



## ZONING BOARD OF APPEALS

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ZBA 2018-28

Petition of Wayne & Jan Johnson  
11 Fife Road

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 3, 2018, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Wayne & Jan Johnson requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing structure and construction of a new two story structure that will meet all setback requirements, on a 10,000 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, at 11 Fife Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On March 29, 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 was Robert Ouellet, who said that he is the owner of a Design/Build Company, Jan and Wayne Johnson, the Petitioner.

Mr. Ouellet said that the project received approval from the Historical Commission on January 10, 2018, with a status of non-preferable preserved. He said that the house lot is approximately 10,000 square feet in an SR 15 District. He said that the existing ranch house is about 1,200 square feet and is in fairly bad shape with the back side deteriorating and the foundation compromised. He said that the request is for a special permit for construction of a structure that will meet all dimensional requirements on a nonconforming lot.

Mr. Ouellet said that the Total Living Area plus Garage (TLAG) will consist of 1,800 square feet on the first floor, 1,066 square feet on the second floor, 733 square feet in the basement, and 1,200 square feet in the garage and attic, for a total of 5,472 square feet. He said that without the TLAG calculation, the livable square footage will be 4,221 square feet. He said that there will be a pull down access to the attic and it will be used strictly for storage. He said that they were very mindful of the height when designing this and put a hip roof on to bring the height down.

Mr. Ouellet said that there are some problems with the lot. He said that the existing house is six feet below the street level and there are inherent problems with drainage. He said that they are proposing to put a series of drywells around the house to capture the water. He said that they typically try to put drywell systems near planting bed areas so that they can recycle the collected water.

A Board member said he had concerns about a four bedroom house that is just about to the max of the setbacks for a 10,000 square foot lot, even though it is located in a 15,000 square foot district. He said

that it is more than a little bit of a reach for the volume on a lot with this degree of slope. He said that it is difficult to look at the change in the neighborhood because of the scale of the house. He said that there are a number of blank walls in the design of the house.

The Chairman said that there are nine properties on Fife Road and only one property meets the 15,000 square foot lot size requirement. He said that the lots run from 4,200 square feet up through 12,175 square feet. He said that the Assessors records show that the existing house has 850 square feet of living space. He said that there are two houses on the street that are smaller than that. He said that 4,200 square feet is about three times the average size of the houses on the street and he was struggling with that being not more detrimental to the neighborhood. He said that if TLAG definitions are applied, the numbers are even bigger.

A Board member said that you would have to go a block away or so to find buildings that approach the scale of this house. He said that it is difficult for this to be the first in a tight neighborhood that has not been encroached upon by larger houses. Mr. Johnson said that four to five houses were recently built on Dunedin Street. He said that there is a house diagonally across from 11 Fife Road that had a large addition put on about 10 years ago. He said that as Fife Road goes down, there is a private road that borders Cedar Street where there is a very large house. He said that the proposed house will not be the only large house.

Mr. Johnson said that they are currently the owners of the property. He said that the property was previously owned by Ms. Johnson's mother, who passed away recently. He said that this will be a spec house. He said that the existing house is not in good shape. The Chairman said that the Board has not heard any objections to tearing down what is there. He said that the real question is what the existing house will be replaced with. Mr. Johnson said that the proposed design is for a beautiful house that will be a nice addition to the neighborhood.

The Board confirmed that the Johnsons had not shown the plans to the neighbors.

Paul Sullivan, 15 Fife Road, said that his house is next to 11 Fife Road. He said that he was not notified and only found out about this project a couple of hours ago. He said that he went around to neighbors who were home and they said that they were not notified. He said that they recognize that something should be done with the property. He said that shortly after the previous owner passed away, he met one of her relatives in the front yard and was told that the property would be sold for maximum value as soon as possible. He said that he understands and thinks that it would be an improvement to the neighborhood if the house was replaced with something nicer. He said that if the project requires a special permit, the neighbors think that they should have some input. He said that after seeing the plans, the neighbors were concerned about the enormous size, views of large blank walls and drainage. He said that he is concerned about the house size compared to the lot size. He said that this house sits up higher than his and the property behind it is much lower. He said that the Planning Board recommended that the special permit be denied. He said that the neighbors welcome the idea of a new house but it needs to be appropriate to the neighborhood. He said that houses around this have square footages of 407, 1,120, 1,843, 1,053, and 939. He said that this is not an area where they can put up large houses, given the lot sizes. He said that the house with 407 square feet used to be a chicken coop. He said that a young couple is living there now. He said that it is appropriate as a starter home. He said that they should not start putting houses like the one that is proposed on this tiny street.



Mr. Sullivan said that potentially there will be two construction projects going on the street that will be close to each other. He said that neighbors will have difficulty accessing their property during construction. He asked if it is possible for the Board to mitigate some of that difficulty. He said that there is an older woman who is confined to her home that is directly across from 11 Fife Road. He said that periodically ambulances must go to her house and that will not be possible while construction is going on.

Mr. Sullivan said that six neighbors signed a petition that asked that brakes be put on the project because it appears to be a massive house that does not look like anything else that is in the neighborhood. He said that they would like to see a new house there. He said that he only found out about this a few hours ago. A Board member explained the requirements for abutter notification under the local bylaw and State Law.

Laurie Sullivan, 15 Fife Road, said that she has lived in her house for over 12 years. She said that she and her family have spent a lot of time with their neighbors. She said that this is a classic old time Wellesley neighborhood. She said that the area was named for Dunedin, Scotland. She said that these little houses were actually parts of a farm, including a pig house and a chicken coop. She said that all of them are little pieces that still remain as a farming community in Wellesley. She said that the houses exemplify who they were.

Ms. Sullivan said that one of the houses on the corner of Dunedin and Cedar was renovated and maintained the footprint of the original house. She said that it is really beautiful and complements the neighborhood. She said that we live in a world of constant change but in this little neighborhood with its tiny lots and community history, we need to think about what we bring to our kids and what message we send. She said that her fear is that having a gigantic house in the middle of all of these tiny houses where the neighbors have formed a community will send a message to the kids of the community. She said that we need to think about what the neighborhood looks like, what will it support in terms of size, ethos and beauty. She said that the house will make money. She said that this is a town where people buy houses when they are for sale. She said that thinking about what the house should look like and talking with the neighbors is really important. She said that her husband went to Town Hall today by accident to talk about the house next to them and found out about this. She said that they never saw the plans for this. She said that if they had seen the plans, the Board would have gotten feedback from all of the neighbors that this is just too big.

The Chairman discussed restrictions under the bylaw and processes for moving forward with this petition. He said that the proposed building, as designed, exceeds what the Board, the Planning Board and the neighbors would like to see. He said that the legal standard that the Board applies is whether the proposed structure will be substantially more detrimental to the neighborhood than the existing nonconforming structure. He said that the Board usually encourages but cannot require the Petitioner to attempt to schedule meetings with the abutters.

The Board voted unanimously to continue the hearing to May 31, 2018.

### **May 31, 2018**

Presenting the case at the hearing were Robert Ouellet, Jan and Wayne Johnson.

Mr. Ouellet said that rather than revise the plans, they decided to start from scratch. He said that the house will have a stucco profile, a side entry garage and a walk out at the back. He said that they added



more cottage style features with stone in the front and the top half shingled all around. He said that the entire second floor will be within the roof structure. He said that it is very similar to a cape style home. He said that the width of the existing house is 56 feet, the originally proposed plan had a width of 58 feet, and this plan is for 54 feet. He said that the only usable space in the attic will be for the HVAC system. He said that the height came down to 35 feet. He said that lot coverage will be 21.3 percent. He said that the proposed TLAG will be 4,280 square feet, which is 1,000 square feet less than what was previously proposed. A Board member said that he was not sure that the elevation really needs the stone detail. He said that it is not in keeping with the rest of the house but it is not a zoning comment.

Mr. Ouellet said that they held an open house last Friday and invited all of the neighbors to view the plans. He said that the neighbor to the left asked about drainage. He said that the plan is to capture runoff from gutters that will go to an underground drywell system. He said that once they start digging and see what kind of soils are there, they may add another drywell. Ms. Johnson said that five families were represented.

A Board member asked if the drywells will be sized by an engineer. Mr. Ouellet said that his company has an in-house engineer who will analyze the soils to size the drywell system. A Board member said that a fair amount of the runoff will come from the driveway. He said that an additional drywell might be needed in the driveway area because it is quite a steep slope there. Mr. Ouellet said that currently the house sits low, about five to six feet from the street. He said that they want to bump it up about three feet to take the sting from coming into the driveway to the garage. He said that they can put a swale pitch in and a culvert drain in the driveway that can go to a drywell system. He said that the driveway to the existing house is like a ramp and is extremely dangerous with a slope of more than 10 percent. A Board member said that the height from average grade is calculated from the grade of the existing house.

The Chairman said that the Board was concerned about the size of the structure at the previous hearing. He said that even at the size that is currently proposed, this will be the largest house on Fife Road in terms of living area, not by a little bit but by a lot. He said that the houses and the lots are smaller. He said that this is a 15,000 square foot district but only 19 Fife Road meets that requirement. He said that four of the lots are less than 10,000 square feet. He said that it is a tough design because of the small lots and small houses.

A Board member said that the change in exterior materials, aside from the stone, are a great improvement from the stucco. He said that stucco made the previous design appear much larger. A Board member said that the mass was broken up with architectural features such as fenestration and trim.

Catherine Johnson, Planning Board, said that the Planning Board did not review the revised plans. She said that she had two concerns about mass and scale. She said that this is a 35 foot house, the rear of which purports to be a finished basement. She said that it will present as a four story elevation to the people who live behind it on Dunedin Road. She said that a TLAG of just under 4,300 square feet is fine in a 15,000 SRD and is much better than the 5,400 square feet that was previously proposed but this lot is two-thirds of the required size. She said that this house will overwhelm a number of the houses in the neighborhood and would be detrimental to other properties in the neighborhood.

Paul Sullivan, 15 Fife Road, said that he heard about the Friday meeting that was scheduled with the Developer last Wednesday. He said that he canceled plans so that he could attend because he thought that it was important for the neighborhood. He said that he went to the Planning Department and was told that



they had not reviewed the revised plans. He said that the Planning Board should have received the revised plans so that they could render an opinion on them. He said that at the previous hearing, the Board pointed out that the proposed house would be more than three times the size of an average house on Fife Road. He said that the new design is still too large and overwhelms this tiny street. He said that Fife Road is a small tree lined street, 17 to 18 feet wide and 450 feet long. He said that in looking at the street, you can identify the original intention of why the small plots were laid out in such a manner. He said that they were to accommodate smaller sized homes. He said that deviating from that would have a negative impact on the subject house and the other houses in the neighborhood. He said that, as an abutter, he has a vested and selfish interest in seeing this project be successful but feels that they are going about it the wrong way, such that it will hurt the valuations of the other small houses in the neighborhood that cannot complete with this, given the size of the lots. He said that it is a myth that building a mc mansion in a small neighborhood will make all the values go up. He said that it will have an opposite effect on this tiny street. He said that if the house is built, it will be marketed as the first house of a beginning trend in this neighborhood. He said that it does not complement what is on the street. He said that specific reference had been made to the house across the street at 14 Fife at the previous hearing and at the meeting with the Developer. He said that the TLAG is actually under 1,800 square feet. He questioned what will a house that is over 4,000 square feet look like that if the 1,800 square foot house appears to be large on the street. He said that he does not want this to be a cash and dash situation because the neighborhood cannot support it. He said that it seems like the numbers that were chosen push it to the limits of Large House Review (LHR), coming close but not going over. He said that it is being pushed for the outcome on the eventual sale.

Mr. Sullivan submitted photographs. He said that the headlights of cars pulling into the garage will shine into his bedroom. He said that the Developer showed him how they planned to backfill and change the elevation. He said that it will be 10 feet from his house to the first floor of 11 Fife Road. He said that he is concerned about drainage and the mass and scale of a monster house that will block the sun. He said that some of the square footage might not be countable but the next owner could convert it to living space later. He said that he spoke with the neighbors and they agreed that a 2,500 square foot house would be appropriate on a lot this size. He said that the Developer told him that they would be putting in the drains. He said that something this significant should require more engineering. He said that he was told that sometimes with situations where there is substantial runoff, the Board of Health is consulted because of water moving around. He said that this will be one massive structure in a tiny neighborhood that cannot support it. He said that it will not be a complement and will be a detriment. He said that the neighbors want a project that will succeed but it should not be the biggest house possible on a small lot. He said that he was looking for input from the Planning Board. He asked that the Board not let this plan go forward.

Wayne Johnson, 11 Fife Road, said that the neighborhood was built for returning veterans, which is why the houses are smaller. He said that he looked up some of the houses in the neighborhood online. He said that the square footage for some of the houses is not correct with respect to the way that Wellesley now calculates TLAG. He said that the calculations did not include the garages or attics. He said that one of the houses only listed square footage for the first floor. He said that his wife has been in the house and there is a bedroom on the second floor. He said that the proposed house is bigger but other houses in the neighborhood started small and put additions on. He said that his wife's mother passed away a couple of years ago at age 94. He said that there was not a lot of money there. He said that his wife inherited the property and was hoping to maybe get something out of it. He said that the lot slopes. He said that the proposed house may seem to have a lot of square footage but a lot of it will be in the basement. He said



that the house will not look huge from the front. He said that the road goes downhill to Mr. Sullivan's property.

A Board member asked if the plan is to take down a couple of mature trees at the front. Mr. Ouellet said that they will be taken down. He said that they are leaning toward the house.

A Board member asked about proposed retaining walls on the site because of the grade changes. He said that if any site would need a topographic survey, this would be one. Mr. Ouellet said that there will be some retaining walls but none of them will be over four feet. He said that they will be two to three foot curved retaining walls that will be tiered so that the slope will be gentle and easy.

Mr. Ouellet said that a considerable amount of effort went into the design in a short amount of time. He said that if the square footage is driven by the basement, they can curb some of it. A Board member said that the issues concern mass and bulk in a neighborhood of modest homes. He said that the Total Living Area (TLA) that the Assessor uses is not the same as TLAG. He said that the Board does not base its decision solely on the numbers but they help it to understand how the proposed structure will fit in with the neighborhood. He said that this is a unique neighborhood where most of the lots are undersized, some of them significantly. He said that here, using a standard that compares things to the rest of the neighborhood, the yardstick is distorted. A Board member said that he was struggling with whether a TLAG of 4,280 square feet is still too big. He said that when considering the standard that this will not be more detrimental to the neighborhood, the things that are being compared are not for a 15,000 square foot district but for what is there. A Board member said that the issue is compounded by the topography.

Mr. Ouellet asked that the petition be continued. He said that this is a special circumstance because the houses in the neighborhood are smaller. A Board member said that even though the regulations for a 10,000 square foot district do not apply here, anything over 3,600 square feet would be considered to be a large house.

The Board voted unanimously to continue the hearing to June 28, 2018.

### **June 28, 2018**

Presenting the case at the hearing were Robert Ouellet, Jan and Wayne Johnson.

Mr. Ouellet said that they redesigned the roofline so that it will be much more conforming in terms of height in the neighborhood. He said that they reduced the square footage on the second floor, the first floor and the basement. He said that the original TLAG was 4,280 square feet and 4,300 is the acceptable TLAG in a SRD 15. He said that the TLAG is now proposed to be 3,055 square feet, which is 1,100 square feet less than the original TLAG. He said that height from average grade was reduced from 35.1 feet to 29.4 feet.

Mr. Ouellet said that they removed the stone at the front of the house and brought the clapboard down. He said that there was some concern at the previous hearing from the next door neighbor about drainage. He said that they added an additional drainage line before the garage and another gutter to a drywell. He said that the system will capture all of the water from the roof and the driveway.

A Board member asked if the plans that Mr. Ouellet was discussing at this hearing are the ones that were submitted to the Board. He said that his plans show the stone at the front of the house. Mr. Ouellet said that the only difference is that they removed the stone.

Mr. Ouellet displayed a GIS map that shows the outline of houses in the neighborhood. He held up a cut out of the proposed house and compared it to other houses in the neighborhood. He said that they feel that what they are now proposing will fit in with the neighborhood.

Mr. Ouellet discussed topography. He said that a portion of the house currently sits at street level. He said that they want to bring the elevation up, similar to the next door neighbor at 153 feet. He said after 11 Fife Road, the slope goes way down. He said that they would like to lessen the grade of the driveway so that there is nothing more than a 10 pitch.

Mr. Ouellet said that they looked at the mass of the other houses from the street. He said that the ridge at 7 Fife Road is higher than the proposed ridge for 11 Fife Road. He overlaid cutouts of the houses at 7, 10 and 15 Fife Road. He said that this house will fit within the realm of the neighborhood. He said that square foot wise, it will be slightly larger than other homes in the neighborhood but it will fit in.

A Board member said that efforts to reduce the size of the house to conform with the neighborhood have paid off. He said that the house is well organized and is perhaps down to the minimum that one might expect for a four bedroom house. He said that the scale has been greatly improved and fits in the neighborhood.

The Chairman said that the new TLAG is not only below the trigger for a SRD 15, it is below the trigger for a SRD 10. He said that that this is a 10,000 square foot lot. He said that there is no issue of whether the house fits on the lot, even though the lot is undersized.

A Board member asked if a TLAG Affidavit had been submitted. Mr. Ouellet said that they had not submitted one. A Board member said that Elevation Sheet A4 should indicate the height from average grade, measured from current grade, not the proposed grade.

#### Statement of Facts

The subject property is located at 11 Fife Road, on a 10,000 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square 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 an existing structure and construction of a new two story structure that will meet all setback requirements, on a 10,000 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, at 11 Fife Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 6/22/17, a Plot Plan, dated 2/19/18, revised 2/21/18, 5/21/18 and 6/14/18, and 500 Foot Rule Letter, dated 3/2/18, stamped by Daniel A. O'Driscoll, Professional Land Surveyor, Proposed Floor Plans and Elevation Drawings, dated 2/18/18, revised 2/20/18, 5/22/18 & 6/14/18, prepared by A Francis Contracting, Inc., and photographs were submitted.



On January 10, 2018, the Historical Commission authorized the Building Department to issue a permit for the demolition of the building prior to January 9, 2020.

On April 25, 2018, the Planning Board reviewed the petition and recommended that a special permit be denied. On June 27, 2018, the Planning Board reviewed the petition and recommended that the 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 an existing structure and construction of a new two story structure that will meet all setback requirements, on a 10,000 square foot lot in a Single Residence District in which the minimum lot size is 15,000 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 an existing structure and construction of a new two story structure that will meet all setback requirements, on a 10,000 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, subject to the following conditions:

1. Elevation Drawings shall be submitted that show removal of the stone at the front of the house.
2. Elevation Drawings shall show a height from average grade that shall not exceed 29.4 feet.
3. A TLAG Affidavit concluding that the total living area plus garage is 3,055 square feet or less shall be submitted.

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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CITY OF BOSTON  
BUILDING DEPARTMENT  
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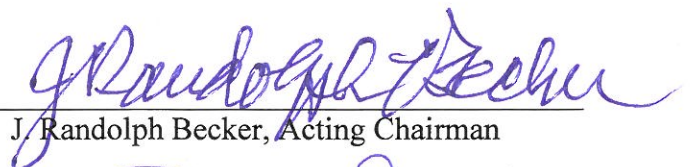


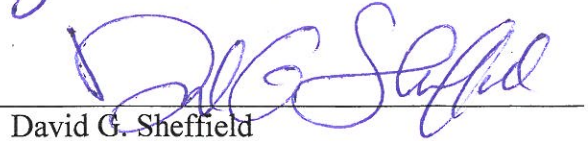
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11 Fife Road

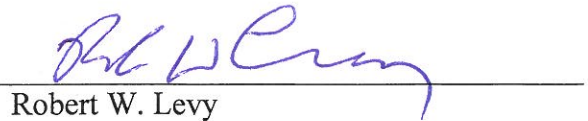
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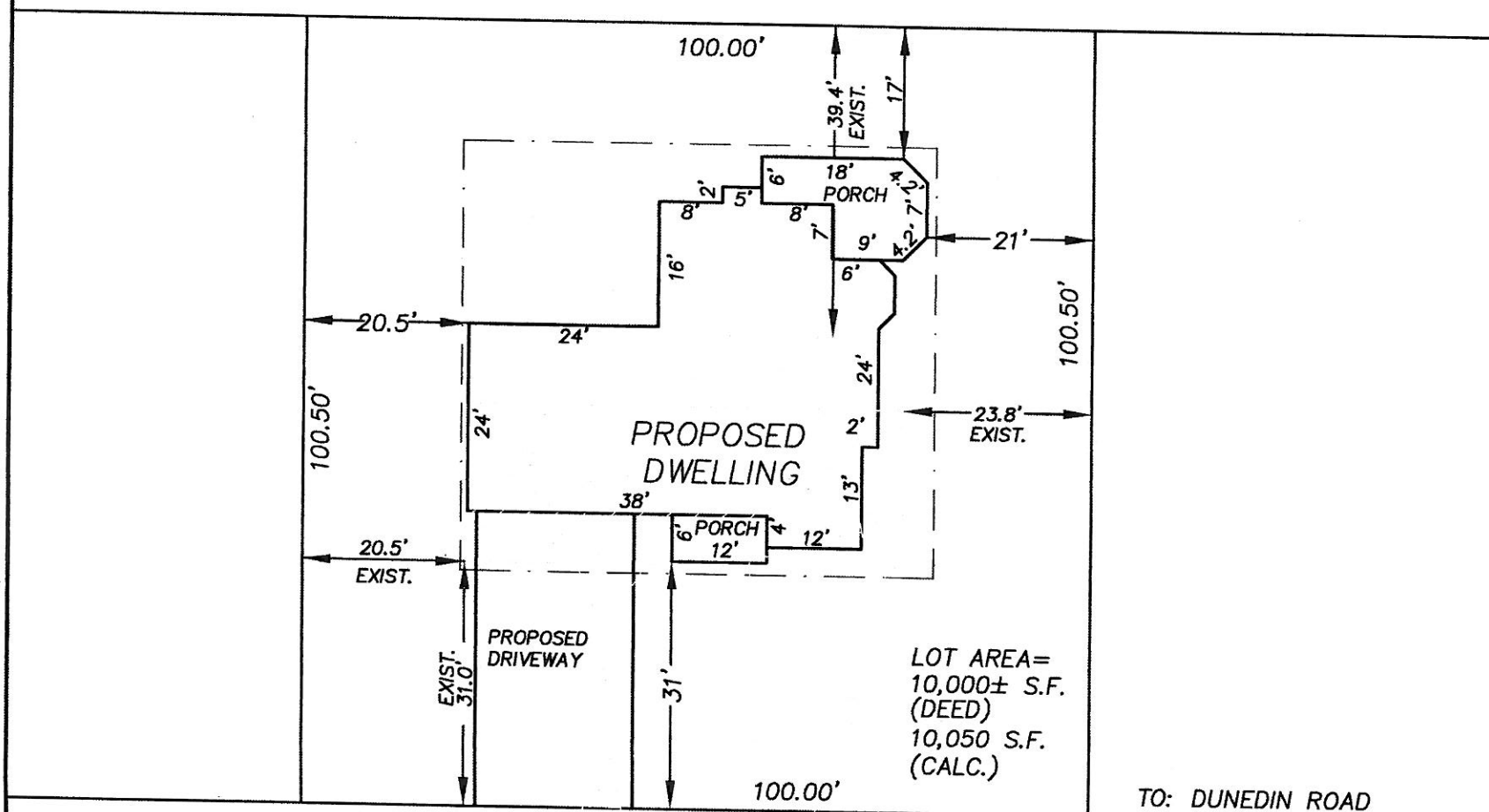
APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.

  
J. Randolph Becker, Acting Chairman

  
David G. Sheffield

  
Robert W. Levy

cc: Planning Board  
Inspector of Buildings  
lrn



FIFE ROAD

LOT COVERAGE BY EXISTING BUILDING=1,281 S.F. / 10,000 S.F.= 12.8%  
LOT COVERAGE BY PROPOSED BUILDING=1,980 S.F. / 10,000 S.F.= 19.8%

ZONING DISTRICT: SR-15

MINIMUM SETBACK DIMENSIONS  
MIN. FRONT SETBACK=30'  
MINIMUM SIDE SETBACK=20'  
MINIMUM REAR SETBACK=15'

RECORD OWNER: JAN E. JOHNSON

PREPARED FOR: A. FRANCIS CONTRACTING

DEED REFERENCE: NORFOLK COUNTY REGISTRY OF DEEDS  
DEED BOOK 34905 PAGE 545

ZONING DISTRICT: SR-15

ASSESSORS REFERENCE: PARCEL 11-26



*Daniel A. O'Driscoll* 6/14/2018

CERTIFIED PLOT PLAN  
11 FIFE ROAD  
WELLESLEY, MASSACHUSETTS

SCALE: 1"=20'

FEBRUARY 19, 2018  
REVISED: FEB. 21, 2018  
REVISED: MAY 21, 2018  
REVISED: JUNE 14, 2018

I CERTIFY THAT THE DWELLING IS LOCATED ON  
THE LOT AS SHOWN ON THIS PLAN.

I FURTHER CERTIFY THAT THE DWELLING DOES  
NOT LIE WITHIN A SPECIAL FLOOD HAZARD ZONE.

*Daniel A. O'Driscoll* JUNE 14, 2018  
PROFESSIONAL LAND SURVEYOR DATE



O'DRISCOLL  
LAND SURVEYING Co.

LAND SURVEYING GPS MAPPING LAND CONSULTING

46 COTTAGE STREET MEDWAY, MASSACHUSETTS 02053 (508) 533-3314

FILE No. 1839