

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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

LENORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 2208
Web: www.wellesleyma.gov

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

Thursday, April 6, 2017, 7:30 pm

Juliani Meeting Room
Town Hall

Zoning Board of Appeals Members Present: Richard L. Seegel, Chairman
J. Randolph Becker
Walter B. Adams

ZBA 2017-27, WELLESLEY FRIENDLY AID ASSOCIATION, 219 WASHINGTON STREET

Presenting the case at the hearing was Linda Cohen, Crossroads Counseling. She said that the mental health clinic has been in operation in the Friendly Aid Building at 219 Washington Street for 23 years. She said that the request is for extension of the special permit.

Mr. Seegel asked if it is still being operated by Crossroads Counseling. Ms. Cohen said that it is.

Mr. Seegel said that the name of the Petitioner should be changed from Wellesley Friendly Aid Association to Crossroads Counseling, Inc. Ms. Cohen said that Wellesley Friendly Aid Association is the owner of the building. She said that Crossroads Counseling rents space from them. Mr. Seegel said that the special permit is running to Crossroads Counseling. Mr. Becker said that the previous special permits were issued to Crossroads Counseling.

Mr. Seegel asked if there have been any changes. Ms. Cohen said that there are no changes. Mr. Adams confirmed that the hours of operation and the number of employees are the same.

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

Mr. Seegel said that the Planning Board recommended favorable action.

Mr. Becker moved and Mr. Adams seconded the motion to grant renewal of the special permit for the continued operation of the mental health clinic at 219 Washington Street, subject to the same conditions as the existing special permit. The Board voted unanimously to grant renewal of the special permit.

ZBA 2017-28, ELYSE FISHKIN, 67 BEECHWOOD ROAD

Presenting the case at the hearing was Elyse Fishkin, the Petitioner.

Mr. Seegel asked if there have been any changes. Ms. Fishkin said that the only changes are her clients. She said that there is no change in the number of clients. She said that parking is on site.

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

Mr. Seegel said that the Planning Board recommended favorable action.

Mr. Becker moved and Mr. Adams seconded the motion to grant the special permit for a use at 67 Beechwood Road for a speech therapy practice, subject to the same conditions as the previously granted special permit. The Board voted unanimously to grant the special permit.

ZBA 2017-24, JONATHAN & RACHEL LOWE, 30 LAUREL AVENUE

Presenting the case at the hearing were Jonathan Lowe, the Petitioner, and David Whitney, Architect.

Mr. Lowe said that the proposal is for an addition to the back of the existing house. He said that they will remove a portion of the house that is nonconforming and replace it with an addition that will be conforming. He said that everything that they will be doing will be by right. He said that the only issue is that a distant corner of the house is too close to the side property line.

Mr. Becker asked about the back left corner of the house. He said that there is a structure with a dimension 5.6 feet on the Plot Plan that he was unable to reconcile with Plan A1.1. He said that there is a line through the middle of that area and there is a proposed stairway that goes down that he did not see on the First Floor Plan. Mr. Lowe said that the steps and the shed will be removed. He said that it is shown on Demolition Plan, D1.1. He said that the Site Plan shows the proposed construction and the part to be demolished.

Mr. Adams said that something will be removed and the new addition is going to come within 5.6 feet of the edge of the property. Mr. Seegel said that it will come with 5.6 feet of the edge of the house. Mr. Lowe said that the closest that the proposed construction will come to the side property line is 21 feet. Mr. Seegel said that all of the side yards will be conforming except for the right front of the house that is pre-existing at 14.1 feet. Mr. Adams said that the left rear corner is also pre-existing nonconforming at 17.9 feet. He said that the pre-existing nonconforming setback will be reduced.

Mr. Adams asked if the Petitioner spoke with the neighbors about what they plan to do. Mr. Lowe said that the neighbors are aware that they will be making changes. He said that they have not seen the specific details. He said that they have been talking about it for years. He said that the neighbors have all done projects as well. Mr. Adams said that it is not required but the Board always encourages Petitioners to show their plans to their neighbors.

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

Mr. Seegel said that the Planning Board recommended approval of the special permit.

Mr. Adams moved and Mr. Becker seconded the motion to approve a special permit for a complying addition that will be constructed at the rear of the property. The Board voted unanimously to grant the special permit.

ZBA 2017-25, RAY & CAROLYN CARDIN, 17 CLIFTON ROAD

Presenting the case at the hearing was Ray Wiese, representing Ray & Carolyn Cardin, the Petitioner. Mr. Wiese said that he came before the Board previously for approval of a project. He said that he did not realize at the time that the Engineer had not put the air conditioning condensers on the plan. He said that the plans have been revised to show the condensers. He said that there are other options for location of the condensers on the property that are either grossly aesthetically awful or would require them to put the condensers so far away that the efficiency rating of the air conditioning system will drop, according to his HVAC mechanic. He displayed a panoramic photo that shows the corner where they would like to put the condensers.

Mr. Wiese said that the existing setback is just over 17 feet. He said that the new addition is a little further back. Mr. Seegel asked about placing the condensers under the deck. Mr. Wiese said that is one of their options. He said that there is an efficiency issue with that. He said that there is also a transfer of vibration.

Mr. Wiese said that when he first started working around town, less than 10 percent of the houses had air conditioners. He said that he went out to Clifton Road and the road noise from Route 9 would drown out the noise from an old condenser. He said that he spoke with the HVAC man who said that there is a special condenser that they could put under the owner's office but he has been living with a terrible office for 15 years. He said that they are giving him a new and his biggest concern is that every time the condenser kicks on, it will be a severe detriment to the occupant whereas it would not be a detriment to the neighborhood or the neighbors in the proposed location.

Mr. Adams said that there must have been many more plans when the Petitioner went for the first approval. He said that the plans that were submitted for this petition do not tell the Board anything about the basement or where the condensers will connect into the system. Mr. Wiese said that the entire HVAC system is brand new. He said that there will be two units. He said that one unit will be located in the basement, 15 feet or less from where they would like to put the condensers. He said that the second unit will be located in the attic. Mr. Adams asked why it was not put on the other side between the deck and the garage. Mr. Wiese said that on that side there is a small strip that is the only view from the house out back from the kitchen. He said that you look out from the deck to the patio and there is a small strip of land. He said that there is the neighbor's garage and then the fence and the white noise of Route 9 there. He said that if they were to put the condensers there, the travel distance would be greater. He said that whatever noise it generates will bounce off of the garage, which is stucco. Mr. Adams said that he was thinking about locating the condensers under the deck on that side. Mr. Wiese said that they looked into all of those things.

Mr. Seegel said that if the condensers were included in the previously approved petition, they probably would have been approved as a special permit/finding. He said that he thought that this petition should be for a special permit/finding. He said that the corner of the house is 16.7 feet and the condensers are further away than that. Mr. Wiese said that he requested a special permit. He said that he thought that he would just be able to get relief through the Inspectional Services Department. He said that the Building Department required them to request a variance. Mr. Seegel said that it is a special permit, not a variance.

Mr. Becker said that the bylaw for air conditioning condensers is clearly concerned about noise. He said that he did not see anything that helps him to look at the condensers and say that they do something to take care of noise. Mr. Seegel asked if Mr. Wiese has any specs on the condensers. Mr. Wiese said that he can get them. He said that the new condensers are not as loud as they used to be. He said that his bigger concern with the distance outside of that area is efficiency, which is a lot of what the regulations are designed to promote. He said that there is a unit that could go below the office. He said that if it required mitigation for noise, they could put a fence to the right of it. He said that you hear road noise from Route 9 all along Clifton Road.

Mr. Seegel said that he was not too concerned about noise. He said that the condensers are behind the house and there is a three-car garage to the left and Route 9 is on the opposite side of the yellow house.

Mr. Becker said that the Board always has difficulty with these petitions because the criteria for a variance don't really anticipate this case. Mr. Seegel said that there is an existing nonconforming setback. He said that he thought that this could be treated as a special permit. Mr. Becker said that the Petitioner applied for a variance and it was advertised as a variance. Mr. Adams said that is the higher standard.

Mr. Wiese said that the owners would have come tonight but they are traveling.

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

Mr. Seegel said that he was inclined to ask that the petition be re-advertised as a special permit. Mr. Becker said that he would not feel bad approving it as a variance if he had something about the condenser that told him that it was good, bad or indifferent. He said that Mr. Wiese said that for all of the other alternatives, he would bear the risk and for the requested location, the Board would bear the risk. Mr. Wiese said that he was not concerned about the risk. He said that he has spoken with the client and they spoke with the neighbor who owns the garage. He said that when he went to the Building Department he did push back on the fact that he did not think that this was a variance issue. He said that the Building Department made calls and there was a round of discussion around this. He said that they had to wait for them to come to a conclusion before they could apply. He said that the owners accepted the fact that they might not get what they want but he still does not think that is right. He said that he could not understand why they could not put the condensers in that corner inside of the line that has already been agreed to.

Mr. Seegel said that the Board is being put into the middle of this. He said that the petition should be re-advertised as a special permit for next month's public hearing. He said that the Board will want to see data on the decibel levels of the condensers. Mr. Adams said that the Petitioner may want to look at a way to add a sound baffle to it. He said that there seems to be room under the decks. Mr. Wiese said that is the reason that they have not finished under the office. He said that they are not assuming that they have permission for the proposed location of the condensers. He said that is why they came before the

Board to ask. He said that they are just waiting for the Board's decision but he does not think that it is the right thing to do. He said that he is trying to find a solution.

Mr. Seegel said that the petition will be heard as a new hearing on May 4, 2017 because it will be advertised as a special permit. The Board discussed allowing the petition for a variance to be withdrawn without prejudice. He said that the Board would waive a filing fee for the new petition for a special permit.

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

ZBA 2017-26, EMILY ROME, 75 ABBOTT ROAD

Presenting the case at the hearing was David Stern, Architect, representing Bill Mone and Emily Rome, the owners of 75 Abbott Road. He said that the petition is for a special permit for an addition and renovations to the existing structure. He said that the proposed work will be as of right, however, they are requesting a special permit because the lot is 18,764 square feet in a district in which the minimum lot size is 20,000 square feet.

Mr. Adams said that the existing house is conforming except for being on a nonconforming lot. Mr. Seegel said that the existing house is nonconforming but will be conforming when the decks are razed. Mr. Stern said that the existing nonconformities are the garage and a small deck to the south of the house. He said that they will remove both of those. He said that the proposed addition will be entirely conforming.

Mr. Seegel confirmed that the proposed structure will conform to the 500 Foot Rule.

Mr. Adams asked if Total Living Area plus Garage (TLAG) calculations were done. Mr. Stern said that the TLAG will be approximately 1,000 square feet under the allowable. He said that the garage is just under 600 square feet. He said that they will be at 4,003 square feet. He said that the threshold is 5,900 square feet.

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

Mr. Becker moved and Mr. Adams seconded the motion to grant the special permit. The Board voted unanimously to grant the special permit.

ZBA 2017-29, SCOTT & ELIZABETH LUBKER, 14 OAKLAND CIRCLE

Presenting the case at the hearing were Glen Hoffman and Scott Lubker, the Petitioner.

Mr. Lubker said that they moved into the neighborhood about two years ago and have been thinking about expanding their family and what to do with the current house. He said that the house is about 100 years old. He said that they decided to put a 24 foot by 24 foot addition on the right side of the pre-existing nonconforming house. He said that the property is located in a 10,000 square foot zone. He said that

their lot is a little over 11,000 square feet. He said that they are kind of pinched on one corner, so they did not have a lot of options.

Mr. Lubker said that the request is for relief at the back for a wrap around porch. He said that they did not do a garage. He said that they feel that the wrap around porch will allow them to enter into the back of the house into a mudroom. He said that there will be a little bit of an overhand there. He said that if it is an issue for the Board, they can alternatively put an overhang and a set of stairs at the back door.

Mr. Seegel said that the property is located on a corner lot. He said that the house is nonconforming for setbacks from both streets. Mr. Becker asked if the rules change if the road is a private way. Mr. Seegel said that he did not think that they do. He said that it is a private way but is open to the public.

Mr. Lubker said that the rear of the house is a side yard setback. He said that they are over ten feet away. He said that if this was not a corner lot, the wrap around porch would conform to the ten foot setback. He said that because it is a side yard, the setback is 20 feet.

Mr. Lubker said that he shared the plans with his neighbors. He said that he provided two letters from neighbors. He said that he did not ask all of the neighbors for letter but a couple of them offered. Mr. Seegel said that the Board received the letters.

Mr. Becker said that the plan shows two air conditioners. Mr. Lubker said that they have an existing condenser now and figured, by updating the heating system, would add a second unit in the attic to service the second floor. He said that when the service life of the condenser on the north elevation has passed its lifespan, they could potentially combine the two. Mr. Becker said that the condenser that they are seeking relief for is the one that is on the eastern most side next to the bulkhead.

Mr. Becker said that it is the porch that gets to the variance. He said that otherwise the request would be for a special permit. Mr. Lubker said that there used to be a deck that went back. He said that there was an old appeal. He said that the woman that he bought the house from told him that there was a deck on the house when she bought it. He said that she did not realize that it was not legally adopted into the plot plan. He said that she went before the Board and it was approved. He said that it has since been taken out because it was poorly built. He said that he had a copy of the appeal.

Mr. Lubker said that he ran into Mr. Adams the other day. He said that Mr. Adams has seen the street and how the houses sit. He said that everybody is tight and close to the street. He said that in his application he included a GIS map where you can see how narrow the street is and where the other houses are.

Mr. Seegel said that the petition was advertised as a variance. He said that it is a special permit because there is an existing special permit for a deck within six feet and the proposed deck will be more than six feet away from the property line. He said that the Board can grant special permit relief but it cannot do that at this hearing. He said that the deck that was allowed in 1989 is 6.4 feet and 6.0 feet from the property line. He said that the proposed deck will be further away. Mr. Lubker said that he did not find the previous approval until after he had submitted the application. The deck was not there when he bought the house. Mr. Seegel said that it had been permitted.

Mr. Lubker said that his wife is pregnant and they are hoping to get the project moving. Mr. Seegel said that would satisfy the hardship. Mr. Becker said that the standard in the bylaw for a variance gives the Board three reasons to grant the permit. He said that Mr. Lubker has not presented any of those three reasons to the Board. Mr. Lubker said that, based on the shape of the lot, they are on a corner lot and have to satisfy the two front yard setbacks. He said that if it would make a difference to the Board if they did not wrap the porch around at this time and came back in the future to do that. Mr. Seegel said that they would not meet the side yard or rear yard requirement. Mr. Adams said that the setback to the proposed addition will be 17 feet. Mr. Seegel said that the Petitioner will have to come back next month. Mr. Lubker confirmed that the only issue for a special permit is the side setback. Mr. Adams said that the Board has a lot more flexibility with a special permit because what it has to judge is that it will not be more detrimental to the neighborhood. He said that to grant a variance, the Board would have to find that there was some uniqueness to the property. Mr. Becker said that they will also need a variance for the air conditioner condenser because it will be within 20 feet. Mr. Lubker said that they will take another look at the location of the condenser.

Mr. Becker said that for him the air conditioning condenser is an easier issue to deal with than the wrap around porch because it did not fit the criteria for a variance. He said that the Board typically looks at the request with respect to noise issues.

Mr. Seegel said that the plot plan should be corrected where it says that minimum frontage is 600 feet. He said that it should be changed to what the law requires and not what Mr. Lubker actually has. Mr. Lubker confirmed that it will have to be amended by the surveyor.

The Board discussed advertising the petition as a special permit and continuing the variance.

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

Stanley Brook, Esq. said that he was representing the abutters, Allison and Tom Fields, at 15 Oakland Circle, which is directly across the street from 14 Oakland Circle. He said that the deck that the Board was referring to was built by the Harringtons and was authorized by a subsequent ZBA petition, 89-19. He said that the deck has not been there for a substantial period of time. He said that it was removed and what is on the ground now is flagstones. Mr. Adams said that it is on the other side of the house from Mr. Brooks' clients. Mr. Seegel asked how it will be substantially more detrimental to them. Mr. Brooks said that he was addressing a variance request. Mr. Seegel said that the Board will treat it as a special permit next month. He asked what Mr. Brooks' objection are to a special permit so that the Applicant can hear what they are.

Mr. Brooks said that his clients are quite concerned about the significant impact of building a 63 foot long wall that is 29 feet tall along the streetscape. He said that this is not a typical 40 foot layout where there is 100 feet between the setbacks and the street. He said that here there is a 10 foot wide street and the houses are really tight on it. He said that there will perhaps be 30 feet of separation between the fronts of the houses. He said that they will go from an existing ridgeline of 21 feet on a 15 foot section of the house with a 13 foot ridgeline along the remaining portion of the house to 29 feet. Mr. Seegel said that the 24 foot by 24.7 foot two story addition will be indented. He said that the deck is not a two story addition. Mr. Brooks said that it is two stories once you get in over the deck. He said that they will be going up to 29 feet. Mr. Seegel said that they are allowed to do that. Mr. Brooks said that he was

prepared to address a variance request. He said that he would proposed to sit down with the Petitioner to discuss the project.

Mr. Seegel said that the Board will waive the re-filing fee. He said that it should be filed as a combination variance and special permit.

Mr. Seegel read the Planning Board recommendation.

ZBA 2017-30, ROMY CHU, 51 KENILWORTH ROAD

Presenting the case at the hearing were David Himmelberger, Esq. and David Silverstein, Copper Leaf Development.

Mr. Himmelberger said that the request is for a special permit for 51 Kenilworth Road, on an 18,000 square foot lot in a 20,000 square foot Zoning District. He said that the proposal is to raze the existing structure and replace it with a structure that will be otherwise dimensionally compliant with all Zoning requirements. He said that existing lot coverage is 2,261 square feet and will increase by 723 square feet for a total of 2,984 square feet., which is 16.6 percent where 20 percent coverage is allowed. He said that the front setback will be at 36 feet, the side yard setback at 31.7 feet and the rear setback at 29.7 feet. He said that the height will increase by just a little over five feet. He said that the Total Living Area plus Garage (TLAG) will be 4,608 square feet, which is below the threshold of 5,900 square feet in a 20,000 square foot district. He said that Mr. Silverstein designed the home to be something that would fit in a 15,000 square foot district. He said that it will be a colonial farmhouse style with many architectural features. He said that a rendering was submitted that compared the existing and proposed homes that shows that less than half of the house is taller than the existing house. He said that the house will be raised slightly off of the ground due to the fact that groundwater was discovered at four feet. He said that the grade will be raised by a couple of feet so as not to have exposed foundation. He said that the existing house sits high.

Mr. Adams said that the architect did a nice job designing an appropriately sized house that will fit in with the neighborhood. Mr. Himmelberger said that Kenilworth Road has a number of significant structures on it. He said that 43 Kenilworth has a TLAG of 4,471 square feet, 39 Kenilworth has a TLAG of 4,514 square feet and 48 Kenilworth has a TLAG of 4,413 square feet, which are close to the proposed TLAG of 4,608 square feet.

Mr. Silverstein discussed Tree Preservation Bylaw compliance. He said that the only trees that they will remove are the ones that the arborist deemed to be hazardous. He said that there is one tree in the front yard, one tree in the left yard and a series around the left rear that are deemed hazardous and will be removed. He said that there are some trees at the back right, mature oaks, that they will maintain. He said that the grading plan was composed in part to make sure that those canopy trees are maintained. He said that they will work with the arborist to erect tree fences and deep root fertilizers as he thinks appropriate. He said that he has a draft Landscape Plan and has been in communication with the next door neighbor on the left who has some concerns about the overall project. He said that he will try to work with her to modify the plans to address her concerns. He said that he will plant evergreen trees on her side of the property line and pull the stone wall back towards the house to maintain the existing

grades. He said that the topography of the neighbor's view down Kenilworth Road will be maintained. He said that he has plans that show that.

Mr. Seegel said that the proposed structure is very reasonable. He said that they could build something that is bigger and he is glad that they are not.

Mr. Becker commended Copper Leaf for the completeness of their package.

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

Joan Hale, 55 Kenilworth Road, said that she lives adjacent to this property. She said that she met Mr. Silverstein yesterday for the first time. She said that they disagree on the proposal. She said that there are several things that bother her about it. She said that the present design is not consistent with the neighborhood. She said that building up the front of the land around the house will cut the openness between the houses. She said that right now all of the houses are level with a slight grade going up. She said that all of the front lines are open. She said that the amount of asphalt by putting the garage around the side will be quite extensive. She said that it will go up practically to her property line. She said that the front of the house is quite plain and massive. She said that she preferred the plan that was submitted on February 24, 2017 that showed the garage at the front. Mr. Seegel said that the Board only has the plans that were submitted. He said that the Board would be making its decision based on the plans that are before it. Ms. Hale said that by putting the garage at the front, they would cut the asphalt, leave more of the openness and would be consistent if the land is not graded up. She said that Mr. Silverstein said that he is willing to work with her. He told her that he was willing to plant trees on her side and move the wall back a little bit but it would still be built up.

Mr. Seegel said that Mr. Silverstein explained that he wanted to raise the grade because when they did borings they found groundwater at four feet. Ms. Hale said that with the garage this way, more water will come toward her property. Mr. Seegel said that Mr. Silverstein cannot do anything that will make the water flow onto Ms. Hale's property. He said that he has to handle the water on his lot. He said that what he is proposing to build meets all of the requirements of the Zoning Bylaw. He said that the only reason that he is before the Board is because the lot happens to be about 1,200 feet less than the required 20,000 square feet in this zone. He said that when he wants to build a new home, he has to go through the process for a special permit. He said that the Zoning Bylaw would actually allow him to build something larger than what he is proposing. He said that it is not as massive as Ms. Hunt might think. He said that it is not as massive as the house at the corner of Kenilworth Road and Grove Street.

Mr. Becker said that all of the rainwater will be capture and re-injected to groundwater on the property. He said that it cannot flow onto Ms. Hale's property. Ms. Hale said that it does not flow onto her property now. She said that she does not want that to change. Mr. Seegel said that will not change, based on what Mr. Silverstein is proposing to do.

Mr. Himmelberger discussed Ms. Hale's concern about the streetscape and the fact that there are currently no stone walls at the sidewalk. He said that Mr. Silverstein agreed to pull the retaining wall back by 20 feet and plant shrubs in front of it to further minimize any issue. He said that instead of a two foot wall at the sidewalk, the plan is to have the two foot wall 20 feet in from the sidewalk and have the ground slope

up from the sidewalk to that. Ms. Hale said that the streetscape will not have the continuity that it currently has.

Mr. Silverstein said that they pulled the driveway two feet off of the property and will add crushed stone to the plantings space to retain water that runs off of the driveway.

Ms. Hale said that Mr. Silverstein told her that he would make a clear demarcation between 51 Kenilworth and Ms. Hale's property by planting some trees.

Mr. Seegel said that the Planning Board recommended approval of the special permit.

Mr. Adams moved and Mr. Becker seconded the motion to grant the special permit, subject to the conditions that the plot plan be revised to show the new location of the retaining wall and the driveway that shows the drainage stopping at the property line. The Board voted unanimously to grant the special permit.

ZBA 2017-31, CAROLINE WARREN, 32 ARLINGTON ROAD

Presenting the case at the hearing was Eddie Gaffney, Patrick Ahearn Architects, representing Caroline and Doug Warren, the Petitioner. Mr. Gaffney said that the request is for a special permit to replace an existing garage that is 24 feet by 20 feet on the northwest corner of the property. He said that the structure has suffered some damage from a fallen tree limb. He said that the existing garage is 10.9 feet on the side yard setback and 13.9 feet on the rear yard setback. He said that the proposal is to replace the existing two-car garage with a similar sized two-car garage. He said that there will be a room above it for storage. He said that there will be no plumbing added to the structure. He said that they propose to maintain the 10.9 and 13.9 foot setbacks, so they will not increase the nonconformity.

Mr. Seegel asked about efforts to make the new garage more conforming. He said that it seems that the garage could come forward toward the house to take care of the rear setback. He said that they might be able to slide it over a bit. Mr. Gaffney said that would make the entry into the garage difficult. He said that it would create an asphalt jungle in between. Mr. Seegel said that they may not be able to park where the car is shown. He said that when he drove down the driveway, he did not see any reason why they could not move the garage five to ten feet closer to the house and still have complete access to it. He said that it seems like this could fit into the building setback. He said that they will lose some of the lawn but if they are going to replace it, it should be replaced within the setbacks. Mr. Adams said that if there is some reason why that cannot be done, the Petitioner should make a case for it. He said that the proposal is to significantly increase the bulk of the garage by adding a second story.

Mr. Becker asked about the lower floor plan. He said that there is a double line running through the middle of the garage. He said that there is a door into the stairs at the back side. He said that it looks like a wall that continues on to the top of the stairs. Mr. Gaffney said that was a printing error. He said that they should be dashed lines showing the structural beam above. Mr. Becker confirmed that the stairway will be fully enclosed. Mr. Adams asked if there will be headroom at the top of the stairs. Mr. Gaffney said that there will be. He said that it will be 6 feet 8 inches.

Mr. Seegel said that he did not understand why the wall comes across. Mr. Gaffney said that should be shown as dashed lines. Mr. Seegel said that a new plan will have to be submitted. He said that the Board will approve what will be built.

Mr. Becker said that the fixed stairway and the height increase makes it look like they are trying to create livable space up there. Mr. Gaffney said that it is definitely not livable space. He said that there is no plumbing going to the structure. He said that it will be purely for storage. Mr. Seegel said that there will be no heating or air conditioning. Mr. Gaffney said that they can remove the wall. Mr. Seegel said that he did not understand why they were bumping it out on either end. Mr. Gaffney said that they were bumping it out to create room for the stairs. Mr. Seegel asked why they need the mass on the second floor. Mr. Gaffney said that it is similar to other detached garages in the neighborhood. Mr. Seegel said that he did not know if the other detached garages in the neighborhood are as close to the property line as this one. Mr. Gaffney said that they did one on Arlington Road years ago. Mr. Seegel said that they will be increasing the mass of this.

Mr. Seegel said that he had not heard any justification for not putting it inside the building envelope. Mr. Gaffney said that they considered the proximity to the mudroom and the kitchen, space between the two structures and access to the cars.

Mr. Becker said that in looking at the proposed east and west elevation, it looks like the height ended where it did because of the dormers. He said that if it did not have the dormers, the ridgeline could come down and they could still have storage up there.

Mr. Becker said that he could see three issues with this proposal. He said that one is the location that the Board discussed. He said that the second issue is assuring that the second floor is not useable space. He said that the third issue is the height. He said that the height is bundled up with what is happening up there.

Mr. Seegel said that the problem is that the Board could insert a number of conditions but no one will be going around looking. He said that he would rather not have it designed so that it could be livable space. Mr. Becker said that the dormer and the roof area stand out on the east and west elevations. He said that the height of the garage where the cars are parked looks smaller and less massive than the roof does. He said that is because of the height. Mr. Gaffney asked if it would be helpful for the massing if they remove the dormers. Mr. Becker said that would help ensure that the space will not be used for livable space and it would make the garage more proportional with respect to what is there now and with the rest of the neighborhood.

Mr. Seegel said that there are a lot of garages on Arlington and Livermore Roads that are right on the property lines. He said that he would like to see that garage reproduced as it was.

Mr. Becker said that if the garage is smaller, he would feel less bad about it being close to the property lines.

Mr. Seegel asked about the size of the existing garage. Mr. Gaffney said that it is 24 by 20, as is the proposed garage. Mr. Seegel said that the existing garage is at 480 and the proposed garage with a TLAG of 576 square feet. He said that the garage would not count towards TLAG. He asked why it was shown

on the plan. Mr. Gaffney said that it was to show the existing versus the proposed. Mr. Seegel said that the proposed garage should be the same as the existing garage. He said that there should not be any difference. Mr. Gaffney said that the room for the stairs to get up to the storage space was the reason behind it.

Mr. Seegel said that new plans should be submitted. He said that the petition would be continued to the June 1, 2017 public hearing because the agenda is already very full for the May 4, 2017 public hearing.

Mr. Gaffney said that they will remove the TLAG and dormers from the plans. Mr. Adams said that they may want to consider re-siting the garage even if they do not get it totally within the setbacks. He said that it could be moved over one to two feet to improve the setback distance.

Mr. Seegel said that the petition would be heard de novo in June.

Mr. Seegel moved and Mr. Becker seconded the motion to continue the petition to the June 1, 2017 public hearing. The Board voted unanimously to continue the hearing.

ZBA 2017-32, RALPH & CAROLINE LADD, 54 PROSPECT STREET

Presenting the case at the hearing was Bill Ladd, representing Ralph & Caroline Ladd, the Petitioner. He said that the request is for a variance to put an addition on the back and a second story, similar to 50 Prospect Street which is the house to the right.

Mr. Ladd said that the existing house is old and has fallen into disrepair. He said that the house is small and needs substantial work. He said that they thought that they could add value to the neighborhood by doing the work.

Mr. Seegel said that it is a perfectly rectangular lot that is relatively flat where they are proposing to build. Mr. Adams said that it does drop off way back. Mr. Seegel said that he did not see how this would meet the variance requirement.

Mr. Adams asked if the Petitioner looked at the possibility of putting a different kind of roof form on the proposed addition. Mr. Ladd said that they looked at orienting the roof differently but they were trying to keep more in line with other houses in the neighborhood. Mr. Adams said that he did not see any houses in the neighborhood that looked like the proposed house. He said that he was concerned about the wall that faces 50 Prospect Street. He said that it will dominate over that house. He said that it is higher to begin with. He said that the lot slopes down. He said that there is nothing behind them out the back. He said that this might read as a better house if they did a hip roof. He said that something like that might make a lot of sense.

Mr. Seegel said that it seems that they will be more than tripling the size of the house on an 8,700 square foot lot. Mr. Ladd said that it will be 2,900 square feet when the house is done. Mr. Seegel said that is a lot of square footage on an 8,700 square foot lot. Mr. Ladd said that they will be going off of the back and it just falls off.

Mr. Adams said that they show a stair going up to the third floor but there were no plans for the third floor provided. Mr. Ladd said that they just wanted a walk up space for storage. Mr. Seegel said that there should be no walk up to the third floor. He said that there can be a pull down stairway. He said that he did not want this to become a 5,000 square foot house. Mr. Ladd said that the cut and pasted the plans that they did for 50 Prospect Street. Mr. Becker said that the plans look like they do not fit together with the plot plan. He said that the plot plan shows garage doors. He said that the elevation shows garage doors but the foundation plan does not show garage doors. He said that you need 30 feet for a side entrance garage. Mr. Ladd said that they are not changing the existing foundation or garage doors. Mr. Becker said that the reason for the 30 foot requirement is so that vehicles can turn into the garage.

Mr. Becker said that the height on the different views is not shown in accordance with the bylaw definition that says that you have to look at average grade all of the way around and measure the height to that. Mr. Ladd said that the height from average grade was posted on the front. Mr. Seegel asked about the average grade around the whole house.

Mr. Ladd asked about the existing garage doors and the bylaw requirement. Mr. Becker said that drawings do not agree with themselves. He said that has to be fixed. He said that they do not currently have a side entrance garage. Mr. Ladd said that the existing garage is a side entrance garage. He said that the front door is on the other side of the house.

Mr. Adams said that the rear of the lot goes down dramatically. He said that the addition will go out to approximately the same distance as the existing deck. He said that does not bother him as much as the height on the side of the house. He said that they have to figure out a way to reduce the mass of the house. He said that if they are not planning to use the third floor, there may be an opportunity to change the angle of the roof or even the whole height of the third floor.

Mr. Seegel read the Planning Board recommendation.

Mr. Seegel said that the Petitioner should go back to the drawing board with this. He said that Mr. Ladd heard the Planning Board recommendation and the Board's comments. He asked if Mr. Ladd would like to withdraw the petition without prejudice.

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

ZBA 2017-33, WELLESLEY CONGREGATIONAL CHURCH, 2 CENTRAL STREET

Presenting the case at the hearing was David Himmelberger, Esq.

Mr. Seegel said that the Planning Board recommended approval of the special permit.

Mr. Becker said that there are three nonconformances. He said that the number of standing signs at three exceeds the one allowed per lot. He said that the number of total signs is three versus two that are allowed. He said that there is a nonconforming setback.

Mr. Becker asked about lighting. Mr. Himmelberger said that ground lighting will be shielded and will only illuminate the three signs. He said that it was described in the submittal application. He said that present with him at the hearing is Jim Majarto, who is a church member. Mr. Majarto said that each of the signs will be illuminated by one spotlight from the ground, aimed three quarters of the way up the sign with very little spillage over the sign. He said that the lights will be placed on a timer

Mr. Adams asked why additional signage is needed. Mr. Majarto said that the church is located on the corner of Washington and Central Streets. He said that the two existing signs to identify the Church have been in existence for the past 25 years. He said that the Church did a massive renovation project in the early 2000's. He said that part of the thought behind that was to incorporate the cemetery that appeared to be separate and not part of the Church. He said that the Church was subsequently designated as one of a handful of places in the United States as a historic church and cemetery. He said that they also found a way to reopen the cemetery so that ashes can be buried there. He said that the Cemetery is now an integral part of the Church and they would like to have a sign there to let people know that it is part of the Church.

Mr. Adams confirmed that there is no intention to open up a path. Mr. Majarto said that there is one memorial path that is in there.

Mr. Becker asked why the existing sign on Central Street was not moved to the corner. Mr. Majarto said that traffic is on Washington and Central Streets. He said that the third sign is to let people know that the cemetery is part of the Church property. Mr. Adams asked if it is important that the third sign be illuminated. Mr. Majarto said that there is existing outdoor lighting at the Church but you cannot read the signs at night. Mr. Himmelberger said that the lights will be on a timer and will be turned off at 10 pm, which is earlier than when many of the Central Street lights go off. Mr. Seegel said that the Church is surrounded by commercial properties. He said that he would not be concerned if the lights stayed on until 11 pm.

Mr. Himmelberger said that it is a very unique property in that there are few properties in Town that are entirely bound by streets. He said that the bylaw does not contemplate that configuration.

Mr. Adams said that the Church property is at the center of Wellesley and been a focus of the community for a long time. He said that the existing signs are a little long in the tooth. He said that he did not have any objection to what was proposed. He questioned whether the sign that captures traffic off of Crest Road is appropriate. He asked if people go into the Church from the Church Street side. Mr. Majarto said that there are two staircases coming up from Central Street. He said that there is an entrance on Washington Street that is the main entrance. He said that with the renovations there is now an entrance by Church Street by the cemetery that is also used. He said that all three entrances are used to come into the Church. Mr. Adams asked where people park to use the Central Street entrance. Mr. Majarto said that people park in the municipal lot across the street on Sundays. He said that people can go through the Cloister with the large windows to get to the Sanctuary or go further around through what they call the Village Common which is the room that overlooks the cemetery. He said that there are multiple ways to get to the Sanctuary.

Mr. Adams moved and Mr. Becker seconded the motion to approve the special permit. Mr. Adams asked about the wattage for the lighting. Mr. Majarto said that they have taken all of the incandescent lighting

out and replaced it with LED's. He said that they have dramatically reduced wattage and have much better coverage. Mr. Adams said that he was more concerned about the light level. He said that he was eager to see minimalist lighting whenever possible.

Mr. Becker said that the Board is typically strict with sign applications. He said that he would feel a lot better if the sign height had been shown. Mr. Majarto said that all of the sign information was submitted. Mr. Becker said that the information is contained in the text, not in the pictures.

Mr. Himmelberger said that the lighting was described in the application.

The Board voted unanimously to grant the special permit.

Respectfully submitted,

Lenore R. Mahoney
Executive Secretary

DRAFT