

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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ZBA 2017-71

Petition of K. Whitney Hall
7 Priscilla Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 10, 2017, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of K. Whitney Hall requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing structure and construction of a two-story structure that will meet all setback, height and lot coverage requirements, on a 13,283 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District, at 7 Priscilla Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 6, 2017, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Mark Heavner, representing K. Whitney Hall, the Petitioner. He said that the request is for a special permit to demolish an existing dwelling and replace it with a new one family dwelling. He said that existing house is nonconforming by area. He said that the lot shows on the Assessor's Plan as 13,400 square feet. He said that the actual survey shows it as 13,283 square feet. He said that the proposed house will have a front setback of 35.1 feet. He said that, in accordance with the 500 Foot Rule, the setback could be as small as 31.9 feet, so this will be approximately three feet further back than they need to be. He said that the existing front setback is 40.4 feet. He said that the side setback on the new house will be 20.3 feet where 20 feet are allowed. He said that the rear setback will be 47.5 feet where 15 feet are allowed. He said that the proposed height from average grade will be 32 feet 9 inches where 35 feet is allowed. He said that proposed lot coverage will be 2,468 square feet, or 18.58 percent, where 2,656 square feet is allowed. He said that the proposed house will have 5,052 square feet of total living area on three floors, with the first floor at 1,784 square feet, the second floor at 2,143 square feet and the lower level at 1,125 square feet. He said that TLAG was calculated using both methods. He said that it is 3,927 square feet using the method that was in effect when he applied in June and 5,209 square feet using the new method. He said that the proposed house will have five bedrooms, four full bathrooms, two half bathrooms and a two car attached garage.

Mr. Redgate confirmed that the TLAG falls below the threshold for LHR.

Mr. Levy said that a petition that was signed by many people was submitted to the Board. Mr. Heavner said that he had a copy of it.

Mr. Levy said that the Board has to make a finding that the proposed structure shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. He said that it is a large house that is somewhat out of character with the neighborhood.

Mr. Becker said that he did a house and lot analysis. He read the Planning Board. He said that the Planning Board recommended that the Zoning Board deny the special permit.

Mr. Heavner said that there is a new house at 51 Standish Road, which is basically the abutting property. He said that it has the same scale as the proposed house. He said that he submitted a picture of that house in the application package.

Mr. Becker said that looking at the houses on Priscilla Road only, there are 10 houses. He said that he looked at the intensity of use by dividing the TLAG by the lot area, and with a TLAG of 3,927 square feet, this would be the most dense use in the neighborhood by a significant amount. He said that Cape Cod houses were on six out of the ten lots. He said that the proposed house is significantly larger than what is there. He said that it would be the first house to be upgraded on Priscilla Road. Mr. Heavner said that the last three houses on Priscilla Road have been upgraded to substantially larger houses.

Mr. Heavner said that this portion of Priscilla Road is part of a 34 lot subdivision that was done in 1938 where only two lots were conforming. Mr. Redgate asked about the size of the other nonconforming lots. Mr. Heavner said that they range from 10,000 to 12,000 square feet. He said that the lot at 7 Priscilla Road, with 13,283 square feet is one of the larger lots.

Mr. Heavner said that they could add onto the existing structure by special permit and stay within all of the Zoning requirements but the infrastructure is old and frail. He said that they are looking to build from the ground up to meet today's standards with updated utilities. He said that everything would be in compliance except for lot area.

Mr. Becker said that the assumption that a fully compliant structure is not more detrimental to the neighborhood is not necessarily true. He said that this is a good example. He said that there are predominantly one and a half story houses on the street and this is considerably larger than that. He said that the question is whether the largeness is substantially more detrimental to the neighborhood or not. Mr. Heavner said that, at some point, all of the houses will want to expand. He questioned whether the subdivision will remain as one and a half story houses in perpetuity or is there the ability to expand.

Mr. Levy said that there are 20 neighbors who oppose the project, as well as the Planning Board.

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

Catherine Johnson, Planning Board, said that she recused herself from the Planning Board vote on this because she is a neighbor who signed the petition. She said that there are a lot of things wrong with the proposed house including mass, size and scale. She said that the TLAG of 5,209 square feet is larger than what could be built by right on a conforming lot in the neighborhood without going through LHR. She said that the size is detrimental. She said that over the last five years there have been five new builds in the neighborhood that are detrimental to the neighborhood. She said that two of them have more character and three of them do not. She said that 50 Standish Road is next door. She said that the proposed house is larger than the house at 50 Standish Road. She said that a number of young families

have bought existing homes in the neighborhood, all of whom have chosen to do renovations. She said that some have done internal changes and others have come before this Board for additions. She said that they are gorgeous houses and they have kept the character. She said that in determining whether something is more detrimental to the neighborhood, it is character as much as it is proportions. She said that it is a neighborhood of capes and small colonials. She said that the houses were primarily designed by or in the style of Royal Barry Wills and were all built or supervised by Dunleavy. She said that there was a consistency on every street. She said that there is classic traditional construction. She said that many of the houses were built at the end of the Depression going into World War II. She said that there is a sense of proportion on the houses where the windows balance the doorways. She said that there is an integrity to what is built there.

Ms. Johnson said that the houses that do not fit into the neighborhood are millennial mansions and are the typical subdivision house. She said that they have been seen everywhere since the mid 1980's. She said that the houses are typically asymmetrical and are built to the Zoning setbacks, especially in areas where land prices are high, so that they can maximize the density and square footage. She said that they have an assortment of windows that seem to be out of a window catalog. She said that the most outstanding feature is the steeply pitched complex roof.

Ms. Johnson said that neighbors have added to their second floor and built to the back to upgrade their homes. She said that 7 Priscilla Road is a perfect example of where that could be done. She said that it has an existing two car garage that is slightly undersized by today's standards that could be expanded to the back and added to on top.

Ms. Johnson said that the character of the proposed house is almost what makes it more detrimental rather than the size of the house. She said that there are families moving into the neighborhood who do appreciate the old style. She said that the best example of a new house is 5 Carver Road, which came before the Board in 2015. She said that it is a gambrel with 3,599 square feet, on an undersized lot of approximately 11,500 square feet. She asked that the Board either deny this petition or allow the petition to be withdrawn so that the Petitioner can come back with something different.

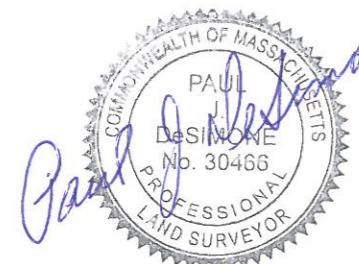
Beth Urdang Ziegler, 11 Priscilla Road, read a letter that she had submitted to the Board.

Mr. Heavner requested that the Board allow the petition to be withdrawn without prejudice. Mr. Levy moved and Mr. Redgate seconded the motion to allow the petition to be withdrawn without prejudice. The Board voted unanimously to allow the petition to be withdrawn without prejudice.

STANDISH ROAD

LOT 29

I CERTIFY THAT THE PROPOSED DWELLING SHOWN ON THIS PLAN CONFORMS TO THE TOWN OF WELLESLEY ZONING SETBACK REQUIREMENTS.



ZONED SR15 - SINGLE RESIDENCE

500 FT. FRONT SETBACK RULE
HSE. #23 SETBACK = 31.9±

EXISTING LOT COVERAGE = 1,534 SQ.FT. - 11.55%
PROPOSED LOT COVERAGE = 2,468 SQ.FT. - 18.58%

PRISCILLA ROAD

(40 FT WIDE PUBLIC WAY)

SMH
RIM=106.32
INV. IN=101.31
INV. OUT=99.00

BENCHMARK
NAIL SET IN P/P
ELEV. = 106.08

L=94.17'

R=180.00'
L=75.24'

G

BERM

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L=12.18'

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L=126'

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LOT 28

13,283 S.F.±
MAP 37-31

110

51.0'

47.5'

110

120

126

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