

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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TELEPHONE
(781) 431-1019 EXT. 2208

ROBERT W. LEVY
WALTER B. ADAMS
DEREK B. REDGATE

May 31, 2018
7:30 pm
Juliani Meeting Room
Town Hall

Zoning Board of Appeals Members Present: J. Randolph Becker, Acting Chairman
David G. Sheffield
Robert W. Levy
Walter B. Adams

ZBA 2018-28, WAYNE & JAN JOHNSON, 11 FIFE ROAD

Presenting the case at the hearing were Robert Ouellet, Jan and Wayne Johnson.

Mr. Ouellet said that rather than revise the plans, they decided to start from scratch. He said that they changed the height of the profile of the house and brought the Total Living Area plus Garage (TLAG) down substantially from 5,472 square feet. He said that it will have a stucco profile, a side entry garage and a walk out at the back. He said that it is a sloping lot. He said that they added more cottage style features with stone in the front and the top half shingled all around. He said that the entire second floor will be within the roof structure. He said that it is very similar to a cape style home. He said that lowered the profile down quite a bit. He said that they shortened the width of the house. He said that the width of the existing house is 56 feet, the originally proposed plan had a width of 58 feet, and this plan is for 54 feet. Mr. Levy asked how much the height was reduced by. Mr. Ouellet said that the only usable space in the attic will be for the HVAC system. He said that it is lower than four feet and you cannot stand up in that space. He said that the height came down to 35 feet. He said that lot coverage will be 21.3 percent. He said that the proposed TLAG proposed will be 4,280 square feet, which is 1,000 square feet less than what was previously proposed.

Mr. Ouellet said that the Board suggested that the Petitioner speak with the neighbors. He said that they held an open house last Friday and invited all of the homeowners to come view the existing plans. He said that the neighbor to the left asked about drainage, so they came up with a drainage plan. He said that the existing has no drainage. He said that the plan is for drywells around the house that will capture runoff from the gutters to an underground drywell system. He said that once they start digging and see what kind of soils are there, they may add a fourth drywell.

Ms. Johnson said that four neighbors attended the meeting to see the plans and ask specific questions to Mr. Ouellet about the construction, landscaping, the drywells and the size of the house. She said that there are 10 homes on the street, so five families were represented.

Mr. Levy asked if the drywells sized by an engineer. Mr. Ouellet said that his company has an in-house engineer who will analyze the soils to size the drywell system.

Mr. Sheffield said that a fair amount of the runoff will come from the driveway. He said that an additional drywell might be needed in the driveway area because it is quite a steep slope there. Mr. Ouellet said that currently the house sits low, about five to six feet from the street. He said that they want to bump it up about three feet to take the sting from coming into the driveway to the garage. He said that they could pick up additional drainage prior to the front door. He said that they will pitch from the street down to the garage and back up. He said that they can put a swale pitch in there and put a culvert drain in the driveway that can go to another drywell system. Mr. Sheffield said that would be a good idea.

Mr. Sheffield said that he was not sure that the elevation really needs the stone detail. HE said that it is not in keeping with the rest of the house. He said that it is not a zoning comment.

Mr. Levy confirmed that they will be raising the grade of the lot. Mr. Ouellet said that the driveway to the existing is like a ramp and is extremely dangerous with a slope of more than 10 percent. He said that they will raise the house a bit to take the sting off of the front entry. Mr. Levy said that the height from average grade is calculated from the grade of the existing house. He confirmed that the calculations were from current conditions.

Mr. Becker asked about the left elevation. He asked how much higher the street level is above the proposed garage. Mr. Sheffield said that it currently goes up about eight feet. Mr. Ouellet said that it is closer to five to six feet. He said that the street pitches down to the left hand side, which is why they put the garage there. He said that they will take advantage of that slope. He said that they believe that is the best place to put the garage. He said that they will raise the elevation three feet or so. Mr. Becker asked how much higher the proposed first floor will be than the existing first floor. Mr. Ouellet said that it will be three feet higher. Mr. Sheffield confirmed that there will be a three foot drop from the street to the garage. He said that they will need to handle the drainage from the driveway. Mr. Ouellet said that he just finished a house in Needham with an almost identical situation. He said that they put a drain system across the face of the driveway and it worked really well. He said that the actual distance of the driveway is not long but it is a double wide.

Mr. Becker said that the Board did not get Planning Board recommendations because they did not see the revised plans.

Mr. Becker said that the Board was concerned about the size of the structure at the previous hearing. He said that they have reduced the size but even at the size that they are proposing, it will still be the largest house in terms of living area on Fife Road, not by a little bit but by a lot. He said that the houses and the lots are smaller. He said that this is a 15,000 square foot district but only 19 Fife Road meets that requirement. He said that four out of the nine houses are less than 10,000 square feet for lot size. He said that it is a tough design because of the small lots and small houses. He said that the Board uses the not more detrimental standard in its comparison.

Mr. Sheffield said that the change in exterior materials, aside from the stone, are a great improvement from the stucco. He said that stucco made the previous design appear much bigger. He said that the changes to materials appear to try to make it look smaller.

Mr. Becker said that the mass was broken up with architectural features such as fenestration and trim. He said that the change in materials also helps to reduce the mass.

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 the Planning Board did not review the revised plans. She said that she did have two concerns about mass and scale. She said that this is a 35 foot house. She said that the rear of purports to be a finished basement, so you are really looking at a four story elevation for the people who live on Dunedin Road, which is behind it. She said that the mass shows a TLAG of just under 4,300 square feet, which is fine in a 15,000 SRD and is much better than the 5,400 square feet that was previously proposed. She said that this lot is two-thirds the size. She said that this will overwhelm a number of the houses in the neighborhood. She said that, in a way, this would be detrimental to other properties in the neighborhood.

Paul Sullivan, 15 Fife Road, said that he heard about the Friday meeting that was scheduled with the Developer last Wednesday. He said that he canceled plans so that he could attend because he thought that it was important for the neighborhood. He said that he went to the Planning Department and was told that they had not reviewed the revised plans. He said that the Planning Board should have received the revised plans so that they could render an opinion on them. He said that at the previous hearing, the Board pointed out that the proposed house would be more than three times the size of an average house on Fife Road. He said that the new design is still too large and overwhelms this tiny street. He said that Fife Road is a small tree lined street, 17 to 18 feet wide and 450 feet long. He said that in looking at the street, you can identify the original intention why the small plots were laid out in such a manner. He said that they were to accommodate smaller sized homes. He said that deviating from that would have negative impact on the subject house and the other houses in the neighborhood. He said that, as an abutter, he has vested and selfish interest in seeing this project be successful. He said that he wants to see the project succeed but feel that they are going about it the wrong way and it will hurt the valuations of the other small houses in the neighborhood that cannot complete with this, which would be impossible, given the size of the lots. He said that it is a myth that building a mc mansion in a small neighborhood will make all values go up. He said that it will have an opposite effect on this tiny street. He said that if the house is built, it will be marketed as the first house of a beginning trend in this neighborhood. He said that it does not complement what is on the street. He said that specific reference had been made to the house across the street at 14 Fife at the previous hearing and at the meeting with the Developer. He said that the TLAG is actually under 1,800 square feet. He said that if that house appears to be large on the street, what will house that is over 4,000 square feet look like and its impact on the neighborhood. He said that he does not want this to be a cash and dash situation because the neighborhood cannot support it. He said that the Board had recommended a three bedroom home. He said that it seems like the numbers that were chosen push it to limits of Large House Review (LHR), coming close but not going over. He said that it is being pushed for the outcome on the eventual sale.

Mr. Sullivan submitted photographs. He said that the first photograph shows the existing house below grade. He said that the second photograph shows the actual dip with his house in the background. He said that he asked the Developer how the garages will be installed. He said that the headlights of cars pulling into the garage will shine into his bedroom. He said that the Developer showed him how they planned to backfill and change the elevation to make it easy to pull in and out of the house. He said that the third photograph was

taken from his yard and shows a straight line top of the street to the house. He said that is what the fill line will be. He said that it is his understanding that is where the first floor will begin. He said that it will be 10 feet from his house to the first floor of 11 Fife Road. He said that he is concerned about drainage and the mass and scale of a monster house that will block the sun. He said that it is still huge. He said that some of the square footage might not be countable but the next owner could convert it to living space later. He said that he spoke with the neighbors and they agreed that a 2,500 square foot house would be appropriate on a lot this size. He said that it would make it the biggest house in the neighborhood but would not be detrimental to the neighbors. He said that he asked about drainage when the Developer told him about the backfill and was told that they would be putting in the drains but something this significant would require more engineering. He said that he was told that sometimes with things like this with substantial runoff, the Board of Health is consulted because of water moving around. He said that this will be one massive structure in a tiny neighborhood that cannot support it. He said that it will not be a complement and it will be a detriment. He said that the neighbors want a project that will succeed but it should not be the biggest house possible on a small lot. He said that he was looking for input from the Planning Board. He asked that the Board not let this plan go forward.

Wayne Johnson, 11 Fife Road, said that the neighborhood was built for returning veterans, so that is why the houses are smaller. He said that the square footage for some of the houses is not correct with respect to the way that Wellesley now calculates TLAG. He said that the calculations did not include the garages or attics. He said that he looked some of the houses up online. He said that one of the houses only listed square footage for the first floor. He said that his wife has been in the house. He said that there is a bedroom on the second floor. He said that the proposed house is a bigger house but other houses in the neighborhood started small but additions were put on. He said that his wife's mother passed away a couple of years ago at age 94. He said that there was not a lot of money there. He said that his wife inherited the property and was hoping to maybe get something out of it. He said that there are different size houses in the neighborhood and additions have been put on. He said that this lot slopes. He said that the proposed house may seem to have a lot of square footage but a lot of it will be in the basement. He said that the house will not look huge from the front. He said that the road goes downhill to Mr. Sullivan's property.

Mr. Ouellet said that proposed square footage is under 4,000 square feet with the basement. He said that he can change the square footage in the basement to get the square footage for the first and second floor under 3,000 square feet.

Mr. Levy said that the property has the benefit of being subject to a 15,000 square foot district TLAG threshold even though it is a 10,000 square foot lot.

Mr. Levy asked if the plans are to take down a couple of mature trees at the front. Mr. Ouellet said that they will be taken down. He said that they are leaning toward the house.

Mr. Sheffield asked about proposed retaining walls on the site because of the grade changes. He said that if any site would need a topographic survey, this would be one. Mr. Ouellet said that there will be some retaining walls but none of them will be over four feet. He said that they will be two to three foot curved retaining walls that will be tiered so that it will be gentle and easy.

Mr. Ouellet said that a considerable amount of effort went into the design in a short amount of time. He said that if the square footage is driven by the basement, they can curb some of it, although he could not see the effect of it. Mr. Levy said that the issue is more of the mass and bulk in a neighborhood of modest homes.

Mr. Becker said that the Total Living Area (TLA) that the Assessor uses is not the same as TLAG. He said that the Board does not base its decision solely on the numbers. He said that the numbers help the Board to understand how the proposed structure will fit in with the neighborhood. He said that this is a unique neighborhood where most of the lots are undersize, some of them significantly. He said that here, using a standard that compares things to the rest of the neighborhood, the yardstick is distorted. Mr. Levy said that only one lot on the street is conforming. He said that the Assessor's Records show one house on the street at 680 square feet. He said that this is a tough decision but it does not fit neatly with what the Board normally sees. He said that the ratios are forced up because of the smaller houses and the Board cannot rely completely on the numbers. He said that he was struggling with whether a TLAG of 4,280 square feet is still too big. He said that his view is that 5,400 square feet is too big. He said that using the standard that this will not be more detrimental to the neighborhood, the things that are being compared are not for a 15,000 square foot district but what is there. Mr. Sheffield said that the issue is compounded by the topography, the slope and the adjacencies to accommodate a building of this size.

The Board discusses options for proceeding with this petition. Mr. Ouellet requested time to speak with his clients.

Mr. Sheffield said that it would be almost impossible to build a four bedroom house at this location.

Mr. Ouellet asked that the petition be continued. He said that this is a special circumstance because the houses in the neighborhood are smaller. He asked what size would be considered small and what size would be considered big. Mr. Levy said that even though the regulations for a 10,000 square foot district do not apply here, anything over 3,600 square feet would be considered to be a large house. Mr. Becker said that the Assessor's data lists a separate value for the land and the structures. He said that should give some guidance as to how much they will have to charge if they are going to develop this property. He said that there are sources that the Petitioner can use to focus in on what is not detrimental to the neighborhood.

Mr. Levy moved and Mr. Sheffield seconded the motion to continue the hearing to June 28, 2018 at 7 pm. The Board voted unanimously to continue the hearing

ZBA 2018-25, NORTHLAND RESIDENTIAL LLC, 135 GREAT PLAIN AVE

Tom Harrington, Town Counsel, Michael Zehner, Planning Director, and Judi Barrett, 40B Consultant, were present at the public hearing, representing the Town of Wellesley.

Wes Mize, P.E., Peter Tamm, Esq., Giles Ham, Vanasse & Associates, and Peter Crabtree were present at the public hearing, representing Northland Residential, LLC, the Petitioner.

Mr. Tamm said that a number of materials has been submitted to clarify stormwater, resource areas, the Construction Management Plan (CMP), Photometrics & Lighting Plan and responses to departmental comments.

Mr. Ham said that Vanasse completed a detailed traffic analysis of the project with respect to industry and State standards. He said that the Town's Peer Review Consultant, BETA, reviewed the analysis and provided comments to which Vanasse provided responses.

Mr. Ham said that they started the process in June of 2017 by doing traffic counts in the area during the morning and evening, and did a detailed safety analysis including speed studies along the corridor, accident

data from MA DOT as well as the files from the Town's Police Department. He said that they looked at sight distances in terms of the driveway location. He said that using standard procedures, they estimated that this type of project will generate around 27 to 31 vehicles trips during the morning and afternoon peak hours. He said that the Level of Service (LOS) at the intersection operates fairly well at a 20 second delay to exit onto the road. He recommended that a stop sign and illumination at the driveway be installed. He said that the driveway, as designed, is safe. He said that overall, the project will not have a significant impact.

Mr. Levy said that the initial report was done for a prior project about a year ago. He said that this is a denser project than what was originally proposed. He said that the data collected from the Police started on Skyline Drive towards the rotary at Wellesley Avenue. He said that the data did not go down to the RDF. Mr. Ham said that they looked at MA DOT accident data in the vicinity of the driveway and data from the Police from the rotary to the skating rink. He said that they collected data from 2016 through May of 2018. He said that the counts in the middle June 2017 were done on a Wednesday after Wellesley seniors and Babson graduations and when some of the elementary schools had a half day. Mr. Levy said that the RDF and the Babson Skating Rink are more heavily used on the weekends. Mr. Ham said that the weekday commuter hour is typically higher but they can look at that.

Mr. Ham said that BETA asked Vanasse to look at the capacity to get out onto the roadway. He said that Vanasse feels that there is sufficient capacity there.

Mr. Adams asked if the study include statistics about residents going to Wellesley versus Needham. Mr. Ham said that they believe that number will be split, based on their analysis of the traffic volume. He said that it will be similar for entering the site.

Kien Ho, Traffic Consultant, BETA, said that typically there are five key components that BETA looks for in a Traffic Study: the adequacy of the study area; data collections; when and how the data was collected; the analysis methodology; analysis results and mitigations.

Mr. Ho said that the study area that the Proponent focused on was the area between Skyline Drive and Great Plain Avenue. He said that the Proponent should look at the accident analysis at the corridor, specifically at the site drive area. He said that BETA asked for data for the past three years from the Police Department and found that most of the accidents occur at the rotary at Great Plain Avenue and Wellesley Avenue. He said that there were a few spot accidents at the rotary at Brook Street and also along the corridor from as far back as the Boston Sports Club (BSC) driveway.

Mr. Ho said that there are four school bus stops in the study area and this project will generate more pedestrians/students in the future.

Mr. Ho said that BETA had some concerns about the data collection dates. He said that Tuesdays and Thursdays are good days to collect the traffic data. He said that the industry standard is a minimum of 48 hours. He said that the average daily traffic is over 14,000 cars. He said that over the two days, the volume was approximately six percent higher on Thursday.

Mr. Ho said that the posted speed in front of the project is 35 mph. He said that the study indicated that northbound traffic on Great Plain Ave goes 43 mph and southbound goes 39 mph.

Mr. Ho said that BETA asked the Applicant to look at the sight distance analysis because of the location of the site drive and the vertical alignment within that area. He said that there is a downhill slope and there was

concern about cars exiting the site seeing oncoming cars and having enough time to stop. He said that the required sight distance for speeds over 40 mph is between 300 and 360 feet. He said that the Applicant measured the sight distance at over 450 feet.

Mr. Ho said that BETA uses the ITE Trip Generation Manual to estimate the number of new trips that will be generated as a result of this project. He said that BETA asked the Applicant to quantify their estimates by selecting at least three similar existing sites and counting the number of trips going in and out during the morning and evening peak hours. He said that BETA is comfortable with the estimates that the Applicant submitted.

Mr. Ho said that the site is close to Needham. He said that the Applicant called the Town of Needham's Planning Department to ask about future developments in the vicinity of this project and was told that there are none.

Mr. Ho said that the level of service (LOS) at the intersections does not exceed 20 seconds. He said that a Gap Analysis said that it will take six seconds for vehicles to exit the site and enter onto Great Plain Avenue.

Mr. Ho discussed mitigations that BETA would recommend for this project, including upgrading the crosswalk and wheel chair ramps close to the intersection of Brook Street and the roundabout to be compliant, enhancing pedestrian signage in advance or at the intersection to warn approaching vehicles that there is a crosswalk at the rotary, installing two electronic speed check signs, installing a stop sign at the site exit, and providing additional data to analyze RDF weekend hours.

Mr. Ho said that BETA did not have a chance to review traffic patterns on the site.

The Board discussed the possibility of a crosswalk at the sports club and building a sidewalk.

Mr. Tamm said that Northland will work with the Town to address traffic mitigation.

Victoria Ostler, 115 Great Plain Avenue, expressed concerns about the dates that the traffic counts were done, the weekend impact of the RDF and queues on Great Plain Avenue, and assumptions that the trips to Needham and Wellesley will be evenly split. She supported the crosswalk upgrade at Brook Street and the provision for a pedestrian activated beacon that was part of a prior agreement for subdivision.

Ms. Ostler expressed concerns about the lack of a sidewalk, insufficient signage and lighting.

Elaine Gillim, 16 Fuller Brook Road, expressed concerns about pedestrian safety and the lack of a sidewalk on Great Plain Avenue onto Brook Street. She said that there is no sidewalk to get to town.

Mr. Tamm said that part of the project contemplates connection to the existing path, which is a resource that the Developer is hoping that town residents and members of the public will take advantage of.

Susan Mucci, 53 Eisenhower Circle, expressed concerns about the traffic analysis study, timing of data collection, safety and congestion in the area.

Rachel Cottone, 117 Great Plain Avenue, expressed support for the neighbors' comments, and use of the path. She expressed concerns about vehicles having trouble turning onto Great Plain Avenue, pedestrian safety, and children walking to school.

Mr. Tamm and Mr. Mize discussed dimensional waivers, allowed use, setbacks, wetlands buffer at the rear, air conditioner and transformer locations and mitigation for decibels, screening, topography, building height, tree bylaw, retaining walls, State Riverfront Protection Act, and Wetlands Protection.

Mr. Sheffield said that the height and distance between the units is only 20 feet. He asked if there had been any consideration to reducing the number of units. Mr. Tamm said that Northland has considered it. He said that they would like to be able assess all of the obligations that may be imposed on the project to see if it remains economic. He said that unit reductions may be feasible but they cannot look at that issue in isolation.

Mr. Crabtree said that Northland submitted draft responses to DPW. He said that they discussed the Fire Access Plan earlier today and received an email from the Fire Chief stating that there were no issues. He said that State Stormwater standards have been met.

Michael Zehner, Planning Director, said that Deputy Fire Chief, Chuck Digiandomenico sent an email stating that there are no issues but the Fire Department reserves the right to review the final plans.

Mr. Mize discussed the stormwater infiltration system, impacts to abutters, downstream flooding, impacts to groundwater, system maintenance, and issues at the MWRA culvert,

The Board discussed a memo from David Hickey, Town Engineer, regarding entrance drive and circulation, trucks on dead ends, proximity to neighbors, air conditioners and lights, snow management, potential issues on circular drives with planting and turning movements, resource areas of protection, and preference for a gravity versus pump sewer system.

The Board discussed the CMP, staging, cuts, fills, building walls without impacting abutting properties, and consideration of a smaller versus a larger infiltration system.

Elaine Gillim expressed concerns about changes in flooding, drainage, and tree removal. She urged the Town and Northland to work together.

Victoria Ostler expressed concerns about 200 to 400 dump trucks removing soil from the site, and the direction of drainage towards one side of the site. She said that the abutters would appreciate further review of stormwater.

Mr. Hickey asked Mr. Mize to talk about the infiltration system. Mr. Mize said that they used Hydrocad, industry accepted practices, current rate data, site specific rainfall data, the most conservative information available, discharge from the system to the brook, rate of increase, and flow to the pond.

Mr. Adams said that there is currently no retention system. He said that the proposal is for a football field sized container that will fill up in a 10 year storm event.

Mr. Tamm said that Northland's obligation is to attenuate and avoid any net new impact. He said that they will compensate for the new area with a physical structure. He said that they will continue to work with Dave Hickey. He said that there are no downstream flood impacts associated with the project

Kathleen Woodward, Planning Board, said that increased levels in the stream and pond could be the result of building going on in Needham and Wellesley. She asked about using permeable pavement and other measures to mitigate impacts in this sensitive habitat area. Mr. Tamm said that they will use BMPs for infiltration and can look at the maintenance and costs associated with permeable surfaces. He said that habitat is a protected interest under State regulations and the bylaw.

Ms. Woodward asked about overflow from the system for an event that is greater than a 10 year storm. Mr. Mize said that stormwater will release at or below the existing rate. He said that changes in groundcover have been taken into account and the system has been designed to detain, infiltrate and release at lower rates.

The Board discussed lighting and the Photometric Plan. Mr. Crabtree said that they met with the abutters last Friday.

Mr. Zehner said that the issue of a street light that is in the public right of way at the entrance will be further discussed with MLP regarding ownership and maintenance.

Mr. Crabtree discussed the CMP, including site maintenance, temporary stone stabilization wheel wash, tree protection, fencing along the drip line, construction hours, coordination with Police and DPW, construction entrance, scheduling required meetings, clearing trees, grading the site, number of trucks per day, Phasing Plan, interim phases for utilities, hardscape, deliveries, no idling on Great Plain Avenue, size of site for construction workers, truck traffic, installation of infiltration system, construction of buildings, and truck route.

Mr. Adams said that there should be a project sign with contact information that includes a website and phone numbers.

Mr. Adams asked about the need for traffic control during peak truck times. Mr. Crabtree said that they do not anticipate but will hire details, if needed.

Mr. Adams moved and Mr. Sheffield seconded the motion to continue the hearing to June 28, 2018 at 7:30 pm. The Board voted unanimously to continue the hearing. The Board said that they anticipate having more discussion with Dave Hickey and Kien Ho and about architectural design. Mr. Tamm said that he will have a discussion with Town Counsel, Mr. Zehner, and Ms. Barrett to assess the project comprehensively.

As there was no further business to come before the Board, the hearing was adjourned at 11:00 pm.

Respectfully submitted,

Lenore R. Mahoney
Executive Secretary