

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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WELLESLEY MA 024
JUN 21 P 2:00

ZBA 2018-39

Petition of Brossi Brothers LTD Partnership
11 Pleasant Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 7, 2018, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Brossi Brothers Limited Partnership requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of a pre-existing nonconforming dwelling and detached garage and construction of a new two-story dwelling with an attached two-car garage that will meet all setback, height and lot coverage requirements, on a 9,974 square foot lot in a General Residence District in which the minimum conforming lot size is 10,000 square feet, 11 Pleasant Street, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On May 2, 2018, 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 Stanley Brooks, Esq., David and Joseph Brossi, the Petitioner.

Mr. Brooks said that the request is for a special permit/finding. He said that the proposal is to raze the pre-existing nonconforming single family dwelling and garage, both of which are located on a pre-existing nonconforming lot. He said that the property is located in a General Residence 10 District. He said that the lot is 9,974 square feet, which is 26 square feet short of conforming. He said that the proposal is to construct a single family dwelling that will be fully compliant except for lot area. He said that they went through the Demolition Delay process and the Historical Commission found the house to be preferentially preserved. He said that they submitted a waiver application which was approved after extensive review.

Mr. Brooks said that there have been a couple of minor changes between the plans that were filed with the application and the approved plans from the Historical Commission. He said that the bulkhead was originally at the rear of the house. He said that a couple of square feet of the bulkhead encroached into the rear yard setback. He said that the Building Inspector determined that any encroachment means that the entire bulkhead encroaches. He said that the bulkhead was moved to the left side of the house, within the setback envelope.

Mr. Brooks said that the request is for the Board to approve the plan that was dated March 26, 2018 and signed on April 5, 2018. He said that they submitted a request to the Planning Director in March, in accordance with Article 46C, that he find that change and moving an internal wall in the garage four inches and not affecting the exterior was not substantial enough to require the Petitioner to go back to the Historical Commission. He said that the Planning Director indicated that he would find them to be

insubstantial, based on the authority granted to him under Article 46C but because the waiver agreement had not been signed yet, he would not do so before demolition.

Mr. Brooks said that the existing structure encroaches in the front yard. He said that the garage encroaches into the side yard and the rear yard. He said that the proposed house will fit entirely within the setback envelope.

Mr. Brooks said that the proposed house went through extensive review and modifications. He said that they went back before the Historical Commission four times to ensure that it complies with their determination of the neighborhood character and it incorporates architectural features that are in the neighborhood. He said that they found it to be consistent and bears a true relationship to all of the surrounding houses. He said that the hope is that this Board will find that, but for the lack of 26 square feet which they did try to acquire, and the fact that they will be eliminating all of the nonconformities except for the lot area, this will not be substantially more detrimental to the neighborhood than the existing structure.

The Chairman asked if there was a Total Living Area plus Garage (TLAG) calculation done for this. He said that this is exempt from Large House Review (LHR) but the Board does like to get an idea of where it would fit in vis a vis LHR. Mr. Brooks said that he did not have the calculation with him. He said that the house will be well within the setbacks with 28 feet from the left side line and 32 feet from the right side line. He said that it will be 31.6 feet in height. He said that the size of the house was reviewed in depth with the Historical Commission and they found it to be not overly large for the neighborhood. He said that lot coverage will be 22.7 percent, which is under the 25 percent that is allowed. He said that the footprint will be 2,269 square feet, including the garage, the front porch and the bulkhead. He said that it will be a two-story structure of approximately 4,500 square feet. The Chairman said that TLAG for this district is 3,600 square feet. He said that if the TLAG is going to be more than 3,600 square feet, he would like to see the computation.

A Board member asked if there will be truss construction in the roof. He said that no access is shown to the attic but it would not take much to put a stairway there. He said that there appears to be enough head room in the attic for habitable space. Mr. Brossi said that if you look at the ceilings in some of the rooms, you can see that there is not really much room for living space in the attic. Mr. Brooks said that at the rear of the garage is a family room with a cathedral ceiling. He said that there is only one floor of living area in that section.

The Board said that it does not have a good sense of the size of the structure. The Board said that this is an undersized lot. Mr. Brooks said that the front yard setback violation will be eliminated.

The Board asked if the Petitioner had shared the plans with the neighbors. Mr. Brossi said that they spoke with the neighbors at various times and they were in favor of the existing structure coming down and having a new house built. He said that they spoke with abutters about acquiring 26 square feet of land, so they are well aware of what has been going on. He said that they sent an email and invited them to come to the office to look at the plans. He said that there were no objections from any of the abutters.

The hearing was adjourned to allow Mr. Brooks time to go to his office to get the TLAG Affidavit.

When the hearing was reopened, Mr. Brooks said that TLAG will be 3,789 square feet, based on the Architect's numbers. He said that even at 4,000 square feet or more, this house will easily fit into the neighborhood. He said that the house directly across the street at 10 to 12 Pleasant Street consists of two very large three-story condominium units, each with 3,000 square feet. He said that there is a two-unit condominium at 17 to 19 Pleasant Street, an 11-unit condominium at 26 to 34 Pleasant Street, and a two-family going in at 21 Pleasant Street. He said that the Historical Commission spent a lot of time talking about the eco system in the neighborhood, which was part of the driving force adopted by the Applicant on the plans that were submitted to this Board. He said that they went through four meetings with the Historical Commission to revise the plans until it was at a size and a fit with the neighborhood that they were comfortable with and what they believed would become an integral part of the eco system.

Mr. Brooks said that the Historical Commission granted the waiver and the delay period was reduced, with conditions. He said that all of the modifications were done. He said that the plans before this Board are the elevations and foundations that were approved under the waiver. He said that floor plans were not required for that approval. He said that other conditions concern notifying the Planning Director when they file for a Building Permit, signing a waiver agreement, etc. He said that the conditions are not for the actual construction. The Chairman said that this Board typically likes to be the Board of last resort. He said that the Board will not make any finding or grant any relief from the Historic bylaw.

A Board member said that TLAG is about five percent over the threshold. He said that if the Board does approve this, there will be a condition that there be no habitable space in the attic. Mr. Brossi said that, if anything, there will be a pull down. He said that there will be a furnace in the attic doing a top down feed but there are no plans to do construction up there. Mr. Brossi said that they could not add windows up there because of the design. Mr. Brooks said that they spent a lot of time on the pitch of the roof. He said that it kept coming down after review by the Historical Commission. Mr. Brossi said that they have to keep the outside the way that the Historical Commission approved it. Mr. Brooks said that the Planning Director has to sign off before a Certificate of Occupancy is issued.

Mr. Brooks said that the condominiums across the street at 10 to 12 Pleasant Street are both 3,000 square feet, so it is a 6,000 square foot building that looks like a single house. He said that there were two properties on Pleasant that were recently before this Board for additions. He said that at Westerly Road the houses are a little smaller and they increase as you go up the street. He said that this will not overpower the streetscape or the abutting houses. He said that the house next door at 15 Pleasant Street is set back 32 feet from the lot line and this house will be set back 28 feet, so there will be a lot of space between them. He said that there is a lot of separation to the rear at Oak Street. He said that it is an eclectic neighborhood. He said that there is everything there from single family houses to the 11 unit condominium complex. He said that the Zoning Board granted Site Plan Approval for a six unit condominium at 22 and 24 Pleasant Street. He said that there is a lot of large, dense construction in the neighborhood. He said that the Historical Commission made a determination that this house at this size and design fits in with the neighborhood. He said that they looked at all of the other properties and brought in architectural details that are similar.

Mr. Brooks said that they will be eliminating every nonconformity that can be eliminated. He said that they will not create any new nonconformities and the proposed structure will not be more detrimental to the neighborhood than the existing nonconformities. He said that it will be a crisp new dwelling that will enhance the other properties in the neighborhood.

A Board member said that the drainage plan is much more developed than what the Board typically sees, and probably to a LHR level.

A Board member asked about the height of the building. Mr. Brooks said that the proposed grade is shown on the proposed site plan at an elevation of 158.7 feet. He said that the proposed ridge will be at an elevation of 192.5 feet, for a height of 33.8 feet. The Board member said that it is nice to have the height calculation shown without having to do the math. He said that way the Building Inspector can make sure that the roof pitch does not change. Mr. Brooks said that what is shown is the redesigned roof to fit the eco system. The Chairman said that the Board will not be granting any relief for the height or the retaining walls.

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 11 Pleasant Street, on a 9,974 square foot lot in a General Residence District in which the minimum conforming lot size is 10,000 square feet, with a minimum front yard setback of 27.4 feet. The existing nonconforming garage has a minimum right side yard setback of 6.4 feet and a minimum rear yard setback of 5.7 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 a pre-existing nonconforming dwelling and detached garage and construction of a new two-story dwelling with an attached two-car garage that will meet all setback, height and lot coverage requirements, on a 9,974 square foot lot in a General Residence District in which the minimum conforming lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Letter to Zoning Board of Appeals, dated 4/11/18, re: Petition for Special Permit/Finding, from Stanley A. Brooks, Esq., Existing Conditions Plan, dated 11/29/17, revised 2/20/18, a Plot Plan, dated 3/26/18, and a Proposed Site Plan, dated 11/29/17, stamped by Robert A. Gemma, Professional Land Surveyor, Proposed Floor Plans and Elevation Drawings, dated 3/25/18, prepared by SMC Designs, locus maps, and photographs were submitted.

On June 4, 2018, the Planning Board reviewed the petition and recommended that Special Permit be granted.

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 demolition of a pre-existing nonconforming dwelling and detached garage and construction of a new two-story dwelling with an attached two-car garage that will meet all setback, height and lot coverage requirements, on a 9,974 square foot lot in a General Residence District in which the minimum conforming lot size is 10,000 square feet shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it shall neither increase an existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of a pre-existing nonconforming dwelling and detached garage and construction of a new two-story dwelling with an attached two-car garage that will meet all setback, height and lot coverage requirements, on a 9,974 square foot lot in a General Residence District in which the minimum conforming lot size is 10,000 square feet, subject to the following conditions:

1. A signed TLAG Affidavit that concludes that the proposed living area plus garage is less than 3,790 square feet shall be submitted.
2. A revised plot plan with a chart that identifies the height from average grade shall be submitted.
3. There shall be no habitable space in the attic.

This Board has made no findings or granted relief for retaining walls.

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.

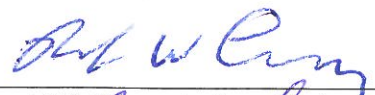
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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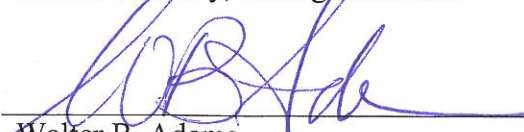
ZBA 2018-39
Petition of Brossi Brothers Ltd Partnership
11 Pleasant Street

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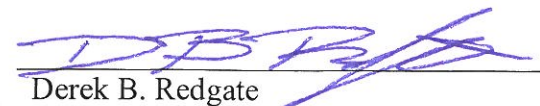
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



Robert W. Levy, Acting Chairman



Walter B. Adams



Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm

EXISTING FRONT SETBACKS

EXISTING HOUSE SETBACKS WITHIN 500- FEET:

HOUSE #7 - 17.0'
HOUSE #11 - 27.3'
HOUSE #15 - 17.0'
HOUSE #19 - 16.7'
HOUSE #21 - 24.7'
HOUSE #33 - 27.4'

N/F
VICTOR G. & YUAN-CHU LAM
BK. 12779, PG. 384
MAP 123, LOT 31

N/F
YING WANG
BK. 22782, PG. 488
MAP 122, LOT 35

GRADE PLANE ELEVATIONS

AVERAGE EXISTING GRADE PLANE ELEV.=159.8'
AVERAGE PROPOSED GRADE PLANE ELEV.=158.7'
PROPOSED RIDGE ELEV.=192.5'
PROPOSED BUILDING HEIGHT=33.8- FEET

PROPOSED Z.B.A. PLOT PLAN IN WELLESLEY, MASS.

SCALE: 1" = 20'

DATE: MARCH 26, 2018

LOCATION: 11 PLEASANT STREET

PREPARED FOR:

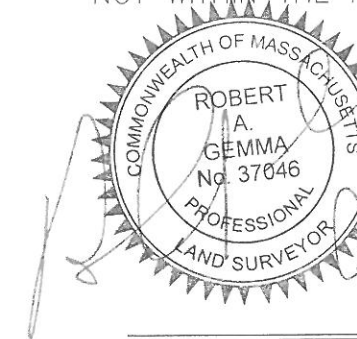
BROSSI BROTHERS LIMITED PARTNERSHIP
ENGINEERS & SURVEYORS:

MWE

METROWEST ENGINEERING, INC.
75 FRANKLIN STREET
FRAMINGHAM, MA 01702
ROBERT A. GEMMA, PLS 37046

I CERTIFY THAT THE LOT AND EXISTING BUILDINGS THEREON
PRE-DATE THE CURRENT TOWN OF WELLESLEY ZONING BY LAWS.

I CERTIFY THAT THE LOT SHOWN AND BUILDINGS THEREON ARE
NOT WITHIN THE FEDERAL FLOOD HAZARD AREA.

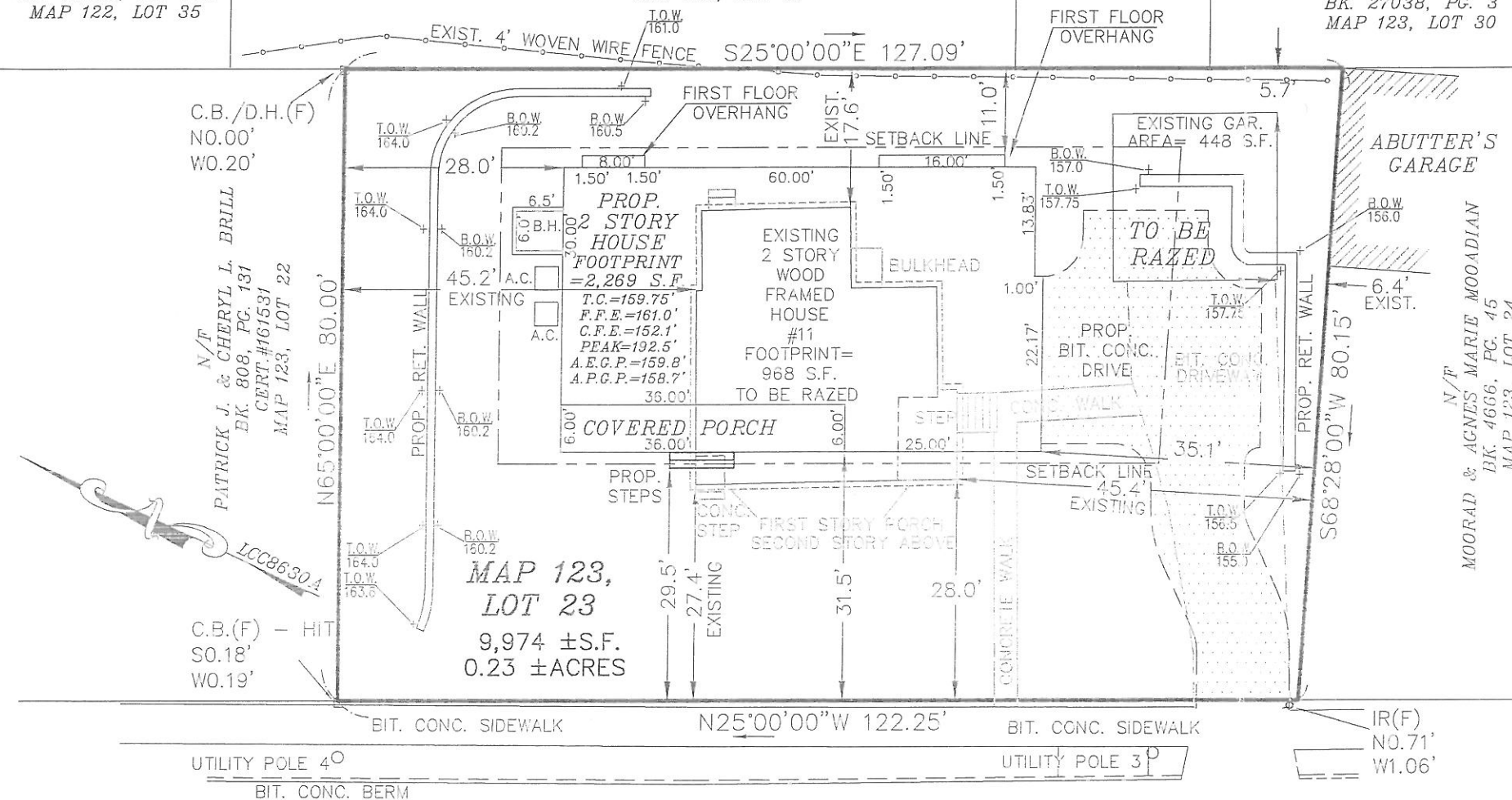


NOTES

SUBJECT PARCEL IS SHOWN AS ASSESSORS MAP 123, LOT 23.
RECORD TITLE FROM LAND. REG. CERT. #161939.

THE PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD
AREA AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT
AGENCY; THE PROPERTY LIES WITHIN ZONE "X" OF THE FLOOD
INSURANCE RATE MAP IDENTIFIED AS MAP NUMBER
25021C0016EE, BEARING AN EFFECTIVE DATE OF JULY 17, 2012.

THIS PLAN IS PREPARED FROM LINES OF OCCUPATION. THE TIES
TO THE LOT LINES ARE NOT TO BE USED IN THE SETTING OF
FENCES, HEDGES, ETC.



PLEASANT (PUBLIC - 40' WIDE) STREET

BIT. CONC. BERM

BIT. CONC. BERM

ZONED: R 10 - GENERAL RESIDENCE

AREA= 10,000 SQUARE FEET

FRONTAGE= 60 FEET

LOT WIDTH= 60 FEET

FRONT SETBACK= 30 FEET

SIDEYARD= 20 FEET

REARYARD= 10 FEET

LOT COVERAGE= 25%

EXISTING AREA USE TABLE

TOTAL LOT AREA = 9,974 S.F.
BUILDING AND GARAGE = 1,846 S.F.
OTHER IMPERVIOUS SURFACES = 1,088 S.F.
TOTAL IMPERVIOUS COVERAGE = 2,505 S.F.
EXISTING BUILDING COVERAGE = 0.185 (18.5%)

PROPOSED AREA USE TABLE

TOTAL LOT AREA = 9,974 S.F.
PROPOSED HOUSE = 2,269 S.F.
OTHER IMPERVIOUS SURFACES = 1,222 S.F.
TOTAL IMPERVIOUS COVERAGE = 3,491 S.F.
PROPOSED BUILDING COVERAGE = 0.227 (22.7%)

PP032718

NOTES:

- SUBJECT PARCEL IS SHOWN AS ASSESSORS SHEET 123, LOT 23. RECORD LAND REG. CERTIFICATE #181939.
- UTILITY LOCATIONS DEPICTED ON THIS PLAN, BOTH ABOVE- AND BELOW-GROUND, ARE BASED UPON DIRECT FIELD OBSERVATIONS MADE BY METROWEST ENGINEERING, INC. PERSONNEL DURING A FIELD SURVEY, RECORD PLAN LOCATIONS, OR DIGSAFE PAINT-INDICATORS. METROWEST ENGINEERING, INC. DOES NOT WARRANT THAT ALL UTILITIES ARE SHOWN OR THAT UTILITIES THAT ARE DEPICTED ARE SHOWN IN THE CORRECT LOCATION, OR WITH THE PROPER MATERIAL DESIGNATION. METROWEST ENGINEERING, INC. DOES NOT WARRANT OR PROVIDE AN EXPRESS OR IMPLIED WARRANTY THAT ALL SUBSURFACE IMPROVEMENTS ARE SHOWN OR ARE SHOWN CORRECTLY, INCLUDING, BUT NOT LIMITED TO, UTILITIES, UNDERGROUND VAULTS, UNDERGROUND TANKS OR CHAMBERS, BUNKERS, DUCT BANKS, AND/OR OTHER MAN-MADE IMPROVEMENTS THAT LIE BENEATH THE GROUND SURFACE AT THE TIME OF THE SURVEY.
- CONTRACTOR IS SOLELY RESPONSIBLE FOR ESTABLISHING EXISTING LOCATIONS OF ALL SUB-SURFACE UTILITIES AND MAN-MADE IMPROVEMENTS AND FOR THE REQUIREMENTS TO REPLACE, RELOCATE OR REPAIR EXISTING UTILITIES IN THE EVENT OF DAMAGE OCCURRING DURING CONSTRUCTION. MWE IS NOT RESPONSIBLE OR LIABLE FOR DELAYS OR COSTS ASSOCIATED WITH REMOVING/REPLACING/RELOCATING OF EXISTING UTILITIES REGARDLESS OF WHETHER SAID UTILITIES ARE ACCURATELY DEPICTED ON THIS SURVEY.

N/F
YING WANG
BK. 22782, PG. 438
MAP 122, LOT 35

N/F
VICTOR C. & YUAN-CHU LAM
BK. 12779, PG. 384
MAP 123, LOT 31

N/F
LEO A. & EDDA VILLA
BK. 27038, PG. 3
MAP 123, LOT 30

EXISTING FRONT SETBACKS

EXISTING HOUSE SETBACKS WITHIN 500-FEET:

HOUSE #7 - 17.0'
HOUSE #11 - 27.3'
HOUSE #15 - 17.0'
HOUSE #19 - 16.7'
HOUSE #21 - 24.7'
HOUSE #33 - 27.4'

LEGEND

BERM
(F) FOUND
OHW OVERHEAD WIRES
S SEWER LINE
S SEWER MAINHOLE
IP IRON PIPE
C.B./D.H. CONCRETE BOUND WITH DRILL HOLE
(((105.00')) TOTAL FRONTAGE

ZONING:

GENERAL RESIDENCE R-10

MINIMUM AREA= 10,000 SQUARE FEET
MINIMUM FRONTAGE= 30 FEET
SETBACKS:
FRONT YARD= 30 FEET
SIDE YARD= 20 FEET
REAR YARD= 18 FEET
MAXIMUM HEIGHT= 35 FEET
MAXIMUM LOT COVERAGE= 25%

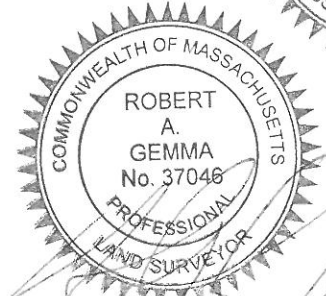
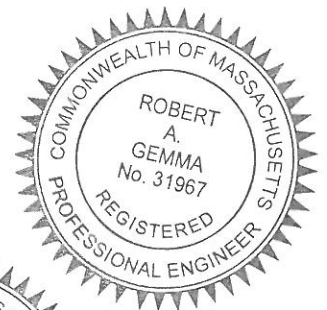
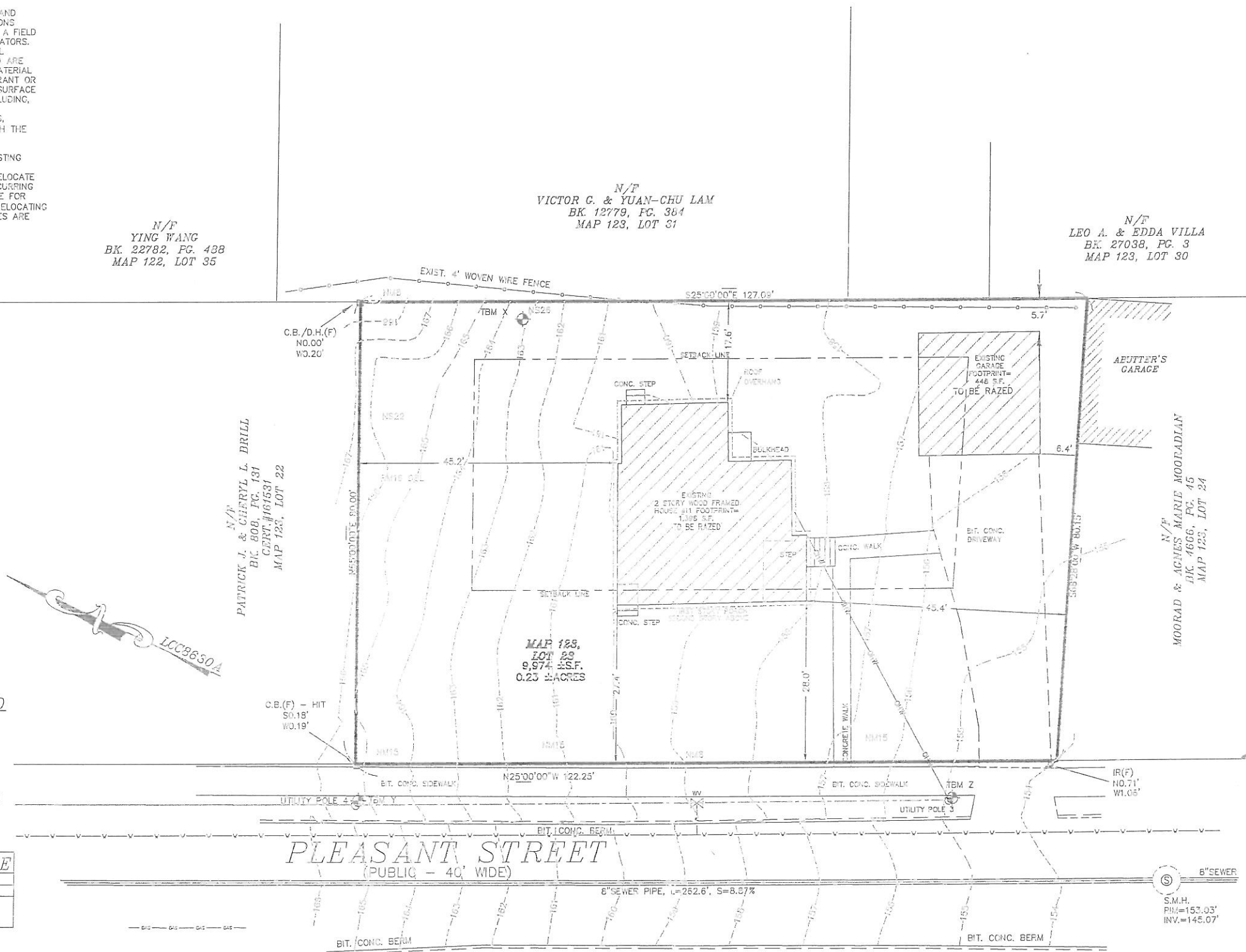
TREE DESCRIPTION LEGEND

CODE	DESCRIPTION	DETAIL
NW	NORWAY MAPLE	TREE LOCATION
RM	RED MAPLE	
NS	NORWAY MAPLE	

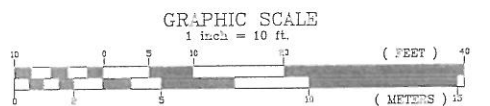
TREE CODE TREE SIZE

ELEVATION BENCHMARK TABLE

DESCRIPTION	ELEVATION
TBM X - NAIL 1" UP ON 22" NORWAY SPRUCE.....	164.91'
TBM Y - NAIL 1" UP IN UTILITY POLE 4.....	156.15'
TBM Z - NAIL 1" UP IN UTILITY POLE 3.....	157.06'



FOR METROWEST ENGINEERING, INC. DATE
P.L.S. # 37046
P.E. # 31967 (CIVIL)



EXISTING CONDITIONS PLAN #11 PLEASANT STREET IN WELLESLEY, MASS

PREPARED FOR:
BROSSI BROTHERS LIMITED PARTNERSHIP
371 CONCORD STREET
FRAMINGHAM, MA 01701

PROPERTY OF:
BROSSI BROTHERS LIMITED PARTNERSHIP
371 CONCORD STREET
FRAMINGHAM, MA 01701

ENGINEERS & SURVEYORS:
MWE METROWEST ENGINEERING, INC.
75 FRANKLIN STREET
FRAMINGHAM, MA 01702
TEL: (608)626-0063

SHEET 1 OF 2 DATE: NOVEMBER 29, 2017

CALC'D BY: BTN FIELD BK: 655 CAD FILE: 11 PLEASANT_PROP_SITE_PLAN_HOUSE_R1.dwg
DRAFTER: BTN PROJECT: WEL_PLE DWG FILE: SP112917_R1.dwg

REVISIONS

NO.	DATE	DESCRIPTION	BY
1	02/20/18	REVISE FOUNDATION FOOTPRINT	BTN