



## ZONING BOARD OF APPEALS

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

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ZBA 2016-42  
 Petition of Edith Hawkrigde, Trustee  
 E-Trin Nominee Realty Trust  
 2 Trinity Court

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 2, 2016, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Edith Hawkrigde, Trustee, E-Trin Nominee Realty Trust requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming structure with less than required left side yard setbacks, and construction of a two-story structure with a three-car garage and basement underneath that will meet all setback requirements, on a 19,960 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, at 2 Trinity Court, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On May 16, 2016, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing were Laurence Shind, Esq., John McGeough, J & N Company, Marcus Gleysteen, Architect, and Tom Ryan, Landscape Architect. He said that Mr. McGeough has the property under agreement.

Mr. Shind said that there was a survey discrepancy that was discovered when they were preparing the demolition and building permit applications. He said that the subdivision plan that created this property was recorded in 1963 shows the lot as 20,022 square feet in a 20,000 square foot Single Residence District. He said that was how the property was marketed and how the Town Assessor records list the property. He said that the new survey shows that the lot is 40 square feet short of 20,000 square feet, or 19,960 square feet.

Mr. Shind said that the proposed project requires a special permit/finding. He said that the current house was built in 1963. He said that it is a raised ranch with 2,000 square feet of living area. He said that the left side yard setback is nonconforming at 19 feet. He said that the proposed new construction will comply in all dimensional requirements. He said that lot coverage will increase from 11.5 percent to 15.5 percent, which is within the 20 percent that is allowed. He said that, although not subject to Large House Review (LHR), the Total Living Area plus Garage (TLAG) calculations are 5,763 square feet, which is below the 5,900 square foot threshold for the 20,000 square foot Single Residence District.

Mr. Shind said that they received a letter from an abutter today. He said that Mr. McGeough has communicated the project to the abutters. He said that Mr. McGeough has met with one abutter and spoken to others at 210 Bristol Road and 100 Westgate, who were both in favor of the project.

The Board said that it is not an easy site.

Mr. McGeough said that it is important to him to bring the highest architectural and landscape standards to his projects.

Mr. Gleysteen displayed 3-dimensional drawings of the proposed structure (retained by Proponent). He said that it will be approximately 5,800 square feet. He said that it is a tough lot due to pie shape and topography. He said that they compressed the massing with a driveway underneath. He said that the structure will have a central farmhouse front with a 1.5 story structure that juts out to make the most of the lot. He said that it will be a simple Queen Anne design with a flat roof at the back of the house that recalls 19<sup>th</sup> Century sleeping porches that have been filled in. He said that they will be using a familiar New England vernacular with traditional materials, scale of windows and trim details.

Mr. Ryan said that the site goes up 20 feet from Trinity Court and goes back down lower in the back. He said that they will cut into the ledge and half of the mass of the house will be below the grade of the adjacent property. He said that they will keep the existing 10 foot strip of vegetation. He said that they will utilize the rock to minimize the view to the neighbors.

The Board asked if they anticipate a lot of ledge removal within the footprint of the house. Mr. McGeough said that they anticipate somewhere between three to four feet from the basement of the existing structure down. He said that he assumes that there is ledge there. He said that there is a knoll at the rear of the property that juts out that they will cut down. He said that it will be pushed to the back where it slopes down so that they can build that up a bit. He said that they mostly likely will have to truck some of it out.

The Board asked if the rock material will be machine excavated or blasted. Mr. McGeough said that the neighbor at 210 Bristol Road said that they would prefer blasting. He said that he is hoping to blast. The Board said that there will still be some sculpting work on the exposed rock walls even if they use blasting. Mr. McGeough said that depending on how the rock breaks, he always anticipates some hammering. The Board confirmed that Mr. McGeough has selected what he feels is the most efficient method based on impacts to the surroundings. Mr. McGeough said that blasting is a little more expensive but the impact and the efficiency is superior.

The Board asked if a stormwater management plan has been put together, given the fact that there is a lot of ledge and the house and driveway are much larger. Mr. McGeough said that depending on what they see when they do test holes, he would like to try to retain everything. He said that he spoke with a Town Engineer about putting in an overflow if there is no percolation. A Board member said that there is a chance that there is so much ledge that they will not have good infiltration. He suggested that Mr. McGeough send a site plan geared toward grading and drainage during and post construction to the Engineering Department for them to review.

The Board said that Linda Specht, 6 Trinity Court, expressed concerns in her email about the use of the property as it abuts her property and some unspoken use of adjacencies and using part of the 2 Trinity Court property. Mr. McGeough said that they will be increasing the size of the existing house by approximately 300 square feet. He said that Ms. Specht will have very little line of sight to the wing. He said that Mr. Ryan wanted to have exposed rock on the site rather than terraced wall. He said that he always does his best to meet with the neighbors but did not have an opportunity to speak with Ms. Specht. He said that on the 10 foot setback, they will do a natural wall cut. He said that Ms. Specht's topography will look like it is blending into 2 Trinity Court's lot line more seamlessly. He said that currently there is no defined line between the properties. He said that there is no fencing. He said that there are some trees that are mismatched between both lines. He said that they will stake and be very clear about what the lot line is. He said that he will try to work with Ms. Specht to have a natural buffer. He said that he can do some tree trimming for Ms. Specht. He said that he will do his best to salvage some trees. He said that because there is no clear line, he is not quite sure what Ms. Specht was referring to. He said that the abutter on the other side had similar concerns. He said that he told that abutter that once the lot lines are determined, he will work with the neighbors to preserve a natural buffer.

The Board asked about the Tree Bylaw. Mr. McGeough said that he has not submitted materials for that yet. He said that they will salvage any trees that they can. He said that he had an arborist out to the property and Mr. Ryan has walked the property with him as well. He said that there are some trees that are struggling because of the ledge. The Board said that there is quite a growth of trees around the property. Mr. McGeough said that they will not be clear cutting trees.

The Board said that the ledge walls are 10 feet in from the property line. Mr. McGeough said that they chose that distance because of the bylaw. He said that the only part where there will be some exposed wall closer than 10 feet is in the driveway where, depending on the ledge, they may feather the grading so that it is less than four feet.

The Board said that the landscaping is intended to be new construction up to the property line and not incorporating existing trees. Mr. Ryan said that they do not have good locations for trees out there. He said that there is quite a bit of grading. Mr. McGeough said that if it is a healthy tree that will not be impacted, he will want to keep it. He said that if it is not healthy or is disrupted by the blasting, he will have to take it down. Mr. Gleysteen said that it is their intention to make this look like it has always been there as quickly as possible. He said that there will be a time when there will be less vegetation and less high tree cover than was, which is an unfortunate function of construction. He said that they are not trying to create a new vision for the neighborhood. He said that the intention is to integrate the house as quickly and gracefully into the neighborhood as they can.

Mr. Ryan said that, other than for excavation, there is no intention to disrupt anything within the 10 foot setback.

Mr. McGeough said that he hired Mr. Gleysteen and Mr. Ryan because he is trying to fit this in with the neighborhood with lot of landscaping and trying his best to salvage what is there.

Mr. Ryan said that it is a tough lot. A Board member said that he did not see any trees that he thought would qualify as specimen trees. He said that it is reasonably forested. The Board said that,

notwithstanding the topography, it is a tough lot with the ledge. Mr. McGeough said that the challenge in the lot has helped Mr. Gleysteen create a very cool footprint and design that will fit in nicely. A Board member said that the lower roof on the back ell will probably be acceptable to the neighbor. Mr. Gleysteen said that they are not pulling a truss across the mass of the building. He said that the massing will be much more of a pre-war massing. Mr. Ryan said that they are using the ledge where it is a problem to create an interesting face. He said that if they were to set it closer to the property line and step it, they would lose privacy.

There was no one present at the public hearing who wished to speak to the petition.

#### Statement of Facts

The subject property is located at 2 Trinity Court, on a 19,960 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, with a minimum left side yard setback of 18.7 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming structure with less than required left side yard setbacks, and construction of a two-story structure with a three-car garage and basement underneath that will meet all setback requirements, on a 19,960 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Explanation of Request, dated 4/12/16, from John McGeough, Letter of Authorization, dated 3/30/16, Plot Plan, dated 4/11/16, revised 4/20/16, stamped by Robert Bibbo, Professional Land Surveyor, Proposed Floor Plans and Elevation Drawings, dated 4/21/16, prepared by Marcus Gleysteen Architects, and photographs were submitted.

On May 31, 2016, the Planning Department Staff reviewed the petition and recommended that the Special Permit be granted.

#### Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that demolition of an existing nonconforming structure with less than required left side yard setbacks, and construction of a two-story structure with a three-car garage and basement underneath that will meet all setback requirements, on a 19,960 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it shall neither increase an existing nonconformity nor create a new nonconformity.

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2 Trinity Court

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Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of an existing nonconforming structure with less than required left side yard setbacks, and construction of a two-story structure with a three-car garage and basement underneath that will meet all setback requirements, on a 19,960 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, subject to the following condition:

- A site plan for drainage and grading shall be sent to the Wellesley Engineering Division for review.

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

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

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

  
\_\_\_\_\_  
J. Randolph Becker, Acting Chairman

  
\_\_\_\_\_  
David G. Sheffield

  
\_\_\_\_\_  
Derek B. Redgate

cc: Planning Board  
Inspector of Buildings  
lrm

NOTE: ALL WALLS ADHERE TO SECTION XXIID. RETAINING WALLS

PROPERTY LOCATED IN RES SR20 ZONE.

THE PROPERTY SHOWN ON THIS PLAN IS IN FLOOD ZONE "X" AND IS NOT IN THE 100 YEAR FLOOD PLAN AREA AS DESIGNATED BY THE FLOOD INSURANCE RATE MAP #25017C0016E DATED JULY 17, 2010.



PROPERTY LOCATED IN RES SR20 ZONE.

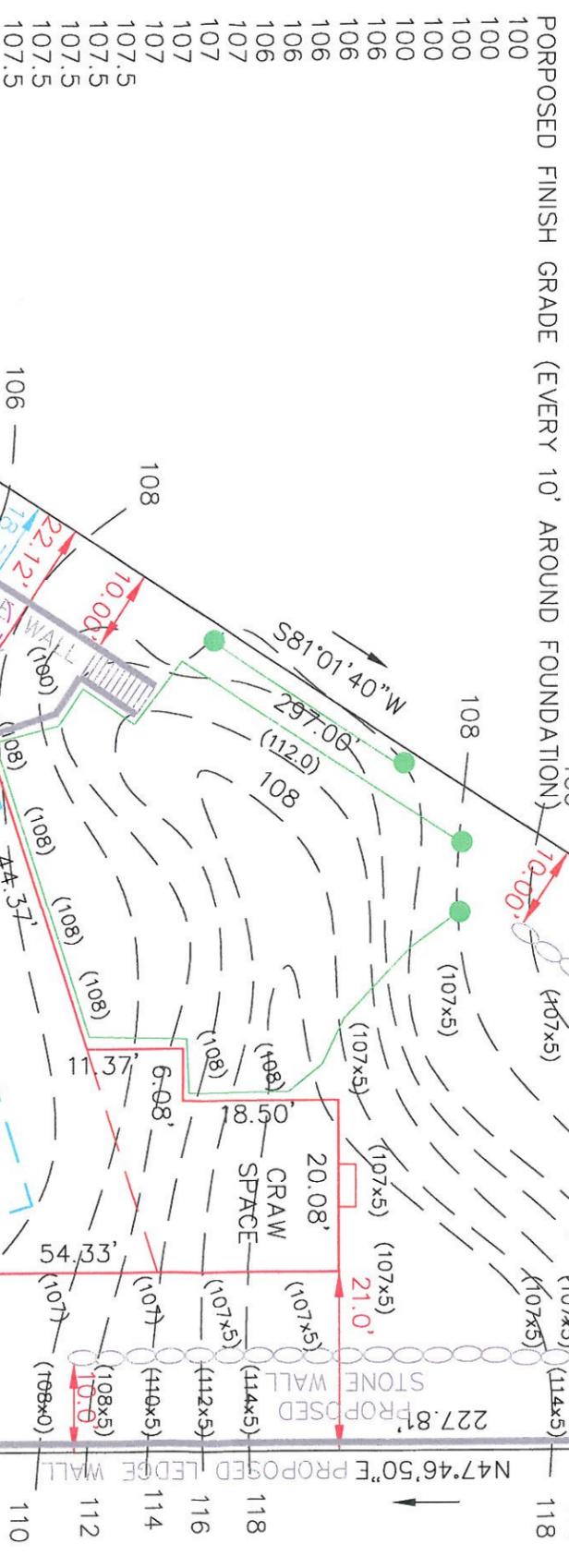
FRONT YARD 30'  
SIDE YARD 20'  
REAR YARD 20'

LOT COVERAGE:  
PROPOSED HOUSE = 3,123±S.F. OR 15.6%  
EXISTING HOUSE = 2,284±S.F. OR 11.4%  
DEED REFERENCE:  
BOOK 4815 PAGE 258

PLAN REFERENCE:  
PLAN #629 OF 1964

AVERAGE ELEVATION FROM EXISTING GRADES = 109.16'  
MAX HEIGHT 36'  
ALLOWABLE HEIGHT = 145.16'

AVERAGE ELEVATION USED FROM PROPOSED FINISH GRADES 105.74'  
MAX HEIGHT 36'  
PROPOSED ALLOWABLE HEIGHT = 141.74'  
PROPOSED RIDGE HEIGHT 140.4'  
PROPOSED HEIGHT 34.66'



TRINITY COURT (40' WIDE - PUBLIC)

PLAN OF LAND ~ WELLESLEY, MA  
SHOWING PROPOSED HOUSE  
2 TRINITY COURT

LEGEND  
EXISTING HOUSE  
PROPOSED HOUSE

FRONT YARD SETBACK (HOUSE WITHIN 500')  
SEE HOUSE #11 TRINITY COURT  
36.08' TO STREET LINE

DATE: 4/11/16 SCALE: 1" = 20'  
REVISED: 4/20/16  
PREPARED BY:

BIBBO BROTHERS AND ASSOCIATES  
SURVEYING, ENGINEERING  
& CONSTRUCTION CONSULTING  
10 HAMMER STREET, WALTHAM, MA 02453

TEL: 781-891-0417 - E-MAIL: bibbobrothers@comcast.net  
RALPH BIBBO, JR., MANAGER - ROBERT BIBBO, P.L.S.

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PROPERTY LOCATED IN RES SR20 ZONE.  
 THE PROPERTY SHOWN ON THIS PLAN IS IN FLOOD ZONE "X" AND IS NOT IN THE 100 YEAR FLOOD PLAIN AREA AS DESIGNATED BY THE FLOOD INSURANCE RATE MAP #25017C00016E DATED JULY 17, 2010.

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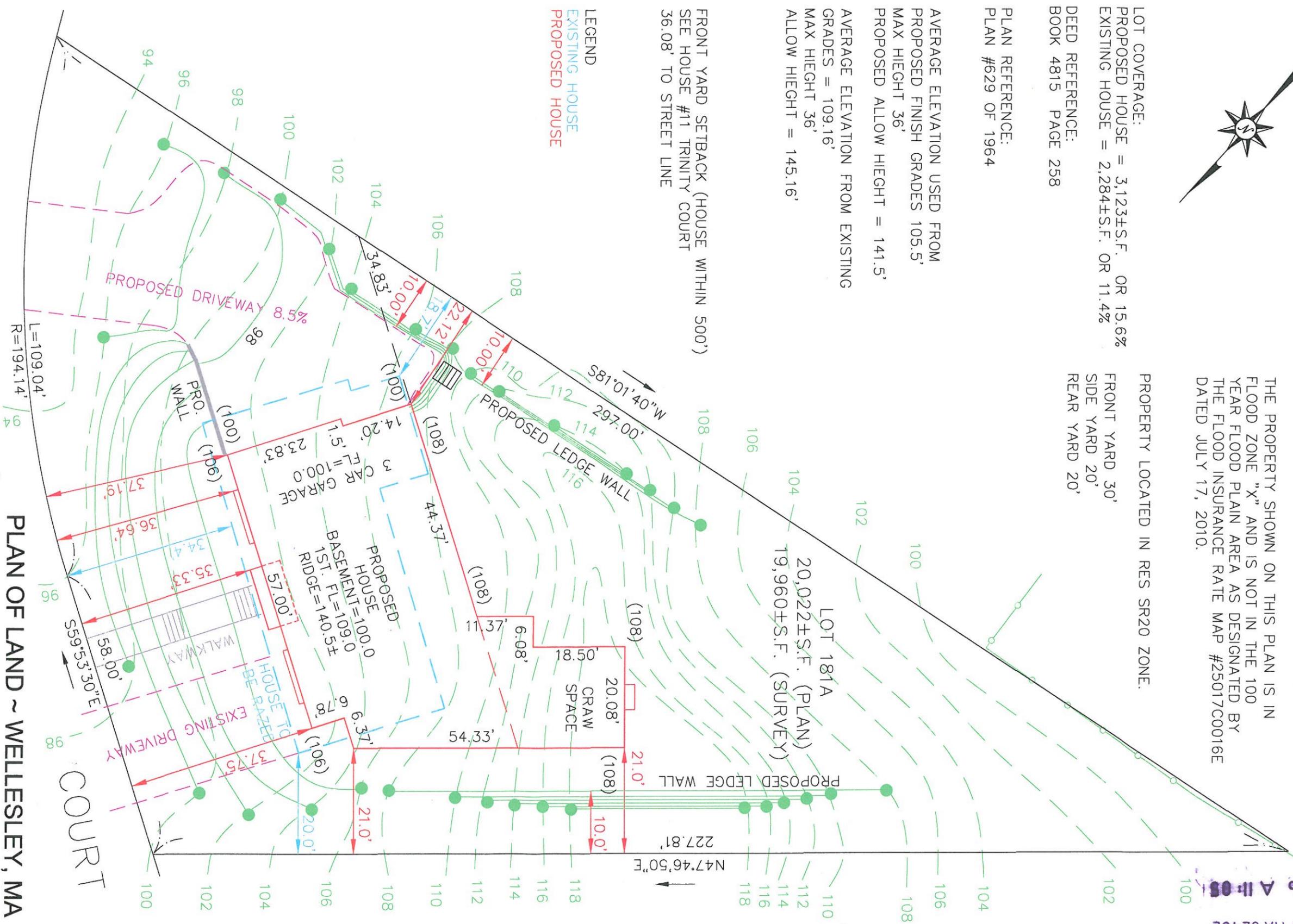
FRONT YARD 30'  
 SIDE YARD 20'  
 REAR YARD 20'

PLAN REFERENCE:  
 PLAN #629 OF 1964

AVERAGE ELEVATION USED FROM PROPOSED FINISH GRADES 105.5'  
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 PROPOSED ALLOW HIEGHT = 141.5'  
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FRONT YARD SETBACK (HOUSE WITHIN 500')  
 SEE HOUSE #11 TRINITY COURT  
 36.08' TO STREET LINE

LEGEND  
 EXISTING HOUSE  
 PROPOSED HOUSE



TRINITY (40' WIDE - PUBLIC)  
 COURT

PLAN OF LAND ~ WELLESLEY, MA  
 SHOWING PROPOSED HOUSE  
 2 TRINITY COURT

DATE: 4/11/16 SCALE: 1" = 20'  
 PREPARED BY:

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