

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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2017 FEB 13 A 11:39
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ZBA 2017-06

Petition of 69 Edgemoor Ave LLC
69 Edgemoor Avenue

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 69 Edgemoor Ave LLC 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 construction of a two-story structure that will meet all setback and height requirements, on a 9,600 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, at 69 Edgemoor Avenue, 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 David Himmelberger, Esq., Nash Quadir, and Surit Prakash.

Mr. Himmelberger said that the request is to raze and rebuild a single family dwelling that is located on a pre-existing nonconforming lot. He said that the lot is 9,600 square feet in a 10,000 square foot Single Residence District. He said that the lot is currently improved with a single family house that is rather run down. He said that there is a left side yard setback of 15.2 feet where 20 feet is required, and a front yard setback of 19.5 feet where 30 feet is required. He said that the proposed structure will be a fully dimensionally compliant house with a 33.2 foot front yard setback, 28 foot side yard setbacks, and a 10.8 foot rear yard setback. He said that Total Living Area plus Garage (TLAG) will be 3,589 square feet. He said that, while they believe that this proposed house will not be substantially more detrimental, and although the Planning Board has recommended favorable action, the Petitioner would like to request a continuance because they received a letter from Richard Zahn at 63 Edgemoor Avenue, who had concerns regarding screening, grading and stormwater runoff. He said that they have had extensive conversations with Mr. Zahn and would like to continue the petition so that they can get a Stormwater Engineer to provide a Stormwater Plan that would be satisfactory to Mr. Zahn. He said that they would like to provide a planting plan to address the screening. He said that there is significant screening there now. He said that it is not clear if the house will be visible from Mr. Zahn's property but they will confirm that.

The Chairman said that the basement window locations shown on the Proposed Right Side Elevation, Sheet A3, do not correspond with the basement window locations shown on Sheet A5. Mr. Himmelberger said that they will correct that.

The Chairman said that there are no steps shown on the plan for the area from the garage into the family room, which would violate Building Code. He said that a house cannot be on the same level as the garage. He said that the plan shows steps up from the guest bedroom to the family room. Mr. Prakash said that the Building Code requires a curb of four inches. He said that the curb is shown at the doorstep. The Chairman confirmed that you step over the curb to get to the bedroom. He said that could be a tripping hazard. Mr. Prakash said that he can address that.

The Chairman said that the elevation at the top of the ridge was not labeled to average grade. Mr. Himmelberger said that it is shown on Sheet A1 as a sentence to the left of the hip roof.

The Chairman said that an architectural suggestion would be to extend the eyebrow that is shown over the two garage doors on Sheet A1 over the door to the left. He said that all of the exterior lights could be in the soffit and would not annoy the neighbors. He said that they might want to consider an eyebrow over the patio doors at the back for the same reason. He said that the houses are rather close together in this neighborhood. He said that it is somewhat of a barn façade and an eyebrow would help it a lot.

The Chairman said that the room to the left of the garage is not labeled. Mr. Prakash said that it is a bicycle area, workbench and storeroom. He said that they will label it on the plan.

The Chairman said that the TLAG calculations have the basement contributing zero square footage even though there is a basement door. He said that a percentage of the basement should be counted. Mr. Himmelberger said that they will provide the calculations.

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

The Board voted unanimously to continue the petition to February 2, 2017.

February 2, 2017

Presenting the case at the hearing were David Himmelberger, Esq., Surit Prakash, and Nash Quadir.

The Chairman said that the petition had been continued from January 5, 2017 but would be heard de novo.

Mr. Himmelberger said that the request is for a special permit to raze and rebuild a single family dwelling. He said that the pre-existing nonconforming lot has 9,600 square feet where 10,000 square feet is required. He said that the lot is improved with a single family home that is nonconforming due to a left side yard setback of 15.2 feet and a front yard setback of 19.5 feet. He said that the proposed structure will be fully compliant with Zoning setbacks. He said that it will have a front yard setback of 33.2 feet, left and right side yard setbacks of 28 feet, and a rear yard setback of 10.8 feet. He said that the proposed home will be 31 feet 11 inches tall, with an overall height to average grade of 32.7 feet. He said that existing lot coverage is 10 percent and the proposed lot coverage will be 22 percent. He said that the house will be a center entrance colonial with clapboard siding and detailed trim work. He said that the house has hipped roofs to minimize massing. He said that the proposed TLAG will be 3,589 square feet.

Mr. Himmelberger said that questions were raised at the previous hearing in regard to landscaping and a couple of design features. He said that it was suggested that the eyebrow roof over the garage be extended over the adjoining door to the side and that has been done.

Mr. Himmelberger said that there had been a note regarding the step up in the garage and that was changed. He said that they provided the spot elevations from which the basement exposed grade TLAG was calculated at 10 foot intervals, in accordance with the TLAG Methodology. He said that the height from average grade of 32.6 feet is shown on Plan HT1. He said that the average height of the exposed basement is 1 foot 4 inches.

The Board confirmed that the sill height of the basement was lowered by seven inches from the prior submittal.

Mr. Himmelberger said that another change to the exterior is shown on Sheet 2 of 8. He said that they may have overshot the suggestion for the eyebrow roof over the two sliders where they continued it to the left to the first floor wall. He said that ending it at the doorway would be a more appropriate treatment. He submitted a revised plan.

The Board discussed the porch off the back. Mr. Himmelberger said that there is a landing just outside the two sliders. The Board said that it is labeled as a granite step. Mr. Himmelberger said that it is an entrance porch not exceeding 50 square feet. The Board said that it is 3.5 feet deep by 11.5 feet long with what appears to be two steps up. The Chairman said that if it is an entry way porch, it can be 50 square feet. He said that if it is just a landing, it can only be 25 square feet. Mr. Himmelberger said that they believe that it is an entrance porch on the first floor.

Mr. Himmelberger said that, in addition to the minor revisions that were provided, they also submitted a Landscape Plan in response to Mr. Zahn's concerns. He said that Mr. Zahn lives at 63 Edgemoor Avenue, which is approximately four feet lower than 69 Edgemoor Avenue. He said that there is currently a dense screening of arbor vitae along the common property line that will remain. He said that additional screening of nine arbor vitae will serve as a second interior line of screening. He said that it will be slightly uphill from the existing screening. He said that the existing screening is approximately 20 feet tall. The Chairman said that the second row should be planted so that the spaces in between the existing screening are filled.

Mr. Himmelberger said that the Landscape Plan shows a patio that is larger than what is actually going in. He said that walk out patio is between two sloping embankments and will look to be 7.5 feet wide. He said that the Landscaper put it in without regard to the fact that there are slopes coming down.

Mr. Himmelberger said that Mr. Zahn had concerns about stormwater runoff. He said that a Stormwater Management Plan was submitted that shows three drywells and a leaching catch basin that will catch all roof runoff.

Mr. Himmelberger said that there was a house built on Overbrook Drive that appears to be quite tall because it stands higher than the property at 69 Edgemoor Avenue. He said that house is closer to Mr. Zahn's property. He said that Mr. Zahn does not want a replica of that at 69 Edgemoor Avenue. He said

that the proposed house will be and at a lower elevation. He said that, given the existing 20 foot arbor vitae, it will be difficult to see anything.

Mr. Himmelberger said that the Petitioner is requesting a determination by the Board that the proposed structure shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Board member asked if the catch basin will be located in the patio or the grass. Mr. Prakash said that it will be located in the patio. The Board member said that the cheek walls will send water that way. He said that the ends of the eyebrows should be shown on the elevations. He suggested that the ends of the eyebrows be hipped to match the roof lines.

Mr. Himmelberger said that they will submit plans with corrected patio dimensions and hipped ends on the eyebrow to the rear.

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 69 Edgemoor Avenue, on a 9,600 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, with a minimum front yard setback of 19.5 feet and a minimum left side yard setback of 15.2 feet.

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 construction of a two-story structure that will meet all setback and height requirements, on a 9,600 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Letter to Zoning Board of Appeals, dated 11/22/16, from David J. Himmelberger, Esq., Plan of Land for Proposed Dwelling, dated 11/27/16 and Plan of Land for Existing 1 Story, dated 12/7/16, stamped by Thomas Bernardi, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 12/5/16, revised 1/20/17, Exposed Basement Wall for TLAG Calculations and Building Height Calculations, dated 12/5/16, prepared by N. Quadir, Storm Water Management Plan, dated 11/28/16, prepared by KUQ Construction, Storm Water Management Plan, dated 1/22/17, stamped by Adel M. Shahin, PE, Landscape Plan and Tree By-Law Mitigation Plan, prepared by Todd Brown, Mass. Certified Arborist, and photographs were submitted.

On January 4, 2017, the Planning Board reviewed the petition and recommended that the Special Permit be approved. On January 17, 2017, the Planning Board reviewed the petition and recommended that the Special Permit be approved.

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 construction of a two-story structure that will meet all setback and height requirements, on a 9,600 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District is intensifying a nonconformity, such intensification 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 demolition of an existing nonconforming structure and construction of a two-story structure that will meet all setback and height requirements, on a 9,600 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, subject to the following conditions:

A revised plan shall be submitted that shows the correct dimensions of the patio.

A revised plan shall be submitted that shows hipped ends on the eyebrow to the rear.

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.

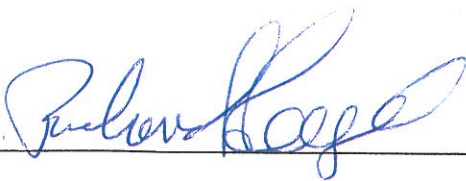
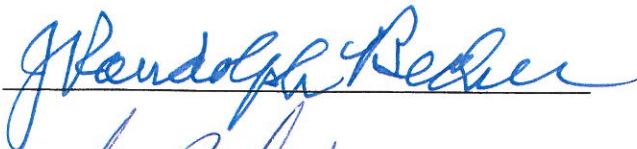
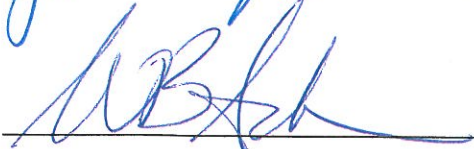
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WELLSVILLE 02-16-2017

ZBA 2017-06
Petition of 69 Edgemoor Ave LLC
69 Edgemoor Avenue

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1702 FEB 16 PM 11:40
FILED IN 02402

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.

cc: Planning Board
Inspector of Buildings
lrm

PLAN OF LAND

LOCATED AT
69 EDMOOR AVENUE
WELLESLEY, MA

PREPARED FOR:
KUQ CONSTRUCTION, LLC

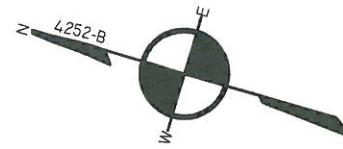
DEED: DOC. NO. 380239
PLAN: 4252-B

ZONING SR-10
SIDE : 20'
FRONT : 30'
REAR: 10'

MASSACHUSETTS SURVEY CONSULTANTS

10 FIRST AVE
PEABODY, MA 01930
617 899-0703
WWW.MASSACHUSETTSSURVEY.COM

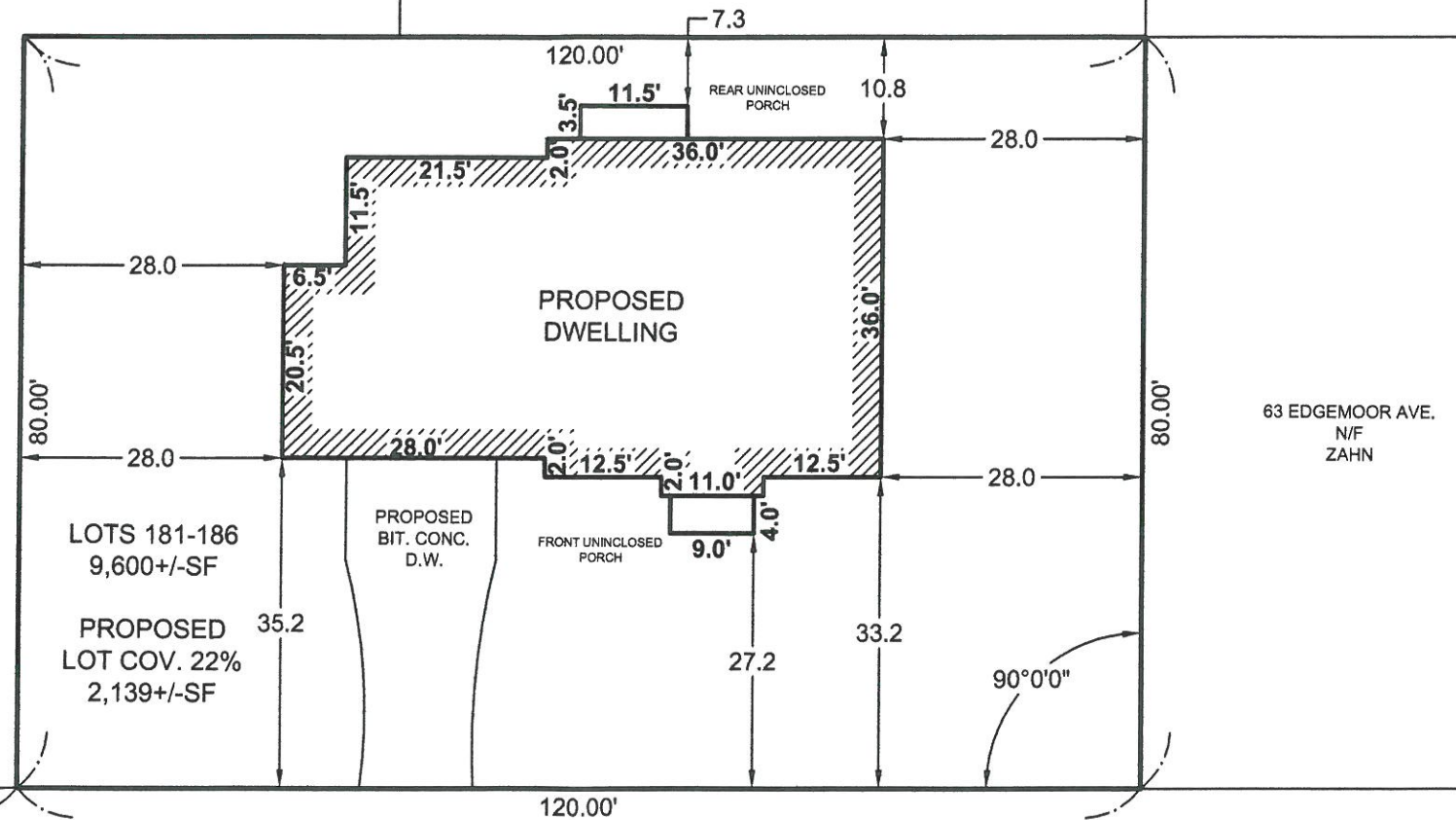
SCALE: 1 INCH = 20 FEET



104 OVERBROOK DR
N/F
ZHANG

98 OVERBROOK DR
N/F
YU

94 OVERBROOK DR
N/F
UNK.



CERTIFICATION

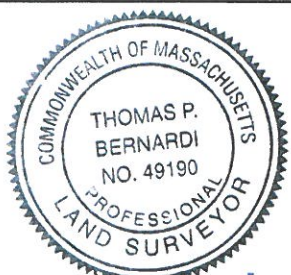
I CERTIFY THAT THIS PLAN WAS MADE FROM AN INSTRUMENT SURVEY ON THE GROUND BETWEEN THE DATES OF SEPTEMBER 25 AND SEPTEMBER 26, 2016 AND ALL STRUCTURES ARE LOCATED AS SHOWN HEREON.

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS. 500' RULE IS NOT APPLICABLE

THOMAS BERNARDI P.L.S.

DATE: 11-27-2016

EDGEMOOR (PRIVATE 20' WIDE) AVENUE



PLAN OF LAND

LOCATED AT
69 EDMOOR AVENUE
WELLESLEY, MA

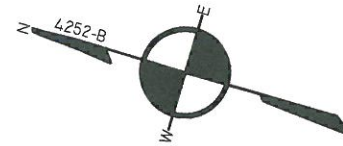
PREPARED FOR:
KUQ CONSTRUCTION, LLC

DEED: DOC. NO. 380239
PLAN: 4252-B
ZONING SR-10

MASSACHUSETTS SURVEY CONSULTANTS

10 FIRST AVE
PEABODY, MA 01930
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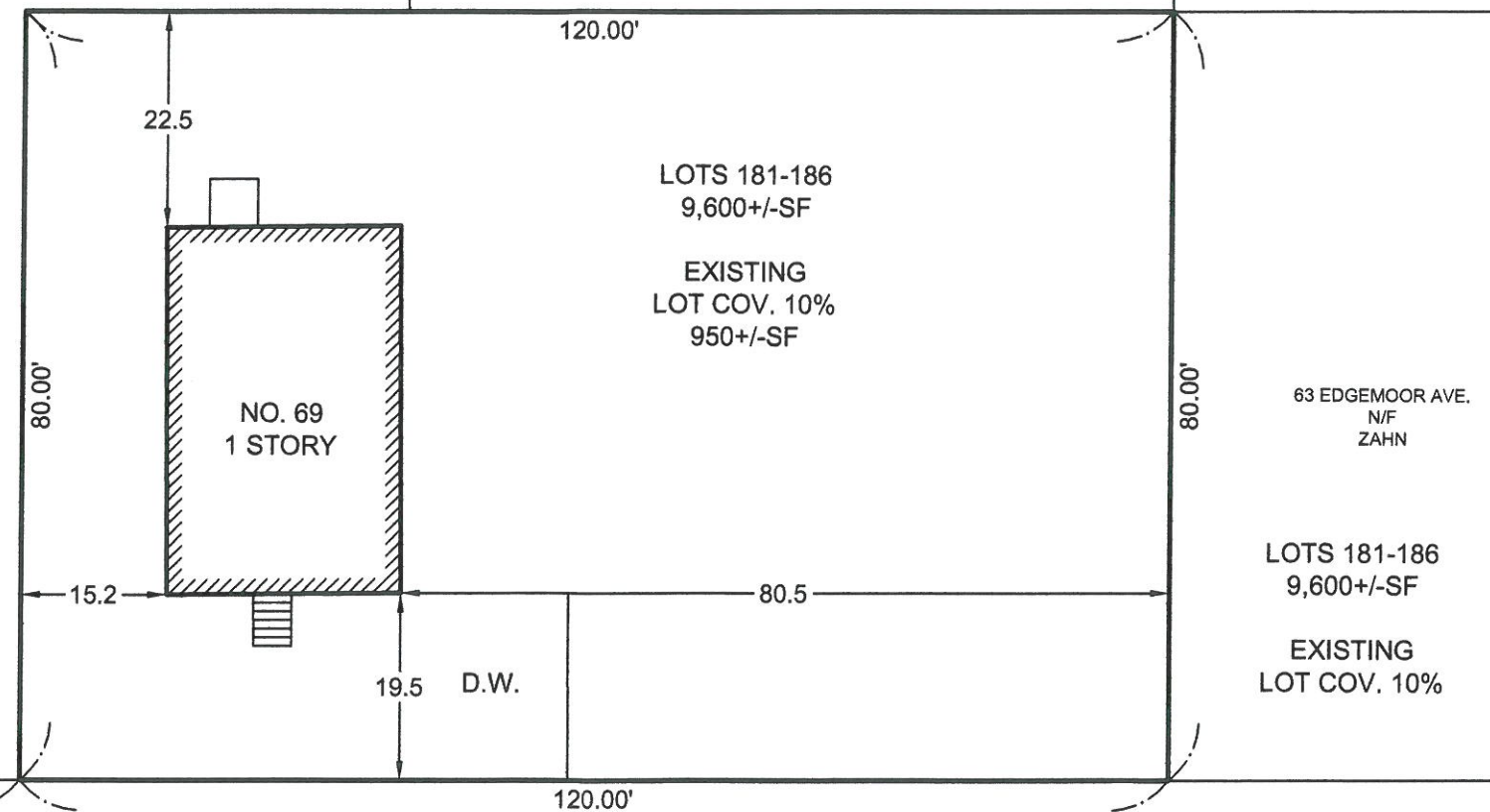
SCALE: 1 INCH = 20 FEET



104 OVERBROOK DR
N/F
ZHANG

98 OVERBROOK DR
N/F
YU

94 OVERBROOK DR
N/F
UNK.



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I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

THOMAS BERNARDI P.L.S.

DATE: 12-7-2016

EDMOOR (PRIVATE 20' WIDE) AVENUE

