



## ZONING BOARD OF APPEALS

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

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2016 DEC 15 P 2:57

ZBA 2016-87

Petition of Henry S. Frattaroli, Jr.  
 3 Lexington Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 3, 2016, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Henry S. Frattaroli, Jr. requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that construction of a front entry porch that will meet all setback requirements and construction of a second story addition with less than required side yard setbacks, on an existing nonconforming structure with less than required side yard setbacks, on a corner lot, in a 10,000 square foot Single Residence District, in a Water Supply Protection District, at 3 Lexington Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The property is located in a Flood Plain District.

On October 17, 2016, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing were David Himmelberger, Esq., and Surit Prakash, representing Henry Frattaroli, the Petitioner.

Mr. Himmelberger said that the request is to add a second story to an existing nonconforming structure. He said that the proposed addition will not create additional dimensional nonconformities. He said that the lot is nonconforming. He said that, at the time that the house was built, it met the requirements for two front yard setbacks as well as side and rear yard setbacks. He said that since then the bylaw was revised for houses on corner lots to have two front and two side yard setbacks, which made the existing 11.4 rear yard setback nonconforming.

Mr. Himmelberger said that the proposal is to extend above the existing structure and to remove masonry stairs at the front and replace them with a farmer's porch on sonotube foundations. He said that a section of the second story addition will be inset from the existing first floor structure and will not be built out on the first floor to avoid any increase in impervious surface. He said that the existing structure is located in a wetlands buffer and flood plain. He said that the plans were reviewed by the Wetlands Protection Committee (WPC). He said that a copy of the Negative Determination was submitted. He said that the sole change was a request that drywells be installed to capture roof runoff. He submitted a copy of the plan that shows the location of the two drywells.

Mr. Himmelberger said that the Planning Department Staff Report expressed concerns that most nearby homes have only one floor. He said that a GIS map of the nine closest homes along with photos was submitted. He said that six of the houses are two-story, one is 1.5 story and only two are single story. He said that the Petitioner believes that the proposed second story here is appropriate. He said that they will repurpose the existing structure and it will act as a sound buffer to the neighborhood from traffic on Route

9. He said that the proposed renovation will increase an existing nonconformity because of the mass of the second story but will not be more detrimental to the neighborhood.

Mr. Himmelberger said that an Affidavit was submitted showing a Total Living Area plus Garage (TLAG) of 3,351 square feet. He said that the attic space will be less than seven feet high, so they did not include the area in the calculation of TLAG. He said that access will be through a hatch, not stairs.

A Board member said that WPC information and photographs were submitted to the Board on November 2, 2016. He said that the plot plan shows a 1.5 story building with a 75 square foot cantilevered second story and a proposed 98.4 square foot porch. He said that nowhere is it indicated that a complete second story will be added. He said that a revised plot plan should be submitted. Mr. Himmelberger said that on the front elevation the second story windows extend into the roof through dormers. He said that it will be a two-floor house.

The Chairman said that he was concerned about the overhang at the rear and adding a second floor that more than doubles the size of the house. He said that it is a short side yard. Mr. Himmelberger said that, on Sheet A3, the right side elevation picks up the gable over the garage and allows the roofline to be carried to the end, which they thought looked appropriate. He said that it would look odd if they tried to conform to the notch.

A Board member said that the change in area is less noticeable than the change in height, which is double the existing height. He said that the roof slopes are fairly steep. He said that the house across the street and the houses on Worcester Street are tall.

A Board member said that the 12 over 12 slope is more architecturally pleasing than a shallow roof. He said that the architect has done what he can to minimize the bulk of this building. He said that the eave line of the roof will be three feet below the ceiling on the second floor. He said that the lot is compliant in terms of area. He said that it is a corner lot that is constrained with the front setback already established from Lexington Road.

The Board asked about the change to 10 foot ceilings. The Board asked if this will be a total internal demolition project. Mr. Prakash said that the plan is to build on top of the existing structure. He said that the first floor has 10 foot ceilings. The Board asked about dropping the ceiling heights to eight feet. Mr. Himmelberger said that the windows would drop 1.5 feet. The Board said that the whole roof would drop. The Board said that the roof stands out on the front elevation. Mr. Himmelberger said that some of the 10-foot height drops to 8 feet at the front wall. He said that it is not a flat ceiling. The Board said that the 12 over 12 slope pushes the roof up.

The Chairman said that the Board and the Planning Department Staff would like to see the height dropped a couple of feet, which would be less massive. He said that the Board is not happy with this design.

Mr. Prakash said that the house was designed to fit in with the neighborhood. He said that he tried to match the house across the street. The Chairman said that the design is massive. He said that the house next door is small. Mr. Himmelberger said that the houses on Route 9 are tall.

Catherine Johnson, Planning Board, said that the Plan EX1 shows a ceiling height of eight feet for the first floor, which is a discrepancy from what is shown on Plan A1 with a 10-foot ceiling height on the first floor.

Beverly Rubin, 9 Lexington Road, said that she lives next door. She asked if the plan is to maintain the original foundation. She said that the design is pretty but she was concerned about the height. The Chairman said that the proposed house will be more than twice the height of the existing house.

A Board member said that there could be an error in the plans and suggested that the hearing be continued so that the architect can take a closer look to verify what the first floor ceiling height is and possibly reduce the slope of the roof.

The Board voted unanimously to continue the hearing to December 1, 2016.

**December 1, 2016**

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

Mr. Himmelberger said that the Board previously expressed concerns about the massing. He said that revised plans were submitted that showed a drop of the overall ridge of almost four feet from 32' 10" to 29' 2". He said that the roof pitch was reduced from a nine pitch to an eight pitch, the front gable is now clapboarded to better align with the front siding, and the garage doors were upgraded to a carriage style with a slight eyebrow overhang. He said that the Planning Board agreed that this is a significant reduction. He said that the Stormwater Management Plan had referred to this as a 1.5 story structure. He said that has been amended to show a two-story structure. He said that there was no other change to the Stormwater Management Plan.

A Board member said that the Applicant has responded to the Board's concerns and the changes are appropriate. He said that they visually reduced the height of the building and corrected the dimensional mistakes on the earlier plan. He said that the revised plans meet the Board's preferred solutions for this property.

A Board member said that the Board had concerns that the access shown on the plans did not make it clear that the attic was not usable for other than storage. He said that lowering the roof height and the change from a permanent fixed stair to an attic access changes that and confirms that the Total Living Area plus Garage (TLAG) does, in fact, correctly exclude the attic.

The Board said that the property is located in a Water Supply Protection District, a Flood Plain District, is a corner lot, and has an 11.9 foot left side yard setback where 20 feet is required. The Board said that this project has been reduced for overall height and bulk and shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

**Statement of Facts**

The subject property is located at 3 Lexington Road, on a corner lot, in a 10,000 square foot Single Residence District, in a Water Supply Protection District, in a Flood Plain District, with a minimum side yard setback of 11.4 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that construction of a front entry porch that will meet all setback requirements and construction of a second story addition with less than required side yard setbacks, on an existing nonconforming structure with less than required side yard setbacks, on a corner lot, in a 10,000 square foot Single Residence District, in a Water Supply Protection District, shall not be

substantially more detrimental to the neighborhood than the existing nonconforming structure. The property is located in a Flood Plain District.

Letter to Zoning Board of Appeals with photographs and GIS map attached, dated 11/2/16 and Letter to Zoning Board Appeals, dated 11/21/16, from David J. Himmelberger, Esq., a Plot Plan, dated 9/12/16, stamped by Thomas P. Bernardi, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 9/9/16, revised 11/21/16, and Stormwater Management Plan, dated 9/26/16, prepared by KUQ Construction, LLC, and photographs were submitted.

On November 1, 2016, the Wetlands Protection Committee issued a Determination of Applicability, with conditions.

On November 1, 2016, the Planning Department Staff reviewed the petition and recommended that action be deferred. On November 22, 2016, the Planning Department Staff reviewed the petition and recommended that the Special Permit be approved.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that although construction of a front entry porch that will meet all setback requirements and construction of a second story addition with less than required side yard setbacks, on an existing nonconforming structure with less than required side yard setbacks, on a corner lot in a Water Supply Protection District and a Flood Plain District, is increasing a nonconformity, such increase shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of a front entry porch that will meet all setback requirements and construction of a second story addition with less than required side yard setbacks, on an existing nonconforming structure with less than required side yard setbacks, in accordance with the submitted plot plan, Storm Water Management Plan and construction drawings.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

ZBA 2016-87

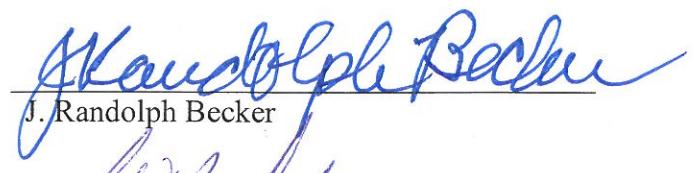
Petition of Henry J. Frattaroli, Jr.  
3 Lexington Road

12016 DEC 15 P 2:47  
TOWN OF GUILFORD  
WELLESLEY ROAD 02162

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



Richard L. Seegel, Chairman



J. Randolph Becker



Walter B. Adams

cc: Planning Board  
Inspector of Buildings  
lrm

## PLAN OF LAND

LOCATED AT  
3 LEXINGTON ROAD  
WELLESLEY, MA

SCALE: 1 INCH = 20 FEET



917 WORCESTER ST.  
N/F  
HEATON

MASSACHUSETTS  
SURVEY  
CONSULTANTS

14 SUMNER STREET  
GLOUCESTER, MA 01930  
617 899-0703  
WWW.MASSACHUSETTSSURVEY.COM

EXISTING LOT COV. 1603 SF (15.85%)  
PROPOSED LOT COV. 1777 SF (17.57%)

500' RULE DOES NOT APPLY

### REFERENCES

DEED: BOOK 6779, PAGE 55  
PLAN: 825 OF 1951

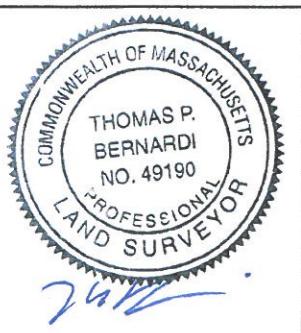
### CERTIFICATION

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

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

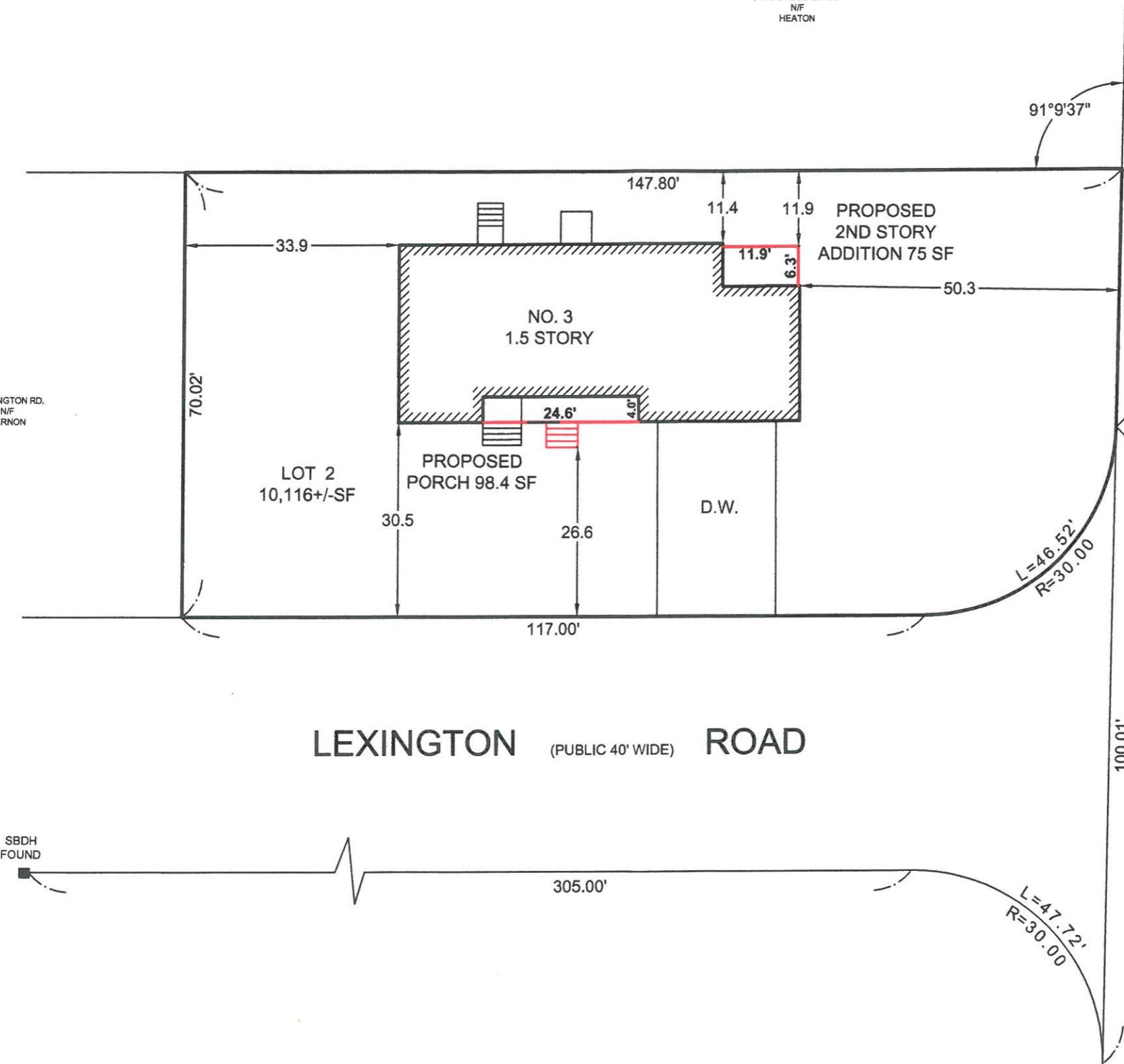
THOMAS BERNARDI P.L.S. SEPTEMBER 12, 2016

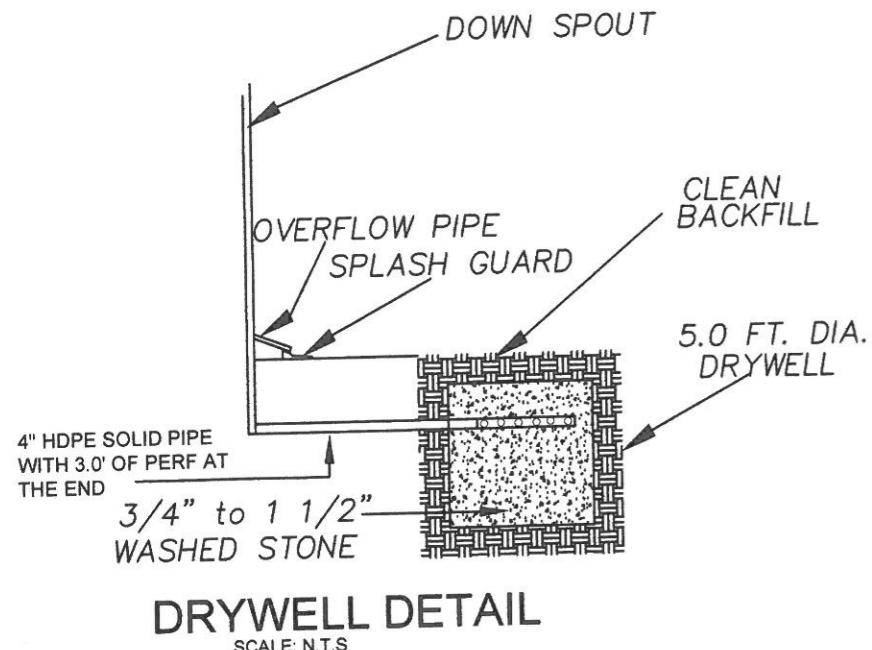
SBDH  
FOUND



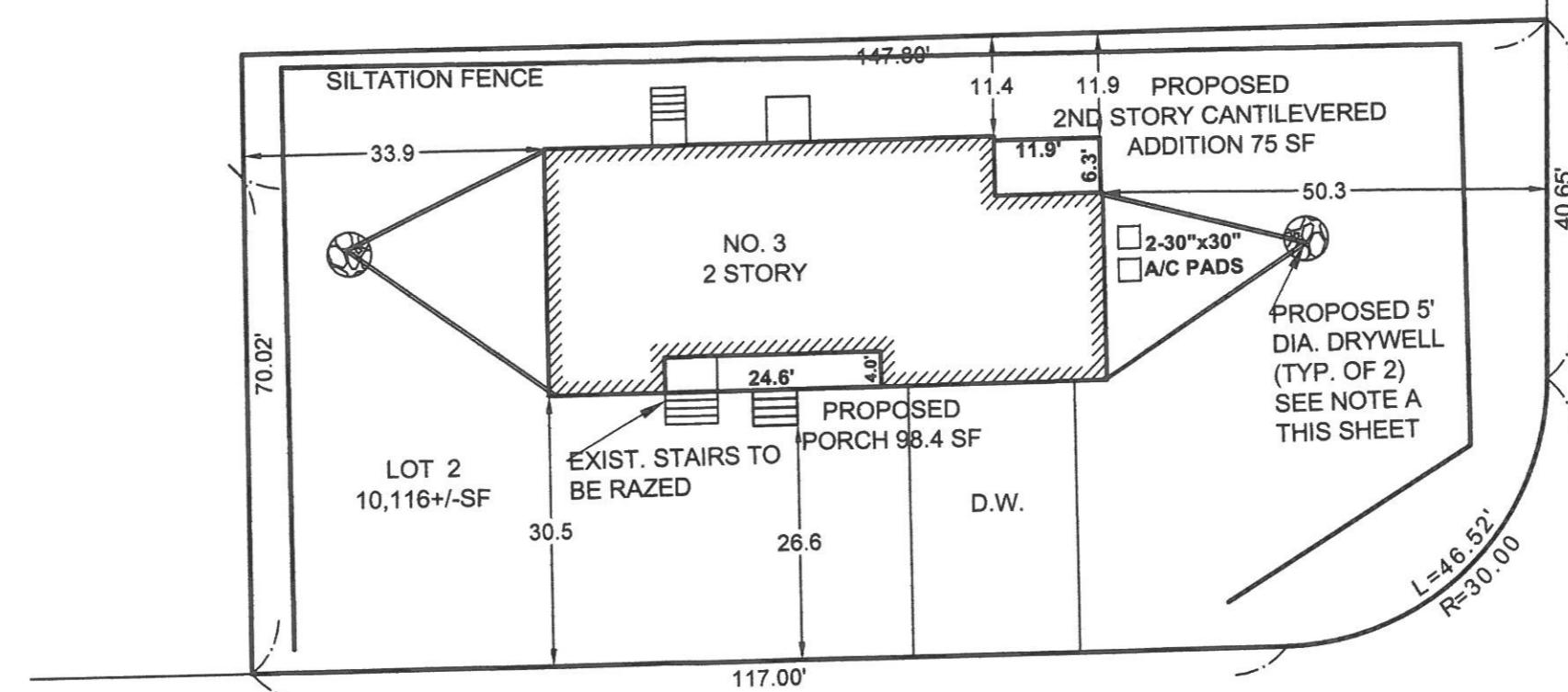
LEXINGTON (PUBLIC 40' WIDE) ROAD

WORCESTER STREET





NOTES:  
A. TIE ALL THE ROOF DRAINS IN THE DRYWELLS



DATE: SEPT. 26, 2016

### STORM WATER MANAGEMENT PLAN

SCALE: 1 INCH = 20 FEET

LOCATED AT  
3 LEXINGTON ROAD  
WELLESLEY, MA