

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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ZBA 2017-78
Petition of Northland Residential Advisory Group, LLC
11 Homestead Road

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 7, 2017, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Northland Residential Advisory Group, LLC 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 new two-story structure that will meet all setback requirements, on an existing nonconforming lot with less than required frontage, at 11 Homestead Road, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On August 7, 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 were David Himmelberger, Esq., Peter Crabtree, VP of Acquisitions & Development, Northland Residential Corporation, Chris Russ, Architect, and Alan Aukeman, Landscape Architect.

Mr. Himmelberger said that the request is for a special permit to raze and construct a two-story single family dwelling that will be fully compliant with all Zoning dimensional requirements. He said that a special permit is required because, although the lot is oversized 19,318 square feet in a 10,000 square foot district, the lot has a pre-existing nonconforming frontage of 40 feet.

Mr. Himmelberger said that the proposed home is a traditional shingle style that was designed by local Architect, Jan Gleysteen, to be compatible with the neighborhood. He said that the house will have a side facing garage located 42.3 feet from the side property line. He said that the house will be set back 121 feet from Homestead Road. He said that the height from average grade will be approximately 34 feet, lot coverage will increase from 7.1 to 12.9 percent, or 2,500 square feet, and existing Total Living Area plus Garage (TLAG) of 1,548 square feet will increase to 5,147 square feet. He said that 545 square feet of garage was included, using the new method to calculate TLAG. He said that the proposed house will not be substantially more detrimental to the neighborhood because it is an appropriate size for the lot. He said that the Planning Board, while recommending approval, noted that if this house was not being built on a nonconforming lot, it would be subject to Large House Review (LHR). He said that the Planning Board recommended that the ZBA apply LHR criteria in its consideration, particularly with regard to screening. He said that the neighbors at 7 Cottage Street, 8 Leighton Road and 15 Homestead Road have worked with the Developer and a robust planting plan was created to the satisfaction of those neighbors. He said that significant screening has been proposed and is part of the plan. He said that the plan will be compliant with the Tree Preservation Bylaw.

Mr. Aukeman said that a tree at the back corner of the lot will be removed. He said that there is a cluster of trees growing together, one of which is a Norway Maple, which is an invasive species. He said that its roots are girdling the native trees. He said that they will preserve the cluster by taking away the Norway Maple. He said that at the back of the lot along the Washington Street abutters, there is a Red Oak that angles back into the lot to the footprint of the proposed house. He said that on the Homestead side facing the property line, there is a failing Norway Spruce that has a canker condition that is causing a lot of needle drop. He said that those are three trees that will be removed. Mr. Crabtree said that crabapple trees along the driveway will be removed. He confirmed that all of the trees on the north, northeast side will remain. He said that there is a 15 foot Dogwood that they will dig up and move out toward Homestead Road. Mr. Aukeman said that there will be additional plantings where the Dogwood is relocated at the mouth of the driveway. He said that the existing lilacs are in decline. He said that there is an existing hedge along the driveway that has some bare spots. He said that there will be additional planting on either side of the driveway. He said that there will be a low landscape wall along the front of the house. He said that they will retain the major trees at the back. He said that with the curvature of the driveway and the plantings, they will screen the house from Homestead Road and make the approach interesting. The Chairman confirmed that an arborist looked at the trees.

Mr. Himmelberger said that lot coverage will be 12.9 percent or 2,500 square feet. He said that there will be 16,818 square feet of open space.

Mr. Aukeman said that the driveway typically has a 12 foot wide travel lane with some six foot widening to park a car.

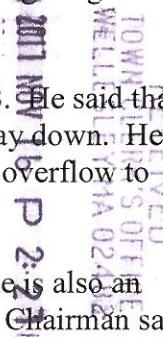
A Board member asked if the Planning Board had seen the revised plans. Mr. Himmelberger said that the Planning Board did not have the planting plan because it was not part of the required submittal. He said that it was done to augment what was submitted. The Board member said that the Planning Board recommended that ZBA apply LHR criteria in its review of the project. He asked if the Applicant would be opposed to providing ZBA with additional information such as an official planting plan and a drainage plan that meet the requirements of LHR. Mr. Himmelberger said that the Applicant is willing to provide that.

The Chairman said that the Planning Board was concerned about amount of fill that has to be brought in to level the terrain. Mr. Himmelberger said that the existing raised deck house was built in 1963 with the lowest level on the Washington Street side. He said that the Planning Board may have looked at that and thought that it would have to be filled in. He said that it will fill when they dig the foundation for the new house. He said that no additional fill will be brought in. Mr. Aukeman said that the site comes close to balancing. He said that the way that the house is perched, there is a half walk out. He said that side was scooped out and the fill was mounded at the end of the house where there is an at grade patio. He said that Drawing C-3 shows the footprint of the existing and the proposed house. He said that as they excavate for the new house they will reverse the pattern that happened on this site with the fill.

Mr. Aukeman said that the plan is to have sconce wall mounted lighting at the entrances. He said that there is a mud room entrance and the garage doors that will be flanked by two sconces. He said that the front door will be set back under a porch where there will be a ceiling mounted fixture under the porch roof. He said that there will be two steps to the front door where they will have down lights. He said that at the rear of the house is a family room and living room. He said that there will be two sconce lights

flanking the living room door. The Chairman confirmed that there will be no patio lighting and no light spilling over to other lots or onto the driveway. Mr. Aukeman said that there will be no lighting along the driveway. Mr. Russ said that the fixtures will be dark sky compliant.

Mr. Crabtree said that they have an engineered drainage plan that was designed by VHB. He said that two drywells will capture all runoff from the roof and from the high point of the driveway down. He said that the system was designed for a 25 year storm. He said that at peak calculations, any overflow to abutting properties would be negligible, 0.01 cfs in a 10 year storm.


Lisa Abeles, 11 Cottage Street, said that she is an abutter to the abutter. She said that she is also an architect. She said that it is important to look at the architecture as well as the site. The Chairman said that ZBA does not have control over architecture. He said that the Board looks at how the project will or will not conform to Zoning.

Ms. Abeles said that the house is being described as a two-story structure but she would argue that it is three stories. The Chairman said that the house will not exceed the height limit. Ms. Abeles said that the Zoning Bylaw states that the proposed structure shall not be substantially more detrimental than the existing nonconforming structure. She said that the Board would have a hard time convincing the neighbors who are present at the hearing that this will not be substantially more detrimental to the neighborhood. She said that other neighbors were not able to attend the hearing because they have young children. The Chairman confirmed that Ms. Abeles can see the current structure on the lot from her home.

Ms. Abeles said that what is called a third floor dormer at the back of the house is not a dormer. She said that it will be 34 feet long. She said that her house is 25 feet wide. She said that the plan is good but it is too massive. She said that the existing house is a one and a half story structure with a full walk out at the back. She questioned how the height was calculated. She said that the dormer at 34 feet long constitutes a third story. She said that if that dormer was removed or made into two smaller dormers it would be far less imposing. She said that the length of the house is 72 feet. She said that her house is 50 feet long. She said that this will be half again as long. She said that the neighbors are concerned about the size of the structure. She said that the third story makes it massive. She said that the dormer was left off of the drawings that were shown to the neighbors.

Ms. Abeles said that the Developers chose to put up three gambrel houses in a row. She said that a lot of people in the neighborhood have a problem with that because it feels like a development. She said that part of the character of the neighborhood is that the houses are all different. The Chairman said that the character of the neighborhoods is changing all over town. He said that houses are being torn down and much larger houses are being built. He said that until the Planning Board and Town Meeting change the Zoning Bylaw, ZBA has not control over it. He said that the existing and proposed houses are conforming. He said that this matter is before the Board because the lot is nonconforming because it has only 40 feet of frontage.

Ms. Abeles said that the neighbors believe that the proposed house will be detrimental, due to its size and the fact that it will be yet one more gambrel on the block. She said that there is a lot of character in the neighborhood. She said that there have not been a lot of teardowns.

Karen Breedis 24 Appleby Road, said that her road is exactly perpendicular to this property and looks directly at what will be developed here. She said that she was concerned with the style of the home. The Chairman said that if the lot was conforming, this house could be built as a matter of right. He said that there are a lot of smaller houses in the neighborhood. He said that they are building larger homes on Washington Street. He said that this is happening all over town. He said that this house will be pretty much hidden from Homestead Road. He said that it will have a lot of landscaping. He said that he understands that the neighbors believe that this will be substantially more detrimental. He said that ZBA cannot design houses. He said that the house will meet all of the setback regulations. He said that determining whether a house will be substantially more detrimental is subjective. He said that if the Board grants a special permit, the only remedy for the neighbors is to appeal it to the Land or Superior Court within 20 days of when the decision is filed with the Town Clerk.

Eve Zimmerman, 7 Homestead Road, said that she teaches at Wellesley College. She said that she understands that the town is changing. She said that this is a tall house and it will dominate the houses around it. She said that she met with the Architect and was told that Wellesley is a town where only people who can afford 4,000 square foot houses can live. She said that her house is a 2,200 square foot shingle style cottage that was built in 1925. She said that it would be hard to live in the existing structure as it is now. She said that her request to the Developer and ZBA is for a reasonably sized house. She said that there are houses of different sizes in the neighborhood. She said that Northland is adding six huge houses and that has tipped the balance in the neighborhood. She said that she just saw the planting plan for the first time. She said that she would like to work with the Landscape Architect about the history of the hedge line and discuss what seems reasonable to do. She asked that the scale of the house be brought down a bit. The Chairman asked that the Landscape Architect meet with Ms. Zimmerman. Mr. Crabtree said that he and the Landscape Architect did meet with Ms. Zimmerman and discussed the hedge. He said that Ms. Zimmerman told them that she had planted a portion of the hedge with her husband. He said that they told her that Northland will maintain it. He said that the hedge is mainly forsythia. He said that where there are weak bushes they will plant new or supplement them.

A Board member said that the dormer is not shown on the proposed left and right side elevations. Mr. Russ said that was an omission on the plans. He displayed plans that show the dormer. The Chairman said that the Board approves plans that were submitted. He said that if it is not shown on the plan, it cannot be built. He said that the Board can continue this if the Applicant wants to submit further plans. A Board member said that the Applicant may want to revisit the scale of the dormer. He said that it is questionable whether the dormer needs to be continuous or not. He said that there is an opportunity to adjust the scale.

Rose Danner, 8 Homestead Road, said that her house looks directly at the existing house. She said that she looks at a nice narrow gravel driveway with what looks like a deck house. She said that the proposed house is not appropriate and changes the value of the neighborhood. She asked that the Board do whatever it can to help the neighbors. She said that she did not hear than any trees will be planted. She said that this will be a Leviathan in the neighborhood and is not appropriate in any way, shape or form. She said that it will be more than two times as big as the house next door. The Chairman said that redesigning the dormer at the rear of the house will not affect the neighbors on the other side. Ms. Danner said that it is a huge house that will not look right in this neighborhood. The Chairman said that the Board cannot do a great deal to reduce the size of the footprint of the house. He said that the Board will ask the Applicant to submit a landscaping plan that lists all of the species of proposed plantings. He suggested that the Developer meet with the neighbors before submitting the planting plan.

Peter Solomon, 17 Leighton Road, said that the question is whether the proposed structure will be substantially more detrimental to the neighborhood. He said that the mass will increase by 232 percent. He said that the sight lines from Homestead Road will see the dormer. He said that the lot size may accommodate a building of this size but the scale of the proposed structure is not in keeping with the neighborhood. He said that with respect to tree preservation, he encouraged that perimeter fences be greater than eight feet across to protect the roots, that trucks do not drive over the roots and that there be nothing stored on top of them. He said that the Developer's project on Washington Street had diminimis planting heights. He asked that the plantings here have more elevation to them. He said that a case came before the Board in 2010 where the Board commented on unprecedeted mass and the structure being uncharacteristic for the neighborhood. He said that the failure to include the dormer view from the street does a disservice to residents who may have taken the time to look at the plans and not appreciated the scale of what is being proposed. He said that the plans did not accurately represent the proposed structure, so it was not a proper process.

The Chairman said that the Board wants to give the Applicant time to look at the plans, meet with neighbors and consider elements that they object to. He said that it is a very large house for the neighborhood. He said that the Applicant should look at the scale of the house. He said that the Applicant should submit a landscape plan and a drainage plan. The Board said that considering LHR criteria in its review is particularly important in view of how the neighborhood feels about the house. Mr. Himmelberger said that he did not want it lost in the Board's consideration that three immediate abutters at 7 Cottage Street, 8 Leighton Road and 15 Homestead Road have no issue with the project. He said that 7 Cottage Street abuts this and has a TLAG of 5,348 square feet, which is larger than this house. He said that, as proposed, it will not be the largest house in the neighborhood but will be larger than many. He said that what previously existed on the lot was a grand three story mansion that had been constructed in the late 1880's. He said that echoes the Board's point that neighborhoods do change.

The Board voted unanimously to continue the hearing to November 2, 2017.

November 2, 2017

Presenting the case at the hearing were David Himmelberger, Esq., Peter Crabtree, Alan Aukeman, Chris Russ, Jan Gleysteen, Architect, and Wes Mize, Engineer.

Mr. Himmelberger said that Northland had made extensive outreach to the neighbors prior to the first hearing. He said that they redoubled their efforts. He said that the revised materials that were submitted last week contained extensive and additional reformatted information regarding a detailed Landscape Design Planting Plan, contextual information regarding the neighborhood demonstrating that the proposed house is similar in height and TLAG density to many other homes in the neighborhood, and a Stormwater Management Plan. He said that the rear third floor dormer was redesigned and reduced in height by several feet. He said that ongoing conversations continued with direct abutters regarding the landscaping screening to be planted on their common property lines. He said that the Applicant met with seven neighbors on site on October 24, 2017 to narrow and clarify the issues and concerns of the neighbors. He said that the primary issue that remained following that meeting was the design of the rear third floor dormer. He said that the neighbors expressed willingness to support the project if further mutually agreeable changes or reductions to the dormer design could be achieved. He said that Northland and its Architects went back to the drawing board. He said that they met with eight neighbors last night to

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present two new dormer design options. He said that the neighbors unanimously supported one of those options which resulted in a further reduction in the width of the face of the dormer from 28 feet to 19 feet. He said that there were additional modifications to the angled side walls and a reduction in the height of the overall dormer face.

Mr. Himmelberger said that Northland and the neighbors agreed on the location of a temporary chain link construction fence across the rear yard to protect mature trees that provide vital screening to the neighbors. He said that the minor grading proposed in the rear yard will be on the house side of the chain link fence. Mr. Himmelberger said that the neighbors requested and Northland agreed to meet with the neighbors prior to installation of the chain link fence and the irrigation system. He said that Northland further agreed to meet with the neighbors on a periodic basis every 30 days. He said that the collaboration between Northland and the engaged neighbors was unprecedented. He said that spirited concerns of neighbors led to meetings with the Developer and ended with all of the parties reaching consensus.

The Chairman said that the plan with the fence is dated October 18, 2017. Mr. Himmelberger said that they will mark revisions for November 2, 2017. He said that the Applicant further offers language to be incorporated by the Board in the granting of the special permit with regard to tree protection measures. He submitted a copy to the Board. He said that it was reviewed with the neighbors and met with their approval. He said that it provides for a protocol to ensure that mature trees at the rear are best protected during construction by fencing and additional irrigation prior to installation of the irrigation system if they get into dry conditions. He said that the protective fencing may be temporarily taken to remove the trees that are shown on the plan to be coming down. He said that the Applicant believes that they have adequately addressed the Board's concerns regarding receiving additional information for stormwater, a detailed landscape plan, new dormer design and a revised site construction plan showing the construction fencing. He said that the neighbors are satisfied that the Applicant has addressed their significant concerns.

A Board member said that carriage lamps often create quite a distance of horizontal glare. He said that there are three carriage lamps, two on the back and one by the garage. He said that you can see the light from some distance. Mr. Mize said that VHB developed a Photometrics Plan that is based on the lights that were selected. He said that the lamps will be low wattage, so there will not be much light, similar to an indoor light. He said that the table in the plan shows the wattage that was selected. The Board member said that direct glare is different from light levels. Mr. Gleysteen said that the fixtures are normal wall sconces that are dark sky compliant. He said that the lot is heavily vegetated at the rear and the front. He said that the topography for the three abutters at the rear rises up approximately six feet, so their first floors will be higher than the first floor of this property. He said that lighting at the rear should not be impactful on the neighbors. The Board member said that on the front elevation the location of the lighting may not have been coordinated with the lighting plan. He said that there is a carriage light on the wall adjacent to the door but nothing on either side of the garage doors. Mr. Gleysteen said that the Elevation will be corrected to match the Lighting Plan.

Lisa Abeles, 11 Cottage Street, said she is the representative for the neighbor group. She said that the Developers met with the neighbors and they had very good meetings. She said that Mr. Crabtree met with people individually and as a group. She said that he seems to be sincere and she trusts him completely. She said that the neighbors give their whole hearted support. She applauded Mr. Crabtree on the good team that he put together. The Chairman said that it is a pleasure to see developers and neighbors get together to reach a consensus.

The Chairman said that the approved plans are as amended on November 2, 2017.

Statement of Facts

The subject property is located at 11 Homestead Road, in a 10,000 square foot Single Residence District, with a minimum frontage of 40.2 feet.

The Petitioner is 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 new two-story structure that will meet all setback requirements, on an existing nonconforming lot with less than required frontage, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Letter to Zoning Board of Appeals, dated 8/2/17, from David J. Himmelberger, Esq., a Plot Plan, dated 8/2/17, stamped by James L. Diorio, Professional Land Surveyor, Existing Floor Plans and Photographs of Existing Elevations, dated 8/2/17, Proposed Floor Plans and Elevation Drawings, dated 8/2/17, revised 10/17/17 & 11/2/17, TLAG Square Foot Calculations, dated 8/2/17, revised 10/17/17, and Existing Site Photos, dated 8/2/17, prepared by Jan Gleysteen Architects Inc., TLAG Affidavit, dated 10/17/17, Letter to Zoning Board of Appeals, dated 10/24/17, from David J. Himmelberger, Esq., Existing Conditions SV-1, dated 7/31/17, Site Plan C-1, dated 10/18/17, Utility Plan C-2, dated 10/18/17, Site Details C-3, dated 10/18/17, prepared by VHB, Layout Plan L-1.0 and Planting Plan L-2.0, dated 10/18/17, prepared by Ryan Associates, Google Earth Map of 11 Homestead with building heights, Neighborhood Plan L-, dated 10/18/17, prepared by Ryan Associates, Existing Building Heights, prepared by Jan Gleysteen, Neighborhood Plan L-, dated 9/7/17, Stormwater Management System memorandum, dated 10/3/17, prepared by VHB, Lighting Plan LI-1, dated 10/17/17, prepared by VHB, SPJ29-02B Specification Sheet, Ceiling Mounted Fixture Front Porch(B1), LED Step Light Shielded AZ Specification Sheet were submitted.

On August 10, 2017, Joshua Van Houten, Wellesley DPW, Engineering Division, reviewed the project and submitted comments to the Board.

On September 6, 2017, the Planning Board reviewed the petition and recommended that Special Permit be granted with conditions.

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 demolition of an existing structure and construction of a new two-story structure that will meet all setback requirements, on an existing nonconforming lot with less than required frontage, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it shall neither increase an existing nonconformity nor create a new nonconformity.

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Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of an existing structure and construction of a new two-story structure that will meet all setback requirements, on an existing nonconforming lot with less than required frontage, in accordance with the submitted plot plan and all plans including revised plans dated November 2, 2017.

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.

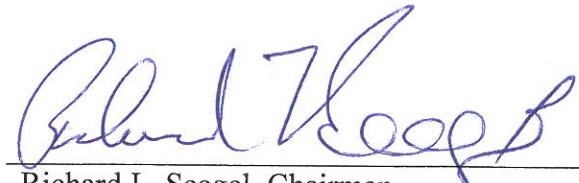
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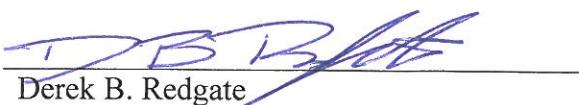
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



Richard L. Seegel, Chairman

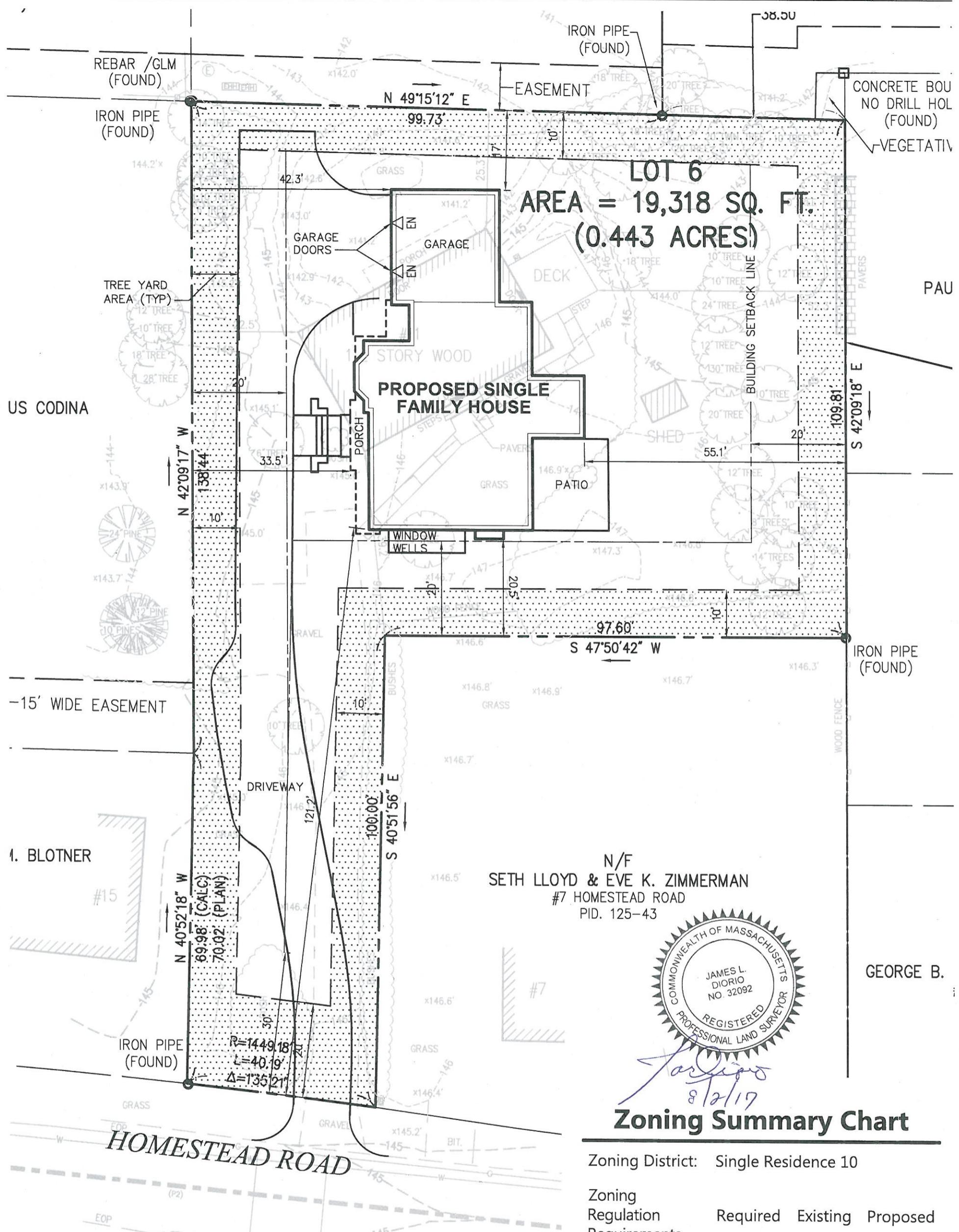


David G. Sheffield



Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm



Zoning District: Single Residence 10

Zoning Regulation Requirements	Required	Existing	Proposed
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MINIMUM LOT AREA	10,000 SF	19,318 SF	19,318 SF
FRONTAGE	60 Feet	40.2 Feet	40.2 Feet
FRONT YARD WIDTH	60 Feet	40.2 Feet	40.2 Feet
FRONT YARD SETBACK	30 Feet	137.7 Feet	121.2 Feet
SIDE YARD SETBACK	20 Feet	22.5 Feet	20.5 Feet
REAR YARD SETBACK	10 Feet	25.3 Feet	17.0 Feet
LOT COVERAGE	--	7.1%	12.9%
BUILDING COVERAGE	--	1,370 SF	2,500 SF