

**ZONING BOARD OF APPEALS**

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

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WALTER B. ADAMS  
DEREK B. REDGATE

March 7, 2019  
7:15 pm  
Juliani Meeting Room  
Town Hall

Zoning Board of Appeals Members Present: J. Randolph Becker  
David G. Sheffield  
Robert W. Levy  
Walter B. Adams

**ZBA 2019-22, WELLESLEY COLLEGE, 350 & 106 CENTRAL STREET (ATHLETIC FIELD)**

Present at the public hearing were Megan Buczynski, Activitas, and Chris Ridge, representing Wellesley College, the Petitioner.

Ms. Buczynski said that they submitted follow up materials for the track and field lighting and the Construction Management Plan (CMP). She said that the town's Engineering Department finished up its review and has no further comments on the plans.

Mr. Sheffield confirmed that the note from George Saraceno was by email.

Mr. Sheffield said that the light fixtures appear to be adjustable, so they will be able to take readings on the field and adjust them to restrict light spillage.

Mr. Becker said that the materials that were submitted were responsive to what the Board had asked for. He said that the Board would close the public and schedule a public meeting to vote approval of the decision and conditions.

Mr. Becker asked if there was anyone present at the public hearing who wished to speak to the petition.

Mr. Adams moved, Mr. Sheffield seconded the motion, and the Board voted unanimously to close the public hearing and schedule a public meeting for March 21, 2019 at 4 pm.

**ZBA 2019-18, FARDAD FARAHMAND & MOTIEE PAKIZEH, 183 WALNUT STREET**

Present at the public hearing was Fardad Farahmand, the Petitioner, who said that he has lived at 183 Walnut Street since 1995. He said that the plan is to demolish the left side of the structure and construct a new structure in its place. He said that the requested relief is for nonconforming setbacks. He said that the new structure will improve the setbacks on the left side from 1.1 to 11 feet. He said that the front setback will be

slightly worse but the right side of the structure is already further into the front setback. He said that this will improve the setback and the structure significantly and will be good for the neighborhood. He said that it will help with the flow of the house.

Mr. Adams asked if the part of the house in the back been occupied. Mr. Farahmand said that his daughter had an apartment in the basement but has moved. He said that since then, his mother has been living there for part of the year. He said that it is used as in law guest house.

Mr. Adams said that the proposed demolition of a portion of the current house and reconstruction will be in a slightly different form. He asked if the structure will be maintained as single family with full services for one dwelling unit. Mr. Farahmand said that is the intention. He said that the basement will be the guest house. He said that they will be opening the house and adding more living room space. He said that the current house has six bedrooms but does not have a master bedroom. He said that the top level in the new construction will have a master bedroom. Mr. Adams said that it will have three levels of living space. He said that the drawings were a little confusing because one level is called the garden level. Mr. Farahmand said that there will be three levels on the left. He said that the property sits on a significant slope. He said that what the architect called the garden level on the left will be at the same level as the basement on the right, which is now used as a laundry and typical basement. He said that even though the house will be smaller the flow will be improved.

Mr. Becker said that on the left hand side of the residence there is a retaining wall that extends perpendicular to the wall. He said that it is hard to figure out how high the retaining wall is and there was nothing in the plans that showed the elevation or material of the wall. Mr. Farahmand said that he assumes that it will be some type of cement structure. He said that there is an existing retaining wall there and they will have to figure out how to best modify the situation. He said that he does not any have details on it now.

Mr. Becker said that on Plan A103 there is a symbol on the western property line that he was not sure the significance was. Mr. Farahmand said that it is the property line.

Mr. Adams asked how the height of the building was determined. Mr. Farahmand said that the Surveyor and the Architect calculated the height. He said that the height will be 23 feet 4  $\frac{3}{4}$ . Mr. Becker said that the Board received a letter from Bruce Bradford that talks about the height from average grade but does not talk about how the calculation was done. Mr. Adams said that the proposed addition will not have a roof line that is higher than the existing structure.

Mr. Adams asked if the lowest level of the existing will connect with the lowest level of the proposed structure. Mr. Farahmand said that because of slope, the garden level of the new structure will be the same as the existing basement level. He said that they will be connected. He said that on this plan, the only way to get to the basement is from outside of the building. He said that there will have to be steps outside of the building.

Mr. Adams asked about the set of stairs shown on Plan A101. He said that the plans are hard to understand. Mr. Farahmand said that the stairs go up from the garden level to the first floor. He said that the existing garden level and the new structure will be connected by two steps, as shown as door G04 on Plan A102. He said that is the only connection at that level. Mr. Adams asked about access to the level below that. He said that Plan A101 is confusing. He said that the two sides are not at the same level. He said that he will go back to the architect to have him correct the plans.

Mr. Adams asked where the existing heating system is located. Mr. Farahmand said that the two systems will be in the basements. He said that the existing structure is confusing and they are trying to improve the flow of it.

Mr. Adams said that the drawings show that the two existing structure were almost independent and they were joined. Mr. Farahmand said that he believes that was the case but if happened before he purchased the property.

Mr. Adams said that he would like to get more clarity that what is shown on the plans can actually be built. He said that the plans do not accurately reflect what will be built there. He said that there are questions about the retaining wall. Mr. Farahmand said that he is looking for approval from the Board the setbacks and feasibility. He said that he can work with the Building Department on the retaining wall and the other issues. Mr. Adams said that the Board needs to see an accurate set of plans that show what will be built. He said that this set of plans is not coordinated properly.

Mr. Becker asked about the location of the kitchen. Mr. Levy asked if there will be more than one kitchen. Mr. Farahmand said that there is one kitchen and it is located in the old structure, as shown on Plan A103. He said that the in law area does not have a kitchen. Mr. Levy asked access to the in law area. Mr. Farahmand said that it is shown on Plan A102. Mr. Levy said that he did not want to permit an accessory apartment unintentionally. Mr. Farahmand said that his 82 year old mother eats and cooks with them. He said that the intention is not to create a separate apartment.

Mr. Adams said that his concern is that the design is not properly fleshed out. He said that if it gets fleshed out and the result is a change in the envelope of the building, it will create a problem that will have to come back before the Board. Mr. Farahmand asked that the Board approved the special permit, subject to a condition that the exterior of the house will not change. He said that he would like to start going to the next step. Mr. Becker said that the Board will approve plans that the Building Inspector will enforce.

Mr. Becker said that the nonconformities, after the proposed addition, will be front, right, and left yard setbacks, all of which remain but the left setback is less nonconforming.

Mr. Adams asked about total square footage of the existing versus the proposed building. He asked if a TLAG calculation had been done.

Mr. Becker asked if there was anyone present at the public hearing who wished to speak to the petition.

Mr. Adams said that some of the nonconforming setbacks will be improved but the structure will be taller on the left. He said that the survey shows a stair up the back that does not show anywhere on the drawings. Mr. Becker said that the stairs are shown on Plan A103. Mr. Adams said that he was concerned that the drawings are not very coordinated.

Mr. Becker said that the concern with the drawings relates to the in law apartment and two dwellings instead of one. Mr. Adams said that becomes an enforcement issue for the Building Inspector. Mr. Farahmand said that the existing structure lends itself more to being two separate units. He said that the proposed structure will make it a better single family by improving the look and the internal flow.

Mr. Adams said that his concern is that if the plan is not fully vetted by the designer and the contractor so they know how to build it, there is no way for the Board to know that what gets submitted to the Building Inspector is consistent with what the Board approved. Mr. Levy said that will be up to the Building Inspector. Mr. Farahmand said that he showed the plans to Mr. Grant and his feedback was the ZBA would like to see the setback improved. He said that if the Board can approve the plans that were submitted for the envelope of the building, he will have the architect improve the plans. He said that will help him to move the project forward.

Mr. Becker said that the proposed changes will not result in new nonconformities, will not intensify existing nonconformities, and shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Mr. Adams moved, Mr. Levy seconded the motion, and the Board voted unanimously to grant a special permit, subject to the condition that the envelope shall not vary from the dimensions shown on the plot plan and the perimeter walls of each floor shall not vary from the dimensions shown on the drawings.

ZBA 2019-20, JOAN & JEFFREY TALMADGE, 30 MAYO ROAD

Mr. Becker said that the Board received a written request to continue the petition to May 2, 2019. Mr. Levy moved, Mr. Adams seconded the motion, and the Board voted unanimously to continue the petition to May 2, 2019.

ZBA 2019-37, FR LINDEN SQUARE, INC., 195-197 LINDEN STREET

Present at the public hearing was Thomas Fontaine, President, Wellesley Bank, tenant at 195-197 Linden Street. He said that the request is for renewal of a special permit to continue to allow the use of the drive up window at their office location at 195-197 Linden Street.

Mr. Levy said that the application was not signed. Mr. Becker said that a letter of authorization was submitted.

Mr. Adams said that there were two conditions that were part of the previous approval in 2017.

Mr. Levy said that the applicant appeared to be the owner on the previous approval but the permit was granted to Wellesley Bank. He confirmed that the legal ad was noticed as FR Linden Square, Inc. as the petitioner. The Executive Secretary said that the Registry asked that the petitioner be the owner of the property.

Mr. Levy confirmed that there have been no issues with the drive through facility.

Mr. Becker suggested that the special permit be renewed for a period of three years.

Mr. Becker asked if there was anyone present at the public hearing who wished to speak to the petition.

Mr. Adams moved, Mr. Levy seconded the motion, and the Board voted unanimously to grant to renewal of the special permit, subject to the same conditions as are in effect, and that the special permit shall expire in three years.

ZBA 2019-28, DANA HALL SCHOOL, 45 DANA ROAD (ATHLETIC FIELD)

Present at the public hearing were David Himmelberger, Esq., Joshua Atkinson and David Nardone, Stantec, and Charles Breslin, COO, CFO, Dana Hall School.

Mr. Himmelberger said that the request is for Site Plan Approval (SPA) and a special permit for signage. He said that although no structures are associated with this project there will be more than 5,000 square feet of vegetated surface disturbed as the school seeks to reconfigure its playing fields on Grove Street, enlarging one to a fuller sized field and converting it to synthetic turf. He said that they will move the main entrance 85 feet down Grove Street towards Wellesley Square. He said that, as part of moving the driveway, the school seeks to construct two stone wall entryways with signage on them. He said that a special permit is required because they will exceed the number of signs allowed by right, the total area of 36 square feet will

exceed the maximum area of 25 square feet that is allowed by right, and less than required setback from the road. He said that the signs will serve to frame and make more clear the main entrance to the school.

Mr. Himmelberger said that the Project went before the Design Review Board (DRB), who approved the special permit for signage and made several suggestions with regard to the SPA, all of which were implemented.

Mr. Adams confirmed that the drawings that the Board has seen to date do not show the revisions that respond to the DRB's recommendations. Mr. Becker said that the Board received the revised materials this afternoon.

Mr. Himmelberger said that the Town Engineer provided a detailed list of comments and issues to Dana Hall and they were responded to. He said that over the last two days there has been back and forth between Mr. Saraceno and Stantec. He said that there were three final minor items that his client responded to. He said that they do not have Mr. Saraceno's final statement but they do have emails from him that show that all but the last three items being satisfied. Mr. Adams requested that the Board be provided with hard copies of the revised plans. Mr. Himmelberger said that the issues that were raised by Engineer could be subject to a condition if the Board is inclined to vote approval of the Site Plan at tonight's hearing.

Mr. Atkinson said that the latest set of plans have all of the design considerations from DRB and all of the correspondence updated from the Department of Public Works (DPW).

Mr. Atkinson said that the existing field is natural grass. He said that to get a National Federation High School standards field for field hockey, they need to extend the field to make it larger, which will require relocation of the entry drive. He said that the school wanted to make a more pronounced entrance with stone walls with Dana Hall signage on them. He said that they also wanted to have some more pedestrian friendly access. He said that there will be access from Grove Street leading into the campus as well as some improvements inside the campus.

Mr. Atkinson said that the DRB recommended plantings behind the signage at the entrance to give more of a backdrop to the stone wall. He said that DRB made suggestions about placing boulders on the seating berms. He said that with the conversion from natural grass to the synthetic field, there will be a lot of topsoil removed. He said that the school wants to keep as much topsoil on the site as possible. He said that they will use the topsoil to make informal seating berms along the field.

Mr. Atkinson said that there will be upgrades to the lights which just involves relocating them. He said that they will be LED lights in the existing fixtures. Mr. Becker confirmed that these will be roadway lights, not field lights. Mr. Atkinson said that there will also be pedestrian lighting along the pathway.

Mr. Himmelberger said that the DRB suggested that the chain link fence be terminated at the corner of the field rather than extending it to both sides of the driveway, and that was done as well. He said that the eight foot wide crosswalk in the driveway was relocated.

Mr. Becker said that at the southwest corner of the site a lot of things come together. He said that there is the relocated road and a path that goes from a 10 foot width to a 5 foot width. He said that at the corner the path widens out to touch the road. He asked about protection to separate pedestrians on the path from traffic on the road. Mr. Atkinson said that nothing is proposed in that area for separation. He said that the road and the pathway will both be asphalt.

Mr. Becker asked for an explanation of when the people will be there versus when the traffic will be there. He said that for SPA, one of the things that the Board has to look at is pedestrian safety. Mr. Breslin said that the subject area currently does not exist. He said that they will be adding a pathway from the

Library/Science building across campus and joining another existing pathway. He said that it will be an improvement to the pedestrian walkway on the campus. He said that there will be curbing along that area. He said that traffic typically comes in off of Grove Street in the morning to drop off at the Middle School and people walking across the campus from the dorms. He said that they have a campus safety officer out at the crossing during drop offs and pick ups. He said that there is not a lot of traffic flow except during the afternoon when athletics are going on. He said that most of the pedestrian traffic is located further up on the site between Beveridge Hall and the Student Center. Mr. Adams confirmed that there is not a lot of pedestrian traffic to the Athletic Center during drop off or pick up.

Mr. Atkinson said that Phase 1 of the project will involve relocation of the entry drive and putting in the new stone wall. He said that Phase 2 will involve installation of the synthetic turf field. Mr. Adams asked if the driveway will be complete and functional before Phase 2. He said that the plans show stockpiling of materials to the left of the proposed field. He asked if moving heavy equipment on the new road will be an issue. Mr. Atkinson said that they will coordinate with the contractor. He said that they will keep the existing drive functional during the installation of the new road is complete and then do all of the demolition at the field area. He said that they can move the stockpiles within the site.

Mr. Adams asked about the Construction Management Plan (CMP). Mr. Nardone said that construction vehicles will come to the site on Grove Street. He said that there will be an access and parking in front of the Shipley Center. He said that currently there is a turnaround to the right of the field that the contractor will be allowed to use.

Mr. Himmelberger said that construction traffic will be directed out through Dover, so it will not go down Grove Street to Wellesley Square. Mr. Nardone said that all contractor parking will be on the site.

Mr. Atkinson said that all of the DPW comments were marked with revision clouds on the plans. Mr. Adams said that the Board needs to see hard copies of revised plans in advance of the public hearing so that the Board has time to review them.

Mr. Atkinson said that Phase 1 is anticipated to start on June 1, 2019. He said that Phase 2 may coincide with Phase 1 as one whole project or be pushed out to September of 2019 or next year.

Mr. Becker asked if this will be a net cut or fill project. Mr. Atkinson said that there will be a total export of 330 cubic yards on 27 truckloads. He said that there will be an import of 553 cubic yards on 46 truckloads, mostly drainage stone for the field. He read the CMP.

Mr. Becker asked about noisy construction operations will occur, given the stone work. Mr. Atkinson said that trucks will drop off the drainage stone materials while will then be graded out. He said that for the finishing stone there is a laser grader. Mr. Nardone said that they will roll the sub-grade and then a smaller roller is used on the finishing stone.

Mr. Becker asked about re-fueling of construction vehicles. Mr. Atkinson said that nothing is anticipated for that. He said that will be up to the contractor. Mr. Nardone said that the construction equipment will be brought off the site and back again.

Mr. Adams asked if the construction equipment will be parked on the site. Mr. Nardone said that the vehicles will be parked within the work limits.

Mr. Adams asked if the construction equipment will be brought to the site via the existing roadway. He asked if wheel washing will be located there. Mr. Atkinson said that Phase 1 wheel washing will be along the entrance and Phase 2 will be right after leaving the field.

Mr. Levy asked about queuing of trucks on Grove Street or any public way. Mr. Atkinson said that everything will be contained on the Dana Hall campus. Mr. Nardone said that stone deliveries are spaced out so that there is no queuing. He said that the contractors who were invited to bid on the project specialize in athletic field work and schools, so they are familiar with working on active campuses.

Mr. Adams said that the Board received a comment from an abutter across Grove Street, who asked that some additional plantings be considered for screening. Mr. Atkinson said that the landscaping along Grove Street will stay the same as it currently exists. He said that there will be updated plantings at the entryway with evergreen trees to serve as a backdrop for the new signage.

Mr. Levy said that the Board likes to see the emergency contact information posted at the site so that neighbors will know who to call if they have any issues during construction.

Mr. Adams said that typically plans will show where the construction signs will go and a mockup of the kinds of information that will be on it.

Mr. Levy asked about lighting. Mr. Atkinson said that there will be no athletic lighting. He said that lighting will just be for the drive and the walkway. He said that there are existing LED lights, which they provided cut sheets for. He said that existing light poles will be relocated along the entry drive. He said that a photometric plan was submitted. He said that they will move the existing walk to accommodate the field. He said that they are proposing pedestrian lighting instead of bollard lights when tend to get hit. He said that the pedestrian lighting will match what is already on the campus. He said that the entry sign will have up lights to each sign, facing the sign. He said that all of the proposed lights will have a 90 degree angle going straight down with no light shed to the street.

Mr. Adams confirmed that plans of the proposed signs had been submitted.

Mr. Levy asked if any existing trees will be removed. He asked if any trees will be jurisdictional under the tree bylaw. Mr. Atkinson said that all of the trees will be within the site.

Mr. Adams said that the plans show a detail of a retaining wall. He said that it appeared that on the school side of the field there will be some elevation change that will be controlled by a retaining wall. He asked how much soil will be retained and about the height of the wall. Mr. Atkinson said that the intent for that wall is for athlete seating. He said that it will be approximately 18 inches high. He said that it will only retain a small amount behind it. He said that there will be larger berms on both sides of the wall. He said that they cannot get much elevation behind the wall due to the constraints of the existing pathway and the field. He said that it will be a stone wall.

Mr. Levy asked about a construction fence. Mr. Atkinson said that there will be a construction fence around the whole site with erosion control on the down side.

Mr. Adams asked about netting at the field. Mr. Atkinson said that there is currently a four foot fence along Grove Street. He said that they will use the same size along the perimeter of the field along the north, west and south sides. He said that there will be athletic ball netting at the end lines of the field to stop the soccer balls. He said that it will be removable in the winter. He said that it will be on a pulley system. He said that there will be nothing on Grove Street other than the four foot high wall.

Mr. Becker asked about the proposal for nonconforming signs. Mr. Atkinson said that the school wanted to have an entry sign that visible from both directions on Grove Street. He said that wanted to keep the rural character with the rest of the campus, so they chose the fieldstone type of wall, similar to what is at the Riding Center. Mr. Nardone said that there are several entrances to the campus but the school does not really announce arrival at the school. He said that the walls with the sign offer a welcoming gesture to the campus.

Mr. Himmelberger said that there is an existing single blade sign at the entrance but it does not set it off from any other driveway into the campus. He said that this will look like the main entrance. He said that the signage is tasteful and will allow for visibility.

Mr. Levy asked if the Applicant had looked to see if the project will comply with the new bylaws for lighting that are proposed for Town Meeting. Mr. Himmelberger said that they had not done that. Mr. Levy said that the project will be subject to the new bylaws if they passed, since they were advertised before this public hearing.

Mr. Becker asked if there was anyone present at the public hearing who wished to speak to the petition.

Francis Manguso, 75 Grove Street, asked if the utilization of artificial turf rather than natural turf is a zoning issue. Mr. Becker said that it is not. He said that the reason that the Site Plan Approval is before the Board is because more than 5,000 square feet of vegetated surface will be disturbed. He said that the kind of turf is not regulated under the Zoning Bylaw.

Mr. Breslin said that they will not be lining the turf. He said that it will look like grass when it is not being used.

Mr. Levy moved, Mr. Adams seconded the motion, and the Board voted unanimously to close the public hearing and schedule a business meeting on March 19, 2019 at 8:30 am.

#### ZBA 2019-29, WELLESLEY HISTORICAL SOCIETY, 323 WASHINGTON STREET

Present at the public hearing were David Himmelberger, Esq., and Jared Parker, President, Wellesley Historical Society, the Petitioner.

Mr. Himmelberger said that the request is for renewal of the special permit, subject to the same conditions in effect for ZBA 2016-95. He said that Wellesley Historical Society has been fully compliant with the conditions that are in effect. He said that because building improvements are continuing and not yet completed, the Applicant has not yet undertaken those activities that were restricted until completion of the building improvements for handicapped accessibility and other pedestrian circulation. He said that the request is that the special permit be renewed under the same terms and conditions previously granted and imposed. Mr. Himmelberger read the conditions that are in effect.

Mr. Adams asked about handicapped access. Mr. Himmelberger said that there will be a ramp in the front on the driveway side to the main entrance. Mr. Adams asked if there will be a second accessible access. Mr. Parker said that there will not because a second ramp would trigger full blown ADA compliance.

Mr. Becker read the Planning Board recommendation.

Mr. Levy said that the current permit expired a month ago. Mr. Himmelberger said that they submitted too late for the last hearing.

Mr. Becker asked if there was anyone present at the public hearing who wished to speak to the petition.

Mr. Levy moved, Mr. Becker seconded the motion, and the Board voted unanimously to renew the special permit, subject to the same conditions of the previously granted special permit, based on findings that the use is in harmony with Section XXV of the Zoning Bylaw, special permit standards.

#### ZBA 2019-30, PAMELA & JAMES CARR, 14 CURVE STREET



Present at the public hearing were Michael Hally, Architect, and Pamela and James Carr, the Petitioner. – modify variance

Mr. Becker identified nonconformities on the property.

Ms. Carr said that they moved into this house 18 years ago as a couple and they now have two children. She said that the house has been tight with 1.5 bathroom. She said that their children are now teenagers. She said that they have been looking at other homes on and off for ten years. She said that they want to have a mudroom and another bathroom. She said that the proposed plans include a mudroom, a master bedroom with a full bath, and extends the kitchen a bit.

Ms. Carr said that they love their neighborhood and do not want to leave it. She submitted a letter of support that was signed by five neighbors.

Mr. Hally said that it is a small, narrow lot, somewhat trapezoidal. He said that the proposed addition will be off of the rear. He said that they will remove the existing deck. He said that the proposed addition will be in the middle of the lot. He said that the 14.7 foot setback on the right side is to a bay window. He said that the setback to the new addition will be 16 feet. He said that the 16.4 foot setback on the left is to the box of the addition. He said that the 13.8 foot left side yard setback is to an overhang on brackets that leads to the new mudroom.

Mr. Hally said that the addition will be flush with the box of the existing house. He said that it will be two stories with a mudroom and kitchen expansion on the first floor and a modest master bedroom and walk in closets on the second floor that lead to a new bathroom in the existing shell.

Mr. Halley said that on the proposed elevations, the plan is to replicate what is there with shingle siding on the second floor, clapboard siding along the first floor perimeter, and a hip roof. He said that the addition will not be very visible from the front of the house.

Mr. Hally said that the request is to modify a variance that was granted in 1988, when someone enclosed an existing porch on the left side on piers and built the deck that will be removed with this project.

Mr. Adams asked if the bay on the right side has a foundation. Mr. Hally said that it will not. Mr. Adams said that the nonconformity on the left side will be 16.4 feet and 16 feet on the right side. He said that the existing nonconformities are 7.4 and 11.4 feet and the new addition will have deeper side yards. Mr. Becker said that there will be no increase in the nonconformities. Mr. Levy said that this is not a Section 6 finding but a modification of a variance. Mr. Adams said that this Board takes the position that once a variance is granted, the property owner has to come back before the Board to modify the variance to make alterations. He said that the Board assumes that the previous Board made the necessary determinations to grant a variance. Mr. Levy said that the variance had been granted based on the shape of the lot.

Mr. Becker asked if there was anyone present at the public hearing who wished to speak to the petition.

Mr. Becker read the Planning Board recommendation.

Mr. Levy moved, Mr. Adams seconded the motion, and the Board voted unanimously to modify variance ZBA 88-99 to permit the addition as shown on the current application.

ZBA 2019-31, C.E. HOLMAN LIMITED PARTNERSHIP, 26 CHURCH STREET

Present at the public hearing was Richard Pretorius, Pretorius Electric & Sign Co., representing the Fat Face clothing store. He said that the request is to add a third sign which will be a blade sign projecting over the

sidewalk. He said that there is currently a building sign set high up and flat on the wall. He said that they need something for pedestrian and automotive traffic to identify where the store is. He said that they have a small sign at the rear entrance, which is their second sign. He said that the proposal is for a 2 foot by 2.4 foot carved wood sign on a bracket with no illumination, similar to other blade signs on the street.

Mr. Adams asked about the dimension from the sidewalk to the underside of the blade sign. Mr. Pretorius said that it will be approximately ten feet.

Mr. Adams said that the existing signage is integrated nicely with the building.

Mr. Levy said that the relief that the Board will be granting is for the number of signs and for a sign that projects over a sidewalk. He said that the Design Review Board unanimously moved to approve it.

Mr. Becker asked if there was anyone present at the public hearing who wished to speak to the petition.

Mr. Becker read the Planning Board recommendation.

Mr. Adams moved, Mr. Levy seconded the motion, and the Board voted unanimously to approve a two-sided blade sign, that will exceed the number of signs allowed by right and will project over a public sidewalk, and find that the proposed sign will be in harmony with Section XXIIAA of the Zoning Bylaw standards.

#### ZBA 2019-32, CATHERINE & PAUL REILLY, 9 JUNIPER ROAD

Present at the public hearing was Paul Reilly, the Petitioner. Mr. Reilly said that the request is for a special permit because the lot is nonconforming. He said that the proposed construction will meet all setbacks. He said that the plan is to replace a single car garage with a family room on the first floor, add a second floor above for a master bedroom and bath above, and add a new attached garage at the back of the house. He said that they will also add a mudroom. He said that the existing house has 1.5 bathrooms and their children are approaching teenage years.

Mr. Adams said that he had no problem with the design. He said that the additions will fully conform and it is just the lot area that is nonconforming. He said that it is difficult to read the drawings.

Mr. Becker said that despite the fact that this is a corner lot, the structure meets the two front and two side yard setbacks.

Mr. Reilly said that he showed the plans to all of his neighbors and they were supportive.

Mr. Becker asked if there was anyone present who wished to speak to the petition.

Mr. Becker read the Planning Board recommendation.

Mr. Becker said that demolition delay and request for a curb cut are not part of this process.

Mr. Adams moved, Mr. Levy seconded the motion, and the Board voted unanimously to make findings in accordance with Section XVII of the Zoning Bylaw and G.L. Chapter 40A, Section 6, and grant a special permit.

#### ZBA 2019-33, MAUREEN & CHARLES GOHEEN, 26 ATWOOD STREET

Present at the public hearing were Maureen and Charles Goheen, the Petitioner.

Ms. Goheen said that they have lived there for about 30 years. She said that at the time when they purchased the property, there was a shed/garage that was in pretty tired shape. She said that it is not rotted out and starting to slant a bit. She said that the request is to demolish the shed and replace it with another shed.

Ms. Goheen said that the current setbacks are conforming on the back and left sides not on the right side, where it is 12.6 feet from the property line. She said that the request is to extend what is an 18 foot by 14 foot shed to make it a 20 foot by 14 foot garage with the same setback.

Ms. Goheen said that they have been in touch with their abutting residential neighbors and they are supportive. Mr. Adams said that they Board received some communications from the neighbors.

Mr. Levy asked if the structure will be used as a shed or a garage. Ms. Goheen said that it will be used as a shed. Mr. Levy confirmed that there will be no second floor, just a cathedral ceiling.

Mr. Becker asked why the Petitioner chose to not slide the shed six to seven feet to the south where it would have been by right. He said that because the shed is more than 100 square feet, it would normally have to be within the setbacks. He asked if there is a concrete foundation under the existing shed. Ms. Goheen said that there is a foundation for the existing shed and there will be a foundation for the proposed shed. Mr. Goheen said that the shed gives them some protection from the big dental building that is behind them. He said that they would be more exposed to it if they moved the shed to the middle of the yard.

Mr. Becker asked about the height of the proposed structure. He said that the height is not shown on the plans for the existing or the proposed plans, so there was nothing to show if there would be additional impact. Ms. Goheen said that the side wall will be 8 feet 4 inches plus the roof, for approximately 15 feet. She said that it will be well under the height restriction in the Zoning bylaw. Mr. Becker said that the Board has to make a determination that what is proposed will not be more detrimental to the neighborhood. He said that if it is the same height as the existing shed, there will be no impact. Mr. Adams said that the salt box roof and the extension of two feet are rather minimal extensions of the nonconforming structure that do not increase any dimensional nonconformities.

Mr. Becker asked if there was anyone present at the public hearing who wished to speak to the petition.

Mr. Becker read the Planning Board recommendation.

Mr. Adams identified the existing nonconformities.

Mr. Adams moved, Mr. Levy seconded the motion, and the Board voted unanimously to make findings in accordance with Section XVII of the Zoning Bylaw and G. L. Chapter 40A, Section 6 and approve a special permit.

#### ZBA 2019-34, JACOB & JOANNA TROY, 57 FULLER BROOK ROAD

Present at the public hearing were Joanne Powell, Architect, and Jacob and Joanna Troy, the Petitioner.

Mr. Troy said that they moved to 57 Fuller Brook Road in January with their twin three year old daughters. He said that their hope is that this renovation will give the house some much needed love and updating house and will be their home for the next 20 years or more.

Ms. Powell said that the proposal is for a modest addition. She said that the lot is nonconforming for size. She said that the proposed work will meet all other Zoning requirements. She said that the proposed work contains two components, a one story addition on the rear for a new kitchen and breakfast room, and replacement of the existing one car garage with a two car garage with living space above. She said that the

existing house has 1.5 bathrooms. She said that the proposed space above the garage will give them a second bathroom.

Mr. Becker said that the property is located on a corner lot.

Mr. Adams complimented the way that the architects showed the elevations where it could see the existing and the proposed one over the other.

Mr. Levy said that the Board received a letter of support from abutter to the east at 51 Fuller Brook Road. He read a letter from the abutter at 8 Juniper Road. He said that he did not share their views because the proposed construction will not impinge on the setbacks. Mr. Adams said that because the construction will be compliant, the abutter's request for privacy plantings should not be a condition of approval. Ms. Powell said that her clients can speak with the neighbors. Ms. Troy said that she spoke with neighbors about putting up some sort of screening that will be mutually agreeable.

Mr. Becker asked about the proposed TLAG. Ms. Powell said that the existing TLAG is in the low 3,000's and with the proposed construction, the TLAG will be around 4,200 square feet, which is below the threshold for the district.

Mr. Becker asked if there was anyone present at the public hearing who wished to speak to the petition.

Mr. Becker read the Planning Board recommendation.

Mr. Levy moved, Mr. Adams seconded the motion, and the Board voted unanimously to make a finding that this is an undersized lot at 12,920 square feet in a district in which the minimum lot size is 20,000 square feet, and that the proposed renovation is not substantially more detrimental to the neighborhood and approve a special permit.

#### ZBA 2019-35, CHARLES KRAUS, 8 LAWRENCE ROAD

Present at the public hearing were David Himmelberger, Esq., and Charles Kraus, the Petitioner.

Mr. Himmelberger said that the request is for a special permit to make an addition to a pre-existing nonconforming structure on a pre-existing nonconforming lot. He said that the addition will maintain the existing elevation of the ridge height. He said that they will remove a pre-existing nonconforming garage that currently sits in the rear setback.

Mr. Himmelberger said that the Petitioner was previously before the Board, at which time the Board expressed concern about the bulk of the house. He said that at that time the proposed TLAG was 3,952 square feet in a 10,000 square foot District. He said that the proposed TLAG is now 3,526 square feet, which is below the threshold for the district. He said that the rear left of the addition was cut back and inset to reduce some of the mass and add more interest on that side. He said that a number of letters from neighbors were submitted, all of which supported the project, including the home to the right at 19 Willow Road, the home to the rear at 4 Dorset Lane, across the street and to the side.

Mr. Himmelberger said that the Board can issue a finding that the proposed construction is not substantially more detrimental to the neighborhood than the pre-existing nonconformities. He said that a nonconformity at the rear will be eliminated. Mr. Adams said that this would be creating new nonconformities and would require a variance. Mr. Himmelberger urged the Board to construe the bylaw in such a way as to read it as it is written, namely, if on a pre-existing nonconforming structure there is a proposed addition that is nonconforming, the determination is to whether that nonconformity is substantially more detrimental. He said that the bylaw is not written to say that any addition may not extend the existing nonconformity. He

said that the MA Supreme Judicial Court on February 8, 2019, issued an opinion called, *Maria Bellata v Zoning Board of Appeals of Brookline*. He said that case is directly on point to what he had previously argued. He read an excerpt from *Maria Bellata v Zoning Board of Appeals of Brookline*. He said that in this case, the Wellesley bylaw closely tracks the language in G.L. Chapter 40 A, Section 6. He read an excerpt from Section XVII of the Zoning Bylaw. He said that the Brookline case said that you could not extend a nonconformity, you could not make an addition unless it was conforming. He said that Brookline had a stronger bylaw than Wellesley in that case. He said that the Court said that a local bylaw cannot circumvent or trump Chapter 40A, Section 6. He said that it comes down to a determination by the Board as to whether the proposed addition is not substantially more detrimental than the existing nonconforming structure. He argued that his client's proposal will not be more detrimental to the neighborhood. He said that the Board has to exercise its own independent judgment. He said that it is important to be mindful when considering the neighborhood, the immediate abutters have answered the question that they do not see it as an issue, including the two most impacted neighbor. He said that he did listen and take to heart the Board's concerns about reducing TLAG and the scale. He said that they cut back the left side and reduced the TLAG. He said that it is a seamless addition and a very attractive house. He said that in addition to renderings, Mr. Kraus did head on dimensional drawings.

The Board said that it had seen the *Maria Bellata v Zoning Board of Appeals of Brookline* case.

Mr. Levy said that he found the plot plan to be very confusing. He asked if a retaining wall will be relocated. Mr. Kraus said that the retaining wall that is closest to the house will be relocated. Mr. Becker said that there is also a retaining wall on the left side near the air conditioners. Mr. Kraus said that wall is existing and will remain.

Mr. Adams said that it is a small lot. He said that he is troubled by how close this will be to the neighboring property. He said that it is good that the Petitioner spoke with the neighbors and it is clear that they do not have a problem with it. He said that the addition will come much closer to the property line than the existing side of the house at 18.6 feet. He said that the addition will be much higher but it will be looming over a garage, not a house. He said that he believes that people should be able develop their property in a tasteful way to the fullest extent that they can for their needs without imposing an artificial percentage system.

Mr. Becker said that he looked at the relationship of the size of the lot and the increase in the house. He said that you are dealing with a numerator and a denominator where each of those is going in the wrong way at the same time. He said that, as proposed, this would be the most intensive use of land in the area by quite a bit. He said that the second thing that is hard to deal with is that it is close to the lot line. He said that it jumps at you as belonging in the middle of the lot. He said that he does understand why it is not in the middle of the lot.

Mr. Himmelberger said that the lot is a parallelogram. He said that 19 Willow sits forward of this addition. He said that the addition will be close to the rear garage at 19 Willow, which itself has nonconforming side and rear yard setbacks. He said that the addition will be below the main house at 19 Willow. He said that it is further attenuated and does not match up with 19 Willow in the same plane side to side. Mr. Kraus said that the garage at 19 Willow is mostly underground at the rear and the side, which contributes to the looming nature of his addition. Mr. Himmelberger said that if the garage was at grade, the proposed addition would not be as looming.

Mr. Becker said that, recognizing that Total Living Area (TLA) from the Assessors is not TLAG, the average TLA on Lawrence Road for the 19 or so properties there is 1,759 square feet. He said that the proposed TLAG will be bigger than TLA and will be more than double that. Mr. Himmelberger said that if you take a larger view and look to Willow Road, you get TLA's of 3,333, 4,960, 3,350, and 3,162 on 21 Lawrence. He said that 8 Lawrence is at the intersection with Willow Road. He said that there are newer homes that are substantially larger. He said that the proposed house will not be a teardown. He said that it is trying to

seamlessly add on. He said that he was making the argument that this should be the type of project that Zoning encourages or generally sees as a positive rather than a negative.

Mr. Becker said that the other side of that argument is that this will take what could be called an affordable house and moving it up the scale. He said that one of the problems in Wellesley is that the average home price is 1.4 million and most of the town employees cannot afford that. He said that the town will lose a small lot that would allow people to start living in Wellesley. He said that relates to how detrimental it will be to the neighborhood. Mr. Himmelberger said that economic consideration is not what is contemplated by the phrase, "not substantially more detrimental to the neighborhood." He said that it is in the context of mass and bulk, and not anything else. He said that he has never seen a Zoning case where the economic impact of an addition was the basis for a determination that a proposed addition was substantially more detrimental.

Mr. Becker said that this determination is one of the hardest that he has seen. He said that Mr. Kraus has put together something that is architecturally creative but coupled with a small lot and a large house on a small lot, where does it switch from not more detrimental to more detrimental. Mr. Himmelberger said that this house on this lot with the proximity to the neighbor to the right facing the house and to the rear, will not be substantially more detrimental to the neighborhood. He said that it will be an extremely tasteful and seamless addition. He said that he did not think that one driving the road would ever question whether or not it was an addition or that was how the house was built. He said that does go to a determination of whether or not something is substantially more detrimental. He said that the project will remove a rear nonconformity, so they are making an improvement in that respect.

Mr. Adams asked who owns the retaining wall between 8 Lawrence Road and the neighbor to the right. Mr. Kraus said that the property line runs down the center of it. He said that he has worked with the neighbor to repair it over the years. Mr. Adams said that he was looking at options for dropping the driveway at 8 Lawrence and getting rid of the retaining wall. Mr. Kraus said that one of the reasons for pulling the garage door forward was to reduce the height of the retaining wall next to the entry to garage. He said that he designed the original addition in 2000 in an effort to try to keep the rooflines to not build a big box. He said that it was not an easy addition to do.

The Board discussed accepting Mr. Himmelberger's argument that this is a special permit, not a variance. The Chairman said that if the Board gets past that, under case law, because of the undersized lot, it has to make a finding of whether the proposed construction will be substantially more detrimental to the neighborhood.

Mr. Levy said that the Planning Board believes that a variance is required. He said that it under the long standing policy of this Board the petition would be treated as a variance. He said that he is familiar with the Brookline and is not sure how that would fit with this one. He said that it would eliminate variance requirements for nonconforming lots, which would make them more valuable than a conforming lot. He said that the proposed change in the Brookline case would not change the footprint or the outside appearance of the house. He said that it created attic space that existed into living area. He said that this is different because there will be greater impact to the neighborhood. Mr. Himmelberger said that the Court has the ability to fashion its decision to say when nonconformities are internal one need not get a variance. He said that it is a blanket.

Mr. Himmelberger said that before the Brookline case came out, he argued that, based on the clear language in the Wellesley bylaw, there is no limiting language that says that you do not get a special permit if you intensify the nonconformity. He read an excerpt from Section XVII of the Zoning Bylaw. He said that the Brookline case supports his argument. He said that the Board may have had a practice of imposing something that was not in the bylaw, namely that you should not make the nonconformity worse, but there is no basis in the bylaw or as indicated by the SJC in Chapter 40A, Section 6.

Mr. Becker said that by finding that the proposed structure will not be substantially more detrimental, the Board is saying that putting a structure 2.5 feet from the proper line is okay. Mr. Himmelberger said that it would be in this particular case with the lot below to the right with its house set forward. He said that there could be cases where being 3.5 feet from the property line would be substantially more detrimental.

Mr. Becker asked if there was anyone present at the public hearing who wished to speak to the petition.

Mr. Becker read the Planning Board recommendation.

Mr. Adams asked if there will be a back door in the proposed enlarged house. Mr. Kraus said that there is a patio shown in the back. He said that the back door will come out toward the side yard and to the back patio at the rear left.

Mr. Levy said that he was troubled that it would make any nonconforming structures exempt from variances to add construction. Mr. Adams said that it does away with the notion that there has to be some hardship and uniqueness. Mr. Levy questioned that if the intent is to lower the standard for nonconforming lots or structures. Mr. Becker talking about case law that does not support the Brookline case. Mr. Himmelberger said that case law changes and Brookline is the most current expression of what constitutes an interpretation of Chapter 40A, Section by the highest court in Massachusetts. He said that the most recent cases control. He said that this case does review the existing case law and finds that, in accordance with Chapter 40A, after determining if there is an intensification or even a new nonconformity, on a pre-existing nonconforming structure, the only determination for the Board is whether the proposed structure will be substantially more detrimental to the neighborhood.

Mr. Adams questioned the applicability of variances under the new case law. Mr. Himmelberger said that the variances would apply to conforming lots. Mr. Levy said that it does not make sense for conforming lots to be subject to tougher standards. Mr. Himmelberger said that you could argue that with a conforming lot there is far less need for any deviation from Zoning whereas on a small lot there is.

Mr. Kraus said that his experience is that many towns approach the issue that a variance is required to create a nonconformity on conforming property. Mr. Himmelberger said that the Board has the ability to make a determination that the proposed structure will not be substantially more detrimental. He said that in this case, he is urging that the Board find that it is not substantially more detrimental. Mr. Levy said that this will make undersized lots more valuable than conforming lots.

Mr. Becker asked the Board members if their preference is that the Chairman speak to Town Counsel. Mr. Levy said that this is new and will change a long standing practice of the Board. He said that he has been on the Board for 20 years. Mr. Adams said that he has been enforcing Zoning bylaws for 15 years in three different communities. He said that his opinion has always been that when there is a condition like this, where adding a second story might be intensifying a nonconformity, placing an exterior wall closer to the property line would be a new nonconformity, versus extending or increasing. Mr. Himmelberger said that there is a garage that is 2.5 feet from the property line that they will be removing and the setback of the new structure will be 3.5 feet. Mr. Adams said that the garage was free standing.

Mr. Becker said that there is a lot that is new here. He said that he was willing to think of this as a special permit but would prefer to consult with Town Counsel before drawing a conclusion. He said that he was not sure that he could get over the finding that the proposed structure will not be substantially more detrimental to the neighborhood. He said that looking at the house by itself, it is marvelous. He said that the lot is small but it is relatively flat. Mr. Himmelberger said that there is a 10 foot difference on a shorter span. Mr. Adams said that there may be some basis for a variance. Mr. Becker said that the Planning Board recommended denial of a variance because no evidence had been presented that addressed the criteria in the bylaw but the application was for a special permit.

Mr. Adams moved, Mr. Levy seconded the motion, and the Board voted unanimously to continue the petition to March 19, 2019 at 7:30 pm.

ZBA 2019-36, SABRINA HOLDINGS, LLC, 50 WOODRIDGE ROAD

Present at the public hearing was Victor Corda, representing Holdings, LLC, the Petitioner. He said that the property is located on a nonconforming lot. He said that the proposal is to raze the house and replace it with newer home that is conducive to the neighborhood and not more detrimental.

Mr. Adams said that this will be fully compliant except for lot size.

Mr. Becker read the Planning Board recommendation. Mr. Corda said that the house will be furthest away from the abutter on the right. He said that it is a downward slope.

Mr. Becker said that lot coverage will go up by 2,600 square feet. He asked where the rain water will go. Mr. Corda said that the lot coverage will only go up 3 percent, or 700 square feet.

Mr. Becker said that on each of the property lines on the east and west there are retaining walls. He asked about proposed materials for those walls. Mr. Corda said that he will use native New England fieldstone. He said that they might not need the one on the left.

Mr. Levy asked if the bedroom in the basement will meet Code. Mr. Adams said that it will if property egress is provided. Mr. Corda said that there is an egress window for that.

Mr. Becker said that the plans show TLAG for the first and second floors and the attic. He asked about calculations for the basement. Mr. Corda said that those calculations are not typically included if there is less than 70 percent foundation. Mr. Becker said that there nothing submitted that showed that. Mr. Corda said that he based it off the Building Department requirements.

Mr. Becker said that the height that was shown was above the sill. He said that under the bylaw, the height is measured from average grade. He said that because of the sloping nature of the lot, it did not leap off of the page that there will be no problem and that 33 feet above the sill would automatically mean that the height meets the bylaw requirements. Mr. Corda said that they will have to build the house to a 36 foot maximum.

Mr. Becker asked if there was anyone present at the public hearing who wished to speak to the petition.

Ben Fisher, 51 Woodridge Road, said that he recently bought his home across the street and they hope to stay there for a long time. He said that a concern is that the neighborhood tends to be colonial with some tudors and the proposed house will be more modern. Mr. Adams said that the Board typically does not try to dictate any style. He said that Planning Board has recommended design changes based on massed surfaces facing adjacent properties. He said that the Zoning Board does not dictate a form of design style.

Mr. Fisher said that they looked at houses in the area for quite a while and noticed that houses that tend to be modern and farm housey tend to site for longer periods of time, especially when they turn over the second time. He said that his concern is that this house will sit there for a year without a buyer because it does not fit into the neighborhood. He said that the existing house needs to come down and something else should go up in its place.

Elizabeth Sheehan, 55 Woodridge Road, said that the existing house fits in with the neighborhood, except for the color. She said that the house has a lot of character. She said that her concern is for the trees in the area. She said that other people have come in and taken down a lot of trees. She said that it appears that the



driveway will go into next to 54 Woodridge Road, which is two houses away from her. She said that she will be looking straight out at this and worries that there will be no buffer. She said that she will be looking at a massive three car garage. She asked that the developer consider keeping as many trees as possible. Mr. Corda said that he has built a lot of houses in Wellesley and he tries to be a cooperative builder. He said that the trees are not as healthy as they look. He said that there is a tree bylaw in Wellesley. He said that he will use a certified arborist to tell him what trees are not healthy and should be removed. He said that he will replace trees in accordance with the bylaw. Ms. Sheehan said that there is currently some buffer and the existing house is set back and blends in with the landscape. Mr. Corda said that the new house will be set back almost to the same location. He said that it will be a modern colonial that will look a little like a farmhouse. He said that there is a similar home around the corner on Lathrop.

Mr. Becker said that a TLAG 6,327 would make this the largest house in the neighborhood. Mr. Corda said that he did not think that he would pursue the optional third floor plan. He said that he may reduce some of the finished basement. Mr. Becker said that the issue is the massing and the overall size of the house. He said that taking the TLAG out for the attic out does not change the massing.

Mr. Corda said that the right side of the house steps down substantially. He said that it is not heavy the way that the Planning Board describes it.

Mr. Adams said that he did not agree with Planning Board. He said that the three garage doors with the windows above is probably the most daunting elevation but it does steep down at the rear.

Mr. Levy said that it is a large house but it is before the Board because it is an undersized lot by 800 feet.

Mr. Becker said that limiting this end of the neighborhood to the Woodridge cul de sac and a couple of the houses around it, that is the area of Woodridge that has the higher percentage of conforming lots and the nonconforming lots tend to be further down Woodridge. He said that the TLA of those houses are 3,600, 4,200 and 5,400, which is closer to the 6,327. Mr. Corda said that there is a huge gambrel right around the corner. He said that Dewing Path also has large houses on it. Mr. Becker said that taking all of the houses on Woodridge from 1 to 56, the average living area is 3,200 square feet.

The Board discussed its opinions as to whether this would be more detrimental.

Mr. Levy confirmed that this will be a spec house.

Mr. Corda said that, based on the Planning Board recommendation, he could make the house smaller but he likes this plan and its design. He said that he paid a lot of money for the lot and to have to knock 1,000 square feet out is an economic concern. He said that this is a nice neighborhood near Dana Hall.

Mr. Becker said that the TLAG without the basement is larger than the trigger for LHR. He said that because the lot is deficient by 800 square feet, the proposed construction is not subject to LHR. He said that if the basement does need to be included, it would push the TLAG up even higher. Mr. Corda said that the plan was designed to the old standards for TLAG, which was 5,900 square feet plus 600 square feet for the garage. He said that there is a struggle to get the elements into the homes that today's buyers want.

Mr. Adams asked about the element on the second floor above the garage. Mr. Corda said that it is a large shower that he can make smaller. Mr. Adams asked if there was a way to narrow the area between the two bedrooms to shrink the width of the garage. He said that it looks like it is deeper than it needs to be.

Mr. Becker said that the Planning Board recommendation talked about a TLAG of 6,924 square feet. Mr. Corda said that probably includes the attic. Mr. Becker said that his calculation of attic, first and second floors is 6,327 square feet. Mr. Corda said that he did a full TLAG set. Mr. Becker said that the TLAG

Affidavit would provide more information. He said that the Board can see on the cover sheet that the basement is not included, though it did not show the supporting calculation. Mr. Becker said that under the bylaw this is exempt from LHR because of the undersized lot. He said that the Board uses TLAG calculations as a measure as whether it will be more detrimental to the neighborhood.

Mr. Corda asked about the square footage for 5 Woodridge. Mr. Becker said that it is 5,471 square feet of TLA, not TLAG. He said that it is the second largest house on Woodridge.

Mr. Becker said that he did not think that the Planning Board Recommendation had the correct number for TLAG. Mr. Adams said that approval should be contingent on submittal of full TLAG calculations showing a total of less than 6,400 square feet.

Mr. Levy moved, Mr. Adams seconded the motion, and the Board voted unanimously that the Board find that this is a nonconforming undersized lot at 19,144 square feet in a district where the minimum lot size is 20,000 square feet and that the proposed structure shall not be more detrimental to the neighborhood than the existing nonconforming structure, subject to the conditions that that the Applicant submit a TLAG Affidavit indicating that the total TLAG of the proposed structure is less than 6,400 square feet and that the owner make all efforts to preserve all healthy trees to the fullest extent possible, based on the design that includes a driveway. Mr. Corda said that the arborist has gone out to the property but the plan is not finished.

As there was no further business to come before the Board, the hearing was adjourned at 11:25 pm.

Respectfully submitted,

Lenore R. Mahoney  
Executive Secretary

DRAFT