

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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

January 10, 2019
7:15 pm
Juliani Meeting Room
Town Hall

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

ZBA 2019-08 WELLESLEY PLACE LLC, 978 WORCESTER STREET

Mr. Sheffield said that the request was for renewal of a Special Permit pursuant to the provisions of Section XII and Section XXV of the Zoning Bylaw to allow a portion of the premises at 978 Worcester Street to be used for a drive-through window where business is transacted from the vehicles of customers or patrons, which is a use not allowed by right in a Business A District.

Presenting the case at the hearing were Brendan Carr, 978 Worcester Street, LLC, and Joe Murray, representing Dunkin Donuts.

Mr. Sheffield asked if there have been any traffic or queue problems in relation to the window. Mr. Carr said that the peak of the queue usually goes to the first bend around to the back but goes quickly. Mr. Murray said that Dunkin Donuts' peak business hours are earlier than the businesses of some of the other tenants in the building.

Mr. Adams said that the Board will continue the two conditions that are currently in effect.

Mr. Becker said that there is mixed use at the back of the site. He asked if there have been any reported instances of conflicts with pedestrian traffic at the back. Mr. Carr said that there have been no conflicts to his knowledge. He said that because of the turns that you have to make on the site, the speed is low.

Mr. Sheffield asked if business is brisk. Mr. Murray said that business has been going well and Dunkin Donuts has a good relationship with the landlord.

Mr. Sheffield read the conditions that are in effect. He confirmed that the hours of operation will remain at 5 am to 9 pm.

Mr. Adams asked if the sign will be replaced. Mr. Murray said that Dunkin Donuts is hoping to replace the sign this year with one that is similar to what they have across the street with halo lighting.

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

Mr. Adams moved, Mr. Becker seconded the motion and the Board voted unanimously to grant renewal of the special permit, subject to the same conditions that are in effect.

ZBA 2019-09, CENTURY BANK AND TRUST COMPANY, 258 WASHINGTON STREET

Presenting the case at the hearing was Michael Brewster, Barlo Signs, representing the petitioner. He said that the request is for a special permit to add a sign at 258 Washington Street for Metro West Dental at a height in excess of 20 feet due to building construction.

Mr. Becker asked if the second floor is occupied by one or two businesses. He said that the sign seems to have two difference businesses listed. Mr. Brewster said that the sign is just for the dentist office.

Mr. Becker said that the 11 by 17 drawing that was submitted to ZBA seems to be exactly the same one that was submitted to the Design Review Board (DRB). He asked if DRB's changes were incorporated. Mr. Brewster said that one of the requirements was that the signs be installed with the window mullions. He said that they alleviated the concern of that when they did physical measurements. He said that the sign will meet the requirements that DRB asked for.

Mr. Becker said that the DRB recommended that the second line have smaller letter size. He said that because the drawings look exactly the same, he could not tell if the documentation that was attached to the DRB recommendation was the before or the after. Mr. Brewster said that the one that was sent to DRB was after. He said that the lettering is slightly smaller. He said that they made that adjustment from DRB.

Mr. Becker said that he did not object to the height because of the configuration of the building. He said that coming eastbound is the best chance to see the new sign but the distance at which you are seeing it will be hard to read the lettering. He said that as you get toward the front of the property, there are two trees that obscure the sign as you are going eastbound. He said that as you are going westbound, the easternmost tree obscures it as well. He said that he did not see a lot of value in the sign. Mr. Sheffield said that it is a destination business where people have appointments.

Mr. Adams said that the only relief that the Petitioner is seeking is to allow the sign to be mounted at a height of 22 feet 4 inches.

The Board made findings in accordance with Section XXIIA of the Zoning Bylaw.

Mr. Becker confirmed that the proposed sign will not be illuminated.

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

ZBA 2019-04, HUNNEWELL LAND TRUST, 891 WASHINGTON STREET

Presenting the case at the hearing was Walter Hunnewell, Jr., 30 Pond Road, representing Hunnewell Land Trust, the Petitioner. Mr. Hunnewell said that the request is for renewal of a special permit to allow the garage apartment to be used as a separate dwelling unit.

Mr. Adams asked about the current tenants and how long they have been there. He asked about the condition of the lease. Mr. Hunnewell said that the conditions on the property are as they have been since the last hearing. He said that the apartment has one small one bedroom. He said that Charles Micala has been the tenant there for more than six years.

Mr. Levy said that the bylaw requires that the Board make a finding that the original building can no longer be used or adapted at a reasonable expense and with a fair financial return for a use regularly permitted in the district. He said that there have been no changes and he was willing to renew the special permit on the same terms.

Mr. Levy read the Planning Board recommendation.

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

Mr. Levy moved, Mr. Adams seconded the motion, and the Board voted unanimously to make a finding that the original building can no longer be used or adapted at a reasonable expense and with a fair financial return for a use regularly permitted in the district and grant renewal of a special permit, subject to the same conditions that are in effect.

ZBA 2019-07, DANA HALL SCHOOL, 28 HAMPDEN STREET

Mr. Sheffield said that the request was for renewal of a Special Permit pursuant to the provisions of Section II A 8 (b) and Section XXV of the Zoning Bylaw to allow the premises at 28 Hampden Street to be used as a two-family dwelling to house faculty, which is a use not allowed by right in a Single Residence District.

Presenting the case at the hearing were David Himmelberger, Esq., and Charles Breslin, COO, Dana Hall School, the Petitioner.

Mr. Himmelberger said that the conditions remain as they were previously. He said that there are two staff members living there. He said that there are no issues with the neighbors or the neighborhood. He said that there is no signage, there is sufficient off-street parking, is compliant with the Building and Fire Departments. He said that the request is for a three year renewal.

Mr. Adams asked if the residents have changed. Mr. Breslin said that typically the residents move around the campus. He said that the prior tenants were there for about five years. He said that the current residents moved in within the past year.

Mr. Sheffield said that it has the appearance of a single family house except for the exterior stair.

Mr. Levy read the existing conditions into the record. He said that he was willing to grant approval of the special permit for three years.

Mr. Adams read the Planning Board recommendation.

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

Mr. Adams moved, Mr. Levy seconded the motion, and the Board voted unanimously to grant renewal of the special permit, subject to the same conditions that are in effect, except for Condition 6, where the permit expiration will be extended to three years.

ZBA 2019-11, TRUSCHEIT REALTY TRUST, FREDRICK HAMPE, TRUSTEE 18 MAUGUS AVENUE

Mr. Sheffield said that the request is for renewal of a Special Permit pursuant to the provisions of Section II A 8 (a) and Section XXV of the Zoning Bylaw to allow the premises at 18 Maugus Avenue to continue to be used as a lodging house for not more than eight (8) lodgers at any one time, which is a use not allowed by right in a Single Residence District.

Presenting the case at the hearing was Fredrick Hampe, the Petitioner. Mr. Hampe said that the house has been in his family since 1967. He said that the house has a long history of being a hotel or a lodging house. He said that the request is to renew the Special Permit to rent to eight lodgers.

Mr. Adams asked about the fire protection system. Mr. Hampe said that the system is hard wired throughout the house, where everything is on a panel in the basement. He said that there are no pull stations at the exits but it has emergency lighting with emergency backup batteries, smoke and heat detectors in the kitchen and all of the bedrooms.

Mr. Adams confirmed that Mr. Hampe resides at 18 Maugus Avenue. Mr. Hampe said that the front door is for the lodgers. He said that there is plenty of parking on two driveways. He said that the lodgers have two keys, one for the front door and one for the bedroom. He said that the common area is the front porch and a little bit of the large hallways. He said that almost all of the rooms have water. He said that it used to be a hotel in the 1920's. Mr. Adams asked if the lodgers tend to transient or long term. Mr. Hampe said that it is a third, third, third mix with some turnover every six months. He said that he currently has seven lodgers.

Mr. Adams asked if there are any house rules related to smoking. Mr. Hampe said that there is no smoking allowed in the house. He said that he has not had any issues with people wanting to smoke in the house.

Mr. Adams said that at the last hearing the Board was concerned about a boat that was parked on the property. Mr. Hampe said that the boat was removed.

Mr. Levy confirmed that Mr. Hampe is the current Trustee of the Trust. Mr. Hampe said that he has been the Trustee for quite a while.

Mr. Levy said that there was discussion at the previous hearing about retaining wall work that was being done. Mr. Hampe said that there was some mud that was sliding down onto the lower driveway. He said that there were some stones there to hold it that had failed and slid onto the driveway. He said that was rebuilt and has not been an issue.

Mr. Sheffield asked if Mr. Hampe ever asked the Fire Department to check out the premises. Mr. Hampe said that they have an insurance inspection every year. He said that they check all of the fire equipment. Mr. Levy discussed imposing a condition for the next renewal that the Board be provided with a smoke detector

and a carbon monoxide certificate from the Fire Department certifying that the detectors are in order. He said that, alternatively, the Board could impose a condition that the certificates be submitted to the Board within 60 days of approval with every renewal. He said that it was noted in the previous decision that there is a panel but it is not connected to a central station.

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

Mr. Sheffield read the Planning Board recommendation.

Mr. Levy read the conditions that are in effect and said that the Board would add a condition that within 60 days, the Applicant shall file with the Board a smoke detector certificate issued by the Wellesley Fire Department, indicating that the smoke detectors and carbon monoxide detectors are in working order.

Mr. Levy said that the Board must make a finding that the original building can no longer be used or adapted at a reasonable expense and with a fair financial return for a use regularly permitted in the district.

Mr. Levy moved, Mr. Adams seconded the motion and the Board voted unanimously to make a finding that the original building can no longer be used or adapted at a reasonable expense and with a fair financial return for a use regularly permitted in the district and grant renewal of a special permit, subject to the conditions that are in effect, with an additional condition that the applicant file with the Board a smoke detector certificate and certification that the carbon monoxide detectors are in order from the Fire Department within 60 days of approval.

ZBA 2019-06, ANNE BAE, 36 BROOK STREET

Mr. Sheffield said that the request is for renewal of a Special Permit pursuant to the provisions of Section II A 8 (a) and Section XXV of the Zoning Bylaw to continue to allow the premises at 36 Brook Street to be used as a residence for not more than two families, which is a use not allowed by right in a Single Residence District.

Presenting the case at the hearing was Anne Bae, the Petitioner, who said that the request is to renew the special permit that was issued in 2017 to use the house as a two family. She said that the conditions are the same and the same people are living in the house.

Mr. Sheffield said that one of the conditions that is in effect is that the premises should be inspected by the Zoning Enforcement Officer two weeks prior to the hearing to ensure continued compliance. Ms. Bae said that she missed that. She asked if she could have that done as soon as possible, between the time when the special permit is complete. Mr. Levy said that the Board would not have an opportunity to review the results of the inspection. He said that it could be an issue if the Zoning Enforcement Officer raised concerns that would have bearing on the Board's decision.

The Board discussed continuing the hearing. Mr. Levy said that the petition can be heard de novo at the continued hearing.

Mr. Levy said that the last inspection was done in 2011. Ms. Bae asked if Mr. Grant can notify the Board after his inspection. Mr. Adams said that the Board would have to receive it in a public setting.

Mr. Levy moved, Mr. Adams seconded the motion, and the Board voted unanimously to continue the hearing to February 7, 2019, when the petition would be heard de novo, subject to presentation of the Building Inspector's report.

ZBA 2019-12, BABSON COLLEGE, 231 FOREST STREET

Presenting the case at the hearing were David Grissino and Cheryl Robock, representing Babson College, the Petitioner.

Mr. Grissino said that Babson College has come before the Board five times since 2016 for its centennial projects. He said that two projects are open and are being used by students, two are scheduled to open in May for Commencement, and the final one will open in September.

Mr. Grissino said that Babson would like to highlight its centennial by putting up banners around the campus, at a prominent location at Tomasso Hall at the corner of Wellesley Avenue and Forest Street, and on two different parts of the Webster Center, which is at the other gateway to the campus.

Mr. Grissino said that the signs will simply highlight the Centennial. He said that they will be set back far from the street and have been sized according to their location to fit in with the architecture. He said that they met with the Design Review Board (DRB), adjustments were made in response to their comments and were submitted as part of the package to ZBA. He said that the signs will only be up for the Centennial and will be taken down at the end of 2019. He said that there will be fabric signs on Tomasso Hall. Mr. Adams asked if the signs will only be secured at the top at Tomasso Hall. Mr. Grissino said that there will be a straight bar at the top with grommets that are looped around at the bottom and strapped to the columns, so the signs will not swing out in the breeze.

Mr. Grissino said that Babson is before the Board because of the number of signs and the size of the signs. He said that the signs do not fit the temporary sign description in the Zoning Bylaw. He said that the signs will be taken down at the end of 2019.

Mr. Adams said that the two signs on the Webster Center will only be visible from within the campus. He said that he did not think that those signs will be too large or too much.

Mr. Sheffield asked if there are dates certain for when the signs will go up and come down. Mr. Grissino said that the signs will be removed no later than December 31, 2019. He said that the signs will go up as soon as the permit is granted.

Mr. Levy asked about requested relief. Mr. Grissino said that the request is for relief for size and number because the signs will exceed the square footage and number allowed. He said that it is difficult to translate the sign bylaw for a campus versus a single residence district. Mr. Sheffield said that the bylaw restricts the time that temporary signs are allowed. Mr. Grissino said that these signs are considered to be permanent. Mr. Levy confirmed that none of the signs will be illuminated. Mr. Grissino said that illumination will be provided by what is already at the buildings.

Mr. Sheffield asked about DRB comments. Mr. Grissino said that they made some adjustments at Tomasso Hall. He said that they made the signs smaller, at DRB's request, so that you can see other architectural details on the building. He said that they also adjusted the size of the lettering on the signs at the Webster Center.

Mr. Sheffield said that the grouping of the signs is effective at Tomasso Hall but the signs at the Webster Center are spaced far apart. Mr. Grissino said that the signs at the Webster Center will be placed in existing brick recesses in the building. He said that it changes to a much darker brick. He said that the photos are somewhat deceiving. He said that most of the time you will travel along the sidewalk and look obliquely at the building, so they will look closer together when approaching from the side.

Mr. Adams confirmed that the relief that is requested is for the number and size of the signs. He said that it seems reasonable to consider the sign on Tomasso Hall as a sign with three components. Mr. Grissino said that, in accordance with the bylaw, they are three signs. He said that technically there are seven signs at three locations.

Mr. Levy read the findings that are required under Section XXIIA of the Zoning Bylaw.

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

Mr. Levy moved, Mr. Adams seconded the motion, and the Board voted unanimously to make findings in accordance with Section XXIIA of the Zoning Bylaw and approve a special permit, subject to a condition that the signs be removed no later than January 1, 2020.

ZBA 2019-05 WELLESLEY RETAIL LLC, 999 WORCESTER STREET

Mr. Sheffield said that the request is for extension of a variance that was originally granted in 1957 (ZBA 57-45) to transfer ownership of the property, pursuant to the provisions of M.G.L. Chapter 40A, Section 10 and Section XXV of the Zoning Bylaw.

Presenting the case at the hearing was John Scribner, representing Wellesley Retail LLC, the Petitioner. He said that the property straddles a Business and a Single Residence District. He said that he came before the Board last year prior to purchasing the property because a change of ownership requires extension of the existing variance, which this Board granted. He said that they are now selling the property. He said that the request before the Board is for an extension of the variance due to a transfer of ownership.

Mr. Scribner said that he met with the Planning Board and they have endorsed a rezoning of the residential portion of this property, which will be addressed at the next town meeting.

Mr. Sheffield read the Planning Board recommendation.

Mr. Levy confirmed that extension of the variance will become moot if the property is rezoned. He asked about the relief granted in the variance. Mr. Scribner said that the original variance allowed parking in the residential district.

Mr. Levy said that he has no objection to changing the ownership. He said that one of the storefronts is empty. Mr. Scribner said that space was recently rented to TD Ameritrade. He said that the other tenant is TD Bank.

Mr. Adams confirmed that the property is being sold to HW Holdings, LLC.

The Board discussed extension of the variance.

Mr. Levy asked if there are 39 parking spaces. Mr. Scribner said that the area was re-stripped and now has 41 parking spaces.

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

Mr. Levy moved, Mr. Adams seconded the motion, and the Board voted unanimously to grant extension of the variance, subject to the same conditions that are in effect.

ZBA 2019-01, WORCESTER STREET 965 GROUP LLC, 965 WORCESTER STREET

Mr. Sheffield said that the request is for a Special Permit pursuant to the provisions of Section XXIIA and Section XXV of the Zoning Bylaw to replace an existing pylon sign that exceeds the height and setback allowed by right, and a second halo lit wall sign on the front elevation that will exceed the letter height and the maximum height allowed by right. The wall signs will exceed the maximum area allowed by right.

Presenting the case at the hearing was Joe Shaker, who said that he is the owner of the property and the Wellesley Mazda business. He said that despite having redone the facility eight or nine years ago, they recently redid it again. He said that they upgraded the outside with a higher end look. He said that the Design Review Board (DRB) approved four signs, one of which was a service sign that they decided not to have. He said that they put up the Mazda sign in middle that was allowed by right. He said that the request is to add the Wellesley sign back on the building, which is what they originally had. He said that the old Wellesley sign was orange but the new one is black. He said that they are also looking to replace a pylon sign which is currently 15 feet. He said that the replacement pylon sign will match the color, look and feel of the new building.

Mr. Adams said that the new pylon sign is much different from the existing sign. He said that it is much heavier visually because the pylons appear to be much wider. Mr. Shaker said that the existing sign looks thinner and plainer. He said that currently the facility has white panels on the top and black panels on the bottom, for a two tone look. He said that the building and the free standing sign should have the same flavor.

Mr. Adams said that the Board usually get materials that have been prepared by a sign company that give significant details about dimensions. Mr. Shaker said that the submittal package has dimensions. Mr. Adams said that he had trouble coordinating the plans that were submitted with the plans that show the layout of the property. He said that the pylon sign is shown at 11 feet 9 inches from the property line. He asked if the new pylon sign will go in the same location. Mr. Shaker said that they are looking to set it back to the required setback. He said that they could put the new sign in the same location as the old sign. He said that they were asked to move the sign back. Mr. Adams said that there is no documentation to show what is happening. Mr. Levy said that the Board can condition it.

Mr. Sheffield said that with the change of the color of building to more black makes the sign look more sophisticated. Mr. Shaker said that comments that they have gotten from people around town is that it has more of a premium look to it. He said that he did not like the previous design with the green awning.

Mr. Levy asked about the dimensions of the existing sign. Mr. Shaker said that the request is to put the Wellesley sign at the previous location. He said that the pylon sign is 15 feet high. Mr. Levy confirmed that there will be no illumination.

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

Mr. Shaker said that the DRB approved the changes. He said that he chose not to have halo lighting and deleted the Service sign.

Mr. Adams asked about the depth of the pylon sign. Bruce Jaffin said that it will be 15 inches deep. He said that it will consist of metallic panels on a steel frame.

Mr. Adams discussed concerns that the documentation that was submitted was not specific enough. He said that the 15 foot setback line was shown on the drawing. Mr. Sheffield discussed having a requirement for a drawing that shows the location of the sign at 15 feet. Mr. Shaker said that they can submit an as-built plan that shows the location of the sign. Mr. Adams said that it could even be a detail of that area where the sign is that shows the property line. He said that they could add the depth dimension of the legs. He confirmed that the pylon will be a two-sided sign. Mr. Levy said that the Board will insert conditions that the pylon sign be set back 15 feet from the property line and that an as-built plan be provided.

Mr. Adams moved, Mr. Levy seconded the motion, and the Board voted unanimously to make findings in accordance with Section XXIIA of the Zoning Bylaw and approve a special permit for a pylon sign to be located 15 feet back from property line, 15 feet in height where 10 feet is allowed, subject to a condition that plot plan that shows the location of the sign on the site and a detail that shows the width and depth of the sign be submitted.

Mr. Adams moved, Mr. Levy seconded the motion, and the Board voted unanimously to make findings in accordance with Section XXIIA of the Zoning Bylaw and approve a special permit for a Wellesley wall sign, which is a second wall sign where only one is allowed, with 24 inch letters where 18 inch letters are allowed, and mounted at a height of 23 feet where a 20 foot height is allowed, and the maximum area of the wall signage will be 89.34 feet where 75 feet is allowed.

ZBA 2019-02, CATHERINE MARCH, 186 WASHINGTON STREET

Mr. Sheffield said that the request is for a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming porch and steps and construction of a one-story mudroom, landing and steps with less than required front yard setbacks, on an existing nonconforming structure with less than required front yard setbacks to Oakland Street, on a corner lot, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Presenting the case at the hearing were Steve Parnell and Suzy Kennedy, JM Construction, Inc., representing Catherine March, the Petitioner.

Mr. Parnell said that the request is for a special permit for a mudroom that protrudes more toward the driveway than out to the street. He said that the request is to remove the existing porch and enclose a mudroom in that space, without going any closer to the street setbacks but closer to the driveway. –

Mr. Levy said that it is a corner lot with two front setbacks. He said that an existing porch has a setback of 20 feet and the proposed addition will have a setback of 18.2 feet, which will be nonconforming. He said that it is a conforming lot. Mr. Sheffield said that it will be a modest extension

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

Mr. Levy read the Planning Board recommendation.

Mr. Levy moved, Mr. Adams seconded the motion, and the Board voted unanimously to make findings in accordance with Section XVII of the Zoning Bylaw and approve a special permit.

ZBA 2019-03 SHEELAH SULLIVAN, 53 LONGFELLOW ROAD

Mr. Sheffield said that the request was for a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that construction of a second story addition over an existing nonconforming attached garage with less than required right side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Presenting the case at the hearing were Christopher Hall Jonathan Cavanagh, Christopher Hall Architects, Inc., representing Sheelah Sullivan, the Petitioner.

Mr. Hall said that Sheelah Sullivan was raised in Wellesley and wanted to raise her own children here. He said that she wanted to find a 19th century home to renovate, which she found nine years ago. He said that it was in considerable disrepair. He said that they embarked on a fairly large project to renovate, restore and expand the structure of the house. He said that due to the cost of the project, they were unable to address the garage at the same time.

Mr. Hall said that the request is for a special permit to add a second floor on top of the existing garage. He said that the garage was built in 1915 with only six inches of side yard setback, which was permitted at the time. He said that in 1991 the current owners asked to put a second floor on by special permit. Mr. Adams said that there was a condition regarding compliance with fire safety codes. He said that originally it was a flat roof over cement walls.

Mr. Hall said that the purpose of the space over the garage is to get current activities in the basement, which is wet, up, out and dry. He said that the addition will address an aesthetic concern that the garage does not appear to match the style and character of the house. He said that the Sullivans purchased the house with a three car garage with the minute setback. He said that they went to great lengths to restore the house. He said that, unfortunately, the garage is located in a pre-existing nonconforming location.

Mr. Hall said that the additional space will comply with allowable TLAG of less than 10 percent of the existing structure. He said that they will not change the footprint or the lot coverage, which is 14.4 percent.

Mr. Hall said that there is a driveway to the house behind that allows for a 50 foot buffer on the western side of the house, as shown on Plan A0.3. Mr. Sheffield said that it appears that 51 Longfellow was carved out of the property. Mr. Cavanagh said that they did research and it seems that the lot was there as far back as they were able to go. He said that the house behind was built in 1989 but the lot existed at that time.

Mr. Hall said that the house next door at 49 Longfellow Road is approximately 80 feet away. He said that there are massive conifers along the driveway and the back. He said that the garage will not be impactful visually. Mr. Sheffield asked if it will be possible to construct the garage addition without disturbing the conifers. Mr. Hall said that the Sullivans do have the trees trimmed. Mr. Levy asked who the trees belong to. Mr. Hall said that they belong to the abutters.

Mr. Adams said that the plans show a window that appears to be less than one foot from the property line. He said that it seems unlikely that anything will be built along the long, narrow spit of land that goes to the rear property but a concern is that, at the time that the garage was constructed prior to Zoning, it was built as fireproof construction, and at a later date, a roof was added. Mr. Cavanagh said that a special permit was granted in 1991 that allowed roof to be constructed, subject to it being compliant with the fire code. Mr. Adams said that current code not allow an opening within five feet of a property line. Mr. Hall said that they can eliminate the window. Mr. Sheffield said that can be left to the Building Inspector.

Mr. Levy asked about the second floor on the garage. Mr. Hall said that currently there is a back stair and a door going up to a storage area. He said that it is connected with a mudroom on the first floor but is not connected on the second floor. He said that the addition will connect directly with the hallway upstairs. He said that it is intended to be a multi-purpose room. Mr. Adams confirmed that the structure will be two stories. He said that it is a high ceiling space.

Mr. Levy asked if the Sullivans spoke with the abutters. Mr. Hall said that the neighbors sent emails to the Board in support of the project.

Mr. Sheffield said that the façade is more interesting. He said that since the trees are on the neighbor's property, they will have to be protected during construction.

Mr. Adams said that there is a slope there. Mr. Hall said that the garage is tucked into the hillside. He said that at grade, the addition will look like a one story.

Mr. Levy asked about TLAG. Mr. Cavanagh said that it will be within the 10 percent increase that is allowed. He said that existing TLAG is 6,741 square feet and proposed TLAG will be 7,382 square feet. Mr. Levy said that the threshold for Large House Review is 4,300 square feet for a 15,000 square foot Single Residence District, so this is almost 50 percent over that.

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

Ed Delgado, 50 Longfellow Road, said that he owns the house directly across from 53 Longfellow Road. He said that he spoke with the Sullivans about their plans. He said that the house looks great and the design is fantastic. He said that he came to the hearing to express support for the project.

Mr. Levy moved, Mr. Adams seconded the motion, and the Board voted unanimously to make findings in accordance with Section XVII of the Zoning Bylaw and approve a special permit.

ZBA 2019-10 LISA SMITH, 8 MEADOW LANE

Mr. Sheffield said that the request is for a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that extension of an existing nonconforming deck with less than required left side yard setbacks, construction of an attached mudroom and a two-car garage with space above that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard and front yard setbacks, and less than required frontage, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Presenting the case at the hearing were Lisa Smith, the Petitioner, Brian McCarthy and Alan Arsenault, Builder. Ms. Smith said that Mr. Arsenault built an addition that was previously before the Board for a special permit.

Mr. Arsenault said that there is an existing shed on the property that they want to demolish and put on a two car garage with a breezeway. He said that it is a nonconforming lot. Mr. Sheffield said that the garage will be attached to a nonconforming house.

Ms. Smith said that the only nonconformity that will be extended will be seven square feet for the deck. Mr. Levy said that the addition will be close to the setbacks, so the surveyor should use care when putting in the stakes. Mr. Adams confirmed that the deck will remain and be extended by two to three feet.

Mr. Arsenault displayed existing pictures.

Mr. Adams asked if the existing deck will be removed and rebuilt. Ms. Smith said that there will be new decking. Mr. Arsenault said that the framing will be reworked.

Mr. Sheffield said that the existing nonconforming setback on the left side of the house is 11 feet. Mr. Adams said that the nonconformity will not be increased other than its length.

Mr. Sheffield said that the auto circulation requires a turning radius but is manageable. Ms. Smith said that it is similar to what they have there now.

Mr. Levy asked about the second floor of the garage. Ms. Smith said that it will be a hip roof, so not much can happen there. Mr. Sheffield asked about access to the second level. Mr. Adams said that Page 5 of the plans show that the second floor of the garage will not connect to the main house. Mr. Arsenault said that a mudroom on the first floor will connect the garage to the house. Mr. Adams confirmed that there is no water proposed for the garage.

Mr. Arsenault submitted a TLAG Affidavit. Mr. Levy said that TLAG will be 3,246 square feet.

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

Mr. Sheffield read the Planning Board recommendation.

Mr. Adams moved, Mr. Levy seconded the motion, and the Board voted unanimously to make findings in accordance with Section XVII of the Zoning Bylaw and approve a special permit.

ZBA 2019-13 SCOTT BARTON, 22 BREWSTER ROAD

Mr. Sheffield said that the request is for a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that construction of a two story addition with a two car garage under and a covered porch, that will meet all setback and height requirements, on an 11,470 square foot corner lot in a Single Residence District in which the minimum lot size is 15,000 square feet and a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Presenting the case at the hearing were Scott Barton, the Petitioner, and Michael Hally, Architect.

Mr. Barton said that the request is for a special permit to build an addition on a conforming house on a nonconforming lot. He said that the addition will meet setback and height requirements. He said that he is looking to expand space for his family.

Mr. Adams asked if Mr. Barton reviewed the plans with the neighbors. Mr. Barton said that had spoken with four neighbors and received two written letters of support and verbal support from two neighbors. He submitted the letters of support to the Board. He said that he spoke with the owners of 7 Priscilla Road today, which is a new house.

Mr. Sheffield said that, as in many neighborhoods in town, the difference in scale is ongoing. He said that this gets to be fairly sizeable and could be improved if the ridgelines were not connected by the link between the garage portion and the existing house so that it is not continuous ridgeline at the same height. Mr. Hally said that the property is located on a corner lot in a 15,000 square foot Single Residence District. He said that the lot size is nonconforming at 11,470 square feet. He said that the main box faces Brewster Road and there was an addition put on some time ago which is a small studio, a hallway, an attached outside shed, and a mudroom. He said that the plan is to demolish that addition and put on a new two story addition. He said that there is a lot going on and they tried to keep the footprint to a minimum. He said that they recreated the porch that faces Priscilla Road, will have a library and a mudroom that leads to a new garage that empties out to Priscilla Road. He said that on top of the garage will be a studio for Mr. Barton, who is a musician who works out of the house a good part of the time. He said that underneath the roofline will be a master suite. He said that they purposely went with a shed dormer so that they did not end up with a huge block of a house. He said that the center dormer brings light in from the southern side helps to keep the TLAG, volume and mass of the house down. He displayed a preliminary sketch. He said that a flat drawing does not convey the idea that the ridgeline that connects the garage and the existing house is way back, almost in centerline to the ridges of the house. He said that they did a lot of work to keep the mass of the house down. He said that the bay on the front of the garage and the eyebrow roof over the garage door help to keep the scale down. He said that the front elevation does look imposing but the sketch shows how they pushed the roof and walls back to make the house look like it grew over time. He said that the proposed structure will be below the maximum lot coverage and TLAG at just over 3,675 square feet, which is just above the threshold for a 10,000 square foot Single Residence District. He said that the reality of the shape and the mass is contrary to the look of the elevation.

Mr. Adams asked about the relation between the music studio floor and the master bedroom. Mr. Hally said that they are level, in case the next family wants to make it passable from one end of the house to the other. He said that Mr. Barton's plans are to have a soundproof wall up there.

Mr. Hally said that across Priscilla Road, there is a large house there now with the same lot shape and topography. He said that there is a big new house going up directly across on Priscilla Road. Mr. Sheffield said that the new house appears to be the same size as this one, when completed. Mr. Barton said that he believes that it is larger.

Mr. Adams said that he shares Mr. Sheffield's concerns. He said that the height could have been varied on some of the gables so it did not read as a continuous ridgeline. He said that the cupola seems to be a little out of place.

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

Catherine Johnson, 22 Standish Road, said that she was speaking as a neighbor. She said that she recused herself as Planning Director when the Planning Board discussed the project to make its recommendation. She said that she understands the need for space, having been in the house many times. She said that she is most concerned with the massing of the house and that the ridge of the connection will touch the garage addition and the original front portion of the house. She said that the garage wing looks like it is a little bit taller. She said that this will double the size of the house on one of the smallest lots in the neighborhood. She said that it needs more articulation in order to appear less massive. She said that lowering the ridge height over the garage would make it look like a true New England house with an original box with a barn behind it that are somehow connected. She said that the cupola could go over the garage portion. She said that she is supportive of what they want to do but think that the design could be tweaked to make it better.

Mr. Hally said that section drawings would have been helpful. He said that the bedroom is tucked into the center section, which makes it necessary for the center ridge to be that high. He said that there is no attic space above the center area. He said that they pushed and pulled everything under the front roof and put a dormer on the back of the house. He said that the Bartons plan to spend a good amount of time in the backyard. He said that a dormer also exists on the back center area. He said that pushing that line down will mean a flatter roof, which raises concerns about snow and ice dams. He said that there is a geometry in place. He said that they were very diligent in trying to minimize the roof lines. He said that Mr. Barton has a requirement for his studio. He said that they shrunk the studio a couple of feet when they were working with the surveyor so that they will be within the setbacks. He said that they tried to break up the mass with vertical siding on the barn. He said that the roof with the dormer in the center will play up against the siding of the original colonial box. He said that they went to great lengths to break this up.

Mr. Sheffield confirmed that the studio has a cathedral ceiling with a couple of skylights. He asked about the master bedroom ceiling. Mr. Hally said that will be a flat ceiling.

Mr. Hally said that the pitch of the house is 8 pitch, which stays true to the pitch of the original house. He said that the cupola can go.

Mr. Sheffield read the Planning Board recommendation.

Mr. Adams said that he understands the constraints that the Petitioner faced to keep the addition compliant.

Mr. Sheffield said that the location of the cupola tends to accentuate the ridgeline that connects the two side parts. He said that the design might benefit, if the cupola was to be there at all, that it was on top of the studio. Mr. Barton said that the cupola can come off.

Mr. Sheffield said that he was not overly disturbed by the ridgeline. Mr. Levy said that eliminating the cupola would help.

Mr. Sheffield said that the studio and garage show vertical siding on two sides and clapboards on the inboard side. He asked if the intent is to change at the corner. Mr. Hally said that it is a cost issue. He said that vertical siding is very expensive. He said that they will change it on the back side where it is heavily treed and other than the neighbors behind, probably will not see it. He said that the garage door side faces Priscilla Road and the right hand side faces the neighbor. He said that coming down Priscilla toward Brewster Road, you would see vertical siding. He said that you would never see the back of it. Mr. Adams said that there is a continuity on that corner. Mr. Sheffield confirmed that it will all be painted one color.

Mr. Adams moved, Mr. Levy seconded the motion, and the Board voted unanimously to make findings in accordance with Section XVII of the Zoning Bylaw and approve a special permit.

ZBA 2019-14 ELIZABETH & CHRISTOPHER BALDWIN, 9 TAPPAN ROAD

Mr. Sheffield said that the request is for a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of a portion of the existing structure and the existing nonconforming garage, and construction of a two story addition with a two car garage under that will meet all setback and height requirements, on an existing nonconforming structure with less than required left side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Presenting the case at the hearing were Anu Shah and Sean Cutting, Cutting Edge Homes, Inc., representing Elizabeth and Christopher Baldwin, the Petitioner.

Mr. Shah said that the request is for a special permit/finding for modification of a pre-existing nonconforming structure. He said that the modification includes an addition on the right side of the property. He said that the existing nonconformity is on the left side with a setback of 16.3 feet. He said that the alterations will not result in any additional nonconformities or intensify any existing nonconformities. He said that a new bulkhead and entry steps on the left side fall under the threshold in the Zoning Bylaw and are not considered to be infringing into the setback.

Mr. Shah said that the request is to take down an existing nonconforming garage on the right side of the property and build a garage addition with a master suite above that will conform to all bylaw requirements. He said that the lot is conforming.

Mr. Adams asked if the building will be taken down. Mr. Shah said that the detached garage will be demolished. Mr. Adams said that the plot plan has a note under the existing house that it is to be razed. Mr. Shah said that there is a sunroom on the existing house that will be taken down to put the new garage up.

Mr. Adams confirmed that the nonconformity is the left side yard setback at 16.3 feet.

Mr. Adams said that there will be three entrances to the house. Mr. Sheffield said that there are four entrances. Mr. Shah said that the kitchen is on the opposite side of the house from the garage. He said that the side entry works. Mr. Cutting said that instead of putting the ac condensers on the side, they moved them and the stairs so that there will be access to the backyard.

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

Mr. Adams said that the Applicant submitted a series of signed formed letters that expressed support for the project.

Mr. Levy asked about TLAG calculations. Mr. Shah said that it will be 3,505 square feet.

Mr. Adams moved, Mr. Levy seconded the motion, and the Board voted unanimously to make findings in accordance with Section XVII of the Zoning Bylaw and approve a special permit.

ZBA 2019-15 MARTELLO, 17 CLEVELAND ROAD

Mr. Sheffield said that the request is for a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that demolition of a portion of an existing nonconforming structure, and construction of a two story addition with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard and right side yard setbacks, on a 7,000 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet and a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Presenting the case at the hearing were Marybeth Martello, the Petitioner, and Jonathan Word, Builder.

Ms. Martello said that the request is for a special permit/finding to build a two story addition on the back of the house for a kitchen and a small family with a master suite above. She said that she spoke with all of the abutting neighbors and they all support the project. She said that she did not ask for anything in writing from the neighbors but was sure that they would submit something if she asked them to.

Mr. Levy said that it is an undersized lot with less than required front and right side yard setbacks. Mr. Adams said that the proposed addition will not increase the setback.

Mr. Sheffield asked about central air conditioning. Ms. Martello said that they are planning to do central air conditioning and will put the condensers where they will meet the setback requirements.

Mr. Levy read the Planning Board recommendation.

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

Mr. Levy moved, Mr. Adams seconded the motion, and the Board voted unanimously to make findings in accordance with Section XVII of the Zoning Bylaw and approve a special permit.

As there was no further business to come before the Board, the hearing was adjourned at 10:07 pm.

Respectfully submitted,

Lenore R. Mahoney
Executive Secretary