

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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

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ZBA 2017-91

Petition of Garrick & Katie Stewart  
62 Kirkland Circle

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, December 7, 2017, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Garrick & Katie Stewart requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a second story addition above an existing nonconforming garage with less than required side yard setbacks, demolition of an existing three season sun room and construction of a two-story addition that will meet all setback requirements, on an existing nonconforming structure with less than required side yard setbacks, on a corner lot at 62 Kirkland Circle, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On November 16, 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 Alyssa LaMora, Designer, and Garrick and Katie Stewart, the Petitioner. Ms. LaMora said that the homeowners have lived at 62 Kirkland Circle since 2013. She said that they moved in before they had children. She said that they now have two children and one on the way. She said that they love the neighborhood and their house. She said that they would like to add a little more living space and a bedroom. She said that the property is located on an existing nonconforming lot at the corner of Kirkland Circle and Linden Street. She said that the back of the existing house is nonconforming. She said that the proposal is to add on a second story to the existing garage for a bedroom. She said that they are proposing to keep the existing footprint of the garage at the rear of the home and push it forward to the front of the property where there is more room. She said that they are proposing to take down a three season room on the other side of the property and replace it with a larger dining room with a full foundation below and a master bath above.

The Chairman asked if any thought had been given to changing the driveway location to Kirkland Circle.

The Board said that the proposed structure seems to be a good solution.

The Board confirmed that the air conditioning condenser that is shown within the side yard setback is existing.

Leslie Cormier, 367 Linden Street, said that she lives directly across the street. She said that she teaches architecture. She said that she looked at the work and thought it looked good but she is concerned about the large flat surface that faces Linden Street. She said that it is out of scale, flat and almost billboard size. She said that it is close to Linden Street and is excessively large, flat and square. She said that it

will probably block light and add to ice in the winter. She said that there have been serious car accidents in that area. She said that it will block the view. She said that her main concern is the visuals. She said that the side that faces Kirkland Circle is nicely done but she did not think the same about the side facing Linden Street. She said that it is particularly important that Linden Street maintain its character as an important place of movement through a very domestic neighborhood. She said that this disrupts that sense of domesticity. She said that they could perhaps fix it by lowering it and turning the gable toward Linden Street. She said that she thinks that it is excessively tall, flat and square. The Chairman said that there will be three windows in the garage. Ms. Cormier said that at that height above Linden Street and being very blank, it will change the character of the street and not in a good way. She said that it might look better if it is set back on the second floor. She said that it is really excessively large and flat.

Ms. LaMora said that they originally did have a gable end facing Linden Street but it made the Kirkland Circle side, which is the more prominent corner view, look like an extended cape that is quite long. She said that they went with the gable end on Kirkland Circle so that Linden Street would have the cape view with the dormer. She said that the reason for the height is because the driveway is 2.5 feet lower than the first floor, so they had to make up the difference to connect the second floor without a step down.

Ms. Cormier said that her concern is that they turned a nice façade to Kirkland Circle but Linden Street is her view and the light matters. She said that it is really the processional entrance for the neighborhood and Linden Street is an important, significant street that runs through multiple neighborhoods. She said that it is very important to maintain the look of Linden Street for that reason. She said that the building is simply too high, too flat and like a billboard on Linden Street. She said that it would block views as well. She said that she is concerned because the long term character of the street will suffer with flatness facing the street. She said that it is already a nonconforming structure, so it is an even more serious concern.

David Himmelberger, 387 Linden Street, said that he lives four houses down from this property. He said that he wanted to applaud the Applicants in making the effort to retain the original structure and add on to it rather than do what is too frequently done to scrape a house off and start fresh. He said that this house has a lot of character. He said that there are not a lot of houses in Wellesley that have a brick façade fireplace that projects off of the main structure and they are retaining that, and that counts for a lot. He said that he applauds his neighbors for doing what they are doing by adding on and not knocking down and starting over.

Ms. Cormier said that it matters very much that the street continues its character. She said that there are simple changes that can be made. She said that they can turn the gable and lower the proportions of the house. She said that it has to be done right to maintain the neighborhood.

Mr. Himmelberger asked the Board to consider a condition that there be no construction parking on Linden Street. He said that it is a narrow street and a curve as well, so it would be extremely dangerous.

The Chairman said that taste is different for everybody. He said that he is familiar with the neighborhood. He said that he has driven by there five to ten times a week for over 50 years. He said that he did not see a problem with the proposal.

### Statement of Facts

The subject property is located at 62 Kirkland Circle, in a 10,000 square foot Single Residence District, on a corner lot, with a minimum side yard setback of 13.7 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a second story addition above an existing nonconforming garage with less than required side yard setbacks, demolition of an existing three season sun room and construction of a two-story addition that will meet all setback requirements, on an existing nonconforming structure with less than required side yard setbacks, on a corner lot, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 10/25/17, stamped by Douglas Bailey, Professional Land Surveyor, Existing & Proposed Floor Plans and Elevation Drawings, dated 10/25/17, prepared by Lineal Inc., and photographs were submitted.

On December 4, 2017, Joshua Van Houten, Department of Public Works, Engineering Division, reviewed the plans and submitted comments.

On December 5, 2017, the Planning Board reviewed the petition and recommended that Special Permit be granted.

### 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 construction of a second story addition above an existing nonconforming garage with less than required side yard setbacks, demolition of an existing three season sun room and construction of a two-story addition that will meet all setback requirements, on an existing nonconforming structure with less than required side yard setbacks, on a corner lot, 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.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of a second story addition above an existing nonconforming garage with less than required side yard setbacks, demolition of an existing three season sun room and construction of a two-story addition that will meet all setback requirements, on an existing nonconforming structure with less than required side yard setbacks, on a corner lot, subject to the following condition:

- There shall be no construction parking on Linden Street.

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

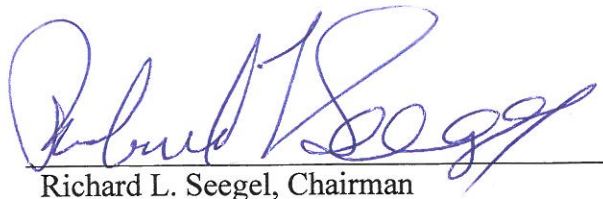
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

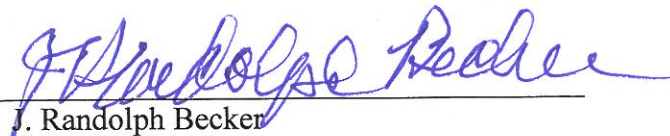
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TOWN CLERK'S OFFICE  
WELLESLEY MA 02462  
2017 DEC 21 P 3:14

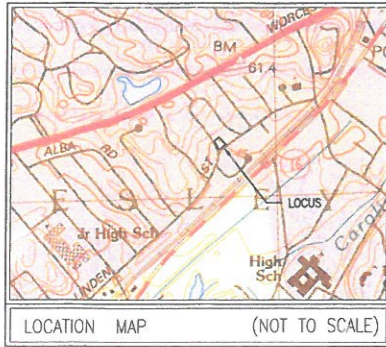
APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.

  
Richard L. Seegel, Chairman

  
J. Randolph Becker

  
David G. Sheffield

cc: Planning Board  
Inspector of Buildings  
lm



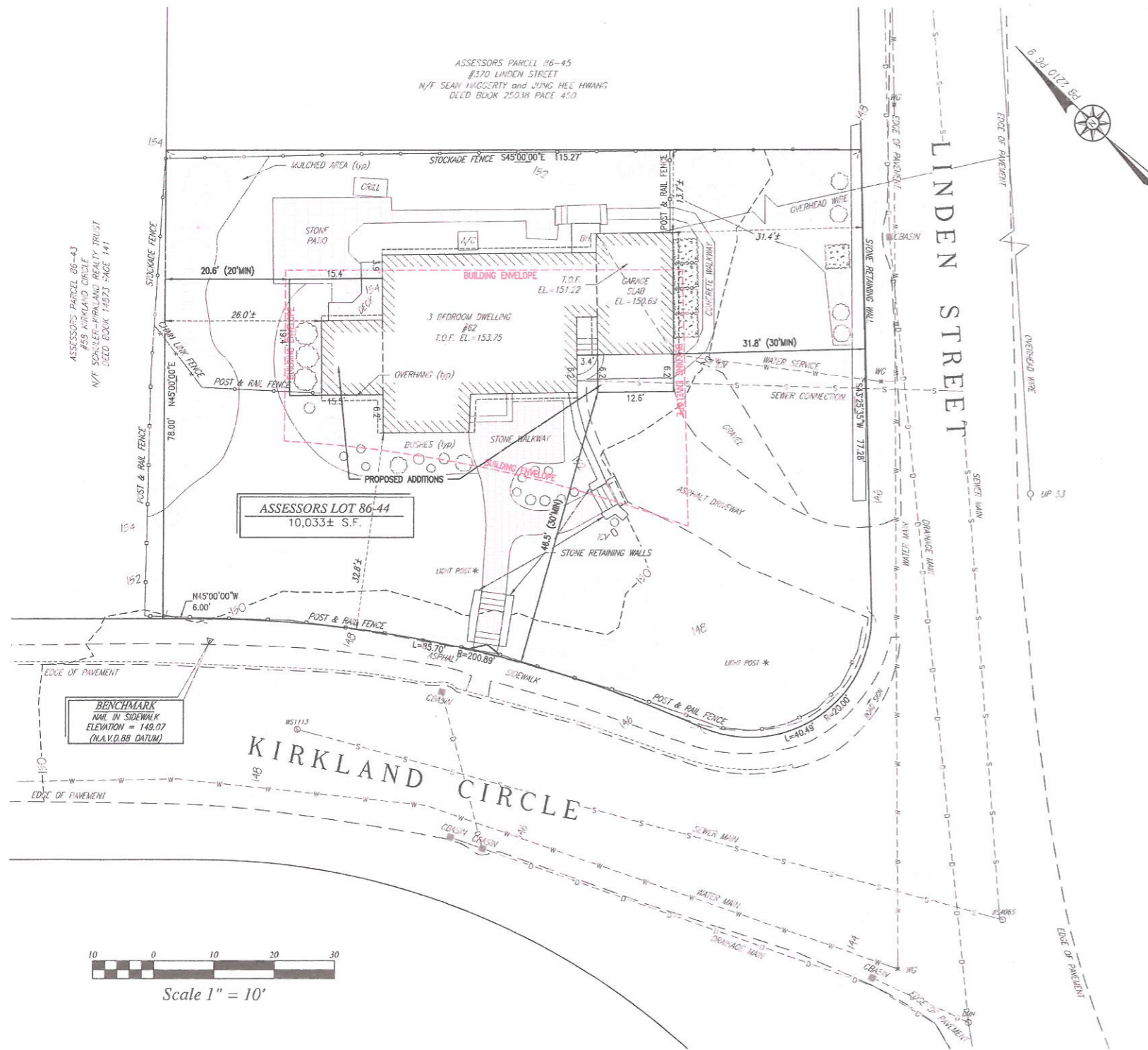
### ZONING DATA

DISTRICT: SR-10 (SINGLE FAMILY RESIDENCE)

MINIMUM REQUIREMENTS:	
LOT AREA	10,000 S.F.
LOT FRONTAGE	60 FT
FRONT YARD	30 FT
SIDE YARD	20 FT
REAR YARD	10 FT
MAX LOT COVERAGE	2,500 S.F.
REQUIRED LOT WIDTH FRONT YARD	60 FT
MAX BUILDING HEIGHT	40 FT (3 STORIES)

EXISTING LOT COVERAGE = 1,457± S.F. OR 14.5%  
PROPOSED LOT COVERAGE = 1,731± S.F. OR 17.3%  
\*CORNER LOTS  
-STREET LINE SETBACKS = 30 FT (FRONT YARD EQUIVALENT)  
-SIDE/REAR LINE SETBACKS = 20 FT

ASSESSORS PARCEL 86-45  
#370 LINDEN STREET  
N/F SEAN MAGGERTY and JING HEE HWANG  
DEED BOOK 2503H PAGE 450



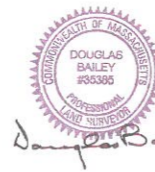
### PLOT PLAN FOR ADDITION

#62 KIRKLAND CIRCLE  
WELLESLEY, MASSACHUSETTS

RECORD OWNER:  
ASSESSOR MAP 86 LOT 44  
GARRICK C. & KATIE MARGANTI STEWART  
#62 KIRKLAND CIRCLE  
WELLESLEY, MA 02481  
DEED BOOK 31048 PAGE 588  
LOT 19A - PLAN BOOK 2210 PAGE 9

APPLICANT:  
ALYSSA LAMORA  
LINEAL, INC.  
P.O. BOX 1118  
BARNSTABLE, MA 02630

OCTOBER 25, 2017  
SCALE: 1" = 10'  
JOB NO. 17-012



GRADY CONSULTING, L.L.C.

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