

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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ZBA 2017-05
Petition of Marc & Jennifer Charney
51 Atwood Street

2017 JAN 19 D

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 5, 2017, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Marc & Jennifer Charney requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that enclosure of an existing nonconforming porch with less than required front yard setbacks, construction of a first floor porch and a second floor porch with less than required front yard and left side yard setbacks, construction of a second story addition with less than required front yard, left side yard and right side yard setbacks, construction of a deck with less than required left side yard setbacks, and construction of a two-story addition with less than required right side yard setbacks, on a 9,645 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, at 51 Atwood Street, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On December 15, 2017, 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 Marc Charney, the Petitioner, Chris Rotti, Architect, and John Lockwood, Builder.

Mr. Rotti said that the proposal is for a fairly significant renovation to the existing residence which includes adding a second floor for bedrooms, enclosing an existing covered porch at the front of the house, adding a small entry porch by the front door adjacent to the existing covered porch, and construction of a small addition at the rear to house the stairway that connects the basement, first and second floors, and small bathroom on both levels.

Mr. Rotti said that the Petitioner is seeking relief for the front and the side yard setbacks. He said that the existing covered porch is 22.3 feet from the front property line. He said that the existing house is 16.9 feet from the side lot line on one side and 18.8 feet on the other. He said that in all cases they are proposing to maintain or reduce the existing setbacks. He said that at the front of the house where they will convert the existing porch to interior space, the adjacent new porch will maintain the same setback. He said that the addition at the rear will be 18.2 feet and will be approximately two feet farther away from the property line.

Mr. Rotti said that the property itself is a bit of a challenge, given the wedge shape, the way that the setbacks converge, and the 200 foot Riverfront line. He said that it limits what they can do on the site.

He said that they tried to minimize the impact, reuse as much of the existing property as possible and keep the major construction out of the Riverfront buffer.

The Board asked if the existing porch has a foundation. Mr. Rotti said that it has a minor foundation. He said that they will need a frost wall foundation there. The Board confirmed that the front porch will be demolished and rebuilt.

The Board discussed the 500 Foot Rule. Mr. Rotti said that the adjacent house is roughly in line with the existing property at 51 Atwood Street. A Board member said that there is an existing structure and the new construction will not go beyond the existing setback.

A Board member said that there was a conscious decision in the design to present a gable at the 23 foot front yard setback. He said that the house at 55 Atwood Street presents a porch and the existing house was framed in a different direction. He said that this creates a stronger façade close to the street. Mr. Rotti said that the porch and the second floor balcony were designed to break up the mass to have it more in keeping with the surrounding neighborhood.

A Board member said that there are no dimensions shown for the northeast side of the property on the survey. He said that the setback is 18.8 feet at the front of the house. He asked about the setback for the proposed deck or steps. Mr. Rotti said that Floor Plan A105 shows a small exterior deck that is in line with the side of the house. The Board member said that he could not tell what the new dimension will be. He said that if it is less than 18.8 feet, it could affect the Board's decision.

Mr. Charney said that the garage will be restored with new windows and a new door. He said that it will not require new foundation. The Board said that it is not part of this application.

The Board said that the proposal is to go to close to the limit on the maximum height. Mr. Charney said that the house at 55 Atwood Street is higher.

The Board said that this is a tough lot and there is not much buildable area in the setback triangle. Mr. Charney said that they tried very hard to keep construction within the triangle.

Mr. Rotti said that, including the basement, first and second floor, the square footage will be 3,385 square feet. He said that the existing square footage is approximately 2,500 square feet, including the livable space in the attic.

A Board member said that it is clear on Plan A107, the slope of the gable facing Atwood Street causes the ridgeline to be higher than the other ridgeline of the house. He asked if the Petitioner had investigated treating that front façade as a dormer rather than a gable and have the ridgeline run perpendicular to that. He said that would reduce the bulk of it. Mr. Rotti said that they went through a number of iterations. He said that steeper slopes tend to be more in keeping with the older style of houses. The Board member said that he was looking to see if there was a way to mitigate this since it is so close to the road. He said that it will be a full façade all the way up to the ridge. He said that the biggest concern is the proximity to street and the height of the top of the gable. He confirmed that the master bedroom on the second floor is meant to have a cathedral ceiling.

The Board said that, due to the slope, and considering the average grade, there are going to be portions of the house that will exceed 36 feet. The Board said that a lot of the massing will be at the rear where there is a lot of open space.

The Board said that the Planning Board recommendation expressed concerns that the site plan shows a building footprint that does not match the submitted existing floor plans and the proposed house sits higher than the existing one. The Board said that the Planning Board would like to have clarification on what foundation is being preserved and what foundation is being added. The Board said that the Planning Board was reluctant to view this as a simple modification of an existing nonconforming structure. Mr. Rotti said that the survey shows the existing house and what the proposed additions are.

A Board member asked about the elevation of the first floor above Atwood Street. Mr. Rotti said that it is five steps up, a little less than three feet. The Board member asked if the first floor elevation will be higher than the existing. Mr. Rotti said that they will maintain the existing foundation walls and first floor level. The Board member said that there seem to be one or two steps less on the first floor of the existing plans versus the proposed plans. Mr. Charney said that the grade of the lot slopes down towards the driveway. He said that the new porch to the left will require four or five stairs. Mr. Rotti said that the existing stairs are fairly tall. He said that they will not replicate the riser height.

The Board said that a general concern around town is that sill heights have grown out of the ground quite a bit. Mr. Rotti said that part of what they are proposing is to try to maintain as much of the existing structure as possible, including the foundation and sill location. The Board said that it may require some ingenious landscaping and grading to help mitigate the impact of the gable.

Mr. Levy confirmed that. Mr. Rotti said that the only new foundation is under the front porch and for the addition at the back, which will not be a full foundation because it is at the basement level.

Mr. Lockwood said that lining up the two ridges at the same height might solve the problem of the front gable looking taller. He said that it might clean up the roof lines a bit. A Board member said that the difference in height appears to approximately 18 inches. He said that the gable was to allow for a cathedral ceiling in the bedroom.

A Board member said that it was not differentiated in the plans which walls will be saved. Mr. Rotti said that one wall at the back of the house has to come out due to years of water leaks. He said that all of the foundations will remain except where they cut a new opening in the basement. He said that they are proposing to retain the first floor framing, infilling as necessary where there is a too narrow stairway. He said that they will retain as much of the exterior wall as possible, knowing that they will be increasing the window size. He said that it will not be a wholesale removal and reconstruction. He said that he tried to illustrate existing and new foundation, thinking that would be the greater concern about how the site will be impacted by the foundation, as opposed to designating which walls will stay. The Board said that sometimes it has to determine whether it is a teardown or not. Mr. Charney said that he does not want to tear the house down. Mr. Lockwood said that the foundation is in good shape.

Mr. Lockwood said that there was a concern about insulation value. He said that the old walls had two by four construction and the new walls have two by six construction. He said that it is always a question of whether to save the old wall with less insulation.

The Board discussed its concerns about massing of the building and location of the front gable where the front edge of the existing porch is. The Board said that pushing the space back on the second floor seems to make the interior space less workable. Mr. Rotti said that he did look at pushing the second floor back to where the existing wall is but that compromises the square footage. He said that he also looked at a hip roof versus a gable but that would be out of the realm of what you would normally see. He said that it would be a very different type of look.

A Board member said that the Board has seen proposals for lots with this shape requesting a variance to go into the setbacks. He said that this request is for a special permit. He said that there are issues with the topography and the shape of the lot.

The Board said that it is a 9,645 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, the existing front yard setback is 22.3 feet where 30 feet is required, the existing left side yard setback is 18.8 feet, the existing right side yard setback is 16.9 feet where 20 feet is required, and the garage has less than required setbacks but is not part of this decision. The Board said that the proposed structure shall not substantially more detrimental to the neighborhood than the existing nonconforming structure.

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 51 Atwood Street, on a 9,645 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with a minimum front yard setback of 22.3 feet, a minimum left side yard setback of 18.8 feet, and a minimum right side yard setback of 16.9 feet. The existing garage has a minimum left side yard setback of 1 foot.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that enclosure of an existing nonconforming porch with less than required front yard setbacks, construction of a first floor porch and a second floor porch with less than required front yard and left side yard setbacks, construction of a second story addition with less than required front yard, left side yard and right side yard setbacks, construction of a deck with less than required left side yard setbacks, and construction of a two-story addition with less than required right side yard setbacks, on a 9,645 square foot lot in a 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 Plot Plan, dated 10/27/16, stamped by Michael P. Clancy, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 11/9/16, prepared by RMD Collaborative, and photographs were submitted.

On January 4, 2017, the Planning Board reviewed the petition and recommended that the Special Permit be deferred.

On January 5, 2017, the Wetlands Protection Committee issued a Negative Determination of Applicability.

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 enclosure of an existing nonconforming porch with less than required front yard setbacks, construction of a first floor porch and a second floor porch with less than required front yard and left side yard setbacks, construction of a second story addition with less than required front yard, left side yard and right side yard setbacks, construction of a deck with less than required left side yard setbacks, and construction of a two-story addition with less than required right side yard setbacks, on a 9,645 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet is intensifying an existing 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 enclosure of an existing nonconforming porch with less than required front yard setbacks, construction of a first floor porch and a second floor porch with less than required front yard and left side yard setbacks, construction of a second story addition with less than required front yard, left side yard and right side yard setbacks, construction of a deck with less than required left side yard setbacks, and construction of a two-story addition with less than required right side yard setbacks, on a 9,645 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, subject to the following condition:

- The left side yard setback on the northeast side shall be no less than 18.8 feet for the entire length of the structure.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction 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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RECEIVED
WILMINGTON ZONING
DEPARTMENT
02462

ZBA 2017-05
Petition of Marc & Jennifer Charney
51 Atwood Street

PLANNING BOARD
TOWN OF NEW HAMPSHIRE
MERRIMACK COUNTY 03042
2017 JUN 19 P 3:03

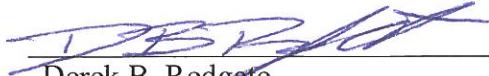
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



David G. Sheffield, Acting Chairman

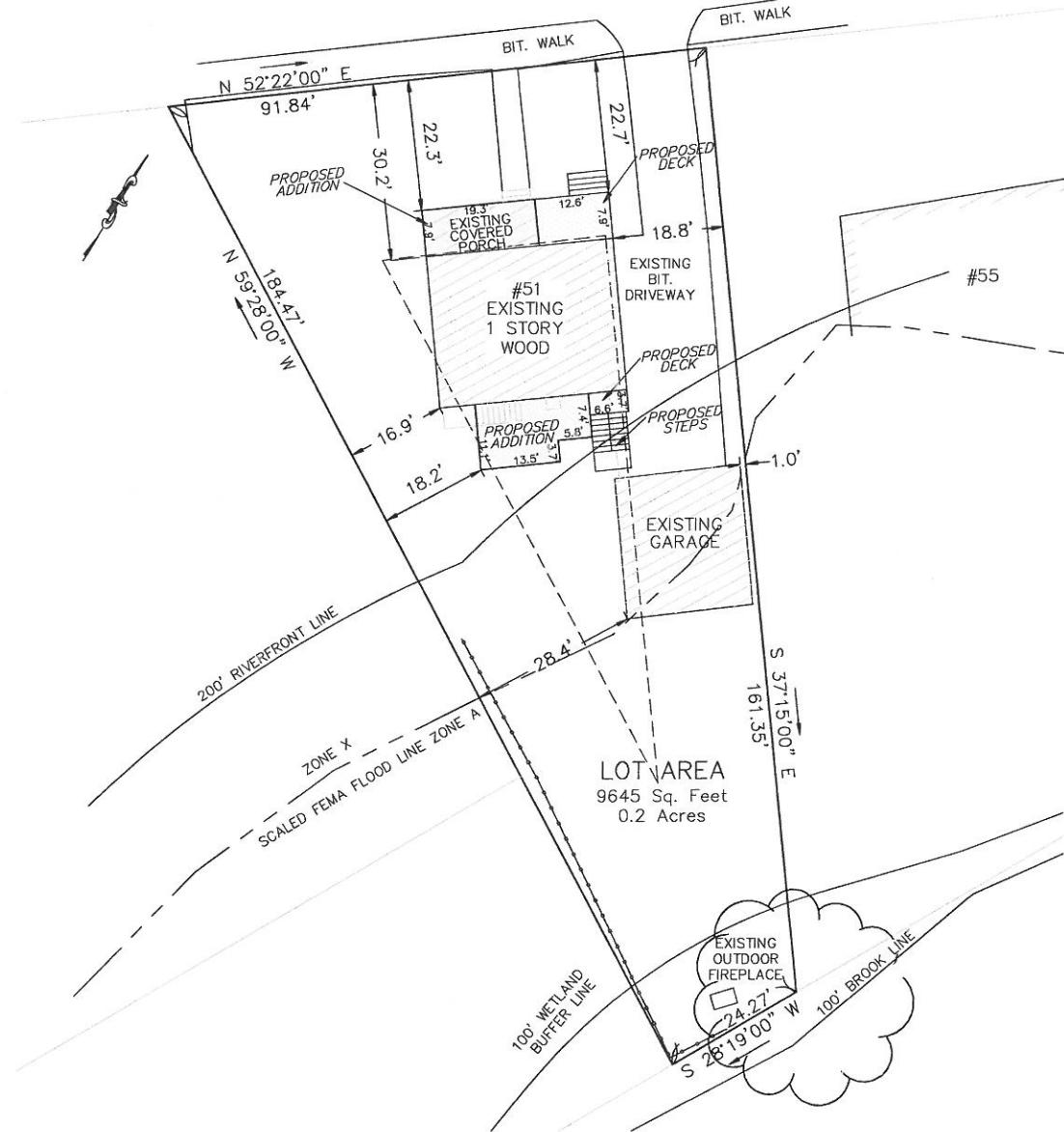


Robert W. Levy



Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm



PREPARED FOR:
MARC CHARNEY
11 ATWOOD STREET
ELLESLEY, MA 02482



PLOT PLAN
FOR
51 ATWOOD STREET
IN

NOTES:

1. ZONING CLASSIFICATION - SR10
2. PLAN REFERENCES:
NORFOLK REGISTRY OF DEEDS LAND COURT PLAN 2351 D
NORFOLK REGISTRY OF DEEDS LAND COURT PLAN 2351 F
NORFOLK REGISTRY OF DEEDS LAND COURT PLAN 2351 G
3. LOCUS DEED:
NORFOLK REGISTRY OF DEEDS LAND COURT CERTIFICATE 154109
PARCEL ID 99-35
4. EXISTING LOT COVERAGE = 1510/9645 SF = 15.7%
PROPOSED LOT COVERAGE = 1826/9645 = 18.9%

WELLESLEY, MASS.

C & G SURVEY COMPANY
37 JACKSON ROAD
SCITUATE, MA. 02066
1-877-302-8440