

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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

RICHARD L. SEEDEL, CHAIRMAN  
J. RANDOLPH BECKER, VICE CHAIRMAN  
DAVID G. SHEFFIELD

LENORE R. MAHONEY  
EXECUTIVE SECRETARY  
TELEPHONE  
(781) 431-1019 EXT. 2208

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

September 11, 2018

7:30 pm

Juliani Meeting Room  
Town Hall

Zoning Board of Appeals Members Present: J. Randolph Becker, Acting Chairman  
Robert W. Levy  
Derek B. Redgate

Presenting the case at the hearing were David Himmelberger, Esq., Charles Kraus, Architect, and Stephanie Anderson, the Petitioner.

Mr. Himmelberger said that at the previous hearing, the Board had expressed concerns about the size of the house with a TLAG 5,307 square feet. He said that the house has been scaled down to 4,864 square feet, which was achieved by narrowing the width of the house and shortening the length. He said that the front yard setback was increased. He said that narrowing the house was split equally between the two side yard setbacks. He said that the overall height was reduced by six inches. He said that the scaled down design was presented to the Historical Commission, which had previously deemed that the house was preferably preserved. He said that the revised scale and design was submitted to the Historical Commission for a waiver to the previously imposed one-year demolition delay. He said that the Historical Commission in approving the waiver, was quite enthusiastic in its appreciation of the revised design and voted unanimously to grant a waiver for the construction of the revised design. He said that based on the revised plans and changes to the drainage, the Petitioner believes that they have addressed concerns of the Board and requests that the Board make a finding that the proposed changes are not significantly more detrimental to the neighborhood than the pre-existing nonconformities. He said that the house has been shrunk but the detail remains the same for the architectural elements that make it a very appropriate home. Ms. Anderson said that the proposed house was modeled after 10 Avon Road, which was built in 1906. She said that the existing house is nonconforming in many ways and the new house will conform to all of the setbacks –

Mr. Kraus said that the overall area was reduced by almost 10 percent. He said that pulling the house further from the street and shrinking the sides brought the height down by six inches. He said that the plot plan now shows two drywells. He said that the plan is to collect all roof drainage into those two drywells at the lower end of the property. He said that the details are the same on the house except for the grid pattern in the windows to accommodate concerns of the Historical Commission. He said that the windows will be six over

one. He said that they eliminated the attic and created cathedral ceilings. He said that the majority of the TLAG was reduced by shortening and narrowing the footprint.

Mr. Becker said that he noticed the addition of a drywell. He asked how the system will operate. He said that the driveway drops approximately nine feet from the street to the garage floor and that will bring a lot of water to the back of the property. Mr. Kraus said that they do not have a civil engineer on board at this point, so they do not have details. He said that the plan is to collect all of the roof drainage into the two drywells. Mr. Becker asked if anything is known about the subsurface and whether drywells will work or not. He said that the Board received a letter from an abutter who called to the Board's attention the blasting that was done for a similar project on Avon Road. Mr. Kraus said that he designed and built the house across the street at 21 Avon Road. He said that they hammered, not blasted, and the majority of it was rock. He said that the soil did perk very well and one drywell served the house well. He said that side of Avon Road has a lot of ledge but the other side does not. Ms. Anderson said that there is a drop off of at least eight feet and water collects there. She said that they will be making the situation much better. Mr. Kraus said that they will collect all of the roof drainage that is not collected now.

Mr. Levy said that the lot is undersized at 8,000 square feet in a 10,000 square foot district. He said that the TLAG not only exceeds what a 10,000 square foot district would require, it also exceeds what a 15,000 square foot district would require. He said that it is a lot of house. He said that it will be the largest by multiple factors. Ms. Anderson said that the TLA will be 3,600 square feet. Mr. Kraus said that the first and second floors will be 1,750 square feet each. Mr. Himmelberger said that the basement contributes 880 square feet of TLAG. Mr. Becker said that there is a guest suite in the basement. Mr. Himmelberger said that, presented from the street, this is not a particularly large house. He said that it will be consistent with other houses on the street. He urged the Board to focus on how it will appear, not on the TLAG, of which 880 square feet will be below the street level.

Mr. Becker said that the issues before the Board are the size and whether the changes that were made responded in a way that is sufficient for the Board to approve a special permit. Mr. Levy said that the size seems to have come down by approximately nine percent in TLAG but will still be 27 percent larger than any other home on the street. Mr. Becker said that accepting that 3,600 square feet is the TLA, it would still be the largest house on the street. Mr. Himmelberger said that it will be consistent with and complimentary to the other houses, particularly 10 Avon Road. He said that 10 Avon Road sits up higher and may appear more imposing. Ms. Anderson said that 30 Avon Road has a TLA of 3,575 square feet, 21 Avon Road has a TLA of 3,600 square feet, and the house at the corner has a TLA of 3,450 square feet. Mr. Kraus said that the house that they built at 21 Avon Road complied with the 3,600 square foot TLAG threshold at the time. He said that marketable square feet for that house was 4,700 square feet. He said that they did not have to count the garage, the attic or the basement. He said that it is similar in square footage to this house. Ms. Anderson said that the house will fit in the neighborhood. She said that it will be shorter than the house next door and will not be any wider. She said that this lot drops 28 feet. She said that the reason for the basement space is for mother.

Mr. Levy asked about the setback from the garage. Mr. Kraus said that it will be just over 30 feet. Mr. Levy said that the plan shows a dimension to the house of 20.6 feet. Mr. Kraus said that the plot plan is measured to the bays, which do not count in the setback because there is no foundation under. He said that there is another foot on both sides. Mr. Levy said that the Board would like to see that dimension since the bylaw does require that it be at least 30 feet. He asked if the intention is to install air conditioning (ac) condensers. He said that there are none shown on the plot plan. Mr. Kraus said that they are shown on the landscape plan. Mr. Levy said that there does not appear to be a lot of space. Mr. Kraus said that the condensers will be

located to the right of house within the setbacks. Mr. Himmelberger said that they can show that the condensers are more than 20 feet from the side lot line on the plot plan.

Mr. Becker asked if there is a Plan B is the if the subsurface is determined to be unusable because of too much rock. Mr. Kraus said that Plan B would probably involve looking at surface material in the driveway. He said that they can up the subsurface retention and do more chambers at the back. Mr. Becker said that the two drywells will probably take care of the roof runoff but does not address runoff coming down the driveway. Mr. Kraus said that they could incorporate catch basin type detail into one of the drywells, if necessary. Mr. Becker said that the Board should insert a condition that runoff from the driveway be handled and that someone reviews it in the future. He said that abutters should not be adversely impacted by runoff coming down the driveway.

James Foley, 211 Weston Road, said that a direct abutter, downhill from 24 Avon Road. He said that his house was built in 1902 and has an original concrete basement, which is not impervious to water. He said that they have had water in their basement before. He said that he is concerned about potential runoff from the new house. He said that they changed their gutter system to move drainage from the roof away from areas where there may have issues, and it has worked quite well for them. He said that he had a downspout that was giving him problems at the back of the house. He said that water directed to the back will be hitting a sore spot with respect to issues of water in his basement. He suggested that the drywell be put in towards the front of house. He said that his concern is whether the drainage system will be one hundred percent effective.

Mr. Himmelberger said that the Applicant would accept a condition that they demonstrate that there will be no increased runoff from the property, and if desired, could move the drywells up to the midpoint of the front to back area, approximately opposite the left side bay and the other one opposite it in the right yard, which would bring them further from the rear property line. He said that demonstrating that there would be no increase in runoff would be the most important consideration. Mr. Redgate said that the Board could insert a condition that an engineered plan that is stamped by an engineer be submitted and reviewed by an Engineer at DPW.

Mr. Redgate moved and Mr. Levy seconded the motion that the Board approve a special permit, subject to the conditions that engineered site plan that has been stamped by an engineer that includes drainage and reviewed by a town engineer be submitted, the engineering site plan shall indicate that there shall be no increase in runoff, a revised plot plan shall be submitted that shows the dimension from the garage to the side lot line and the location of the ac condensers. The Board voted unanimously to grant a special permit.

#### ZBA 2018-24, WELLESLEY PARK, LLC, 148 WESTON ROAD

Present at the Public Hearing were Dartagnan Brown, Architect, Bob Engler, Consultant, Victor Sheen and Peter Holland, Wellesley Park, LLC.

Mr. Seegel discussed funds for peer reviews. He said that the Board would like to have the peer reviews before the next hearing.

Mr. Brown gave an overview of the project including, parcel size, location, proximity to amenities, number and mix of units, topography of the site, amenity building, visitor parking spaces, emergency access, access to garage, outdoor play space, architectural details, shadow study, boring locations and test pits.

Mr. Sheen said that it is the Developer's intention to VHB and Walker Consultants to further discuss the parking strategies.

Mr. Seegel asked for a description of the layout on each floor interior of the residential building.

Mr. Brown discussed possible uses of the amenity building, surface parking spaces, the residential lobby, size of the parking spaces inside the garage and the drive aisles, location of elevator tower and electrical room, five foot indentation of top floor, and screened mechanicals.

Mr. Seegel confirmed that there will be no decks off the units.

Mr. Brown discussed building materials.

Mr. Sheffield asked why is this a good idea, a good location, and a benefit to the town. Mr. Engler said that it will be close to town and will fulfil a need for attractive rental stock. He said that the Developer is comfortable with the design. Mr. Sheen said that he had extensive conversations with the State subsidizing agency and they believe this is an opportunity to provide low income housing with minimal impact to the surrounding neighborhood. He said that the amenity building at the front will transition from the surrounding homes on Weston Road to the residential building at the back.

Mr. Sheffield said that the façade and design of the building seems foreign in this neighborhood. Mr. Sheen said that the design is preliminary. He said that they believe that the design is appropriate but will work with the town.

Mr. Redgate asked emergency vehicle access and maneuvering on the site. He said the Board will want to see how emergency vehicles will exit the site. Mr. Brown said that there has been some initial conversation with the Fire Department.

Michael Zehner, Director of Planning, discussed town staff comments, including stormwater piping, proximity of building and construction at property lines, retaining walls, access to abutting properties, and lack of pedestrian accommodation. Mr. Sheen said that the Developer is looking at upgrading a portion of the sidewalk on the same side as the project site.

Mr. Zehner discussed the absence of amenities, the need for more information regarding for trash collection, anticipated use of the clubhouse for events and related parking, maintenance of the emergency access road maintained throughout the year, swept path analysis, exterior lighting, staging, management and parking for contractors.

Judi Barrett, Consultant, said that she is a planner. She said that this is inconsistent for the area. She said there is an opportunity to do something more in keeping with the scale of the neighborhood. Mr. Zehner said that there is an opportunity to reduce the unit count, make more space available on the site, and build something that is less impactful on the streetscape of Weston Road.

Mr. Sheffield asked about plans for the North 40, which could be impacted by this project. Mr. Zehner said that through public forums the community preference was for 50 percent conservation, with opportunities for housing, gardens, trails and open space.

Mr. Sheffield asked that a shadow study also be done for 5 pm.

Michael Cave, 144 Weston Road, said that he is a direct abutter and will be surrounded on two sides by this project. He read a letter that he had submitted to the Board.

Mr. Seegel said that it would be helpful to have a neighborhood spokesperson to eliminate duplication of comments.

The Board discussed the agenda for a continued hearing.

The Board voted unanimously to continue the hearing to October 9, 2018 at 7:30 pm, at which time it would review every aspect of the project that is ready.

As there was no further business to come before the Board, the hearing was adjourned at 8:50 pm.

Respectfully submitted,

Lenore R. Mahoney  
Executive Secretary

DRAFT