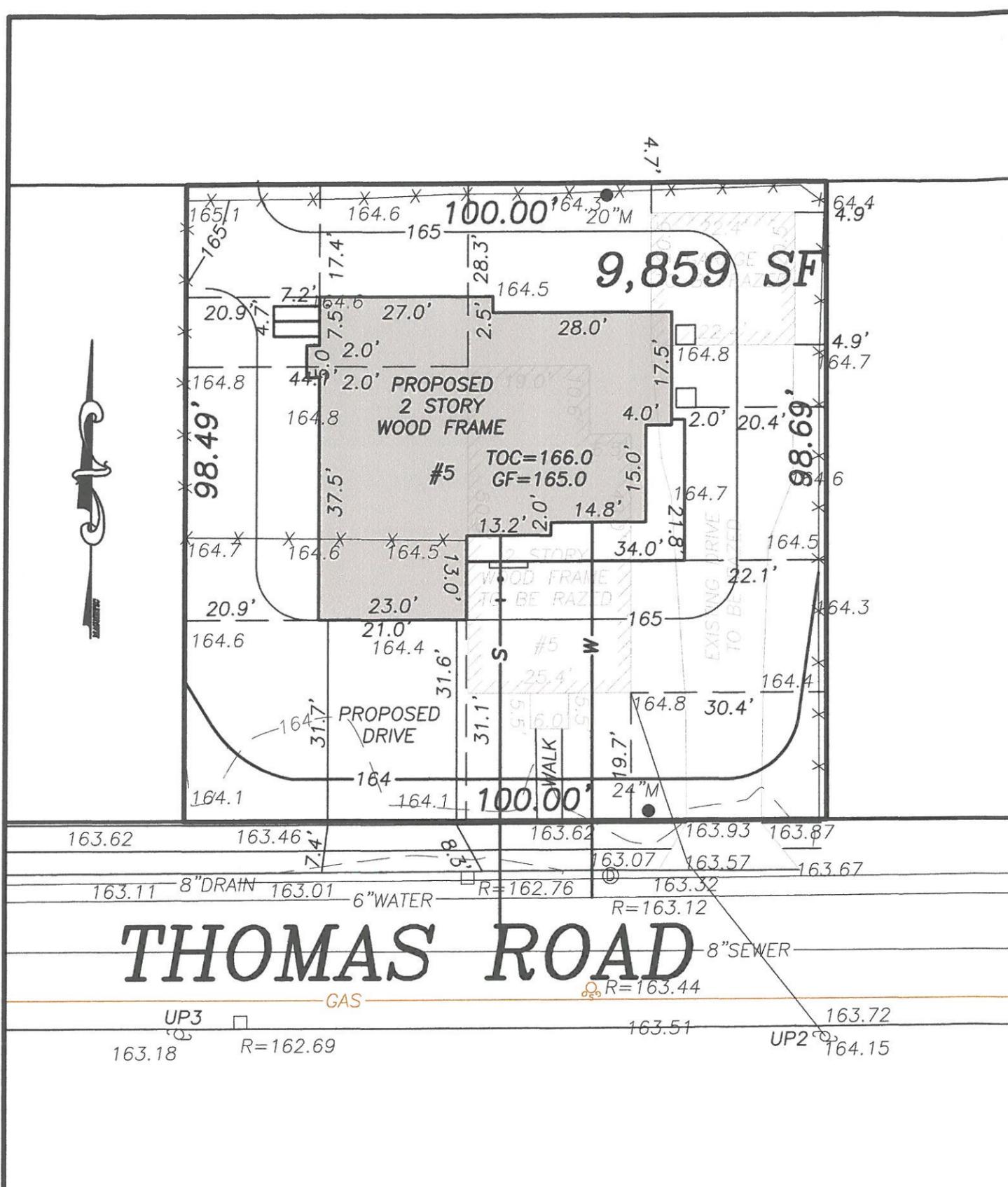


David G. Sheffield



Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm



ZONING INFORMATION: SINGLE RESIDENCE 10 (SR10)

	BYLAW	EXISTING	PROPOSED
MINIMUM LOT AREA	10,000 SF	9,859 SF	9,859 SF
MINIMUM LOT FRONTAGE	60 FEET	100 FEET	100 FEET
MINIMUM FRONT SETBACK	30 FEET*	19.7 FEET	31.1 FEET
MINIMUM SIDE YARD	20 FEET	30.4 FEET	20.9 FEET
MINIMUM REAR YARD	10 FEET	28.1 FEET	17.4 FEET
MAXIMUM BUILDING COVERAGE	25%	17%	24%
MAXIMUM BUILDING HEIGHT	36 FEET		
MAXIMUM BUILDING HEIGHT	2 1/2 STORIES		

*FRONT SETBACK DETERMINED BY 500 FOOT RULE

EXISTING BUILDING COVERAGE = 17%
 PROPOSED BUILDING COVERAGE = 24%
 EXISTING BUILDING COVERAGE = 1678 SF
 PROPOSED BUILDING COVERAGE = 2379 SF

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ZONING BOARD OF APPEALS
 PLAN OF LAND
 5 THOMAS ROAD
 WELLESLEY, MASS.

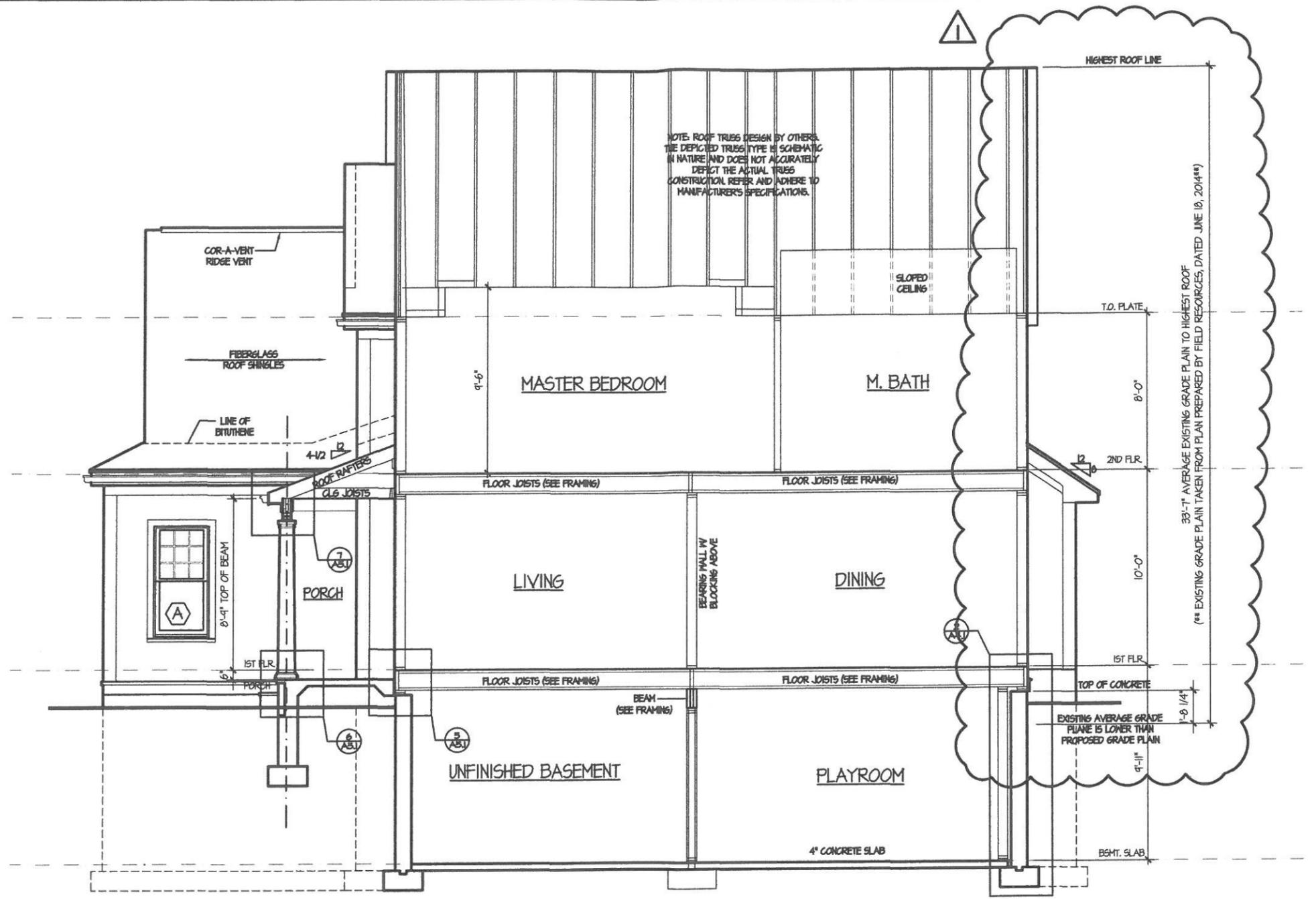
Field Resources, Inc.
 LAND SURVEYORS

AUGUST 5, 2014 SCALE 1"=20'

P.O. BOX 324 281 CHESTNUT ST.
 AUBURN, MA NEEDHAM, MA.
 508 832 4332 781 444 5936

fieldresources@hotmail.com

070-14 ZONING INFORMATION: SINGLE RESIDENCE 10 (SR10)



HPA Design, Inc. ARCHITECTS 200 Stonehill Blvd, Suite 5 Wrentham, MA 02098 Tel: (508) 384-8838 Fax: (508) 384-0468 central@hpadesign.com www.HPAdesign.com	DATE	JUNE 25, 2014
	DRAWN BY:	RWB
	CHECKED BY:	HPA
	PATH	VENINCASA 20140089_CDS
	SCALE	SEE DRAWING
	REVISION	DATE
	1	9-11-14 ADD BLDG. HGT.

BUILDING SECTION

CONSTRUCTION BY:
ELITE HOME BUILDERS
 5 THOMAS ROAD, WELLESLEY, MA

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