



ZONING BOARD OF APPEALS

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DAVID G. SHEFFIELD

LENORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 2208
Web: www.wellesleyma.gov

ROBERT W. LEVY
WALTER B. ADAMS
DEREK B. REDGATE

Thursday, January 5, 2017, 7:30 pm

Juliani Meeting Room
Town Hall

Zoning Board of Appeals Members Present:

Richard L. Seegel, Chairman
J. Randolph Becker
David G. Sheffield, Acting Chairman
Robert W. Levy
Walter B. Adams
Derek B. Redgate

ZBA 2016-90, JOHN NILSON, 7 BRYN MAWR ROAD

Presenting the case at the hearing was Paul Beaulieu, who said that the Applicant is looking to tear down an existing home and replace it with a new single family home. He said that the lot is 5 square feet under 10,000 square feet.

Mr. Beaulieu discussed the changes that were made since the previous meeting. He said that the neighbor on the left had a concern about screening. He said that they will not be taking down some of the trees that they had initially planned to. He said that they will still plant as many trees that would be required if the trees were taken down. He said that they will move them in a row to create a privacy hedge for the neighbor, as shown on the revised Tree Plan.

Mr. Beaulieu said that although impervious cover of the site will only be increased by 42 square feet, which is approximately the size of a bulkhead, they will add Cultec Infiltration Systems to collect rainwater from the downspouts to minimize any potential stormwater impact that exists, if there is any. He said that there will be one chamber in the front and one in the rear.

Mr. Beaulieu said that there are a couple of trees on the property line that they contemplated removing. He said that would require a joint venture agreement with the abutters. He said that people seemed to think that it was worthwhile to keep them, so the Applicant has agreed to that.

Mr. Beaulieu said that additional information from the architect was requested. He said that it was unclear that the third floor was not going to be usable. He said that the stairwell has been removed and replaced with pull down, which shows that the attic will not be used as living space.

Mr. Adams said that the plan indicated that the truss design was to follow. He asked what the spacing of the trusses will be. Mr. Beaulieu said that typically the architect does one set of plans and once they have approval, the final specs are done. He said that the architect gave an ultimate limit that they would not exceed for head room. Mr. Becker said that a note on the plan states that the finished ceiling will be less than 7'-0" so as to render the space uninhabitable per code. Mr. Seegel said that normally the truss design

is made when the plans are finalized. Mr. Adams said that the Board had a concern that the attic space not become living space. He said that there would have to be a major re-design and reconstruction to get a full stair up there.

Mr. Seegel read the Planning Board recommendation. He said that the Planning Board still recommends that the Zoning Board deny the special permit. He said that it is important to understand that this is a 9,995 square foot lot in a 10,000 square foot zone. He said that the lot is 5 square feet short of the minimum where they would not have to come before the Board. He said that this falls well within the Bjorklund guidelines.

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

Mr. Adams moved that the Board grant a special permit to allow construction of a new home that will be fully compliant with dimensional requirements except for lot size. He said that the existing house had a 14.9 front yard setback where 30 feet was required, and the garage had a 10.4 right side yard setback where 20 feet is required, and a 9.2 foot rear yard setback where 10 feet is required. He said that the proposed structure shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. Mr. Becker seconded the motion. The Board voted unanimously to grant the special permit.

ZBA 2016-93, MICHAEL MILKIN & ERIN BRYAN, 32 PINE RIDGE ROAD

Presenting the case at the hearing was Erin Bryan, the Petitioner. She said that, in response to the Board's comments, they submitted revised plans that show an inset at the front and rear of the house by one foot and a modified dormer.

Mr. Sheffield said that the revised plans show a great improvement.

Mr. Seegel read the Planning Board recommendation. He said that the Planning Board reconsidered its previous recommendation and now recommends approval.

Mr. Sheffield moved and Mr. Redgate seconded the motion to grant a variance. He said that it is a 7,337 square foot lot where 10,000 square feet is required, the existing front yard setback is 24.5 feet where 30 feet is required, the existing left side yard setback is 11.9 feet where 20 feet is required and the existing right side yard setback is 3 feet where 20 feet is required. The Board found that literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner owing to circumstances relating to topography of such land or structures, especially affecting such land or structures but not generally affecting the zoning district in which it is located; the hardship shall not have been self-created; and that desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw. The Board voted unanimously to grant a variance.

ZBA 2016-95, WELLESLEY HISTORICAL SOCIETY, 323 WASHINGTON STREET

Presenting the case at the hearing were David Himmelberger, Esq., Kien Ho, BETA Engineering and Frank Nemia, President, Wellesley Historical Society, the Petitioner.

Mr. Himmelberger said that when the Petitioner was last before the Board in December, the Board asked for additional clarification of the circulation and parking that was contemplated. The Board suggested that they look at the rear of the building for additional parking. He said that it was acknowledged that the Petitioner had not yet received a letter of support from the Church.

He said that the Historical Society engaged the services of BETA Engineering to look at traffic, circulation and the lot itself to look at how it might be better utilized to provide for parking and

circulation. He said that BETA produced a report that concluded that there would not be any adverse impact on traffic and parking. He said that BETA prepared a traffic plan that would have to be submitted to the Building Department for approval.

Mr. Himmelberger said that there are currently 12 spots on site, including three in the garage which are used by staff. He said that the existing one-way driveway will now loop around and come out at the front. He said that they believe that the Traffic Plan and Parking Plan adequately address concerns about circulation and parking.

Mr. Himmelberger said that the Unitarian Church did provide a letter, is very supportive, describes their understanding of events and is delighted to allow the Historical Society use of their parking lot.

Mr. Himmelberger said that they recognize that the materials took some time to produce. He said that the Traffic & Parking Plan was submitted yesterday and the letter from the Church was submitted today. He said that if the Board believes that it would be more appropriate to take additional time to consider or review it, the Petitioner would respect a continuance. He said that, alternatively, if the Board concludes that the Petitioner has adequately clarified the parking and circulation and submitted the letter of support from the Church, that additional time is not needed, they would request for a favorable vote on the special permit.

Mr. Seegel said that the street parking is really for the use of businesses on Route 16. He said that the Board was concerned about daytime events that are greater than amount of parking on site affecting metered parking on the street for the businesses.

Mr. Ho said that BETA looked at all of the activities related to the facility and the activities associated with the proposed increased use. He said that there are two key components related to traffic or parking. He said that one is daily usage and the other is special events. He said that daily usage is related to two full time employees at all times and can be contained in the provided parking spaces. He said that, based on information that they were given, public visitation would occur between 10 am and 3 pm. He said that, historically, the exhibits produce three to five visitors per day. He said that would amount to five people on site during peak hours and there is adequate parking on site to accommodate them. He said that a maximum of five researchers come to the site but they have to make an appointment and are scheduled. He said that can be managed.

Mr. Ho said that special events involve fundraisers twice a year, six workshops between September and June, Board meetings, and a partnership with the public schools for life sciences that occur between 9 am to 1 pm. He said that all special events other than the school partnership occur after 7 pm. He said that BETA looked at traffic during morning peak at 7 am to 9am and evening peak from 4 pm to 6 pm. He said that there is a volume reduction of 20 to 70 percent after 7 pm. He said that a lot of businesses close after 7 pm except for an Indian restaurant in the vicinity. He said that BETA did not think that there should be an issue with parking for special events that take place in the evening. He said that there is a lot of on-street parking Washington Street on both sides, Cliff Road has approximately 16 to 18 spaces, there are approximately 15 to 16 metered spaces on Seaward, and the commuter lot is approximately 400 to 450 feet away. He said that there is a lot of available parking during the special events and the Historical Society has an agreement with the Unitarian Church for additional spaces.

Mr. Sheffield asked if the access pathway from where the children will be dropped off in the Church parking lot to the Historical Society property be identified. He said that it might be handy to have a parking plan to show where the drop off is. Mr. Himmelberger said that there could be a couple of posts or pavement markings. Mr. Sheffield said that it should be indicated that there is no parking in front of the path. He said that the Petitioner might submit a parking plan with the Church to show that.

Mr. Redgate asked about existing parking and the increased parking and driveways. Mr. Ho said that there is an existing driveway to the three car garage. He said that there is greenspace at the front of the property. He said that it is a narrow roadway at 12 feet plus or minus. He said that it is a one lane two-way roadway that goes to open space at the back. He said that there is no striped parking. He said that BETA created a 12 foot one-way roadway and identified eight parking spaces that meets the standards in the Zoning Bylaw. He said that they have shown an aisle space of 30 feet where 24 feet is required. He said that there are three parking spaces in the garage. He said that they created a 12 foot one way egress and a handicapped parking space at the front.

Mr. Redgate asked how many people can comfortably park if there are no changes made. Mr. Ho said that there are three spaces in the garage and they could probably fit five spaces at the back of the building. Mr. Redgate said that his concern is that the Board may have led the Petitioner down a path to turn a currently residentially zoned house that is being used by the Historical Society into a commercial property with impervious paving and drive aisles. He said that, after hearing the numbers for typical use of the property, the parking plan may be overkill.

Mr. Sheffield asked if there is any opportunity to use other than paving. Mr. Ho said that is always an option.

Mr. Sheffield said that there is in and out arrow shown at the handicapped space. He said that the pedestrian walkway is one-way. He said that, by extending the marked pavement for the handicapped unloading to the same line might prohibit conflict at that spot. He said that there is a little confusion as to how a handicapped van or person might circulate there. He said that they are going to back across the pedestrian area to get out of the parking space. Mr. Ho said that the arrow showing two-way may be confusing. He said that it is not two-way traffic. Mr. Sheffield that might be clarified on the markings.

Mr. Seegel said that the Planning Board did not receive the new information in time to review it. He said that it was important that the Planning Board has time review the BETA letter and the plans.

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

Mr. Seegel said that he understood Mr. Redgate's concerns. He said that his major concern had been about getting cars off the street and parking on the property, so the businesses would not be adversely affected.

Mr. Himmelberger said that the property is located in a General Residence District, not a Residential District. He said that it is somewhat unique in that there is a two-family rental on the left and the Unitarian Church on the right, all of which are located in a General Residence District. Mr. Seegel said that it is not much of a residential district.

Mr. Seegel discussed granting a special permit for one year to see if it works. Mr. Redgate suggested that the Board consider a toned down site plan for the year. He said that the proposed plans seem to be way more than what is needed. He said that it is a hefty site plan for the use that is being described. Mr. Himmelberger said that there are two regular employees who park in the garage. He said that there are never contemplated to be more than 10 other individuals at any one time in a day. Mr. Seegel said that there could be five parking spaces instead of eight. Mr. Sheffield said that they do have flexibility for overflow next door with the reduced parking number. He said that said that the environment could use more greenspace around it. He said that the greenspace should be closer to the building rather than remotely around the outside of the site.

Mr. Redgate asked about a one-way entrance with minor improvements to parking at the rear with striping. He said that the could keep the handicapped space where it is. He said that the full circulation seemed to be too much. Mr. Himmelberger said that the issue that was raised was that, with a 12 foot entrance there could be a conflict that would require backing up.

Mr. Seegel asked about the proposed surface. He said that if it is marked it will have to be a hard surface. He said that the driveways themselves would not have to be hard surface. Mr. Ho said that there are other materials that could be an option.

Mr. Seegel asked for a clearer photograph showing what is there and what the landscaping aisle looks like. He said that it looks like there is a large tree behind the garage and trees to the right of the garage. Mr. Himmelberger said that they can provide some close up photographs. He said that the entire front along the sidewalk is shrubbed.

Mr. Seegel asked that dimensions be put on the plans to be submitted.

Mr. Sheffield asked how many cars are satisfactory for normal usage of the property. He questioned whether what was shown on the plans exceeds normal use. Mr. Nemias said that the plan provides for minimal impact to the surrounding businesses, which is where they tried to show maximum use of the property. Mr. Seegel said that the research showed that the five visitors will be able to park on the property. Mr. Sheffield said that since they have the flexibility of parking at the Church parking lot, they may only have to go to maximum usage during normal business hours. Mr. Redgate said that, with five to ten people using the site a day, the amount of times that there would be a conflict on the driveway would probably be a couple of times a year.

Mr. Redgate moved and Mr. Sheffield seconded the motion to continue the petition to February 2, 2017. The Board voted unanimously to continue the petition to February 2, 2017.

ZBA 2017-01, STRALY REALTY CORPORATION, 339 WASHINGTON STREET

Presenting the case at the hearing was Arvid von Taube, Chairman of the Wellesley Historical Commission, who said that he was representing Straly Realty Corporation, the property owner and Petitioner, and the tenant, Caffé Nero. He said that the request is for a special permit to affix an historical plaque to the Wellesley Hills Railroad Station. He said that due to an oversight by the Historical Commission, the plaque was designed at 2.22 square feet, which is .22 square feet larger than what would be allowed by right in the district. He said that it is a beautiful bronze plaque and it would be very difficult to grind it down.

Mr. Levy confirmed that the plaque has already been fabricated.

Mr. von Taube said that the plaque commemorates the designer of the station, H. H. Richardson. He said that it was the last station that he built before he died in 1886. He said that Frederick Law Olmstead designed the grounds around the station before the parking lot was put in.

Mr. von Taube said that the plaque needed to be two square feet but is 2.22 square feet. He said that instead of being 12 by 16 inches, it is 20 by 16 inches.

Mr. Sheffield and Mr. Redgate said that they thought that this is a good idea.

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

Mr. Sheffield said that the Design Review Board had reviewed the request and recommended approval.

Mr. Sheffield read the Planning Board recommendation.

Mr. Levy moved and Mr. Redgate seconded the motion to grant the special permit. The Board voted unanimously to grant the special permit.

ZBA 2017-02, WELLESLEY COLLEGE, 33 DOVER ROAD

Presenting the case at the hearing was Peter Eastment, Wellesley College Department of Housing and Transportation, the Petitioner. He said that Wellesley College continues to house seven students at 33 Dover Road. He said that it is a language residence for French speaking students. He said that there have been no changes since 2014 in the use or conditions around the building.

Mr. Eastment said that seven students live in the Carriage House. He said that there are nine students in the main residence.

Mr. Sheffield asked if there are any changes to the six conditions that were included in the previous approval in 2014. Mr. Eastment said that there are no changes.

Mr. Redgate asked if the students living at 33 Dover Road are undergraduates. Mr. Eastment said that they are not first year students. He said that they are sophomore, junior or senior students. He said that many are French Majors and many are just French speaking students who want an alternative residence option.

Mr. Sheffield asked Mr. Eastment if the neighbors had expressed any concerns. Mr. Eastment said that he is a neighbor and it is quiet. He said that the neighbors have not complained.

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

Mr. Sheffield read the Planning Board recommendation.

Mr. Levy moved and Mr. Redgate seconded the motion to grant renewal of the special permit, subject to the conditions that are currently in effect. The Board voted unanimously to grant renewal of the special permit.

ZBA 2017-03, WELLESLEY COLLEGE, 629 WASHINGTON STREET

Presenting the case at the hearing was Peter Eastment, Wellesley College Department of Housing and Transportation, the Petitioner. He said that the property at 629 Washington Street is also known as Danforth House. He said that it is a three unit rental property for faculty. He said that currently there are two tenured track tenants and one tenured faculty member. He said that it has been a desirable rental property for the College. He said that they purchased it from Dana Hall School fifteen or sixteen years ago. He said that it has worked out well as a rental for faculty.

Mr. Sheffield confirmed that there is sufficient parking. Mr. Eastment said that there is a total of four spots. He said that typically there are only three cars there.

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

Mr. Sheffield read the Planning Board recommendation.

Mr. Redgate moved and Mr. Levy seconded the motion to grant renewal of the special permit, subject to the conditions that are currently in effect. The Board voted unanimously to grant renewal of the special permit.

ZBA 2017-04, WELLESLEY COLLEGE, 828 WASHINGTON STREET

Presenting the case at the hearing was Peter Eastment, Wellesley College Department of Housing and Transportation, the Petitioner. He said that the property at 828 Washington Street is also known as Cheever House. He said that it houses the Wellesley Center for Women. He said that it continues to be

used as administrative space. He said that there is no change in the number of administrators working there, activities, or parking. He said that everything is completely consistent with what Wellesley College has presented in past years.

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

Mr. Sheffield read the Planning Board recommendation.

Mr. Levy moved and Mr. Redgate seconded the motion to grant renewal of the special permit, subject to the conditions that are currently in effect. The Board voted unanimously to grant renewal of the special permit.

ZBA 2017-05, MARC & JENNIFER CHARNEY, 51 ATWOOD STREET

Presenting the case at the hearing were Marc Charney, the Petitioner, Chris Rotti, Architect, and John Lockwood, Builder.

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

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

Mr. Rotti said that the property itself is a bit of a challenge, given the wedge shape, the way that the setbacks converge, and the 200 foot Riverfront line. He said that it limits what they can do on the site. He said that they tried to minimize the impact, reuse as much of the existing property as possible and keep the major construction out of the Riverfront buffer.

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

Mr. Sheffield asked about the front yard setbacks for the adjacent properties. Mr. Rotti said that the adjacent house is roughly in line with the existing property at 51 Atwood Street. Mr. Sheffield questioned whether the 500 Foot Rule would come into play. Mr. Levy said that there is an existing structure and the new construction will not go beyond the existing setback. He said that 22.3 feet is not changing. He said that they structure will not go closer to the street. He said that 51 Atwood Street appears to be the closest to the street on the aerial photograph. He said that they will not be exacerbating the existing setback.

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

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

Mr. Sheffield asked about the garage. Mr. Charney said that it will be restored with new windows and a new door. He said that it will not require new foundation. Mr. Levy said that it is not part of this application. Mr. Charney said that the neighbor at 49 Atwood Street told him that the previous owner at 51 Atwood Street bought the house 17 years ago when everything was manicured. He told Mr. Charney that this neighbor let everything go.

Mr. Levy said that the proposal is to go to the edge on the maximum height. Mr. Charney said that the house at 55 Atwood Street is higher.

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

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

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

Mr. Sheffield asked about the elevation of the first floor above Atwood Street. Mr. Rotti said that it is five steps up. He said that it is a little less than three feet. Mr. Sheffield said that it is about six steps.

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

Mr. Redgate said that it is a lot of house in a tight spot. He said that a lot of thought was given to keeping it within the setbacks.

Mr. Sheffield said that the biggest concern is the proximity to street and the height of the top of the gable.

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

Mr. Sheffield read the Planning Board recommendation.

Mr. Redgate said that the house itself is not overly large square footage wise. He said that the lot is 9,645 square feet and square footage will be 3,385 square feet.

Mr. Levy said that the Planning Board recommendation expressed concerns that the site plan shows a building footprint that does not match the submitted existing floor plans and the proposed house sits higher than the existing one. He said that the Planning Board would like to have clarification on what foundation is being preserved and what foundation is being added. He said that the Planning Board was

reluctant to view this as a simple modification of an existing nonconforming structure. Mr. Sheffield said that was why he asked about the height of the first floor above Atwood Street.

Mr. Rotti said that the survey shows the existing house and what the proposed additions are.

Mr. Sheffield asked if the sill height of the proposed house higher than the sill height of the existing house. He asked if the first floor elevation will be higher than the existing. Mr. Rotti said that they will maintain the existing foundation walls and first floor level. Mr. Sheffield said that there seem to be one or two steps less on the first floor of the existing plans versus the proposed plans. Mr. Charney said that the grade of the lot slopes down towards the driveway. He said that the new porch to the left will require four or five stairs. Mr. Rotti said that the existing stairs are fairly tall. He said that they would not replicate the riser height.

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

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

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

Mr. Sheffield said that it was not differentiated in the plans which walls will be saved. Mr. Rotti said that one wall at the back of the house has to come out due to years of water leaks. He said that all of the foundations will remain except where they cut a new opening in the basement. He said that they are proposing to retain the first floor framing, infilling as necessary where there is a too narrow stairway. He said that they will retain as much of the exterior wall as possible, knowing that they will be increasing the window size. He said that it will not be a wholesale removal and reconstruction.

Mr. Charney said that on Plan A105, most of the back wall will be removed for the addition. Mr. Sheffield said that the drawings could differentiate what is existing and what is new. Mr. Rotti said that he tried to illustrate existing and new foundation, thinking that would be the greater concern about how the site will be impacted by the foundation, as opposed to designating which walls will stay. Mr. Sheffield said that sometimes that Board has to determine whether it is a teardown or not. Mr. Charney said that he does not want to tear the house down. Mr. Lockwood said that the foundation is actually in great shape.

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

Mr. Redgate said that the Board's concern is the massing of the building. Mr. Sheffield said a concern of his is whether the front gable has to be exactly where the front edge of the existing porch is. He said that pushing the space back on the second floor seems to make the interior space less workable. Mr. Rotti said that he did look at pushing the second floor back to where the existing wall is but that compromises square footage. He said that he also looked at a hip roof versus the gable but that would be out of the realm of what you would normally see. He said that it would be a very different type of look.

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

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

Mr. Levy moved and Mr. Redgate seconded the motion to grant a special permit, subject to the condition that the left side yard setback on the northeast side shall be no less than 18.8 feet for the entire length of the structure. The Board voted unanimously to grant the special permit.

ZBA 2017-06, 69 EDGEMOOR AVE LLC, 69 EDGEMOOR AVENUE

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

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

Mr. Sheffield said that on Sheet A3, Proposed Elevation on the right side, it does not correspond with the plans of the basement windows. He said that the basement windows are shown eight feet from the centerline on the exterior façade and the windows shown on the elevation are approximately 12 feet. He said that the unusual shape of the clapboards caught his attention. He said that he assumed that the sloped line must be a grade line on that façade. He said that if you compare A3 with A5, the windows are not in the same location. Mr. Himmelberger said that they will correct that.

Mr. Sheffield said that the steps shown from the garage into the family room would violate Building Code. He said that a house cannot be on the same level as the garage. He said that there are no steps shown. He said that it shows steps up from the guest bedroom to the family room. He said that he could not tell if the line is meant to be a step. Mr. Prakash said that the Building Code requires a curb of four inches. He said that the curb is shown at the doorstep. Mr. Sheffield asked if the guest bedroom is four inches above the garage. Mr. Prakash said that there is a curb on the bottom of the door. He said that the idea of the Building Code is to not have gases going under the door. Mr. Sheffield confirmed that you step over the curb to get to the bedroom. He said that is not a good idea. Mr. Prakash said that he can address that. Mr. Levy said that it is a tripping hazard. Mr. Sheffield said that it is a liability issue.

Mr. Sheffield said that the elevation at top of ridge was not labeled to average grade. Mr. Himmelberger said that it is shown on Sheet A1 as a sentence to the left of the hip roof. Mr. Sheffield said that the Board would prefer to see the labeling to regular dimension lines.

Mr. Sheffield said that, as an architectural suggestion, the eyebrow that is shown over the two garage doors on Sheet A1 should be extended over the door to the left. He said that all of the exterior lights could be in the soffit and would not annoy the neighbors. He said that they might want to consider an eyebrow over the patio doors at the back for the same reason. He said that the houses are rather close together in this neighborhood. Mr. Himmelberger asked if the eyebrow should extend over the abutting windows. Mr. Sheffield said that he thought it would be a good idea. He said that it is somewhat of a barn façade and an eyebrow would help it a lot.

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

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

Mr. Redgate moved and Mr. Levy seconded the motion to continue the petition to February 2, 2017. The Board voted unanimously to continue the petition.

ZBA 2017-07, SUSAN CASE, 125 GROVE

Presenting the case at the hearing were Mark Gluesing, Architect and Sally McNamara, representing Susan Case, the Petitioner.

Mr. Gluesing said that Ms. McNamara is the prospective buyer of the property. He said that the plan is to renovate the first floor and construct some additions. He said that the request is for relief for what would be a side yard setback in relation to the front of the house. He said that, with respect to Section XXIV-D of the Zoning Bylaw, the hardship involves an unusual site that has three front yard setbacks. He said that because this is an addition, they do not have a lot of options for the location of the additions. He said that it is already fairly full on the buildable area.

Mr. Gluesing said that Sheet 4 shows the new walls in dark and the existing walls dashed. He said that, on the left side as you face the front, they would like to add three feet to expand the kitchen and put in a bulkhead. He said that would give them a kitchen that has sufficient movable space around an island and the flow of the house. He said that the intent is to have one-level living going forward. He said that they looked at other options but there was not enough space. He said that the square footage of the intrusion is small, 2.8 feet for the addition and 3.5 feet for the bulkhead at its worst point.

Mr. Gluesing said that the abutting properties on that side are across the street and are the rear yards of the other properties. He said that Sheet 7 shows that the other houses front either on Grove Street or Cottage Street. He said that what faces the addition on that side are two detached garages across the street. He said that the only real view from anybody's front yard will be around the corner at 12 Wildwood Circle and they are really well past that.

Mr. Gluesing said that they kept the scale low. He said that it will be a one story addition. He said that it is a way to use the existing house and advance it so there is a little more space to accommodate long term goals.

Ms. McNamara said that she wrote letters to all of the abutters that she could find and heard back from four, who called her, and they were all fine with the proposed plans. She said that nobody asked any specific questions.

Mr. Sheffield said that by having a gable over the new door, it calls attention to the new addition. He said that since there is no change in the façade at that point, the soffit that runs along sticks out in front of the door. He asked if carrying the soffit across door was to mitigate scale. Mr. Gluesing said that he did look at that and his initial approach was a straight shed off of that side. He said that if you look at Picture #2 on Page 7, looking at the existing entry, for the three feet that the house gets extended, he extruded the exact same shape with a shed that extends over the three windows. He said that he made the entrance three feet larger and designed the addition to the left with a shed roof. He said that it is helpful to have it as a divider because the garage roof comes back from the right and as you go up to the second floor there are different heights. He said that it is a one-story gable at approximately 12.5 feet high. He said that the house sits low to the ground, which is part of the attracting with respect to the long term living in the house. He said that it will be a very modest scale element.

Mr. Levy said that the existing house is conforming. He said that the only relief that the Petitioner is requesting is on the south side where it is labeled 21.5 feet. He asked where that is in the house. Mr. Gluesing said that it is the kitchen. Mr. Sheffield said that they are trying to have a modern kitchen with an island in the middle rather than the existing galley kitchen. He said that they need circulation space around the island. Mr. Gluesing said that they could do a smaller island and smaller aisles but that would be a squeeze. He said that the proposed additions will make this more of a contemporary house that you would typically see. He said that the intent was to create one floor living. He said that the existing breakfast area will be left intact. Mr. Sheffield said that the plans create a dining room that works. Mr. Gluesing said that because of the large setbacks that are required from streets, it was difficult to achieve some of the goals for the house going forward.

Mr. Sheffield said that the design decisions are quite modest.

Mr. Levy asked how many square feet will jut out into the setback. Mr. Gluesing said that it will be 40 square feet in the setback, which is less than half of the addition.

Mr. Levy said that historically this Board is very reluctant to grant a variance. He said that the standards of a variance require that the reason for the variance relates to one of three conditions, soil condition shape of lot or topography. He said that this lot is not that irregularly shaped but it does have three front yards, which is an anomaly. He said that the request is modest and will not impinge on the neighborhood to a great degree. Mr. Redgate agreed.

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

Mr. Sheffield read the Planning Board recommendation.

Mr. Levy confirmed that the Architect had looked at different options. Mr. Gluesing said that trying to get enough kitchen width impacted the dining room. He said that it is difficult with the three street setbacks. He said that it is hard to go backwards without having to rearrange more and more of the house to put the kitchen somewhere else. He said that it would be significantly more expensive.

Mr. Sheffield said that one of the greatest impact of the solution is the ability to have a hallway adjacent to the stairway, which changes the internal circulation of the house. He said that they will not be forced to go from one room to another and through another one. He said that the design solution is totally appropriate.

Mr. Levy said that it was his opinion that it is di mininis.

Mr. Levy moved and Mr. Redgate seconded the motion to grant a variance, finding that literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner owing to circumstances relating to shape of the lot, especially affecting such

land or structures but not generally affecting the zoning district in which it is located; and the hardship has not been self-created, and that desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw. The Board voted unanimously to grant a variance.

As there was no further business to come before the Board, the hearing was adjourned at 9:39 pm.

Respectfully submitted,

Lenore R. Mahoney
Executive Secretary

DRAFT