

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

September 6, 2018
7:30 pm
Juliani Meeting Room
Town Hall

Zoning Board of Appeals Members Present: Richard L. Seegel, Chairman
David G. Sheffield
Derek B. Redgate

BUSINESS MEETING

ZBA 2018-17, NIELS BOEGHOLM, 2 PLEASANT STREET

Mr. Seegel said that this is a request for a determination that a proposed change is a minor modification that does not require a public hearing.

Present at the public meeting was Kip Schultz, General Contractor for the project at 2 Pleasant Street. He said that they built a structure that protruded 4.8 inches closer to the street than what was originally proposed. He said that the framers put the foundation posts in the right place but added two plates and trimmed it out so that it grew by 4.8 inches. He said that the change was discovered in the survey.

Mr. Seegel and Mr. Redgate said that they had no questions. Mr. Sheffield said that the change is minimal.

Mr. Sheffield moved and Mr. Redgate moved that the Board make a determination that the proposed change is a minor modification that does not require a public hearing and approve the change. The Board voted unanimously to make a determination that the proposed change is a minor modification that does not require a public hearing and approve the change.

ZBA 2018-56, DEREK & SUSAN WEYCKER, 14 AVON ROAD

Present at the public meeting were Susan and Derek Weycker, homeowners, and Timothy Burke, Architect.

Mr. Burke said that they previously came before the Board for a special permit for an addition to wrap the front porch around the house and add a small addition on the second floor. He said that the petition was

approved with a stipulation that the TLAG be calculated and not exceed 3,600 square feet. He said that when he calculated the TLAG, it was over 3,600 square feet. Mr. Seegel said that the TLAG should have been calculated before the public hearing.

Mr. Burke said that the TLAG for this house is on the higher side because of the topography. He said that a lot of the basement counts because of the way that the hill drops at the back of the house. He said that they are proposing a modest change to the front of the house where the porch would wrap around. He said that the project has the support of the neighbors who would be most affected by this change.

Mr. Redgate said that there were two petitions for Avon Road at the August 2, 2018 public hearing. He asked if the Petitioners have the same situation as 24 Avon Road with a walk out basement. Mr. Burke said that they do. Mr. Redgate said that the Board had a long discussion about the actual home and how it will not look so imposing. He said that the TLAG calculations for the basement in this case are affected by the topography. Mr. Seegel said that the Board is not bound by the TLAG calculations but they are something that the Board uses for its consideration of Large House Review. Mr. Sheffield said that it is typical with a steep topography that the basement counts more than it might otherwise.

Mr. Redgate moved and Mr. Sheffield seconded the motion that the Board make a determination that the proposed change is a minor modification that does not require a public hearing and approve the change. The Board voted unanimously to make a determination that the proposed change is a minor modification that does not require a public hearing and approve the change.

ZBA 2018-08, Wellesley College, 106 CENTRAL STREET (L & E WING, SCIENCE CENTER)

Present at the public meeting was Justin Mosca, P.E., VHB. He said that the request is for a minor modification for changes to the L & E Project that was approved at the February 1, 2018 public hearing.

Mr. Mosca said that the previously approved project involved replacement of the L Wing at the Science Center with some components concerning access and egress, interior renovations and changes to the generator/transformer loading dock area. He said that previously there was a winding egress path that would require a lot of grading and tree removals. He said that it went through accessibility review and it was determined that the path was no longer required. He said that underneath the Science Center overhang, there was an egress walkway along the building that will have a break in the middle of it now. He said that one of the egress stairs that came off of the walkway was removed because it is no longer needed. He said that the generator /transformers area has been reconfigured. He said that there will be less impervious area. He said that the scope of the project will remain about the same but the layout will change. He said that the shape of the porch will also change and because that required a Building Permit, they had to have modifications to the site plan approved.

Mr. Mosca said that the project is located in the middle of the campus. He said that the L Wing is on the southwest corner of the Science Center.

Mr. Seegel asked if the parking area is finished. Mr. Mosca said that the area is finished and the trailers are operational.

Mr. Mosca displayed PowerPoint slides of the approved Site Plan and the proposed Site Plan and described the changes. He said that the revised plans may call for less tree removal. He said that they are not

requested that change at this time in case something does have to come down but the intent is to keep the trees.

Mr. Mosca said that contractor parking was discussed at the previous hearing. He said that it was determined that off-site parking at the Italo-American Club would be costly and inefficient. He said that the College found space on the campus on a lawn area that will be restored after the project is completed.

Mr. Sheffield said that his recollection from the previous hearing is that there is complicated grading under the porch area. He said that the walkway that was eliminated probably saves a fair amount of earthwork. He said that there will be a lot less site disturbance.

Mr. Seegel moved and Mr. Sheffield seconded the motion that the Board make a determination that the proposed change is a minor modification that does not require a public hearing and approve the change. The Board voted unanimously to make a determination that the proposed change is a minor modification that does not require a public hearing and approve the change.

Mr. Seegel said that the Board would prefer to put the upcoming application for Site Plan Approval for the Science Center on a regular agenda. Mr. Mosca said that will be the main project. He said that the plan is to add the previously approved decisions for Global Flora and the L & E Wing on separate sheets and note them as previously approved so that it makes it one project, so that when they go to the Building Department, they can look at it together.

PUBLIC HEARING

ZBA 2018-59, LINO & PHYLLIS PUCCI, 21 RICE STREET

Presenting the case at the hearing were Lino and Phyllis Pucci, the Petitioner.

Mr. Pucci said that the request is to add a master bedroom above an existing family room. He said that the project will not add any square footage to the footprint. He said that they were looking to do some renovations in a way that they can increase the overall layout without increasing the footprint.

Mr. Seegel said that the existing nonconformities are an 8,651 square foot lot where 10,000 square feet is required, a front Yard Setback of 19.4 feet where 30 feet is required, and a left Side Yard Setback of 4.8 feet where 20 feet is required. He said that the garage has a couple of setback violations as well.

Mr. Seegel said that he did not see any problems with the proposed project. He said that it is a lovely house and it will be nice to have it kept up.

Mr. Sheffield confirmed that the change to the front porch will be on the same footprint. He said that the changes will make it more transparent because the exterior of the existing facade will be opened up. He said that will give the appearance of more room at the street side. He asked when the house was built. Mr. Pucci said that it was built in 1938. Mr. Sheffield said that the nonconformities pre-date zoning regulations.

Mr. Sheffield said that the Board received a number of letters from neighbors who stated their support. Mr. Pucci said that he spoke with most of the neighbors and they all supported the project. Mr. Redgate confirmed that the neighbor to the left supports the project.

Mr. Sheffield said that it is an odd shaped lot. He read the Planning Board recommendation.

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

Mr. Sheffield moved and Mr. Redgate seconded the motion that the Board make a finding that the proposed structure shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure and approve a special permit. The Board voted unanimously to find that the proposed structure shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure and approve a special permit.

ZBA 2018-60, CATHERINE & PETE MURILLO, 77 DONIZETTI STREET

Presenting the case at the hearing were Catherine Murillo, the Petitioner, and Paul Worthington, Architect.

Ms. Murillo said that the request is for relief to add on to their home. She said that they moved into their home in 2011 when they had two small children. She said that they moved from Boston and sought out Wellesley because of the great schools and wonderful community. She said that she grew up here and still has family ties here. She said that they now have three children. She said that they love their house and the neighborhood. She said that the house is just under 1,600 square feet with four bedrooms and one full bath. She said that they would like to add another bathroom. She said that they attempted to keep in scale with the home while expanding for more livable space. She said that they will not expand the footprint of the home. She said that a prior owner built a one story addition in 1998 with a special permit for a family room with a foundation into the basement. She said that they would like to go over that room and expand to the attic.

Mr. Sheffield said that there is quite a stand of trees on the south side of the property. He said that he wanted to ensure that all measures will be taken to protect those trees so that they are not damaged during construction. He asked if any trees will be taken down. Mr. Worthington said that they will not take down any trees for the project. Ms. Murillo said that there are hemlocks on the north side that they might have to address. She said that they are trying to prolong their lives because they provide nice screening.

Ms. Murillo said that they spoke with all of their immediate abutters except for 679 Worcester Street at the rear, which is a rented property. She said that they provided plans and all of the neighbors were supportive and saw it as being beneficial to the neighborhood.

Mr. Seegel asked if the Murillos had seen the letter from DPW regarding a catch basin in the driveway apron if the sidewalk is extended from Worcester to Street to Calvin Road. Ms. Murillo said that at some point during the discussions of Route 9 and Kingsbury Street, the sidewalk was discussed. She said that there is currently no sidewalk on their property. She said that it discontinues next door at 79 Donizetti Road and picks up again at 69 Donizetti Road. She said that they are aware that at some point the Town might extend the sidewalk to connect.

Mr. Sheffield asked when the house was built. Mr. Worthington said that the house was built in 1925. Mr. Sheffield said that the property has a 6,489 square foot lot in a 10,000 square foot Single Residence District, has a front yard setback of 16.7 feet where 30 feet is required, and the left side yard setback is 16.7 feet and the right side yard setback is 15.9 where 20 feet is required. He said that the nonconformities pre-date zoning. Mr. Seegel said that one of the building permits shows that the house was built in 1921.

Mr. Seegel read the Planning Board recommendation.

Mr. Redgate moved and Mr. Sheffield seconded the motion that the Board make a finding that the proposed structure shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure and approve a special permit. The Board voted unanimously to make a finding that the proposed structure shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure and approve a special permit.

The Board recessed the public hearing for five minutes to discuss upcoming scheduling.

ZBA 2018-64, 680 WORCESTER ROAD LLC, 680 WORCESTER STREET & ZBA 2018-65, 16 STEARNS ROAD LLC, 16 STEARNS ROAD

Mr. Seegel said that the petitions would be opened tonight and continued to a date to be determined.

Present at the public hearing was Geoff Engler, who said that he represents the Applicant on both matters. He said that it was his understanding that the petitions would be opened and continued to a date to be determined. Mr. Seegel said that the Board will hear the petitions together because it makes more sense time wise. Mr. Engler said that technically and legally there are separate applications but, from an efficiency standpoint for both the Board and members of the public, it makes sense to hear them both in one night. He said that the Applicant will be very conscious to keep the petitions separate and distinct.

Mr. Seegel said that the public hearing would be continued for both petitions to September 25 at 7:30 pm, in a location to be determined.

Mr. Redgate moved and Mr. Seegel seconded the motion to continue the hearing to September 25, 2018 at 7:30 pm, at a location to be determined. The Board voted unanimously to continue the hearing.

Mr. Seegel asked that the neighbors form a neighborhood group with one or two spokespersons to represent them at the hearings. He said that the Board does not want to have the same question asked many times in a different way. He said that the hearings will be long and complicated. Mr. Sheffield said that it does not need to be the same two people at subsequent hearings.

ZBA 2018-61, CHRISTINE NORCROSS, 65 PROSPECT STREET

Presenting the case at the hearing were Chris Norcross, the Petitioner, Deb VanderVeen, homeowner and David Johnson, Architect.

Mr. Johnson said that there are several nonconformities on the property. He said that it is a 5,300 square foot lot in 10,000 square foot Single Residence District. He said that the existing home was built in 1905. He said that the goal with the renovation and addition is to maintain the look and character of the 1905 structure. He said that there is an existing porch across the front of the house that was filled in during the 1970's. He said that they want to reconstruct the porch to what it would have looked like in 1905. He said that reconstruction of the porch to a more open look will not come forward or into the side yard in excess of the existing setbacks. He said that they will work with the existing footprint. He said that they will wrap the porch around the house to the new two-story addition on the left side. He said that the two-story addition will conform with setback requirements.

Mr. Seegel confirmed that there will be no increase in the nonconformities.

Mr. Seegel said that the Board received a letter from the DPW. Ms. Norcross said that she is aware of the letter. She said that the previous owner built a chicken coop on the back of the garage and built a bird house in a well. She said that both of the encroachments on Town land will be removed. Mr. Seegel said that the DPW requested a condition of approval for removal of any fences, stockpiled material, gardens or other encroachments on Town Property, as well as placement of a concrete boundary marker at the south east corner of the property. Ms. Norcross said that she spoke with the surveyor, who said that he can put the marker in.

Mr. Sheffield asked about the height from average grade. Mr. Johnson said that the surveyor calculated that.

Mr. Sheffield said that it is a nice design solution and will enhance the house.

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

Mr. Seegel read the Planning Board recommendation.

Mr. Sheffield moved and Mr. Redgate seconded the motion that the Board make a finding that the proposed structure shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure and approve a special permit, subject to the conditions listed in the August 14, 2018 DPW letter to the Board. The Board voted unanimously to make a finding that the proposed structure shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure and approve a special permit, subject to the conditions listed in the August 14, 2018 DPW letter to the Board.

ZBA 2018-62, RACHEL COTTONE & CHARLES HWANG, 117 GREAT PLAIN AVENUE

Presenting the case at the hearing were Rachel Cottone and Charles Hwang, the Petitioner and David Scanlan.

Ms. Cottone said that the request is for approval of a variance for lot coverage that will be 1.2 percent over the maximum allowed. She said that the hardship is based on the position of the house. She said that it is an unusual lot with the house at the far back corner. She said that they spent a considerable amount of time looking for a compliant design. She said that the plan has support from the neighborhood. She said that there is dead space between the house and the garage that they would like to unify for more living space for their family of four. She said that they would like to provide handicapped access from the garage for her mother, who is in a wheelchair and comes to visit.

Mr. Redgate confirmed that the proposed addition will be one story. Ms. Cottone said that they also plan to replace the existing deck between the house.

Mr. Redgate asked what other options were looked at. Ms. Cottone said that it would be expensive to build out on the other side because of plumbing and it would be disruptive to the neighbor. Mr. Seegel asked about reducing the size of the connecting piece.

Mr. Redgate said that there are strict standards to approve a variance. He said that meeting any of the three criteria would be hard to justify in this case. Mr. Seegel said that it is a square flat lot. Ms. Cottone said that the house is pushed to the corner, so they can only build forward if they wish to keep it as a ranch. The

Board discussed moving the bulkhead to allow for reconfiguration of the plans. Ms. Cottone said that it is expensive to explore design alternatives. Mr. Hwang said that they want to keep the house.

Mr. Seegel said that the lot does not qualify for a variance. He said that a possible solution would be to remove enough of the proposed addition that this could be refiled as a special permit/finding.

The Petitioner requested that the petition be allowed to be withdrawn without prejudice.

Mr. Redgate moved and Mr. Sheffield seconded the motion to allow the petition to be withdrawn without prejudice. The Board voted unanimously to allow the petition to be withdrawn without prejudice.

ZBA 2018-63, WILL SULLIVAN, 49 SAWYER ROAD

Presenting the case at the hearing was Will Sullivan, the Petitioner. He said that the request is for a variance to install air conditioning condensers in the setback area that is at the back of his house but is considered to be a side yard setback because it is a corner lot, which has a 20 foot requirement instead of 10 feet. He said that most of the yard is at the front and the side where his kids play and where the patio is. He said that the back of the house is not visible from Edmunds or Sawyer Road. He said that the side driveway area was dug out 20 years ago and a variance was granted for garage there but it was not built. He said that it is dug out with steps up to the house. He said that there is no place to put the condensers on that side of the house. He said that at the rear of the house that is considered to be a side yard is a wooded area and it is 120 feet to the direct abutter. He said that the abutter wrote a letter of support. He said that there are walls at the back. He said that the other neighbor has a fenced off pool that is not visible. He said that the properties are not visible to one another. He said that the Smithy's property runs along the driveway at 49 Sawyer Road and is all non-buildable lot and forest there. He submitted pictures of the back of his house from the neighbor's property.

Mr. Seegel asked why the condensers could not be put on the side of the house with the two 30 foot setbacks. Mr. Sullivan said that the front area where the cuts back into the deck has a gas meter and a large grate for a window well. He said that there is a mature hedge of hydrangeas that run right next to the yard that is visible from both streets and where his kids play. He said that he would have to remove the hedges and screen the area off. He said that the area where the addition is originally held an oil tank, so it is all three foot thick concrete that he has been told that they cannot drill through. He said that they would have to do expensive work around the patio and up around the gas to get to that location in addition to removal of the hedges. He said that the condensers will be 15.9 feet from the property line, will not be visible and will maintain the character of the neighborhood, which is made of mostly older homes. He said that his house was built in 1930.

Mr. Sheffield said that the topography on the property and the topography of the immediate abutters is such that the ac condensers will not cause any harm. He said that the technology of compressors and condensers is such that all manufacturers have mitigation packages for condensers to suppress noise, whereas plantings and screening do not suppress noise. He said that he was inclined to approve the petition.

Mr. Redgate asked for clarification of the location of the condensers. Mr. Sullivan display photographs and described the location to the Board. Mr. Sheffield said that it would have been helpful if the surveyor had shown the walls on the plot plan because they are important to the topography. Mr. Redgate said that the Board has to justify the topography aspect not the appearance of the condensers for the neighbors.

Mr. Sullivan described the retaining walls. He said that there is a hemlock hedge along Edmunds Road. He said that the previous owner did not build the garage that was approved but dug the area out and built a large retaining wall.

Mr. Seegel said that the neighbor at 38 Greenwood Road has no objection to the project. Mr. Sullivan said that the neighbors have been very supportive.

Mr. Seegel read the Planning Board recommendation. Mr. Sheffield said that he would agree with the Planning Board's recommended condition so long as the definition of screening is not vegetative.

Mr. Seegel moved and Mr. Redgate seconded the motion to approve a variance for placement of ac condensers in the setback area, finding that literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner owing to circumstances relating to the shape and topography of such land, which does not generally affect the zoning district in which it is located, the hardship has not been self-created, and desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw, subject to the condition that acoustic screening in accordance with the manufacturer's recommendations for sound attenuation be placed around the units.

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

The Board voted unanimously to grant a variance.

As there was no further business to come before the Board, the hearing was adjourned at 9:00 pm.

Respectfully submitted,

Lenore R. Mahoney
Executive Secretary