

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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ROBERT W. LEVY
WALTER B. ADAMS
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December 6, 2018
7:30 pm
Juliani Meeting Room
Town Hall

Zoning Board of Appeals Members Present: Richard L. Seegel, Chairman
J. Randolph Becker
David G. Sheffield

BUSINESS MEETING

ZBA 2017-82, ROBERT NASCIMENTO, 15 RIVER GLEN ROAD

Mr. Seegel said that the request is that the Board make a determination that changes that were made to a previously approved project are a minor modification that do not require a public hearing.

Present at the public meeting was Robert Nascimento, homeowner, who said that preliminary plans were approved by the Board in October of 2017 for a retaining wall system that did not meet the setback and height requirements. He said that the biggest change on the new plans is that instead of a center wall going north to south in the middle of the property, it would now be tiered to make it more aesthetic.

Mr. Becker said that he compared the site plan that was approved with the revised plans that were submitted. He said that there are a lot more retaining walls that are stacked, which had not been considered in the original decision. He said that, based on that, he could conclude that this is a substantial change, not a minor modification.

Mr. Sheffield said that the walls that Mr. Becker referred to are internal to the site and not at the property lines. He asked about differences where the change in the wall occurs. Dr. Nascimento said that the wall will start two feet east of the original wall and will run into the property at the higher level approximately 10 feet further. He said that the combined heights of the walls will be six to nine inches taller than the original walls. He said that the architect thought that having one large wall with a lot of retained weight could impact the pool. He said that the architect thought that the revised plan would look and function better.

Mr. Sheffield asked about the differential in grade from top of wall to the bottom. Dr. Nascimento said that it is approximately 100 inches.

Mr. Seegel said that the neighbors did not have a chance to comment. He said that this should be discussed at a public hearing.

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

Mr. Becker moved, Mr. Sheffield seconded the motion, and the Board voted unanimously to approve the determination that the proposed modifications are substantial changes that require a public hearing.

ZBA 2018-29, ANTHONY & LEAH CINELLI, 102 OAK STREET

Present at the public meeting was Michael Tartamella, Architect, representing Anthony and Leah Cinelli. He said that in May of 2018, the Petitioner applied for an addition to a pre-existing nonconforming structure at 102 Oak Street. He said that the addition was conforming and included a detached two car garage. He said that the original proposal was unanimously approved by the Board. As said that as time went on and construction drawings were done for the project, the homeowners asked if they could connect the detached garage to the existing structure. He said that they developed a small one-story connection piece that conforms. He said that TLAG will increase by 234 square feet, for a total of 3,492 square feet, which is below the 3,600 square foot threshold. He said that they submitted drawings that represent the proposed change. He said that they feel that the proposed change is de minimis and does not nullify the original decision.

Mr. Becker said that a new site plan had not been submitted. He asked about the distance from the rear of the garage to the rear lot line. Mr. Tartamella said that none of that has changed from the previous decision. He said that they are not proposing any change to the location of the garage that was previously approved. Mr. Becker said that when the garage is connected to the house, if it is nonconforming, it will add a nonconformity to the house. Mr. Tartamella said that the new garage will be conforming. He said that the only nonconformity is the front corner of the house. He said that every addition that was proposed in May and tonight is conforming.

Mr. Seegel asked if there was anyone present who wished to speak to the request.

Mr. Becker moved, Mr. Sheffield seconded the motion, and the Board voted unanimously to approve the determination that the proposed modification is not a substantial change that requires a public hearing.

PUBLIC HEARING

ZBA 2018-75, UNITARIAN UNIVERSALIST WELLESLEY, 309 WASHINGTON STREET

Presenting the case at the hearing was John Spencer, representing the Wellesley Farmers Market. He said that the request is for extension of the special permit.

Mr. Becker asked about separation between the market location and traffic. Mr. Spencer said that the map that was submitted shows the driveway to the left of the church and it circles around one way to the right. He said that the Farmers Market only uses the first section. He said that the hope is, that if the market expands, it will go out to the parking lot to the left.

Mr. Becker asked if cones or barriers are used to separate incoming traffic from the sales. Mr. Spencer said that currently it is pick up only. He said that if they get enough volume, they will go to on-site sales. He said that the volume now is only between 30 to 40 pickups during one and a half hours, so traffic is not really an issue. Mr. Becker said that his concern is about separation of pedestrians from

cars. Mr. Spencer said that there is a sidewalk to the right of the driveway that is not shown on the map. He said that is the only pedestrian zone.

Mr. Seegel asked about changes to the special permit. Mr. Spencer said that there are no changes. He said that the request is for renewal of the special permit. He said that in the year that they operated, he did not see any pedestrian traffic at the church. He said that people come in their cars, park and pick up their order.

Mr. Sheffield said that he made inquiries of some the merchants who are neighbors and they did not have any problems and experienced no difficulties with the traffic or the operation of the market.

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

The Board discussed the conditions that are in effect and approved a change from a one year to a two year expiration date.

Mr. Becker moved, Mr. Sheffield seconded the motion, and the Board voted unanimously to approve renewal of the special, subject to the conditions that are in effect, with the exception that the expiration date shall be changed to two years.

Mr. Seegel said that the Planning Board recommended approval of the petition.

ZBA 2018-76, WEI CHAO GUAN, 25 OLD COLONY ROAD

Presenting the case at the hearing was Wei Chao Guan, the Petitioner. Mr. Guan said that the request is to put addition behind the house and a two car garage beside the house. He said that the original setback of the house was 17.5 feet. He said that the request is for a special permit to continue that setback where 20 feet is required.

Mr. Becker asked if TLAG calculations had been done. Mr. Guan said that they had not be done.

Mr. Becker said that two retaining walls are shown on the plot plan. He asked if those walls are existing. Mr. Guan said that the walls are existing.

Mr. Becker said that the height above grade was shown on the plans. He said that there was no information about what the grades are.

Mr. Sheffield said that the entire length of the new two car garage and the mudroom will be 17.5 feet from the property line, whereas previously there was just a corner of the garage was at that distance. He discussed continuity of the building and changing direction. He said that the design would benefit by pushing it forward to be more compatible with the original design of the house.

Mr. Sheffield said that on Sheet A2.0a, the existing elevation shows a two car garage door. He said that it should be a one car garage door. Mr. Guan said that the existing garage is a one car garage and the proposed two car garage will be next to it. He said that the plan is to reduce the size of the door on the existing one car garage.

Mr. Becker said that the Board received a letter from the DPW, dated November 14, 2018, regarding drainage. Mr. Seegel read the letter from James Manzolini into the record. He said that the DPW requirement for silt sacks in the catch basins during construction will be made a condition of the decision.

Mr. Sheffield identified the nonconformities on the property.

Mr. Seegel read the Planning Board recommendation.

Mr. Sheffield moved, Mr. Becker seconded the motion, and the Board voted unanimously to approve a special permit, subject to the condition that the DPW drainage recommendations be incorporated into the decision, finding that the proposed alteration does not result in additional nonconformities, does result in intensification of existing nonconformities, and is not substantially more detrimental to the neighborhood than the existing nonconforming structure.

ZBA 2018-77, RICHARD GOLOB & LUCIA LOVISON, 405 LINDEN STREET

Presenting the case at the hearing was Shannon Scarlett, Architect, representing Richard Golob and Lucia Lovison, the Petitioner.

Ms. Scarlett said that the house is nonconforming for two side yard setbacks. She said that there is a small one-story addition on the back of house and the proposal is to build on top of it. She said that the only change in dimension will be for the overhang to meet the edge of the existing house. She said that the lower level will stay intact. She said that there is a small vestibule attached that is falling off of the house. She said that the proposal is to take that down and rebuild a new small mudroom, as well as replacing the side steps with a more gracious entry.

Mr. Sheffield said that the lot is nonconforming with a frontage of 58.71 feet. Mr. Becker said that the front yard setback is also nonconforming but neither of these nonconformities impact the project.

Ms. Scarlett said that the right side yard setback is encroached by 1.5 feet by the porch. Mr. Becker said that the 13.5 foot setback on the right side is to the bow front. Mr. Sheffield confirmed that the 17.8 foot setback is to the new work. Ms. Scarlett said that it is setback from the existing corner by 2.5 feet. Mr. Sheffield said that it will be further away from the property line than the existing corner. He said that the design is a good solution.

Mr. Seegel asked if the Petitioner consulted the Planning Department regarding demolition delay. Ms. Scarlett said that the only demolition will be the mudroom at the corner. Mr. Seegel said that they will need to have a plan that shows what percentage of the area will be demolished or encompassed for the Planning Board.

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

Linda Griffith, 401 Linden Street, said that she lives next door in an 1840 colonial farmhouse. She said that her property and the property at 405 Linden was originally an orchard for the 1770 house of the Snyder's across the street. She said that she had not seen any impact statements. She asked if there is a requirement for environment impact statements for adding the second floor on the historical trees and heritage plants on both properties. Mr. Seegel that there were no requirements that he was aware of. He said that the property is not located in a Historic District. Ms. Griffith asked if there were any requirements environmental for the Natural Resources Commission. She said that she had an arborist visit her property today. She said that there is a large tree next to the mudroom and its branches come over her house. She said that she paid \$5000 this past winter for damages from branches that feel as a result of previous construction. She said that the arborist had concerns about the root system of that tree and felt that it should be braced. She said that she is concerned about the impacts of adding stories on the trees and plants on both properties. Mr. Seegel said that Ms. Griffith should consult with the

Building Inspector regarding the trees. He said that the Town has a Tree Preservation Bylaw in effect. He said that Ms. Griffith should submit the arborist's recommendation to the Building Inspector. Ms. Griffin said that she was concerned that she has no recourse if the trees or heritage plants on her property are damaged as a result of the proposed construction. Mr. Seegel asked if there are any plans to take the tree down. Ms. Scarlett said that there are no plans to take it down. She said that the tree is huge. Mr. Seegel recommended that Ms. Griffith speak with the Building Inspector to determine what the rules are concerning the tree.

Mr. Sheffield said that there is plenty of room for construction activity that will come nowhere near the side property line.

Mr. Seegel read the Planning Board recommendation.

Mr. Sheffield identified the nonconformities on the property. Mr. Sheffield moved, Mr. Becker seconded the motion, and the Board voted unanimously to approve a special permit, finding that the proposed alteration does not result in additional nonconformities, does result in intensification of existing nonconformities, and is not substantially more detrimental to the neighborhood than the existing nonconforming structure.

ZBA 2018-78, NOEL & PETER GEARHART, 23 PLYMOUTH ROAD

Presenting the case at the hearing was Peter Gearhart, the Petitioner. He said that this application concerns a conforming lot with a nonconforming structure. He said that they are planning a two story addition at the rear of the house on top of an existing screened porch. He said that the side lot line angles and is not parallel to the side of the house. He said that it clips the corner of the existing screened porch. He said that the plan is to use the foundation for the screened porch and build on top of it. He said that the request is for a special permit for the encroachment in the side yard setback.

Mr. Sheffield asked if the proposed bay window next to the family room will be cantilevered. Mr. Gearhart said that it will be. He said that it will not extend the foundation. He said that there is a full poured concrete foundation under the screened porch that goes to frost.

Mr. Becker said that the proposed TLAG is slightly above the trigger for the zone but the lot size is significantly bigger than the requirements for the zone, so the slight overage does not impact the large house aspect for the house on the lot.

Mr. Seegel 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. Becker identified the nonconformities on the property. Mr. Becker moved, Mr. Sheffield seconded the motion, and the Board voted unanimously to approve a special permit, finding that the proposed alteration does not result in additional nonconformities, does result in intensification of existing nonconformities, and is not substantially more detrimental to the neighborhood than the existing nonconforming structure.

ZBA 2018-79, GALATEA PARTNERS REALTY TRUST, 45 LOWELL ROAD

Presenting the case at the hearing was Mike Tartamella, representing Galatea Partners Realty Trust, the Petitioner.

Mr. Tartamella said that the Patrick Ahearn Architect office submitted a petition 2011 for this project and a special permit was approved. He said that the house has been sold two times since then and the new homeowner wants to build it. He said that the previously granted special permit has expired. He said that the only change is the TLAG threshold but the it is otherwise the same proposal as 2011. He said that the house was built in the 1930's and is an original Royal Barry Wills house. He said that the lot is 34,886 square feet and is somewhat odd shaped as a pork chop where is rendered the side yard setback at 13.2 feet. He said that the proposal is for addition of a three car garage that will conform. He said that the 2011 TLAG calculation was 5,620 square feet and based on the new 2018 TLAG guidelines the calculation is 6,321 square feet, which is 421 square feet over the TLAG threshold.

Mr. Seegel said that it is a fairly large area for the proposed parking court. He asked if runoff was considered. Mr. Tartamella said that the plan is to put a drywell in to capture the drainage. He said that the parking court is at 30 feet with an area to push snow off to the side. He said that all of the existing tree screening will remain along the north and east property lines. He said that there is also a six foot fence there. He said that the existing screening along Lowell Road and the curb cut will remain. He said that the parking court will accommodate the turning radius for the side facing garage.

Mr. Sheffield confirmed that the property is located in a 20,000 square foot Single Residence District and the lot size is 34,886 square feet.

Mr. Seegel 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 identified the nonconformities on the property. Mr. Sheffield moved, Mr. Becker seconded the motion, and the Board voted unanimously to approve a special permit, finding that the proposed alteration does not result in additional nonconformities, does not result in intensification of existing nonconformities, and is not substantially more detrimental to the neighborhood than the existing nonconforming structure.

ZBA 2018-80, KARA & DANIEL THORNTON, 56 MADISON ROAD

Presenting the case at the hearing were Kara and Daniel Thornton, Michael Hally, Architect and Richard Nardo, ABRN Development Corp. Ms. Thornton said that it is a 1,500 square foot three bedroom, two bath home. She said that the proposal is to add a master suite in what is currently attic space. She said that a portion of the existing structure protrudes into the front yard setback by several inches above the garage.

Mr. Hally said that the house is split level that was built in the 1950's. He said that the bedrooms over the garage on the left side of the cantilever into the front yard setback. He said that the plan is to build over the single story on the right side of the house. He said that an addition was put on the back of the house in the 1990's. He said that the proposal is to also build a new portico as a bay from extending from the new second floor addition. He said that the Petitioner wanted to ask the Board consider a revision to the plan to make the second floor bay wider. He said that the current bay is seven feet wide and it does not protrude more than two feet from the face of the house. He said that the bay and the portico below would be allowed by right. He said that they showed plans to the Building Inspector. He said that the first elevation is the one that was originally proposed with a seven foot bay over a nine foot portico. He said that alternate plan was for a nine foot bay over the portico. He said that the Building Inspector determined that would not be considered to be a bay because it starts flush with the left hand side of the box of the house. He said that it is the Building Inspector's opinion that a bay can only be within the field of the house. He said that a bay cannot be flush with either end of the house.

Mr. Hally said that he explained to the Building Inspector that there is a certain place in the plan where all three pieces come together. He discussed geometry and water issues with having the seven foot wide bay. He said that a nine foot bay would be more aesthetically pleasing. He said that they want to have the bay centered over the portico, which is centered over the door. He said that they would like to hide the split level look. He said that the request is for approval of the nine foot wide bay, which will result in a better looking project that is more moisture tight.

Mr. Sheffield confirmed that the elevation from the garage side would have a slight horizontal sticking out from proposed roof line to meet the new bay. He said that at the bottom of the new bay, the corner board and shingles at the intersection of the porch roof would be flush, within a dimension of a board. Mr. Hally said that there will be a consistent wall between the two boxes. Mr. Sheffield said that the difference will be the gutter that is not shown. He said that it will not look flush because of the gutter.

Mr. Seegel said that letters of support for the project were submitted from neighbors. Ms. Thornton said that they showed the plans to a number of their neighbors and they did not object to the plans.

Mr. Seegel read the Planning Board recommendation.

Mr. Becker said that the heights shown on the elevations plans refer to the height above average grade. He said that there was no elevation data to support where the average grade is. Mr. Hally said that he measures from concrete around the house to calculate how low the basement is. He said that also tells him how far above grade the line is where the siding and cement meet. He said that he measures from the siding to the roofline and take the concrete average to get the height from average grade. He said that the house will be well below the height limit.

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

Mr. Sheffield identified the nonconformities on the property. He confirmed that the Board would be approving the nine foot wide bay shown on the elevation plan dated October 2 2018.

Mr. Sheffield moved, Mr. Becker seconded the motion, and the Board voted unanimously to approve a special permit, in accordance with the plan dated October 2, 2018 that shows a nine foot bay on the second floor, finding that the proposed alteration does not result in additional nonconformities, does result in intensification of existing nonconformities, and is not substantially more detrimental to the neighborhood than the existing nonconforming structure.

ZBA 2018-81, JAMES MEALEY, 22 COLBURN ROAD

Presenting the case that the hearing were David Himmelberger, Esq., and James Mealey, the Petitioner.

Mr. Seegel disclosed that he is a resident of Garden Close Condominiums and received notice of the petition as an abutter. He asked if there were any objections to his hearing the petition.

Mr. Himmelberger said that the request is for a special permit for a project on a nonconforming undersized lot with a pre-existing nonconforming garage. He said that the garage will be razed and removed, should the special permit be granted. He said that the request is for a special permit to construct three additions to the house, razing an existing one story porch on the left, adding a complementary two story addition to the right flanking the main structure, and adding a two story rear addition with a three car garage under. He said that the additions will be fully compliant with Zoning dimensions. He said that the TLAG will be 5,524 square feet, which is less than the 5,900 square foot

threshold for a 20,000 square foot Single Residence District. He said that the existing ridge is 27 feet high and the two additions will be no taller. He said that they will raze the nonconforming garage.

Mr. Himmelberger discussed the requirements for Demolition Delay review. He said that the original thought was that there would be less than 50 percent envelopment of the original structure. He said that they have now determined that it will be 55 percent, so it will require review by the Planning Board. He said that the Petitioner decided that rather than changing to a shed portico for an expanded front stoop, it would be more attractive to retain existing front portico, which is more traditional. He said that the only change would be that, instead of a shed roof portico, they would retain the existing portico. He submitted a revised A2.1 Plan, dated December 4, 2018, that shows the portico.

Mr. Sheffield said that the northeast elevation shown on the revised A2.1 Plan still reflects the shed, not the existing portico. He said will have to be revised, as well as the note on the survey regarding the proposed covered porch and the proposed shed. Mr. Himmelberger said that they will submit a revised plot plan and a revised Plan A2.1.

Mr. Seegel said that the only nonconformity is the lot size because the nonconforming garage will be demolished.

Mr. Becker said that the height that Mr. Himmelberger referred to above first floor, not average site grade. Mr. Himmelberger said that they will submit a calculation of height from average grade.

Mr. Becker identified the nonconformities on the property. Mr. Becker moved, Mr. Sheffield seconded the motion, and the Board voted unanimously to approve a special permit, subject to conditions that a revised plot plan, a revised A2.1 Plan, calculation of height from average grade, and a Demo Delay review letter be submitted, finding that the proposed alteration does not result in additional nonconformities, does result in intensification of existing nonconformities, and is not substantially more detrimental to the neighborhood than the existing nonconforming structure.

ZBA 2018-82, CHARLES KRAUS, 8 LAWRENCE ROAD

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

Mr. Himmelberger said that the Petitioner is seeking Zoning relief to construct the addition that is shown on the plans. He said that he believes that the Zoning relief qualifies for a special permit. He said that there is an existing nonconforming lot of 6,217 square foot lot in 10,000 square foot district. He said that the existing house is a pre-existing nonconforming structure with a right side yard setback of 18.6 feet and a front yard setback of 24.5 feet. He said that, additionally on the lot, is a pre-existing nonconforming garage with a right side yard setback of 3.4 feet and a rear yard setback of 3 feet. He said that the proposal is to raze the nonconforming garage and build a two story addition containing a one-car garage with living space on the second floor. He said that they believe that because the house is already nonconforming on the right side, when applying the test for a special permit, one could identify the right side setback as one area where the existing structure does not conform and then find whether the proposed alteration or addition would intensify the existing nonconformities or result in additional ones. He said that the proposed construction does intensify the nonconformity by extending the nonconforming structure closer to the lot line. He said that it will not result in additional nonconformities in the sense that it is already an existing nonconforming side yard setback. He said that although they will be intensifying the nonconformity, they will not be adding a new one. He said that, having reached that predicate step in the application for a determination for a special permit, the Petitioner asks that the Board conclude that the change is not substantially more detrimental than the existing nonconforming structure.

Mr. Himmelberger read letters of support from neighbors at 19 Willow Road, 4 Dorset Lane, and 9 Lawrence Road.

Mr. Himmelberger said that the plot plan shows the existing building height at 35 feet 6 inches, which is due to the drop off on one side. He said that the proposed height will be 35 feet, 9 inches. He said that it will be built into the exposed area. He said that the peak heights will remain the same.

Mr. Seegel said that the proposed construction will essentially double the size of the house. Mr. Himmelberger said that they will increase the TLAG but it will be just slightly over the threshold. Mr. Becker said that threshold is for a 10,000 square foot lot, not a 6,200 square foot lot. Mr. Himmelberger said that the TLAG will be 3,952 square feet.

Mr. Himmelberger said that the renderings that were submitted show a very seamless addition.

Mr. Seegel asked if the petition was submitted as a variance. Mr. Himmelberger said that it was submitted for a variance or a special permit. He said that when they submitted the application for a special permit, the Executive Secretary suggested that it might not be viewed that way and suggested that it be submitted as a variance and special permit. He said that he continues to believe that by applying the language of the bylaw regarding changes to pre-existing nonconforming structures, the Board is well within its purview to make a determination as to whether the change will be substantially more detrimental than the existing nonconforming structure. He said that the Board gets to that decision after it first finds that the proposed addition does not conform to the ZBL and further finds that it intensifies the existing nonconformity, namely, the right side yard setback. He said that having concluded that it does result in an intensification, the question turns to whether it will be substantially more detrimental. He said that they urge the conclusion that it is not more detrimental. He said that they are supported in that opinion by three direct abutters. He said that the neighborhood is fairly dense to begin with. He said that, based on the application of the bylaw, the Board has jurisdiction to make a determination under the special permit provisions set forth in Section 17 of the ZBL.

Mr. Becker said that he understands the argument, but if you take it to its conclusion, that would say that any intensification, without limit, could be treated as a special permit. He said that if that were the case, there would be no need for variances. He said that if one had a 20 foot setback and there was an existing nonconformance at 19 feet and you went to 18.99 feet, one might argue whether that is an intensification or not. He said that if you went from 19 feet to 1 foot, that is an intensification. He said that at some point you get away from intensification and require a variance because otherwise the underlying requirement of setback has no meaning. Mr. Himmelberger said that a variance is applicable to lots that are conforming at the outset. He said that this is pre-existing nonconforming. He said that variances are for conforming structures on conforming lots and special permits are for pre-existing nonconforming structures and lots.

Mr. Sheffield said that the bylaw states that the shape, topography, or soil condition must be taken into consideration for a variance.

Mr. Seegel read the Planning Board recommendation. He said that the Planning Board said that there is no basis for granting a variance for this. He asked if the Petitioner is asking to waive any rights to a variance. Mr. Himmelberger said that the Petitioner is arguing in the alternative. He said that in submitting as a variance and a special permit, he began by explaining why they believe that a special permit would be appropriate. He said that they applied for a variance because there was disagreement with his interpretation of the bylaw. He said that in the event that the Board is not persuaded that the Zoning relief is applicable under Section 17 of the ZBL, they believe that the petition also qualifies for

a variance, based on the shape of the lot or the topography. He said that they submitted that application originally as a special permit and they continue to believe that it is qualified for a special permit because it is a pre-existing nonconforming structure and they are simply applying the clear language of the bylaw. He said that with respect to Mr. Becker's concerns, there is a limit once something becomes substantially more detrimental, and the variances apply in other situations where a special permit is not applicable.

Mr. Seegel said that the Planning Board opined that the shape of the lot, the soil condition and the topography are not issues here. Mr. Himmelberger said that there is a 10 foot slope. Mr. Becker said that the slope does not affect where the addition is proposed to go.

Mr. Seegel said that the Petitioner will have to choose whether to seek a special permit or a variance. Mr. Himmelberger said that a special permit is the appropriate Zoning relief to seek. He said that the only decision for the Board is its determination that the change will not be substantially more detrimental than the existing nonconforming structure, for the reasons that he laid out and the fact that the neighbors support the proposal. Mr. Seegel confirmed that the neighbor at 4 Dorset Lane supports the project. Mr. Becker said that he was willing to consider the proposal as a special permit but would conclude that it would be more detrimental to the neighborhood. He said that it is too much on this lot, which is significantly smaller than what would be required in the district. He said that it will be the largest house on the street by a long shot. He said that because of the small lot combined with a large house, it would be the most intense use of the lot in the neighborhood. Mr. Seegel said that he agreed. He said that if there was an application for a Chapter 40B project on a 25,000 square foot lot in a 40,000 square foot district, the Board could not fight it because the State Statute does not give it the right to. He said that it is the same thing, the intensification is so great. Mr. Sheffield said that the design tried hard but he could not get away from the discrepancy in size.

Mr. Himmelberger said that it seems that the Board has concerns about the size and the scale relative to the lot, the aesthetics are not an issue but the concern is that it is bigger. Mr. Becker said that a concern is that it will be more intense. He said that it is an interplay of it being bigger on a small lot. Mr. Himmelberger asked if it should be reduced in size. Mr. Seegel said that the mass and bulk would have to be reduced.

Mr. Himmelberger requested that the Board allow the petition to be withdrawn without prejudice.

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

Mr. Becker said that there is a retaining wall on the right hand side of the property. He said that there is a significant difference in elevation between this lot and 19 Willow. He asked if anyone looked at the capacity of the retaining wall to sustain added loads from a building that is three feet away from it. Mr. Kraus said that is part of the process. He said that he had not gone down the road of construction drawings yet but with neighbor about their concerns about the wall. He said that he has looked at it for years in terms of what can be done with it. He said that it would be something that they would address.

Mr. Kraus discussed the bulk in terms of numbers. He said that it will be over the TLAG threshold and the ratio to lot size. He said that it was designed with that in mind. He said that he tried to minimize what the bulk will look like.

Mr. Becker said that if everything was centered in the lot, it would be easier to swallow than tucked in the corner, perched up and looming over people on the sides of it. He said that it is a tough problem.

Mr. Kraus said that they have an existing nonconforming garage. He asked the Board to confirm that if it was submitted as a detached garage it would be considered as a special permit. Mr. Seegel said that the Board does not have the authority to advise the Petitioner on that.

ZBA 2018-83, MARIA GAVRIS, 10 EDMUNDS ROAD

Presenting the case at the hearing was Maria Gavriss, the Petitioner. She said that the request is for a special permit for a nonconforming lot with a pre-existing nonconforming structure. She said that the proposed additions will meet setback requirements. She said that she will be moving her parents into the home with her. She said that the plan is to create a first floor master. She said that there is a lot of space available on the right side of the property. She said that there will be no change to the topography. She said that she spoke with her neighbors and the ones that are most impacted are all in approval. She said that the neighbors were most concerned that the wooded area on the right side of the property be retained, which is what she plans to do.

Mr. Becker said that the heights from average grade are shown on the plans but there was no grade data submitted to support the calculation.

Mr. Seegel asked if the plan is to add a one car garage. Ms. Gavriss said that the plan is to add a doorway and an oversized one car garage. She said that she will keep the existing garage and add to the right of it. She said that she did not like the visual of a three car garage facing the road. She said that the existing garage is a tandem.

Mr. Seegel asked about the purpose of the rear addition. Ms. Gavriss said that her Architect told her that would make the roofline work.

Mr. Seegel confirmed that the proposed deck will be conforming.

Mr. Seegel said that the only issue is enlarging the garage on an undersized lot.

Mr. Sheffield asked about the deck. Ms. Gavriss said that she has an existing patio that will be extended later. Mr. Sheffield confirmed that the area will not be enclosed.

Mr. Seegel read the Planning Board recommendation.

Mr. Becker identified the nonconformities on the property. Mr. Becker moved, Mr. Sheffield seconded the motion, and the Board voted unanimously to approve a special permit, finding that the proposed alteration does not result in additional nonconformities, does result in intensification of existing nonconformities, and is not substantially more detrimental to the neighborhood than the existing nonconforming structure.

ZBA 2018-84, WELLESLEY COLLEGE, 106 CENTRAL STREET- SCIENCE CENTER

Presenting the case at the hearing were Justin Mosca, P.E., VHB, David Conway, P.E., Nitsch Engineering, Tim Singleton, Wellesley College, and Stephen Langer, Esq.

Mr. Mosca said that what is before the Board is the culmination of the Science Center project. He said that Wellesley College will replace Sage Hall, which is an outdated building that is past its useful life, with modernization of class and lab space, and offices. He said that exterior improvements will tie

together the previously approved Global Flora and L&E projects. He said that the landscape has been designed to be exterior educational space.

Mr. Mosca said that project is located in the middle of the campus and will be closer than 800 feet to any streets that surround the campus.

Mr. Becker said that a challenge with the drawings was that the architect used a different compass than the civil engineer. Mr. Mosca said that the surveyor may have used a different compass as well.

Mr. Mosca said that Sage was built in the 1920's, the L wing was built in the 1970's, and the E wing was built in the 1990's. He said that once the work is done on the Science Center Project, the temporary trailers that were approved will be coming down and the lot will be restored.

Mr. Mosca said that there is a cluster of pavilions with wings that will surround the new Innovation Hub space. He said that there are teaching greenhouses with classroom space for research. He said that project is designed to respond to the topography and the existing pedestrian connections.

Mr. Becker asked about the location of the rainwater tanks and Mr. Mosca displayed their location on a rendering that was projected.

Mr. Mosca said that the landscape objective was to extend the classroom to the outside. He said that they are focused on maintaining the Olmstead design feel to it. He said that the plant selections are based on pest control and pollination. He said that they do not want to use fertilizers or pesticides.

Mr. Mosca said that the intent is to connect all the pieces surrounding it, including the residential halls, the Observatory and the quads. He said that there is a wetlands area on the south side that will provide a biodiversity habitat. He said that there is a wetlands area to the side where they will study climate change. He said that there will be a beauty and function area as you come to the Science Center, as well as an experimental planting area.

Mr. Mosca said that site layout will be similar to what is there today except for the road to the Observatory. He said that what is currently head in parking will change to parallel parking. He said that it is a thin drive aisle width. He said that there will be accessible spaces up by the building and walkways leading down to other components of the facility.

Mr. Mosca said that site utilities will be essentially what is needed, water and sewer, storm drain and some steam lines. He said that most of the building services are come down into the L Wing, which was previously reviewed. He said that the transformer and generator was previously reviewed. He said that the plan set is so large because they are trying to combine all of the drawings now. He said that if something has to be modified, the Building Inspector will not have to look at three sets of drawings. He said that L & E Wing and Global Flora drawings were included in this set.

Mr. Mosca discussed water supply protection. He said that it was previously reviewed by the Board. He said that chemical storage is in the L Wing in storage areas that are regulated. He said that the College has a Spill Prevention Plan, Source Water Assessment Plan, and Hazardous Material Transportation Security Plans. He said that any fill that is brought in is free of hazardous content and debris, in accordance with the bylaws. He said that there is a Stormwater O & M Plan for the system. He said that the Contractor has committed to any refueling adhering to the College's Spill Prevention Plan in upland areas.

Mr. Mosca said that the College's wells are located northwest of the project. He said that the stuff that will happen will be on the opposite side of the Science Center.

Mr. Mosca discussed construction management. He said that construction is targeted to begin in the late Spring of 2019 and run through September of 2021, 7 am to 6 pm, Monday through Friday, 8 am to 6 pm on Saturdays, with the understanding that there is no construction of Sundays without the Police Department's approval. He said that there will be about 120 workers maximum during full operation, construction workers will park on at a remote site on the campus, deliveries will come from the west along Route 135 and enter onto College Road, there will be wheel washes, and sediment is controlled under a NPDES CGP SWPPP.

Mr. Mosca said that they spoke with Michael Grant, Building Inspector, who thought that they might need a building height variance. He said that it will be below the existing Sage Hall height but because Sage Hall will be coming down, it will not be considered to be an addition. He said that there are constraints that justify a variance. He said that the Planning Board recommended waiving the requirement based on the Dover Amendment. Mr. Seegel said that the Board would grant a waiver based on the Dover Amendment.

Mr. Becker said that the CMP that was submitted for this project consisted of three slides. He asked if there is a full document for L&E Wing or Global Flora. Mr. Mosca said that a five phase CMP was put together by Turner Construction to encompass all of the projects. He said that the pages that dealt with this phase of the construction was submitted. He said that the full CMP was submitted earlier to the Board. Mr. Sheffield said that he remembered the conversations about access and parking.

Mr. Becker asked how the projects will fit together and if any changes had been made for this phase of the project. He said that it appears that they will be taking all of the rainwater from the roofs and bringing it down to the tanks next to the greenhouse. Mr. Conway said that almost all of the roof water will go to the tanks, except for a small piece at the back. Mr. Becker said that the system appears to loop around the building and there was something at the bottom of the sheet that he could not see a connection between. Mr. Conway said that it will all go into the tanks at Global Flora. Mr. Becker said that something comes down to the corner of the building and ends there. Mr. Conway that it goes to the existing system that discharges to the wetland. Mr. Mosca said that there are a couple of pipes going into the wet meadow. Mr. Becker asked if it has grease and sediments traps. Mr. Conway said that it does. Mr. Seegel said that there is an Order of Conditions that controls it. Mr. Conway said that there was interest in balancing the needs of the wetlands to stay wet and the needs for watering at Global Flora.

Mr. Becker said that he looked at the conditions for L&E and Global Flora and it looked like those conditions would suffice for this project as well.

Mr. Seegel asked if Mr. Langer would draft a Site Plan Approval and conditions to submit to the Board for its approval. He said that the Board issued Site Plan Approvals for the Global Flora and L&E projects that Mr. Langer can reference. Mr. Becker said that the Board will take further action at a business meeting.

Mr. Sheffield discussed the architectural design, block versus clear glass. Mr. Singleton said that it was a challenge to coordinate needs. Mr. Mosca displayed slides of the interior space. He said that there will be a lot of natural light inside.

Mr. Seegel moved, Mr. Becker seconded the motion, and the Board voted unanimously to grant Site Plan Approval, subject to review and approval of conditions and waivers at a public meeting, on a date

to be determined. The Board said that the approval will include waiver for a variance, based on the Dover Amendment.

Mr. Mosca discussed site lighting on the walkways. He said that there will be post lighting that is balanced between pedestrian safety and light trespass to the Observatory. He said that they need to ensure campus safety but will make sure that it is directional so that there is no spill anywhere.

Mr. Mosca said that signage will be brushed aluminum lettering over the doorways and some plaque donor signage in the landscape areas.

Mr. Becker moved, Mr. Sheffield seconded the motion, and the Board voted unanimously to approve a special permit for a major construction project in a Water Supply Protection District, subject to conditions to be drafted by counsel.

As there was no further business to come before the Board, the hearing was adjourned at 9:53 pm.

Respectfully submitted,

Lenore R. Mahoney
Executive Secretary

DRAFT