

**ZONING BOARD OF APPEALS**

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WALTER B. ADAMS
DEREK B. REDGATE
PETER COVO

August 3, 2023

Remote

7:30 pm

Zoning Board of Appeals Members Present:

J. Randolph Becker

Robert W. Levy

Walter B. Adams

Peter Covo

BUSINESS MEETING**ZBA 2022-29 BANK OF AMERICA, 342 WASHINGTON STREET**

Mr. Becker said that two of the four windows are shown on the view that is from inside the building but you can see them on at least one face of the building on the first drawing of the proposed plans.

Mr. Adams asked if the change is that the Bank had planned to reuse the windows and now plans to replace them.

Mr. Levy said that the words, "minor modification," are not necessarily used in the common sense of the word, "minor" that one might suspect in a project of this significance. He said that minor modifications are one which the Board is not required to hold notice of a public hearing. He said that it is essentially to correct a clerical error and the Board cannot grant different relief from that which was originally sought and does not change the result of the original decision. He said that his biggest concern is that it was difficult to see what the changes are. He said that there is a drawing that relates to the chimney, before and after. Mr. Adams suggested that the Board ask the Applicant to review the proposed changes.

Mr. Becker said that the changes are in materials. He said that none of the three items would change how the Board feels about zoning issues. Mr. Levy said that the Board does not approve facades or materials.

Mr. Levy said that it is unclear what the Board would be approving.

Mr. Levy asked about TPO on the canopy. Mr. Adams said that TPO appears to be roofing materials that will not be seen.

Mr. Becker said that, according to the letter submitted, the Applicant discovered some issues with the chimney. Mr. Adams said that you can see the chimney on the first submission. He said that he read that it

has some structural implications, so that any changes that they were proposing to do, they decided they would not be able to do because they do not want to jeopardize the structure of the building.

Julie Reker said that three components are being adjusted. She said that there are two small roof canopies where they will change the material on the top from metal to TPO, which is a rolled good material. Mr. Adams confirmed that the canopy material replacement is for the flat roof at the back and the flat roof bump out at the front entry lobby. Ms. Reker said that the proposed change is to the canopy over the ATM at the back, which is a small area that sticks out approximately three to four feet. She said that there is a side employee only entrance where they will add a small canopy. She said that canopy, when viewed from Washington Street, is on the right side about half way back. Mr. Adams said that the canopies are shown on Plan AR-03C. Mr. Levy confirmed that the structure will stay the same and that the only change is to the materials on top of the roof surface of the canopies. Ms. Reker said that the front edge will still be metal, so you will not see that there is a different material on the top.

Ms. Reker said that the Applicant reviewed the modifications with the Design Review Board and they were fine with them. She said that they were told that they had to come back before the Zoning Board with the changes.

Mr. Adams said that Plan AR-03C shows the original chimney. He said that the chimney appears to be cut down or absorbed into the addition that shares the same gable roof. Ms. Reker said that they thought that they could remove the complete chimney but found during construction that it is integral to the wall. She said that they will remove the portion of the chimney that is above the eave line. She said that they will make the chimney architecturally fit into the existing adjacent addition. She said that the plan is to use the same brick as the addition. Mr. Levy said that he could not see any difference on Plan AR-03D between the originally proposed and the newly proposed with chimney repair. Ms. Reker said that it is a really small chimney bump out. She said that it is shown on Plan AR-03E in the middle top image.

Ms. Reker said that the existing large composite windows suffered a lot of water and insect damage. She said that they will replace them with matching windows with the same detail and color. She said that the existing windows will not survive the construction process. Mr. Adams said that the new windows in the existing building will look like the old ones but will be made of slightly different materials. He said that the new addition behind the existing building facing Washington Street will have windows of a similar size but are more modern looking.

Mr. Levy said that the Board has to make two determinations. He said that the first determination is that the Board considers the changes a minor modification and the second is whether the Board approves the modification.

Mr. Adams moved, Mr. Levy seconded the motion, and the Board voted unanimously to make a determination that the proposed changes to the windows, canopy and chimney are a minor modification that does not require a public hearing and to approve those changes.

Mr. Adams voted aye.

Mr. Levy voted aye.

Mr. Becker voted aye.

PUBLIC HEARING

ZBA 2018-18, DAVID COLETTA, 39 ATWOOD STREET

Present at the public hearing was David Coletta, the Petitioner, who said that after the previous hearing, he asked his architect to redesign the bump out on the back of the garage so that it will not extend toward the

boundary. He said that the boundary is on an angle, relative to the garage. He said that the architect moved the bump out in one foot. He said that the corner of the garage at the ground is 1.3 feet and the overhang is 2 feet from the boundary.

Mr. Adams asked that Mr. Coletta relate Plans A1.1 and A2.01 to the plot plan. He said that some of the plans that were submitted relate to the existing residential building. Mr. Coletta said that the original plans from 2018 show the original garage foundation. He said that a corner porch on the house was not built.

Mr. Adams said that the focus is on the proposed change to the garage and the addition of a second story that was approved at some in the past that Mr. Coletta now wants to modify to enlarge the second floor. Mr. Coletta said that at the back, there is a bump out on the second floor only. He said that there is a box bay window at the front. He said that the bump out at the back will be cantilevered, so the floor will be extended. He said that at the previous hearing, the bump out got closer to the boundary.

Mr. Covo confirmed that the difference in the currently proposed plans is the notch at the back. Mr. Coletta said that he asked his architect to add a one foot notch, so the distance from the cantilevered bump out will be two feet from the boundary and the garage will remain at 1.3 feet from the boundary at the ground level.

Mr. Adams confirmed that the smaller bay window that does not go down to the floor level has not changed and that the change is that one foot was chopped off the width of the cantilevered addition on the back side of the garage.

Mr. Adams asked if a plot plan was submitted. Mr. Coletta said that he submitted a plot plan at the previous hearing. He said that the revised submittal has a zoomed in plot plan that shows the bump outs. Mr. Adams said that the plot plan that was submitted does not show the proposed changes.

Mr. Adams said that at the previous hearing he was concerned about whether the proposed change, which seems fairly awkward, was worth the cost of doing it. He said that one addition will go out one foot and the other will out two feet. He said that they will pick up approximately 30 square feet. He said that it is a small amount of added space but the design awkward with a short shed roof on each side. He said that the only ones who will probably see the back side are the neighbors behind or on the side. He said that the project does not make much sense to him.

Mr. Becker said that this has been a piecemeal approach to the whole structure. He said that he did not realize until the previous hearing that the garage was being reconstructed. He said that if he had realized it for the original application, he would have suggested that the foundation of the garage be relocated. Mr. Covo said it might have been tough to get a car in the garage if it was moved over because of the driveway and the way that the house is situated.

Mr. Covo said that at the previous hearing, his concern was the cantilever coming out straight, moving it closer to the property line. He questioned whether a one foot notch on the other side of the cantilevered addition would look better. Mr. Adams said that the Board does not typically control what materials are used or base its decision on whether or not the Board thinks that the proposed elements are harmonious. He said that the Board has to make a determination about detriment to the neighborhood.

Mr. Covo said that the Board told Mr. Coletta at the previous hearing that the cantilevered bump out was coming too close to the property line because of the angle of the property line. He said that Mr. Coletta made that change. Mr. Becker said that Mr. Coletta did what the Board asked for.

Mr. Covo said that approval would be subject to submittal of a revised plot plan.

Mr. Becker asked if any member of the public wished to speak to the petition.

Mr. Adams moved, Mr. Covo seconded the motion, and the Board voted unanimously to approve modification of an existing special permit, subject to a condition that an updated certified plot plan from a Land Surveyor, with all of the dimensions of the proposed bump outs be submitted.

Mr. Covo voted aye.
Mr. Adams voted aye.
Mr. Becker voted aye.

ZBA 2023-39, BIKE REALTY LLC, 951 WORCESTER STREET

Present at the public hearing was Joe Murray, representing Bike Realty. He said that they operate the Dunkin Donuts at 951 Worcester Street. He thanked the Board for continuing the petition from July 6, 2023 so that he could attend his daughter's wedding.

Mr. Murray said that the request is for renewal of the special permit for the drive-through. He asked that the Board consider extending the special permit expiration date to five years.

Mr. Adams said that he visited the site yesterday and was unable to drive around the building because a postal worker parked in the lane to get to the drive-through window. He asked if there have been any queuing problems in the morning. Mr. Murray said that they have been able to manage the line appropriately. He said that there is no queuing on Route 9.

Mr. Becker asked if any member of the public wished to speak to the petition.

Mr. Adams asked how long the special permit has been in existence. Mr. Murray said that since they rebuilt the store, this is the third time they have renewed the special permit over approximately nine years. He said that the store has been at the location for over 40 years. He said that the special permit has been renewed every three years.

Mr. Adams moved, Mr. Levy seconded the motion, and the Board voted unanimously to renew the special permit, subject to the condition that the special permit shall expire in three years.

Mr. Levy voted aye.
Mr. Adams voted aye.
Mr. Becker voted aye.

ZBA 2023-42, BCSP WELLESLEY PROPERTY LLC, 93 WORCESTER STREET

ZBA 2023-43, BCSP WELLESLEY PROPERTY LLC, 96, 100, 110, 112 WORCESTER STREET

Present at the public hearing was Lee Martindell, Dimensional Worldwide, who said that Dimensional Worldwide is the sign manufacturer by Beacon Capital Partners for this project. He said that he did a permit search for the properties and could not find any special permits for the number of standing signs. He said that one is allowed per property. He said that these complexes have multiple buildings on each plot. He said that currently there are more signs than are permitted. He said that they want to get all of the appropriate permits. He said that the number of signs at 93 Worcester Street will increase from three to five, the majority being directional signs. He said that the number of signs at 96 to 112 Worcester Street will increase from eight to twelve, the majority of them directional for parking and amenities. He said that the proposed signage will not encroach at the edge of the property and the height and lettering will be conforming. He said that the permit is needed for the number of signs on the properties.

Mr. Adams said that the Applicant did a good job of documenting what the signs will look like and where they will be located. He said that he drove both properties and found that the even numbered properties are already full of signage and 93 Worcester did not seem to have a lot of signage. He said that he did not have any problem with the proposed signage.

Mr. Levy said that these signs are appropriate under what the bylaw contemplates. He said that they will assist the public and visitors.

Mr. Becker said that most of the signs are wayfinding. He asked if there are any future plans for signs on the buildings. Mr. Martindell said that plan was discussed and eliminated. He said that they decided that it would be better to have ground supported signs that are smaller and less conspicuous from the road. He said that their other intention is that the wayfinding signs are visible for visitors but not pull attention from drivers on Route 9 or Route 95.

Mr. Levy said that the Design Review Board suggested that one of the panels be raised. Mr. Martindell said that was done. He said that the panel was raised 2.5 inches. He said that was the main sign at 93 Worcester Street.

Mr. Becker asked if any member of the public wished to speak to the petition.

Mr. Levy asked about lighting of the signs. Mr. Martindell said that the only sign that will be illuminated is within the parking garage. He said that it will be a straight replacement of what is existing. He said that it is a blackout bar with three inch letters. He said that the sign does not face residential areas or Worcester Street. He said that the sign is currently on a timer.

Mr. Adams moved, Mr. Levy seconded the motion, and the Board voted unanimously to approve a special permit for the proposed signage at 93 Worcester Street and make findings that the proposed signage is in compliance with Section 5.18 of the Zoning Bylaw.

Mr. Becker read the Planning Board recommendation.

Mr. Adams voted aye.

Mr. Levy voted aye.

Mr. Becker voted aye.

Mr. Adams moved, Mr. Levy seconded the motion, and the Board voted unanimously to approve a special permit for the proposed signage at 96, 100, 110 and 112 Worcester Street and make findings that the proposed signage is in compliance with Section 5.18 of the Zoning Bylaw.

Mr. Levy voted aye.

Mr. Becker voted aye.

Mr. Adams voted aye.

ZBA 2023- 44, JEFFREY HIBBARD, 6 DUNEDIN ROAD

Present at the public hearing was Jeffrey Hibbard, the Petitioner, who said that he worked with the town on this proposal for some time. He said that he properly addressed the recommendations from the town.

Mr. Hibbard said that he previously came before the Board requesting a special permit for an existing nonconforming house. He said that the Board asked him to get a TLAG calculation and to make some minor adjustments to the elevations, which were done.

Mr. Hibbard said that the current request before the Board is for a special permit to build an addition on the back and add a farmer's porch on the front of an existing nonconforming house. He said that the property is located in a 15,000 square foot Single Residence District, with a 15.75 foot nonconforming right side yard setback that they are asking to maintain with the addition at the back, and to exacerbate the existing nonconforming 28 foot front yard setback to 21 feet to build a front porch. He said that the 500 Foot Rule does not apply for this property.

Mr. Levy said that the lot coverage will more than double to 23.5 percent.

Mr. Adams confirmed that the lot area is 7,788 square feet. He said that it is a small lot.

Mr. Adams said that the Petitioner said that this will be a gut renovation plus enlargement. He said that he could not understand how that would be beneficial other than extending the 15 foot setback another 20.47 feet. He said that there is space on the back and on the other side. Mr. Hibbard said that there is nowhere else to put the addition. He said that he has to go straight back and can't do anything on the other side. Mr. Adams said that he could pick up a few feet on the other side and could go further back.

Mr. Hibbard said that he was trying to maintain the footprint of the house. He said that if he builds to the left, he will have to demolish the garage. He said that he is trying to maintain the garage as it is.

Mr. Levy said that the surveyor showed all of the setbacks. He said that Mr. Adams is questioning why the whole structure can't be moved within the setback rectangle. He said that it will get closer to the garage but not impinge upon it. He said that the proposal is to come seven feet closer to the road when there is plenty of room at the back. He said that Mr. Hibbard pushed everything back a bit, he would not exacerbate the nonconformity at the front. He said that the thing that concerns him the most is the front porch being seven feet closer to the street. Mr. Hibbard said that he added the front porch for curb appeal. He said that the front setback is currently nonconforming.

Mr. Becker said that around the neighborhood, 21 feet is pretty thin. He said that the whole neighborhood does not have a lot of 30 foot front yard setbacks. Mr. Hibbard said that is why he looked at the 500 Foot Rule. Mr. Becker said that the 500 Foot Rule does not apply because there are not three houses in a row between the two streets.

Mr. Adams said that if Mr. Hibbard wants to save the structure of the house, it could be moved over a little bit to improve the setback or he could hold on to the existing nonconformity of 15.75 feet and set the addition in five feet.

Mr. Hibbard said that if he tears the house down completely, the new structure will have to meet all of the setback requirements. Mr. Adams said that the Board could grant relief for the setbacks if it finds that the proposed structure will not be detrimental to the neighborhood. He said that the Board seems to be finding that the proposed front porch will be more detrimental to the neighborhood. He said that extending the 15.75 foot nonconformity further back another 20 plus feet has the potential to be more detrimental to the neighborhood as well. He said that Mr. Hibbard could package a new house where he would not have to deal with how to interface the addition onto an existing house. He said that if Mr. Hibbard builds inside the footprint shown by the surveyor, the only nonconformity will be the lot size. Mr. Levy said that it looks like Mr. Hibbard could fit the same size house within the setback rectangle. He said that the Board could possibly grant some relief on the right side and at the front. He said that Mr. Hibbard could try to make the house more conforming. He said that he could possibly support the current proposal without the porch. Mr. Hibbard said that he thought that the front porch would be a nice feature of the house. Mr. Becker said that it would be too close to the street.

Mr. Adams said that Drawing A1.1 shows what appears to be an enclosed porch. Mr. Hibbard said that it is not enclosed. He said that Drawing A1.0 shows a side view of the open farmer's porch.

Mr. Hibbard said that at the previous hearing, Mr. Sheffield discussed changes to the elevations. Mr. Hibbard said that they changed all of the original windows and added transom windows. Mr. Levy said that the Board appreciates the design changes but the Board is charged with trying to make structures as conforming as possible with the rights for nonconforming structures. He said that there is some leeway to go further into the setbacks but it is not unlimited.

Mr. Adams said that there appears to be a two foot bump out within the setback on the east side of the property. He said that there is no foundation under it. He said that with new construction, if you stay within the setbacks, you are allowed to bump into the setback up to two feet. He said that here, the starting point is 15.5 feet, so that cuts the distance down to 13.5 feet. Mr. Hibbard said that the bump out is on the other side of the building where the existing setback is 25.56 feet. He said that the right side will stay the same at 15.75 feet. He said that the addition will go straight back. He said that the building will step out a couple of feet on the left side. Mr. Adams said that Plan A1.0 shows the front porch on the left side of the elevation and what appears to be a bump out half way down the side of the building. Mr. Hibbard said that was a design change in response to Mr. Sheffield's suggestions. He said that it will not bump out. Mr. Adams confirmed that it will be in the same plane as the house. Mr. Hibbard said that it will be a board and batten look to spruce up the design.

Mr. Adams said that Mr. Levy did not seem to be concerned about the 20.47 foot extension to the back of the house. He said that it will be nonconforming.

Mr. Levy asked about the existing height of the structure. Mr. Hibbard said that the existing house is just shy of 25 feet high. Mr. Becker said that the proposed house will be 35.7 feet high. Mr. Hibbard said that, according to the architect, everything will meet the requirements. Mr. Levy said that there is not a lot of room for error.

Mr. Levy said that the massing of the house will go up significantly. Mr. Hibbard said that the existing house is very small. He said that they were trying to change it to nice house for a family. He said that they spoke with all of the neighbors and they were all excited to have it.

Mr. Adams confirmed that Mr. Hibbard will be the builder. Mr. Adams confirmed that Mr. Hibbard thinks that it makes economic sense to gut the existing house. Mr. Hibbard said that if he knocks the house down, he will have to comply with the setback requirements. Mr. Levy said that is not necessarily true. Mr. Hibbard said that he was concerned about finding a location for the garage. He said that if the driveway goes down on the left and they turn the garage on the right, there will be other setback requirements. He said that maintaining the garage and building an addition off of the back of the house makes the most sense.

Mr. Adams said that Plan A2.0, Proposed First Floor Plan, shows a bump out on the right side of the house. He said that it will be within 13.5 feet of the neighboring property. Mr. Levy said that is inconsistent with the plot plan. Mr. Hibbard said that the foundation will not change. Mr. Adams same that the bump out will not be on the same plane as the façade. He said that for new construction on a compliant building, even if it is a noncompliant lot, the Zoning Bylaw does allow that type of architectural element, not to extend it down to the foundation but two feet into the setback. He said that idea works when extending two feet into a 20 foot setback but does not work nearly as well from a 15.5 foot setback to a 13.5 foot setback. He said that he did not see how it would hurt Mr. Hibbard financially to tear the building down and then build it as close to compliant as possible. He said that he would not have to worry about the existing exterior walls and how to incorporate them into the new design or eliminate them. He said that Mr. Hibbard thinks that he needs the portion of the wall with the nonconformity to be able to extend into the setback. He said that the Board has said that is not the case. Mr. Hibbard said that his concern is that if he knocks the house down and builds a

new house that will probably cost \$2 million, the buyer will want a two car garage. He said that the lot is so small and there is no room to put a two car garage. Mr. Levy said that he could put a garage at the back of the lot. Mr. Hibbard said that moving it there will bring new setbacks into play. Mr. Adams said that the face of the garage will have to be 30 feet from the side property line. Mr. Hibbard said that he will have to push the house back 10 feet for a farmer's porch. He said that adding a garage at the back will kill the room in the house. Mr. Becker said that this is only a 7,800 square foot lot. Mr. Hibbard said that is why he is asking for a special permit maintain the existing garage and setbacks.

Mr. Levy said that what concerns him most is exacerbation of the front yard setback. He said that he could probably deal with the side yard setback. He said that the Board has allowed homeowners to maintain existing nonconforming setbacks. Mr. Adams said that it will be a 40 percent increase in the nonconformity.

Mr. Becker said that the front porch is what will be most visible.

Mr. Levy asked if Mr. Hibbard spoke with the neighbors and if they had any objections or support. Mr. Hibbard said that he spoke with all of the neighbors and there were no concerns. He said that he told the neighbors that he would be meeting with the Board.

Mr. Hibbard said that his original plans called for a two car garage on the left side of the house. He said that the Building Inspector told him that the project would require a special permit and a variance. He said that he reworked the plans four or five times. He said that he has been trying to do what the Board asked of him. Mr. Levy said that this is a tough lot.

Mr. Becker asked if any member of the public wished to speak to the petition.

Mr. Becker said that if there was no issue with the 21 foot front yard setback, the Board could probably have moved ahead with approval of the project. Mr. Hibbard asked if the Board could approve the project if he takes the porch off. He asked if he will have to redo the plans. Mr. Becker said that the plans will have to be redone because the approval is based on them. Mr. Levy said that the Building Inspector needs to see what the Board has approved.

Mr. Adams said that the front porch is a nice element but not at the expense of bringing the building closer to the street.

Mr. Levy read the Planning Board recommendation.

Mr. Becker discussed the options to move forward with the petition. Mr. Hibbard said that he will speak to his architect about changes to the plan and then come back before the same Board at a later date.

Mr. Adams said that he will be sorry to see if Mr. Hibbard just takes the porch off of the front and comes back before the Board with a plan that shows a bland fronted building that probably will not bring a good return on Mr. Hibbard's construction investment as it would with a front porch. He said that on the floor plans for the first floor, A2.0, none of the elements of the existing first floor will be used except for the exterior wall on the right side. Mr. Hibbard said that if he knocks the house down, it cost a lot more to build a new house with a two car garage, which is what homeowners will be looking for. He said that it will have to a \$2 million house and because the lot is so small, it would be a gamble. He said that his original plan was to do a two car garage on the left side but he changed it when the Building Inspector told him that he would need a variance for it. He said that he is trying to work with what he has.

Mr. Levy asked that Mr. Hibbard consider trying to move the structure so that it is more within the setback, possibly pushing it back somewhat. Mr. Hibbard said that he will have to crunch numbers to see if it will work to build it as a new house.

Mr. Adams asked if the existing foundation is stone. Mr. Hibbard said that it is concrete.

Mr. Levy moved, Mr. Adams seconded the motion, and the Board voted unanimously to continue the hearing to October 5, 2023.

Mr. Adams voted aye.

Mr. Levy voted aye.

Mr. Becker voted aye.

ZBA 2023-45 ROBERT KAENEMAN, 53 PLEASANT STREET

Present at the public hearing were David Himmelberger, Esq. and Robert Kaenaman, the Petitioner.

Mr. Himmelberger said that the request for zoning relief to construct an addition to the rear of the existing house. He said that he was initially confused by a prior Zoning decision and its nomenclature. He said that he mistakenly presumed that it was a variance that was granted. He said that it was an acceptance, not a variance. He said that prior to re-codification of the Zoning Bylaw, the Town had exceptions. He said that in the matter of 15 Hastings Street, an exception was granted to divide a lot into two smaller lots, despite the fact that it was located in a 15,000 square foot Single Residence District. He said that it was ultimately determined that the exception created lawful lots. He said that here, an exception created a lawful two family dwelling. He said that he did not believe that the request is for modification of a variance but rather for a special permit, based upon the home's pre-existing nonconforming front and side setbacks. He said that they are seeking a special permit to construct an addition to the rear of the existing structure.

Mr. Levy said that the exception was for the use and was not dimensional. Mr. Himmelberger said that the Board at the time did not discuss the nonconforming front and side yard setbacks. He said that the request is for a special permit to continue the nonconforming side yard setback. He said that the property is located in a 10,000 square foot Single Residence District but it is a 19,000 square foot lot. He said that they are seeking to construct an addition at the rear. He said that it will not change the front of the building, will retain the ridge height of the current structure, and existing and proposed lot coverage is below the maximum. He said that TLAG will be significantly increased on a significantly oversized lot.

Mr. Himmelberger said that the Planning Board agreed that the project will not result in additional nonconformities or intensify existing nonconformities. He requested that the Board approve a special permit and make a finding that the proposed addition will not be more detrimental to the neighborhood than the pre-existing nonconformities of the front and side yard setbacks.

Mr. Adams said that this petitions seems to have the same issues as 6 Dunedin Road, except a little worse. He said that the existing building is closer to the property line than the building at 6 Dunedin Road. He said that the plan is to extend the existing nonconformity of 13.2 feet significantly for another 41 feet. He asked why the entire addition was not shifted over eight feet. Mr. Himmelberger said that it sets up better with the existing house.

Mr. Becker asked how the proposed structure works as a two family. He said that on Plan A1.0, he could see the ways into and out of the garage. He said that once you come into the home by the door at the top of the stairs, he did not see a division that makes it a two family. Mr. Himmelberer said that the first floor is one unit and the second floor is the second unit. Mr. Kaeneman said the plan was to take the existing first floor unit and move it over to the proposed addition above the garage, as shown on Plan A1.1. Mr. Adams said that he could not see how the units are separated. Mr. Kaeneman said that there is a doorway between the hall and the main house. Mr. Himmelberger said that on Plan A1.1, there is a lock out door to the right of the pantry that could be a solid wall. Mr. Adams confirmed that is the separation between a unit on the left and

the other one on the right. Mr. Levy said that the access is up the stairs. Mr. Kaeneman said that is a continuous wall from the garage up. He said that it is a full fire wall. Mr. Becker said that access to the upstairs unit is from the spiral staircase in the garage. Mr. Himmelberger said that access is also from the exterior staircase. Mr. Becker said that access to the unit on the right is from the garage, going up a couple of steps on the right.

Mr. Levy asked about the existing plan. Mr. Kaeneman said that it is Plan D0.1.

Mr. Levy asked what is currently on the first floor. Mr. Kaeneman said that it is one bedroom apartment. He said that the other apartment is on the second and third floors.

Mr. Levy said that the variance that was granted in the 1940's was for that structure and now the Petitioner is trying to make it an entirely different project. He said that he was also concerned that the TLAG exceeds what would be in a 20,000 square foot district, where this is located in a 10,000 square foot district. He said that when the Planning Board enacted the bylaw, they did it by zoning district, not lot size. He said that having a 19,000 square foot lot does not get you to a 20,000 square foot district TLAG. Mr. Himmelberger said that they are presenting the two units at approximately 3,600 square feet each.

Mr. Himmelberger said that the exception was for the use to allow a two family. Mr. Levy said that it could be inferred that it was for that particular structure. He said that the Board still has to look at this in terms of whether it considers the proposed structure to be substantially more detrimental than the existing structure. He said that this is a single family neighborhood and the proposal is to build a very large unit. Mr. Kaeneman said that as you come down Pleasant Street, the first four or five houses are single family but the rest are general residence. Mr. Levy said that this property is located in a single family district.

Mr. Becker discussed the interplay between the 6,416 square foot TLAG, the two units and the shape of the building in the 1940's. Mr. Himmelberger said that the proposed structure is not the same shape but it is the same use. He said that it will take better advantage of the 19,000 square foot lot.

Mr. Adams discussed the demolition plan. He asked if you go up the stairs and take a left into one of the units and go up the stairs and to the right to the second unit. He confirmed that there is a door on the left of the front porch that goes into one of the units. Mr. Kaeneman said that a door on the front porch leads to a common hallway that goes down to the basement, the first floor unit or the upstairs to the second unit.

Mr. Adams asked about fire separation between the two units. Mr. Kaeneman said that Plan D0.1, as you go up to the porch on the right, there is a staircase on the right. He said that there is a steel fire door. He said that as you continue down the hallway, there is another entrance on the left that also has a steel fire door.

Mr. Levy asked if the property is currently occupied. Mr. Kaeneman said that it is. He said that he lives on the second floor. He said that the first floor is occupied by a tenant.

Mr. Adams asked about rights to the basement. Mr. Kaeneman said that the basement is common. He said that the second floor accesses the basement from the stairs in the front in the common hallway.

Mr. Becker said that in the 1947 decision, the driver of the decision had nothing to do with exceptions or variances but had to do with providing much needed housing in Wellesley for veterans. Mr. Kaeneman said that the tenant is a veteran.

Mr. Adams said that anyone can have a second unit as long as they can create two ways to get in and out of each unit. Mr. Himmelberger said that Accessory Dwelling Units are limited to 900 square feet.

Mr. Adams said that there is a lot of square footage on this lot and the Applicant is trying to pile a good part of the new building within 13.2 feet of the neighbor's lot. He said that just because there is an existing dwelling there, it does not convince him that it would be okay to increase the nonconformity from 30 feet long to 70 feet long. He said that the addition could be moved over.

Mr. Levy said that the TLAG skips the 10, 15, and 20,000 square foot districts. He said that this is a TLAG for a 30,000 square foot lot, which is substantially more detrimental.

Mr. Adams asked which unit will get the garage. Mr. Kaeneman said that he made the garage tandem parking of four cars for the two units.

Mr. Adams confirmed that the spiral staircase is the second means of egress for the unit above the garage. Mr. Himmelberger said that there is also a door at the rear of the garage. Mr. Kaeneman said that the fire door in the hallway is also a means of egress.

Mr. Levy read the Planning Board recommendation.

Mr. Adams urged the Applicant to try to redesign the addition in a way that is more compliant by significantly increasing the setback of the addition beyond the existing house. Mr. Levy said that it could be redesigned as a single family house. Mr. Adams said that a single family home could have a 900 square foot Accessory Dwelling Unit.

Mr. Becker asked about justification for the TLAG. Mr. Himmelberger said that it is an oversized lot and the house is set well back from the street, approximately 55 feet back, and fits in with the existing peak of the dwelling. He said that the proposed design takes advantage of the oversized lot. Mr. Kaeneman said that they tried to keep it within the footprint of the existing garage and patio at the back.

Mr. Levy read an excerpt from the 1947 decision. He said that the basis for granting an exception for a two family is that the house will look like a one family. He said that times were in different in 1947 after the war. He said that the Board based its decision on no exterior alterations and the proposed plan is to double the size of the building. Mr. Himmelberger said that it will still project as a single family. He said that there will be only one visible entrance on the front. Mr. Kaenamen said that it fits in with the neighborhood where a lot of the houses have two car garages off to the side.

Mr. Becker said that the average TLA for that general area is probably around 2,400 square feet. He said that the existing house fits in with that but the proposed structure will be significantly larger than the next two largest houses. He said that was a concern for him. Mr. Himmelberger said that just to the other side are significant townhomes with TLAG that is more compatible with the proposed structure. Mr. Kaeneman said that the Italo Club is located three doors up.

Mr. Adams discussed the façade created for Lot 41. He said that it will be over 100 feet in length. He said that it will be 150 feet of wall within 13.5 feet of the property line. Mr. Kaeneman said that the evergreens between the lots are 25 feet and the neighbor does not see the house. He said that the plan is to extend the wall of evergreens further back.

Mr. Adams said that the addition could be pushed over 8.5 feet to be compliant. He said that there would only be the existing nonconformities at the front and the side.

Mr. Himmelberger said that the dimensions of the existing house are shown on Plan D.01. He said that the addition of 41 feet will result in a length of 67 feet. Mr. Becker said that is still long.

Mr. Himmelberger said that there is an existing string of trees. Mr. Becker said that trees die. Mr. Himmelberger said that the photographs that were taken from the rear of the structure show the substantial line of trees on the side. He said that the rear is significantly improved aesthetically by the addition.

Mr. Adams asked about the right elevation on Plan A3.0. He asked if everything is in the same plane. Mr. Kaeneman said that it should be one continuous line. Mr. Adams said that it will be a lot of wall, even with the pine trees. He urged the Applicant to try to minimize the nonconformity of the addition on that side.

Mr. Himmelberger requested that the Board continue the hearing until October 5, 2023 to allow time to make further refinements. Mr. Adams asked that the architect look at making the design less detrimental to the neighborhood.

Mr. Kaeneman asked if TLAG will still be a concern if the addition is moved. Mr. Becker said that clearly 2,400 square feet is too small, so it should be something between 2,400 and 6,400 square feet.

Mr. Levy moved, Mr. Adams seconded the motion, and the Board voted unanimously to continue the hearing to October 5, 2023.

Mr. Adams voted aye.

Mr. Levy voted aye.

Mr. Becker voted aye.

Mr. Levy moved, Mr. Adams seconded the motion, and the Board voted unanimously to authorize the Executive Secretary to sign the decisions on behalf of the Board members.

Mr. Adams voted aye.

Mr. Becker voted aye.

Mr. Levy voted aye.

As there was no further business to come before the Board, the hearing was adjourned at 9:44 pm.

Respectfully submitted,

Lenore R. Mahoney
Executive Secretary