



ZONING BOARD OF APPEALS

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J. RANDOLPH BECKER, CHAIRMAN
RICHARD L. SEEGL
DAVID G. SHEFFIELD

LENORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 2208

ROBERT W. LEVY, VICE CHAIRMAN
WALTER B. ADAMS
DEREK B. REDGATE

ZBA 2019-78
Petition of Stephen Maimone
9 Granite Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 10, 2019 at 7:30 pm in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Stephen Maimone requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming garage with less than required left side yard setbacks and construction of a two-story addition that will meet setback requirements, on an existing nonconforming structure with less than required left side yard setbacks, on a 9,887 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, at 9 Granite Street, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On September 17, 2019, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

WITHDRAWN WITHOUT PREJUDICE

Present at the public hearing was Stephen Maimone, the Petitioner. He said that the house is currently nonconforming on the front left corner and the garage is nonconforming on the side and at the rear. He said that the proposal is to remove the garage and expand the house on the back and the right side, in compliance with setback requirements.

Mr. Adams said that the proposed setbacks will be very close to the maximum allowed on three locations. He said that, as designed, the proposed addition will not be nonconforming. He said that if it gets built incorrectly, the Petitioner would have to come back before the Board to seek relief for creating a new nonconformity. Mr. Maimone said that they are confident that it will be built to specifications. Mr. Adams said that the designer squeezed the addition in to meet the setback requirements.

Mr. Maimone said that proposed lot coverage will be less than the maximum allowed. Mr. Adams asked if TLAG calculations had been done.

Mr. Levy said that the two proposed curb cuts will need approval from DPW.

Mr. Adams said that the Board has to make a finding that the proposed construction will not be substantially more detrimental to the neighborhood than the existing nonconforming structure. He discussed concerns about building the structure out to the maximum allowed, especially since the Board does not have any TLAG information to determine whether this would be under the threshold for Large House Review (LHR). Mr. Levy said that under the bylaw the project is exempt from LHR but the Board

uses TLAG calculations anecdotally as guide for how the house fits in with the town's bylaw definition of large houses.

Mr. Levy read the Planning Staff recommendation. Mr. Maimone said that he has approval from the Planning Board that the project is not subject to Demolition Delay.

The Board members said that they would like to see the TLAG calculations.

Mr. Seegel asked if Mr. Maimone had shown the proposed plans to his neighbors. Mr. Maimone said that he showed the plan to neighbors on the sides and across the way and there were no objections that he was aware of. He said that he would like to take down the garage that is close to the lot lines but he can keep it and renovate the house as it is.

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

Joanna Kaplan Lee, 12 Granite Street, said that she lives directly across from 9 Granite Street. She said that the biggest concerns are the number of trees that may be coming down and the proposed house seems large in a neighborhood of smaller homes. She read a statement from a neighbor who had concerns about the driveway. She said that the driveway appears to go right through where a utility pole is currently located. Mr. Adams said that the property owner will have to discuss relocation with the owner of the pole. Mr. Levy said that the Board will not be granting relief from the Tree Preservation Bylaw to the extent that it is applicable.

Mr. Adams asked if the Applicant had spoken to Ms. Lee about the proposed plans. Ms. Lee said that she met Mr. Maimone and saw the plans online. She said that more than doubling the size of the house is substantial. She said that there is one tree in front of the house that will be taken down for road work and that will also impact her view.

Patrick de Fontnouvelle, 50 Summit Road, said that he is an immediate abutter. He said that his wife spoke with Mr. Maimone on more than one occasion. He said that they appreciate that the existing garage will be coming down. He said that his understanding is that, other than the existing 14.7 side yard setback on the house, the proposed structure will meet the setback requirements. He said that size is a concern relative to the other houses in the immediate vicinity. He said that it is hard to assess visually what a calculation of 3,400 square feet means.

Mr. Seegel said that he was concerned about the increase in size. He said that there will be a partially finished basement with 1,000 square feet of additional space. He said that the Board will need to see a TLAG Affidavit to see how much of that space will be exempt.

Mr. Levy said that he would like to see a Tree Plan.

Mr. Seegel said that he is very concerned about building right up to the setbacks. He said that if they miss, they may have to take it down. He said that the Petitioner should consider reducing the size of everything slightly.

Mr. Adams said that if the Petition is continued, the Petition could get more information about relocation of the utility pole.

Mr. Levy said that the Board would like to see TLAG calculations and a Tree Plan. Mr. Seegel said that the plot plan should show the location of the utility pole.

The Board discussed options for moving ahead with the petition. Mr. Maimone requested that the petition be continued to November 7, 2019.

Mr. Adams moved, Mr. Seegel seconded the motion, and the Board voted unanimously to continue the petition to November 7, 2019. Mr. Levy asked that the Planning Board determination for Demolition Delay be submitted.

November 7, 2019

Present at the public hearing were Stephen Maimone, the Petitioner, and Ralph Kilfoyle, Architect.

Mr. Levy asked what has changed since the previous hearing. Mr. Maimone said that he submitted TLAG calculations and a Tree Protection Plan.

Mr. Levy said that the footprint of the building has not changed. He said that the new plan that was submitted was dated five days prior to the last plan. Mr. Maimone said that he had it with him at the previous hearing but the Board said that he would have to re-submit it.

Mr. Levy said that the Board had asked for a plan that shows the trees and the utility pole. He said that six of 15 trees will be removed. Mr. Seegel said that the trees to be removed are the major trees. He said that the ones that will be saved are no more than two to three inches in diameter. He questioned why trees one, two and seven have to be removed.

Mr. Seegel said that he did not think that he could approve the circular drive around the front of the house.

Mr. Adams said that the Board had asked Mr. Maimone to consider scaling the building back. Mr. Maimone said that he showed the plans to the surveyor and the architect and they assured him that they can fit the building in the proposed location. Mr. Adams said that the issue is more of a consideration that putting a building at the proposed size would be more detrimental to the neighborhood. He said that with less than two inch forgiveness on the side yard setbacks, it tells the Board that the plan is to put as big amount of square footage as possible and the question is whether that is appropriate for this lot. Mr. Maimone said that in both instances, that will be the worst case scenario. He said that it tapers as it goes back.

Mr. Kilfoyle said that there is an angle on the lot line that makes it difficult to work with the existing footprint of the home. He said that they had to max out the width to fit the garage and small mudroom. Mr. Adams said that the garage appears to have more space than it needs for two rather large cars. Mr. Kilfoyle said that the door from the driveway is necessary for convenience instead of having to always use the front door. Mr. Adams said that you can get in to the garage from the house. Mr. Maimone said that the kids may use the door to get to their bikes. Mr. Seegel said that the garage could be a foot less wide. Mr. Adams said that the people door could open out. Mr. Kilfoyle said that it is better to have the door open in for security reasons.

Mr. Seegel said that moving the vehicles a foot to the left will provide the same amount of space for them. He said that it will settle the issue that Mr. Adams is concerned about with putting the foundation up to the setback line.

Mr. Adams said that he was concerned that Mr. Maimone had not heard the Board when it said that the house was too much for the property. He said that the TLAG will be pretty much maxed out. He said that the Board got comments from neighbors who have some concerns as well.

Mr. Seegel said that, in view of the height of the house and the topography of the land, he was troubled by the three windows in the front of the master bedroom. He said that they will be looking out into all of the bedrooms around it.

Mr. Adams said that the Board regularly gets requests from owners who are trying to maximize the use of their property. He said that this is a nonconforming lot and building and the Board's standard comes down to whether the proposed construction will be more detrimental to the neighborhood.

Mr. Levy read an excerpt from the minutes from the previous hearing.

Mr. Seegel said that the Board is looking at the size and mass on this lot and how it affects the neighbors. He said that the way that it is currently designed, it would be hard for the Board to not find that it would be substantially more detrimental to the neighborhood.

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

Joanna Kaplan Lee, 12 Granite Street, said that she submitted a letter to the Board expressing her concerns. She said that not having the circular drive relieves one of her biggest concerns. She said that because there is 14.7 feet on one side, it takes up that much more space than a conforming home. She said that it seems to be much bigger than what she sees in the neighborhood. She said that additions in the neighborhood are typically set back by a few feet from the main portion of the house or are in the back, which lessens the impact. She read comments from her six year old regarding trees.

Patrick de Fontnovelle, 50 Summit Road, said that he and his wife agree with Ms. Kaplan Lee. Mr. Adams said that Ms. Kaplan Lee provided the Board photographs of a number of homes in the neighborhood with additions to the rear and off to the side, which does not have as much impact on the streetscape. He said that the street is a tiny private way and Mr. Maimone is proposing a much larger home that will affect the streetscape. He asked that Mr. Maimone reconsider his plans.

Mr. Levy said that the legal standard that the Board has to consider is whether the proposed alteration will be substantially more detrimental to the neighborhood.

Mr. Adams said that Mr. Maimone should look at his plans in a more global way. He said that the proposed structure is too big for the lot. He suggested that Mr. Maimone find a way to make it not so imposing on the neighborhood.

Mr. Seegel said that there is space in the backyard to build. Mr. Kilfoyle said that they can hide a lot of the new living space out back but Mr. Maimone really wants to get a garage to work, which is triggering the massing and maxing out on the setbacks. He said that it is difficult to solve. He said the you need to

take the existing and proposed floor plans into consideration. He said that you cannot always hide an addition.

Mr. Seegel said that if this was a flat lot and not raised as much as it is, the bulk and mass would not be as bad. He said that it is up substantially from the grade of the street, which is one of the reasons that the neighbors find it objectionable and the Board has a problem with it.

Mr. Levy said that the proposal is to more than double the lot coverage. Mr. Adams said that on the front elevation they are increasing the width and height by more than a third. He said that he had not heard anything explaining why they need a garage of the size that is proposed. He said that they should look carefully at that part of it again. He suggested some changes that could help with the design.

Mr. Levy discussed options for moving forward with the petition. Mr. Kilfoyle said that the Applicant would like to redesign the project and speak with the neighbors before coming back before the Board.

Mr. Seegel suggest that the petition be withdrawn without prejudice to allow the Petitioner time to redesign and share with the neighbors.

Mr. Adams moved, Mr. Seegel seconded the motion, and the Board voted unanimously to continue the hearing to February 6, 2020.

February 6, 2020

The Chairman said that the Petitioner sent a request to the Board asking that the petition be allowed to be withdrawn without prejudice.

Mr. Adams moved, Mr. Redgate seconded the motion, and the Board voted unanimously to allow the petition to be withdrawn without prejudice.

RECEIVED
TOWN CLERK'S OFFICE
WELLSLEY MA 02481
2020 FEB 20 P 12:01

SITE PLAN TO ACCOMPANY ZBA APPLICATION

9 GRANITE STREET

WELLESLEY, MASSACHUSETTS

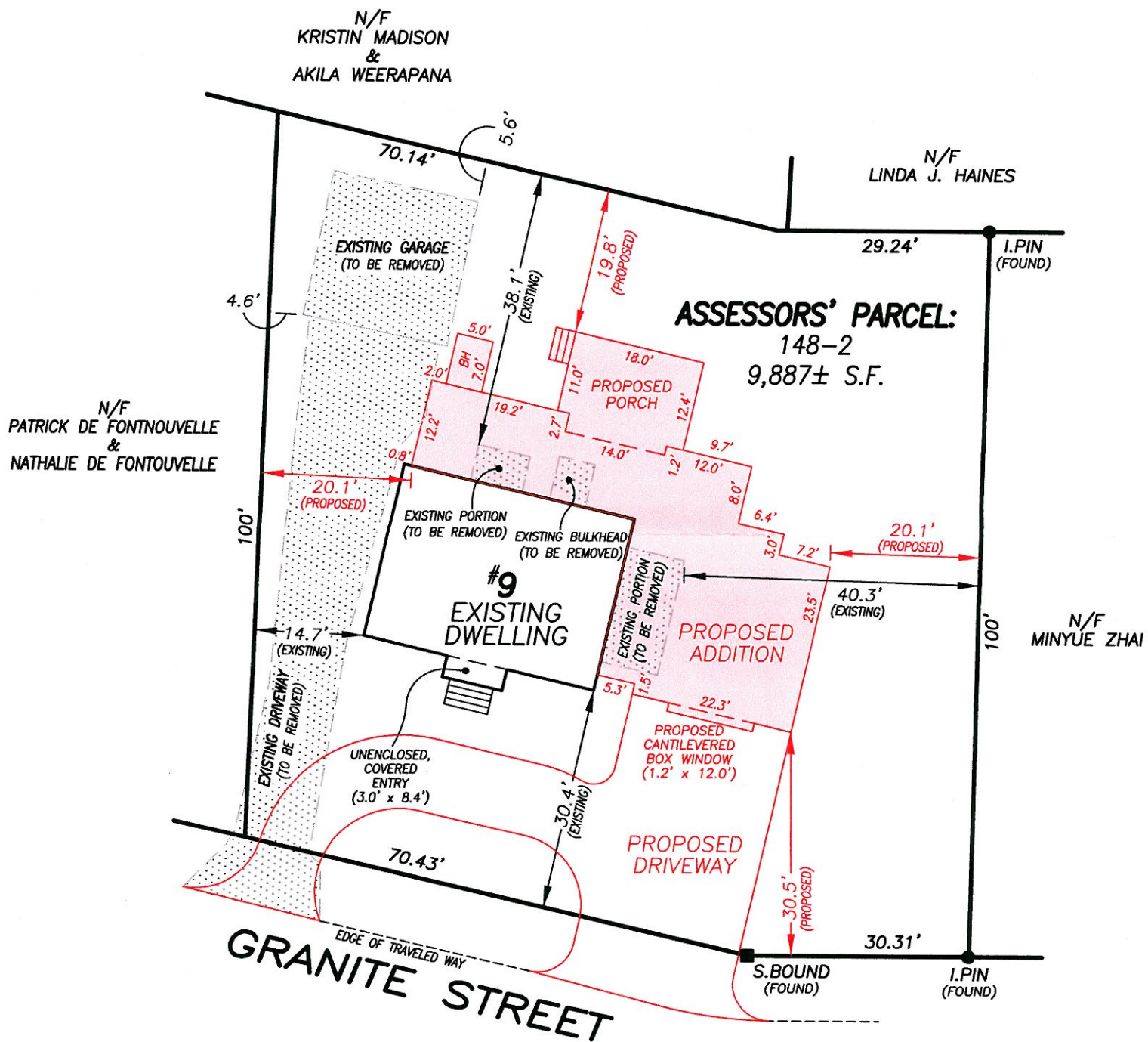
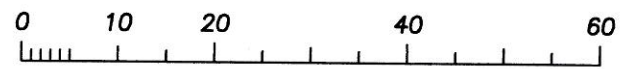
1 INCH = 20 FEET AUGUST 26, 2019

SNELLING & HAMEL ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS & ENGINEERS
10 LEWIS STREET P.O. BOX 102
LINCOLN, MASSACHUSETTS 01773
(781) 259-0071

OWNERS OF RECORD:

STEPHEN A. MAIMONE
&
PAULINE S. MAIMONE
BK.37032 PG.265

1 INCH = 20 FEET



NOTES:

- ZONING DISTRICT: SINGLE RESIDENCE 10
- EXISTING LOT COVERAGE = 1,010± SF OR 10.2%
- PROPOSED LOT COVERAGE = 2,280± SF OR 23.1%
- CONSTRUCTION STAKEOUT IS NECESSARY TO ASSIST WITH THE PLACEMENT OF THE PROPOSED FEATURES.

I HEREBY STATE THAT THE LOCATION OF THE FEATURES SHOWN HEREON IS THE RESULT OF A FIELD SURVEY PERFORMED AS OF JULY 17, 2019, WITH THE USE OF A TOPCON TOTAL STATION.

REFERENCE:

- LAND COURT CASE 7058

JOHN R. HAMEL
PROFESSIONAL
LAND SURVEYOR



8-26-2019
DATE: