

**ZONING BOARD OF APPEALS**

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WALTER B. ADAMS
DEREK B. REDGATE
RICHARD L. SEEGEL

March 4, 2021

7:30 pm

Remote Public Hearing

Zoning Board of Appeals Members Present:

J. Randolph Becker
Richard L. Seegel
Walter B. Adams

Robert W. Levy
David G. Sheffield
Derek B. Redgate

BUSINESS MEETING**ZBA 2020-72, PARAGON INVESTMENTS LLC, 6 HASTINGS STREET**

Mr. Becker said that it is an undersized lot and the proposal is to tear down and build a new house. He said that at the time that the application was submitted, it was thought that the project would meet all required dimensional setbacks. He said that everyone missed that the property line that abuts the top of 6 Hastings Street is a side line for the adjacent lot, so the setback has to be a side yard, not a rear yard setback.

Mr. Becker said that a special permit was granted and the Board made a finding that the proposed structure will not be substantially more detrimental to the neighborhood. He said that the request before the Board tonight is whether it considers the change to be a minor modification that does not require a public hearing. He questioned whether that action will cover the relief that they need for the difference between the side yard and the rear yard setback. He said that he did not think that the requested action would cover that.

Mr. Adams said that now they are creating an additional nonconformity for the primary structure. Mr. Seegel said that if the Board assumes that is so, it has to ask the next question whether it changes the finding that it is not substantially more detrimental to the neighborhood. He said that he did not think that it is a minor modification. He said that the Petitioner will have to come back to apply for a variance.

Mr. Adams moved, Mr. Seegel seconded the motion, and the Board voted unanimously to make a determination that the proposed change is not minor modification and that the Petitioner will have to come back for a public hearing for additional relief.

Mr. Adams voted aye.
Mr. Seegel voted aye.
Mr. Becker voted aye.

ZBA 2021-17, 29-35 WASHINGTON STREET LLC, 29-35 WASHINGTON STREET

Mr. Becker said that this is a case where the Board got an answer after publication of the legal ad. He said that the property is located in a Business District and the proposal is to add an elevator at the back. He said that the building already exceeds the maximum allowed Floor Area Ratio. He said that the Building Inspector sent the developer to the Board for relief on the Floor Area Ratio. He said that Town Counsel opined that there is no mechanism for the Zoning Board of Appeals to grant relief but the proper place to do it is at the Planning Board because they are specifically called out in the bylaw. He said that the request is to allow the petition to be withdrawn without prejudice.

Mr. Adams said that this is a positive project to make the building more accessible.

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

Mr. Adams voted aye.
Mr. Seegel voted aye.
Mr. Becker voted aye.

ZBA 2021-18, OAK STREET HOLDINGS LLC, 25 OAK STREET

Mr. Becker said that the Board received an email from the developer stating that there was a misunderstanding about the bylaw and he requested that the petition be allowed to be withdrawn without prejudice.

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

Mr. Adams voted aye.
Mr. Seegel voted aye.
Mr. Becker voted aye.

Mr. Adams moved, Mr. Seegel seconded the motion, and the Board voted unanimously to close the Business Meeting.

Mr. Adams voted aye.
Mr. Seegel voted aye.
Mr. Becker voted aye.

PUBLIC HEARING

ZBA 2021-08, 65 CREST ROAD LLC, 65 CREST ROAD

Present at the public hearing were Laurence Shind, Esq., and Steve Meyers, Architect.

Mr. Shind said that at the previous hearing, the Board asked for a drainage plan and report that shows how stormwater will be managed on the site. He said that Patriot Engineering's conclusion was that the increase in stormwater will be handled on site. He said that they submitted revised elevation drawings that show changes that were made on the roof line. He said that the rear addition will not be visible from the street. He said that there is a slight reduction in TLAG, based on re-working the roof line.

Mr. Levy asked if the stormwater report was reviewed by the town's Engineering Department. He said that it is a very big house and the square footage will be doubled. He said that this is an improvement but it looks like the reduction is one percent of the TLAG, or 28 feet total.

Mr. Sheffield said that Elevation Sheet A4, front elevation, should have a line for the uppermost roof for the plan to be accurate. Mr. Meyers said that there is a notation that says that the top of the ridge is at 33 feet. Mr. Sheffield said that the line is not carried all the way across and is just a short line on the drawing. He said that it should be labeled.

Mr. Sheffield discussed the historic style and the shingles at the gables. He said that there should be a consistency all the way around the house to bring into the appropriate style of the front. He said that the shingle pattern was missed on a couple of the sides. He suggested that Mr. Meyers research paint colors that are appropriate for a Victorian look.

Mr. Sheffield said that there was a good effort to reduce the roof height.

Mr. Redgate discussed the front elevation shown on Sheet A4. He said that the existing height is shown at plus 34 feet and the ridge of the proposed is shown above that at 33 feet. Mr. Sheffield said that the ridge is not shown in its entirety. Mr. Meyers referred to the rear elevation shown on Sheet A6. He said that 33 feet is the middle gable at the center of the house. He said that the tower in the background is 34 feet. He said that the height of the proposed ridges are maxed at 33 feet.

Mr. Redgate said that the TLAG calculation for the existing dwelling is 2,392 square feet. He asked how much of that is in the garage structure. Mr. Meyers said that approximately 500 square feet on each of two levels, or 1,000 square feet total. He said that the masonry structure of the home is 1,237 square feet.

Mr. Becker said that the Planning Board probably had not seen the revised drawings because their comments were the same as last time.

Mr. Levy asked about the second floor of the garage. Mr. Meyers said that this it is usable space with heat but no water, in accordance with the 1988 decision.

Mr. Levy asked if any member of the public wished to speak to the petition.

Mr. Levy said that the Board received a letter from Ms. McCormick at 84 Crest Road, who commented that it looked like a big box and that she was disappointed at having the roofline destroyed with the addition coming up higher.

Mr. Levy said that it is a lot of house and is doubling the size. He said that an effort was made to reduce the front elevation.

Mr. Sheffield said that the house looks boxy but there are a lot of changes in lines that break it up.

Mr. Redgate said that the proposed addition is large but not out of the realm of other applications that the Board sees. He said that he was happy with the change in the front elevation. He said that the detached structure is a nice element. He said that it negatively affects the perception of the TLAG.

Mr. Redgate moved, Mr. Sheffield seconded the motion, and the Board voted unanimously to approve a special permit and make a finding that the proposed structure shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, subject to conditions that the stormwater site plan be complied with, that the stormwater plan that was submitted by Patriot Engineering be approval by the Town Engineer, and that there shall be no water service in the detached structure.

Mr. Redgate voted aye.

Mr. Sheffield voted aye.

Mr. Levy voted aye.

2021-14 14 MATTHEW & LORI KANE, 14 OLD TOWN ROAD

Present at the public hearing were Matthew and Lori Kane, the Petitioner. Mr. Kane said that the request is to alter the ceiling height of the room above the garage to use the space differently. He said that there will be no change to the square footage of the house. He said that the existing house is a traditional colonial with space above the garage. He said that the area above the garage will be raised to the same height as the bump out on the right. He said that they spoke with the neighbors and the abutters have given their approval.

Mr. Becker said that existing nonconformities are lot area and side yard widths on both sides, none of which will be increased by the proposed work.

Mr. Adams said that there are large evergreen trees on the property line where the second story will be raised. He said that the screening will mitigate a hardship for the neighbor. He said that he no problem with putting a second story on the garage.

Mr. Becker asked if any member of the public wished to speak to the petition.

Mr. Becker read the Planning Board recommendation.

Mr. Seegel moved, Mr. Adams seconded the motion, and the Board voted unanimously to grant a special permit.

Mr. Adams voted aye.

Mr. Seegel voted aye.

Mr. Becker voted aye.

ZBA 2021-15, ANNE BAE, 36 BROOK STREET

Present at the public hearing was Anne Bae, the Petitioner, who said that the request is for renewal of a special to rent a portion of 36 Brook Street. She said that she lives at 36R Brook Street, which is the apartment over the garage. She said that the main house has 6 bedrooms and 4 full baths and she does not need all that space. She said that she submitted information to Zoning Board of Appeals explaining the

house and the history. She said that a special permit for this was first granted in 1993. She said that she has come back with a request to renew the special permit every two years with the exception of the period that it was extended under the Permit Extension Act.

Ms. Bae said that her daughter used to live in the main house but has moved out of state. She said that she has since moved into 36R Brook Street.

Mr. Becker asked if any member of the public wished to speak to the petition.

Mr. Becker read the Planning Board recommendation.

Mr. Seegel moved, Mr. Adams seconded the motion, and the Board voted unanimously to grant renewal of a special permit, subject to the same terms and conditions.

Mr. Adams voted aye.

Mr. Seegel voted aye.

Mr. Becker voted aye.

ZBA 2021-16, SUE FUN LEE & RONALD KO, 1 CRESCENT STREET

Present at the public hearing were Sue Fun Lee and Ronald Ko, the Petitioner. Ms. Lee said that they are the owners of 1 Crescent Street and have lived there since 2011. She said that they were previously before the Board in 2018. She said that they have been in compliance with all of the conditions.

Ms. Lee said that they live on the second floor with their two sons, who recently graduated from college and seeking employment locally. She said that a single person has resided in the unit on the first floor for more than three years. She said that two people have resided in the other unit for four years. She said that this is their forever home. She said that they like the Town of Wellesley, the community, the culture and their neighbors. She said that the request is for renewal of the special permit to continue as long as the owner or a family member occupies one of the units. She said that they will continue to be in compliance with all of the conditions.

Mr. Adams said that he is familiar with the property and found that it is a quietly used property. He said that he had no objection to renewal of the special permit.

Tom Atkinson, 14 Crescent Street, said that he has known the Petitioners for 10 years since they lived at 1 Crescent Street and he fully supports the petition. He said that they take great care of their home and nothing has changed since they applied three years ago.

Mr. Becker read the Planning Board recommendation.

Mr. Seegel moved, Mr. Adams seconded the motion, and the Board voted unanimously to approve renewal of the special permit for three years, subject to the same conditions.

Mr. Adams aye

Mr. Seegel aye

Mr. Becker aye

ZBA 2021-18, OAK STREET HOLDINGS LLC, 25 OAK STREET

Mr. Becker said that the Board allowed the Developer to withdraw the petition for 25 Oak Street without prejudice. He said that the documentation that was submitted showed a two-unit townhouse and requested a special permit as if it was a two family dwelling. He said that a two unit townhouse is not allowed under the bylaw in a General Residence District, so there was no way that the Board could take the requested and action and grant the relief. He said that the petitioner can come back at a future hearing with a different plan. He said that the Board will take no further action on 25 Oak Street at this time.

ZBA 2021-19, FRANKLIN NINE WELLESLEY LLC, 9 FRANKLIN ROAD

Present at the public hearing were Victor Corda, representing Franklin Nine Wellesley LLC, and John Farrington, Esq. Mr. Corda said that the request is for a special permit for a pre-existing nonconforming lot to raze the existing dwelling and build a new dwelling. He said that it is a 15,000 square foot lot in a 20,000 square foot Single Residence District. He said that the proposed house will have a TLAG of 5,500 square feet, which is under the threshold for the district. He said that the finished basement will not be part of the TLAG calculations.

Mr. Corda said that lot coverage will increase three percent over the existing to cover approximately 500 square feet more on the lot. He said that the plan is to turn the garage towards Arlington Street, as Franklin Road is a cut through and it will be safer and easier to enter and exit the property.

Mr. Corda said that they expect to cut down a couple of small trees, a crab and a pear tree. He said that they will replicate anything that they remove.

Mr. Corda said that the lot has some pre-existing drainage issues with a depression that collects water. He said that a sump pump was connected to the Town's catch basin. He said that they expect to re-connect to that. He said that the plan is to adjust the grades away from the abutting neighbors. He said that construction of the new house should take care of the drainage issues completely.

Mr. Corda said that the request is for a special permit for the size of the lot. He said that the house will conform to dimensional requirements. He said that the proposed house will not be substantially more detrimental to the neighborhood than the existing house. He said that the neighborhood has a lot of undersized lots with a lot of setback issues. He said that this house was built in 1963.

Mr. Seegel said that not enough attention was paid to the drainage issue. He said that he had not seen any proposed underground structures or engineering reports that indicate that the water will be handled appropriately. He said that the plan is to raise the lot up two feet and that will not solve drainage. He said that it may cascade more frequently off the lot. Mr. Corda said that they wanted to tie an engineering plan with the final plans. He said that he has worked in this area and is familiar with the earth materials. He said that an engineered plan will be implemented by an engineer. Mr. Seegel said that the Board will need to see the plan to be able to make a determination.

Mr. Adams agreed with Mr. Seegel. He asked about retaining walls. He said that he had not seen them in the plans. Mr. Seegel said that a wall is shown at the rear of the lot. Mr. Becker said that there is no information about the height of the wall and the setback.

Mr. Becker said that the plans show the new house sitting on top of a little hill that sends water to the north and the east. He said that what Mr. Corda said is not consistent with what the drawing shows. He said that the plan does not show what will happen to the stormwater. He said that lot coverage will increase by 500 square feet, which is approximately 20 percent. Mr. Corda said that he did not realize that a drainage plan was a requirement for this hearing. Mr. Becker said that a drainage plan is not required but this particular property is a bowl that the neighborhood drains into and there is standing water there. He said that it is apparent that there is a problem there but Mr. Corda has not submitted any information about a solution for it. Mr. Corda said that the bowl is on the Arlington Road side of the property. He said looking at the property from Franklin Road, the yard rolls right to left and there appears to be some settling where they tied to the catch basin. He said that they will address the issue. He said that it may require more advanced drainage.

Mr. Farrington said that those are reasonable requests. He said that Mr. Corda will have to provide retention/detention structures and it is reasonable for the Board to ask to see them. He said that Jason Tobin, a Town Engineer, asked to look at the drainage plans. Mr. Farrington said that he agreed with the Board members in requesting some drainage and engineering detail.

Mr. Becker said that the retaining wall is shown within 10 feet of the property line and the height is not shown. He said that there is not enough information to show the Board whether a special permit is needed for the retaining wall. Mr. Corda said that the wall will not be over four feet. He said that they will only have it if they need it. Mr. Becker said that the documents should reflect the project. Mr. Farrington said that they can add a note that states that the retaining is not to exceed four feet in height.

Mr. Seegel read a letter that the Board received from the Fines at 12 Arlington Road regarding relocation of the driveway. He said that should be addressed with the neighbors. He questioned if there is a good reason for relocating the driveway. He said that the Board has to determine whether it will be substantially more detrimental to the neighborhood.

Mr. Adams said that the Board received comments from three neighbors and from the Department of Public Works (DPW). He said that DPW said that the utilities have not reviewed with them yet. Mr. Corda said that the engineered plan has the utilities laid out. He said that typically the utility plan is not designed until a house is established. He said that there is a proposed gas and sewer line on Arlington Road where the utilities were originally connected. He said that DPW must have missed them on the plan.

Mr. Seegel questioned whether relocation of the driveway approximately 27 feet from Franklin Road will be an issue. He said that the Engineering Division would deal with that type of situation. He said that there is no turning location shown for cars backing out of the garage. Mr. Corda said that he can add a back up area. He said that if he turns the garage and puts the driveway the opposite way, it will be almost equi-distant to the corner

Mr. Corda said that having the decision contingent on submittal of an accepted drainage plan is acceptable to him. Mr. Farrington said that the drainage detail request is reasonable and DPW wants to review it. He said that the utilities are shown on the plan but they can be better noted on the plans, as well as the height of the retaining walls, if needed.

Mr. Farrington said that changing the location of the driveway prevents the appearance of a house attached to a garage. He said that it should be discussed with the neighbors. Mr. Seegel said that the house has been there for a long time with the garage and driveway on Franklin Road. He said that they are presenting

something to the neighbors that change it from something that they have looked at for several years. He said that it pays to sit down with the neighbors and show them the plans before submitting them to the Zoning Board. Mr. Becker said that the location of the driveway relates to the traffic as well. He said that the old driveway is further away from the corner.

Mr. Seegel discussed withdrawing the petition without prejudice to allow the Petitioner time to get all of the work done and then re-submit it. He said that, alternatively, the hearing can be continued for a couple of months. Mr. Corda asked that the hearing be continued. He said that he will submit a completed engineering plan. He said that they will add more detail about the retaining wall. Mr. Farrington said that there has to be more time for neighborhood review and input. He said that the re-design should solve some of their concerns.

Mr. Becker read the Planning Board recommendation.

Mr. Adams said that he had not heard any criticism of the basic design of the building.

Peter Litman, 2 Arlington Road, confirmed that two sets of plans were submitted. Mr. Corda said that the plans that were originally uploaded to the website were the wrong plans. He said that the second set that is currently online is the correct version. He said that they increased the lot coverage by three percent. Mr. Becker said that it will be approximately a 20 percent increase in square feet of house size.

Mr. Littman confirmed that the significant change in size is from the existing house. He asked if the plan is to move the house or change its orientation. Mr. Corda said that it will face the same way but pushed 15 feet to the left, closer to Arlington Road.

Mr. Litman confirmed that an architect worked on the plan. He asked if they tried to match the style of houses that are around. Mr. Corda said that the new house is similar to houses in the neighborhood on Windsor Road, at the bottom of the hill and at 38.

Robert Hale 104 Forest Street, said that they have a history of drainage problems that just got remedied through work with the town. He discussed concerns about drainage now running down toward Franklin and Arlington Roads, which is in the direction of their house. He said that his concern is that it may exacerbate or increase a past problem that they have had. Mr. Adams said that a drainage plan may help to alleviate Mr. Hale's concerns.

Christine Oliver, 104 Forest Street, said that the proposed house will be approximately 5,000 square feet. She asked about the square footage of the existing dwelling. Mr. Becker said that according to the town records, the total living area is 2,261 square feet. Ms. Oliver said that they will double the size of the house. Mr. Becker said that the footprint will increase by approximately 500 square feet. Ms. Oliver said that it is a small lot and the house will substantially occupy the space. She said that she sees that that property from her family room. She said that the entire back of their house faces the Arlington Road/Franklin Road corner and this will be a very significant change for them.

Mr. Seegel moved, Mr. Adams seconded the motion, and the Board voted unanimously to continue the petition to May 6, 2021. The Board anticipates receiving a drainage plan and evidence of consulting with neighbors well before May 6, 2021.

Mr. Adams voted aye.

Mr. Seegel voted aye.

Mr. Becker voted aye.

ZBA 2021-20, SUSAN KOVACS, 20 CLIFFORD STREET

Present at the public hearing were David Himmelberger, Esq., Susan Christine Kovacs, the Petitioner, and Jacob Lilley, Architect.

Mr. Himmelberger said that the request is for a special permit for conforming additions to the existing home on a lot with less than required area. He said that the house at the corner of Clifford and Twitchell was originally built in 1915, according to the Town's Building Department records. He said that it is located on an undersized lot of 9,914 square feet in a 10,000 square foot Single Residence District. He said that the undersized lot stems from a taking by the town in 1938 for a portion of the corner of the lot at the intersection of Clifford and Twitchell Streets. He said that the proposed additions include adding a second story with a bay to an existing one story addition, adding a one-car attached garage, and connecting two existing porches with additional porch to complete a wraparound look. He said that all of the additions will be fully dimensionally compliant. He said that existing lot coverage will increase from 14 percent to 18 percent, going up approximately 440 square feet. He said that proposed TLAG is just over the threshold for the district at 3,705 square feet versus the trigger of 3,600 square feet. He said that the requested relief will not be substantially more detrimental to the neighborhood than the pre-existing nonconformities.

Mr. Lilley display plans. He said that the house is concealed behind arbor vitae on the Clifford Street side. He said that it was a neglected house. He said that the current owner looked to restore the house. He said that the house is undersized at three bedrooms and has no real garage. He said that there was a single story addition at the back of the house facing Twitchell Street with an oversized deck. He said that they looked at ways to modernize the house, bring it up to today's living standards while being respectful to the neighborhood. He said that they wanted to add a bedroom and a garage. He said that they decided to add over the existing porch to create a fourth bedroom. He said that they added onto the side yard a modest single story garage at grade that can be entered into the back of the house. He said that all of the proposed elements borrow from cues of the existing house. He said that they extended the porch around the back side to complete the elevation. He said that there will be no new curb cut. He said that what was already an attractive house just needed some repairs to bring it up to modern standards.

Mr. Seegel asked about drainage. He said that the Town Engineer indicated that there is high groundwater that needs to be controlled during and after construction. He said that ground cover will be increased by 30 percent. Mr. Lilley said that the only addition will be the 15 by 20 foot garage. He said that the majority of the building is over the existing footprint. Mr. Seegel said that the plot plan shows existing lot coverage of 1,388 square feet and proposed lot coverage of 1,822 square feet, going from 14 to 18 percent. Mr. Himmelberger said that includes the garage plus the connecting porch. He said that the garage will go on a slab where there was a driveway to the garage underneath. He said that the only area where they are adding lot coverage is the slab on grade for the garage. Mr. Seegel said that it might be wise to have an engineer look at the high groundwater issue. Mr. Himmelberger said that they will not be changing the groundwater because it will be a slab and they will not go into the ground.

Mr. Becker asked if any member of the public wished to speak to the petition.

Mr. Becker read the Planning Board recommendation.

Mr. Adams said that it is a tasteful alteration to the existing building with interesting design features and a modest increase in size.

Mr. Seegel moved, Mr. Adams seconded the motion, and the Board voted unanimously to grant a special permit and make a finding that the proposed structure shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Mr. Adams voted aye.

Mr. Seegel voted aye.

Mr. Becker voted aye.

ZBA 2021-21, DANA ANGELO, 8 ABBOTT STREET

Present at the public hearing were David Himmelberger, Esq., Dana Angelo, the Petitioner, and Charles Kraus, Architect. Mr. Himmelberger said that the request is for a special permit for enclosure of a portion of a first floor porch and an addition to the existing home on a lot with less than required area and less than required front and side yard setbacks. He said that the house was originally built in 1893, according to the Assessor's database. He said that it is an undersized lot at 6,482 square feet, with a front yard setback of 19.5 feet and a left side yard setback of 6.4 feet. He said that the left side yard setback abuts a commercial parking lot.

Mr. Himmelberger said that the proposal is for a two story addition at the back left corner to infill an existing jog. He said that the addition is 6 feet by 15 feet, with a slightly better setback of 8.3 feet. He said that partial enclosure of the 6 foot by 14.9 foot first floor porch will continue the line of the existing nonconforming side yard setback. He said that lot coverage will increase from 1,408 to 1,498 square feet, or 21.7 to 23.14 percent. He said that proposed TLAG will be 3,705 square feet, which is just slightly higher than the 3,600 square foot trigger for this district.

Mr. Seegel said that it is a great house.

Mr. Becker asked if there was any member of the public who wished to speak to the petition.

Mr. Becker read the Planning Board recommendation.

Mr. Becker said there were no comments from the Town Engineer.

Mr. Seegel moved, Mr. Adams seconded the motion, and the Board voted unanimously to grant a special permit and make a finding that the proposed structure shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Mr. Adams voted aye.

Mr. Seegel voted aye.

Mr. Becker voted aye.

ZBA 2021-22, ERIC & LAURA MISBACH 8 FISKE ROAD

Present at the public hearing were David Himmelberger, Esq., Eric and Laura Misbach, the Petitioner, and Timothy Burke, Architect. Mr. Himmelberger said that the request is for a special permit to build a

conforming addition to an existing nonconforming home on a nonconforming lot with less than required square foot area. He said that the house was built in 1933, according to the Town Building Department's records and is located on an undersized lot of 14,000 square feet in a 15,000 square foot Single Residence District and a Water Supply Protection District. He said that the existing home is nonconforming due to a side yard setback of 15.3 feet to an existing attached two-car garage. He said that the proposed addition will remove the nonconforming setback by replacing it with an attached conforming three-car garage with a master suite above. He said that all of the proposed addition will be fully dimensionally compliant. He said that the existing ridge height is 29.1 feet and ridge height of the addition will be 27.7 feet. He said that existing lot coverage is 1,806 square feet or 13 percent, and proposed lot coverage will be 2,280 square feet or 19 percent. He said that proposed TLAG of 4,683 square feet will be slightly above the trigger in this district of 4,300 square feet.

Mr. Himmelberger said that his client retained a stormwater consultant for work in a Water Supply Protection District. He said that they added two Stormtec Infiltration Systems in the yard adjacent to the proposed addition. He said that with proposed construction there will only be 49 square feet of additional impervious area. He said that copies of the plan were submitted.

Mr. Himmelberger said that the Planning Board expressed concerns about screening with the neighbor on Fairbanks. He said that his client had a conversation with that neighbor on Fairbanks and they have agreed to continue an existing line of evergreen screening further down to screen the garage area.

Mr. Himmelberger said that the proposal is to remove an existing nonconforming portion of the house, add 49 square feet of impervious area. He said that the proposed construction will not be substantially more detrimental to the neighborhood than the pre-existing nonconformities. He said that a number of neighbors wrote in their support.

Mr. Becker discussed the Planning Board recommendation that the design of the north wall be modified to provide more variation in materials. He said that he had trouble reconciling Plan A5 with the Planning Board comments. Mr. Burke said that it is the back of the house but they thought that they had done a nice job of articulating the spaces.

Mr. Adams said that DPW asked that the final site plan show utilities.

Mr. Becker asked about the note that says, "if required on potential stormwater" on the proposed plot plan. He asked who decides that and when they do it. Mr. Himmelberger said that if it rose to the Board's concern, they would put it in. He said that there are two existing area drains at the rear of the property and they are only adding 49 square feet of additional impervious surface. He said that it was a question of being overly cautious in a Water Supply Protection District. Mr. Seegel said that he did not see why it is needed. Mr. Becker said that when a proposal is small and does not have much impact, the Board does not ask for a drainage system. Mr. Adams said that there is a plan in place if problems develop after construction.

Mr. Becker asked if any member of the public wished to speak to the petition.

Mr. Seegel moved, Mr. Adams seconded the motion, and the Board voted unanimously to grant a special permit and make a finding that the proposed structure shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure and a finding that the proposed construction is in compliance with the standards in a Water Supply Protection District.

Mr. Adams voted aye.
Mr. Seegel voted aye.
Mr. Becker voted aye.

As there was no further business to come before the Board, the hearing was adjourned at 9:18 pm.

Respectfully submitted,

Lenore R. Mahoney
Executive Secretary

Draft