

**ZONING BOARD OF APPEALS**

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

Thursday, June 1, 2017, 7:30 pm

Juliani Meeting Room
Town Hall

Zoning Board of Appeals Members Present: Richard L. Seegel, Chairman
Walter B. Adams
Derek B. Redgate

Mr. Seegel made the announcement that the Board has been receiving a lot of materials after petitions have been filed in the office. He said that it is important for the Board to have all of the materials at the time of application because it is difficult for the Board to review materials that come in after that.

ZBA 2017-46, PEET'S COFFEE & TEA, 9 CENTRAL STREET

As there was no one present at the public hearing, the petition was continued to July 13, 2017 to be heard de novo.

2017-49, JON & JOANNE BLOTNER, 15 HOMESTEAD ROAD

Presenting the case at the hearing were Laurence Shind, Esq., Jon Blotner, the Petitioner, and Tim Burke, Architect.

Mr. Shind said that the Petitioner is seeking a variance to build a modest first floor addition of 363 square feet to accommodate a growing family. He said that the hardship letter that was submitted described the family situation to the Board.

Mr. Shind said that the lot is undersized at 8,000 square feet in a district in which the minimum conforming lot size is 10,000 square feet. He said that the grounds for the variance request is due to the shallow lot that is 65 feet in depth on the left side and 70 feet in depth on the right side. He said that it is one of the shallowest and smallest lots in the neighborhood.

Mr. Shind said that the proposed addition complies with rear and side yard setbacks. He said that it does not comply with the front yard setback but will be set further back.

Mr. Adams said that the biggest concern is that the property currently complies with lot coverage and this will put it out of compliance. He asked how adding a study and mudroom relates to having another member of the family living there.

Mr. Blotner said that the hardship is mostly focused on their son who has a sensory integration disorder. He said that one of the biggest challenges with the disorder occurs during moments of transition, particularly when changing their clothes. He said that it can have a devastating impact on how they react and intake information. He said that a key component in working with the disorder is to provide space for the transition. He said that currently a side entrance leads right into the living room with all of the furniture. He said that the only way to provide the sensory space is with a mudroom. He said that the mudroom also helps out with a mother-in-law moving in but the space is mainly for his son's needs.

Mr. Adams asked if the goals could be accomplished by reducing the size a little bit to 25 percent lot coverage or by getting rid of the garage and put a garage where the mudroom and study are with extra space upstairs.

Mr. Seegel said that he is troubled by the proposal. He said that he does not like to grant variances for lot coverage. He said that he did not think that the lot meets the criteria. He said that three prior Boards have allowed additions to what was a modest house to begin with. He said that it is no longer a modest house. He said that a simple solution is to move the garage and attach it to the house. He said that he will not allow lot coverage to exceed what is allowed by the bylaw.

Mr. Seegel read the Planning Board recommendation.

Mr. Blotner said that the existing garage is for one car and is mostly used for storage space.

Mr. Adams said that a prior Board granted relief for 6 foot by 26 foot addition on the northwest side of the house. He said that last year the Board granted relief to extend further into the front setback because what was proposed was deemed by the Board to be minimal and tasteful and a benefit not only to the house but to the neighbors as well. He said that the Board is not saying that the design is inappropriate. He questioned the uniqueness of an 8,000 square foot lot in a 10,000 square foot district. He said that there are other petitions before the Board at this hearing for lots that a 4,000 and 6,000 square feet. He said that the variance standard is much higher than the standard for a special permit.

Mr. Seegel asked if the Petitioner would like to withdraw the petition without prejudice. Mr. Shind requested that the petition be allowed to be withdrawn without prejudice. Mr. Adams moved and Mr. Redgate 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.

2017-57, UNITARIAN UNIVERSALIST WELLESLEY, 309 WASHINGTON STREET

Presenting the case at the hearing was John Spencer, who said that he is one of the organizers in town of the farmers market. He said that the request is for permission to hold a farmers market again this year. He said that it is a little bit out of the ordinary in that they would like to change the format to go year round. He said that the bylaw only requires it to be a seasonal market. He said that he discussed it with the Planning Board and they did not know what the definition of seasonal is. He said that he wanted to know what the Board considers to be a seasonal market and if it is possible for them to go year round with two markets. Mr. Seegel said that he would think that seasonal would be any grown in a growing season, be it spring, summer or fall. Mr. Spencer said that farmers are growing year round now. He said that they have some vendors who would be willing to come to Wellesley 50 weeks of the year.

Mr. Seegel said that his only concern is whether there will be conflict with the Historical Society property next door. He said that they use the church parking lot as well. Mr. Spencer said that the Historical Society does not typically use the parking lot on Thursday afternoons.

Mr. Adams suggested that the current farmers market continue for two years and the Petitioner can work with the Planning Board to see what they suggest what the definition of seasonal is. He said that would give the Board the opportunity to respond to that and decide whether it thinks that is a reasonable thing to do. Mr. Spencer said that he is happy to do that.

Mr. Spencer said that they thought that they could comply with the bylaw by having two special permits, one for a winter market and one for a summer market. He said that the term, "seasonal," is undefined.

Mr. Seegel said that he is troubled to jump from what has been done to what is requested.

Catherine Johnson, Planning Board member, said that the discussion with Mr. Spencer never reached Board level. She said that Mr. Spencer spoke with a Planning Department staff member. She said that the Planning Board would like to discuss the proposed changes and make an appropriate recommendation.

Mr. Seegel said that the Board can grant renewal of the special permit for this year. He said that the Board can extend it for a couple of months. He said that the Petitioner can meet with the Planning Board and can come back to the Board with a new application to expand this to get further into the fall. Mr. Spencer said that the plan is to start in September. Mr. Seegel said that the Board granted a special permit that was effective from June to October last time. He said that the Board can renew that under the same terms and conditions. Mr. Spencer asked if the permit could be extended to the end of the year. Mr. Redgate said that his interpretation of seasonal is April through January. Mr. Adams said that he thought that the better solution would be to have the Planning Board review it.

Mr. Seegel discussed renewing the special permit for one year from June to December to see if it works during the winter months. He said that it will subject to the same terms and conditions other than Condition #6. He said that it will be Thursdays from 12:30 pm to 2:30 pm. Mr. Spencer said that they will not be ready to go until September. Mr. Seegel said that the permit will be effective for the period from September 1 to December 31, 2017.

Mr. Adams moved and Mr. Redgate seconded the motion to approve the special permit, subject to the same terms and conditions except for a change to Condition #6 to allow the hours to be Thursdays from 12:30 pm to 2:30 pm, from September 1 to December 31, 2017. The Board voted unanimously to grant the special permit.

ZBA 2017-58 951, BIKE REALTY LLC, 951 WORCESTER STREET

Presenting the case at the hearing were Joe Murray and Bill Donovan, Principal, Bike Realty LLC, the Petitioner.

Mr. Seegel confirmed that the request is for renewal of the special permit for the drive-through at Dunkin Donuts.

Mr. Murray said that they did a significant remodel a few years ago. He said that the Board monitored the progress of the remodel and asked the Petitioner to come back after it was complete. He said that the operation is similar to what they done over the past 25 years. Mr. Seegel asked if there has been any backup onto Route 9 since the remodeling. Mr. Murray said that there has not. He said that everything is working out quite well. He said that they have not heard about concerns from any town departments. He said that they would like to have the special permit go for a reasonable length of time. He said that they have come back many times. Mr. Seegel said that the Board has never granted a special permit for longer than three years for this type of an operation. He said that he had no objection to granting renewal of the special permit for three years.

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

Mr. Adams moved and Mr. Redgate seconded the motion to grant renewal of a special permit to continue the drive-through service at 951 Worcester, subject to the same terms and conditions except for an expiration date that is not to exceed three years. The Board voted unanimously to grant the special permit.

2017-50, ALEXIS & AVI VICHNIAC, 6 DAMIEN ROAD

Presenting the case at the hearing was Alexis Vichniac, the Petitioner. She said that she had letters from abutters. She said that the request is to add a modest addition. She said that it is a small house by Wellesley standards. She said that they have three kids who share rooms. She said that there is no garage, office, or dining room. She said that they just want to add a room for the kids and a place to eat dinner. She read the letter and submitted it to the Board. She said that the letter was signed by the abutters at 4 and 8 Damien Road, and 9 Hunting Road.

Mr. Adams said that he lives in that part of town in a modest home on a small lot. He said that he was able to enlarge the home through relief from the Zoning Board. He said that it is important for the Board to support people who have been fortunate enough to be able to move to the community to raise their families.

Mr. Seegel said that the architect came up with a good solution.

Mr. Adams said that it is a modest addition to a modest home and the addition will be at the back of the house.

Mr. Redgate asked how many stories the addition will be. Ms. Vichniac said that there will be one bedroom on the second floor. Mr. Redgate asked why they need to go over 25 percent lot coverage. Ms. Vichniac said that there would not be much that they could add without going over 25 percent lot coverage. She said that she spoke with the builder who was told that it would not be worth the time and money to build at 25 percent or less.

Mr. Adams said that the existing house is nonconforming on the right side. He said that the proposed addition was positioned so there will be 20 feet for the left side yard setback and a compliant rear yard setback.

Mr. Seegel said that the lot is 4,985 square feet.

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

Mr. Seegel moved and Mr. Adams seconded the motion to grant a variance for lot coverage of 27 percent and make a finding that literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner owing to circumstances relating to the topography of such land, which does not generally affect the zoning district in which it is located, the hardship has not been self-created, and desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw. The Board voted unanimously to grant a variance.

2017-51, PATRICIA START, 64 OVERBROOK DRIVE

Presenting the case at the hearing was Laurence Shind, Esq., representing Patricia Start, the Petitioner. He said that the request is for a special permit to demolish the existing nonconforming house and construct a new house that will comply with all dimensional requirements and will not be substantially more detrimental than the existing structure.

Mr. Shind said that the lot is undersized at 6,400 square feet and the house is nonconforming. He said that the house was built in 1920. He said that it is a small bungalow that is in a state of extreme disrepair. He said that the existing house has 700 square feet of living area. He said that existing lot coverage is 14 percent lot. He

said that the house is nonconforming on the front and left side. He said that the proposed new structure will have a Total Living Area plus Garage (TLAG) of 2,882 square feet and lot coverage will increase to just under 25 percent.

Mr. Adams said that there is a severe grade issue and they will have to do some filling to put the house on the property.

Mr. Seegel asked how they propose to retain the water on the lot. Mr. Shind said that as far as he was aware it would be a gutter and downspout system. Mr. Seegel asked where the water will run to. He said that the lot drifts off substantially to the northwest. He said that Mr. Shind's client cannot run water onto the abutters' properties. He asked about underground storage. Mr. Shind said that he was not aware of any. Mr. Seegel said that the Board may insert that as a condition. He said that there is a pretty steep grade there.

Mr. Redgate said that the property is located in a Water Supply Protection District. He said suggested that there be a drywell that connects to the roof gutters.

Mr. Adams said that the Natural Resources Commission said that the project is just upslope from a 100-foot Buffer Zone boundary. He said that the Wetlands Protection Committee the use of erosion controls at the northern edge of the property.

Mr. Seegel read the Planning Board recommendation.

Mr. Redgate moved and Mr. Adams seconded the motion to approve a special permit, subject to the conditions that roof leaders tie into a drywell somewhere on the property that is appropriate and that erosion control measures are placed on the downslope of the lot. The Board voted unanimously to grant a special permit.

2017-52, PATRICIA DeANGELIS, 6 MARIGOLD AVENUE

Mr. Redgate questioned whether the plot plan that was attached to decision ZBA 93-88 was for 6 Marigold Avenue.

Amy Novick, 15 Marigold Avenue, said that the DeAngelis family lived at 6 Marigold Avenue. She said that the original house went from front to back. She said that they created an "L" addition that was two stories that created an "L" from the rectangle. Mr. Seegel said that the papers before the Board do not seem to be for this property. He said that the Board will disregard the decision.

Presenting the case at the hearing was Laurence Shind, Esq., representing Patricia DeAngelis, the Petitioner. He said that the request is for a special permit to demolish the current residence on an undersized lot and replace it with a new house that will comply dimensional and setback requirements. He said that the lot size is 7,500 square feet in a district requiring a 10,000 square foot minimum. He said that the house was built in 1940 and is an outdated colonial that is in bad shape. He said that it has about 2,500 square feet of living area. He said that existing lot coverage is 18 percent and proposed lot coverage will be 24.9 percent. He said that Total Living Area plus Garage (TLAG) will be 3,337 square feet, which is within the 3,600 square foot threshold for TLAG in this district. He said that a number of smaller homes in the vicinity have been replaced with larger new homes.

Mr. Adams asked about the attic. He asked how it will be constructed. He said that he saw some windows but did not see any stairs going up there. He asked if it will be a full story. Mr. Shind said that it does not look like a full story on the plans. Mr. Adams said that the plans show the stair on the second floor going down. Mr. Redgate said that the TLAG shows a small area in attic. Mr. Adams asked if there will be a pull down ladder or attic stairs to use the attic for storage. He said that the Board would probably make that a condition. He said that it is usually shown on the plans.

Mr. Seegel said that this is a narrow one lane street. He said that this lot is one to two feet above street. He said that they will be putting in a large bituminous driveway. He asked how they will keep the water on the driveway from running onto Marigold Avenue. He said that there is no drainage on Marigold Avenue. Mr. Shind that the Board can insert a condition to address that. Mr. Seegel said that there should be an open grate that goes into a drywell at the end of the driveway that goes for its full width. Mr. Adams said that it should also collect rainwater from the gutters. Mr. Seegel said that they will have to make sure that there are drywells to collect roof runoff.

Mr. Redgate asked if the shed will be removed as part of this project. Mr. Shind said that it will be. Mr. Adams said that the new plot plan does not identify that as being the case.

Mr. Adams said that the proposed house will be tight to the setbacks. He said that the contractor will have to be careful about placing the foundation accurately.

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

Linda Borer, 2 Marigold Avenue, said that she lives next to 6 Marigold Avenue. She said that the numbering on the street goes from 2 to 6 to 4, with #2 on the corner. She said that her concern is water. She said that her house was built up before she moved in there. She said that when there was a lot of water in 2012, all of the houses around her had severe water problems. She said that they have severe water problems on Manor Avenue. She said that she does not oppose the house but does oppose the grade of it. She said that she would like to see is the house and the grade be up higher. She said that her house is up higher and she does not want to have water problems. She said that all around her is water problems. Mr. Seegel said that he did not think that Ms. Borer will have water problems with the conditions that the Board is proposing. He said that if the house is raised, there will be bigger water problems with the water flowing more off of the property. He said that with the Building Code being what it is, he said that they will have to provide for water around the foundation for drainage so that the water does not go into the house. Ms. Borer said that there is nowhere on Marigold Avenue for the water to go. Mr. Seegel said that the ground will absorb some water. He said that the Board will be requiring that drywells be built so that all of the roof runoff will go to a drywell and not roll off of the property anywhere. He said that there is nothing in the town records that indicates that this is a wet property problem over there. He said that Ms. Borer may know that it is but the Board can only look at what the town records show.

Mr. Redgate said that the new construction will be an improvement over the existing because they will take the roof runoff and put it directly into the ground. Mr. Seegel said that for the house that is being built across and up the street, they are excavating now. He said that the material that they are excavating appears to be material that would drain water well. He said that he thinks that Ms. Borer will find that the new house will be an improvement. Ms. Borer said that the existing house does not have basement that goes down. Mr. Seegel said that if the builder ends up with a wet basement, that will be a problem that he will have to solve. He said that the builder will not build a house that he knows will have a wet basement. Ms. Borer said that she is still concerned about it and opposes it.

Amy Novick, 15 Marigold Avenue, said that she submitted a letter to the Board that discussed a number of issues. She said that she supports the Planning Board recommendation. She said that because it is an unaccepted way, there is usually a review of adequacy that goes before the Planning Board before the building permit is issued. She asked for an explanation about the water going into a drywell and the driveway. Mr. Seegel said that this is an existing house that is being replaced.

Victor Panak, Town Planner, said that there will be a review of adequacy for this project. He said that anytime a new house is being constructed, whether there was an existing house beforehand or a vacant lot, or if a structure's lot coverage is being increased by more than 50 percent, there is a review of adequacy.

Mr. Seegel said that he reviewed Ms. Novick's letter. He said that the Board is only dealing with this lot and the plans before it. He said that the house that they are asking to build will comply with all of the setback regulations of the Zoning Bylaw. He said that the only nonconformity is the size of the lot. He said that the house will meet all of the requirements, so the Board has no control over that. He said that the attic is not a third floor with living space, according to the plans that have been submitted. He said that they can make the house any shape that they want.

Ms. Novick asked if the Tree Preservation Bylaw applies to this project. Mr. Seegel said that to the extent that it does apply, the Building Inspector will enforce it.

Mr. Seegel said that the shed will be removed.

Mr. Seegel said that the Board cannot require a landscaping plan for a single family home of this size. He said that the builder will probably put in landscaping to sell the house.

Ms. Novick said that there are usually conditions for the water with adequacy of the way. Mr. Seegel said that the Board will be inserting conditions to address water issues. He said that there is no drainage on Marigold Avenue. He said that the Board will make every effort to ensure that no water goes off of the lot onto the street. Ms. Novick said that at 79 Manor Avenue, they built a deeper basement that caused a lot of water that was underground to come into the house. She said that she lives next to 11 Marigold Avenue and it is dry there but that does not mean that there is no underwater spring there. Mr. Adams said that Mr. Shind should make the contractor aware of potential water issues in neighborhood and that the basement should be designed to take that into consideration and use construction techniques to ensure that it does not get into the basement and any construction that they do that causes damage to abutting properties, they will be liable for.

Mr. Redgate moved and Mr. Adams seconded the motion to approve a special permit and make a finding that the proposed construction shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, subject to conditions that the project will provide adequate drainage for the roof will provide a drywell for the roof drainage, will not add additional drainage than the existing condition for runoff to Marigold Avenue, there shall be a grated opening at the end of the driveway with a drywell beneath. Mr. Redgate said that it should be a landscape drain that will not increase what is already going to Marigold Avenue. Mr. Seegel said that there is no asphalt there now. He said that adding it will add runoff. Mr. Redgate said that it is difficult to catch every drop. He said that if they grade the driveway to catch the majority of the runoff from the driveway, that should adequate enough. He said that with a long grate system, when it snows it clogs up. He said that when you have a catch basin that goes deeper, it can typically catch 90 percent which is an accepted level. Mr. Seegel said that the condition would be that the driveway be graded so as to minimize the amount of water coming off the driveway onto Marigold Avenue. Mr. Adams said that a condition will be that there shall be no formal stair to the attic and no living space in the attic. The Board voted unanimously to grant a special permit.

2017-53, C.E. HOLMAN LTD PARTNERSHIP, 593 WASHINGTON STREET

Presenting the case at the hearing were Bart Steele, ViewPoint Sign and Awning, and Bradlee Perry, C.E. Holman LTD Partnership, the Petitioner.

Mr. Steele said that the request is for a special permit for a small secondary sign on Washington Street.

Mr. Adams asked about the purpose of the sign. He said that it will be located at the beginning of a path that does not lead anywhere.

Mr. Steele said that it will be a modest 9.33 square foot sign. He said that a few months ago, the Board granted a special permit to identify Church Square. He said that several small businesses identify themselves as Church Square. He said that there is nothing on this elevation to help them identify Church Square. He said that the sign will echo the design and shape of a sign on the same building with the same colors and fonts that were recently approved by the Board.

Mr. Perry said that online retailing is cutting heavily into store retailing. He said that currently, 15 percent of all retail sales in the United States are online. He said that business has been taken away from brick and mortar stores. He said that the estimate is that in three years that number will increase to 25 percent. He said that the store owners are suffering from reduced sales and fewer customers coming to the stores. He said that, as a landlord, he would like to help his tenants attract more shoppers to come to Church Square. He said that they promote Church Square online and hold events that are advertised to attract customers. He said that they want people to be able to find Church Square when they come to it.

Mr. Perry said that the town has a project underway for wayfinding signs for all of the Wellesley Square area. He said that plan does not include a sign on Washington Street for traffic coming in from the west. He said that probably a third of the traffic that comes into Wellesley Square from the west, comes in on Washington Street. He said that when cars get to the first building at Church Square, he wants to have it identified. He said that if there is no sign there, they will drive right by. He said that they have signs on Church Street to identify Church Square. He said that it is important for people who are looking for Church Square to find it. He said that this is at the southwest outer limit of the of the Church Square complex. He said that they like to catch attention right away. He said that people who drive through the area go fairly fast. He said that it is important to help the tenants to attract customers by seeing the name when they get to where they want to go. He said that online shopping is hurting commercial properties. He said that the town will lose tax revenue because the assessments are based on profitability. He said that it is important for the tenants and for the value of the properties.

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

Mr. Seegel read the Planning Board recommendation.

Mr. Seegel said that the sign complies with six criteria other than it is a second sign – He said that he had no objection. Mr. Redgate said that he had no objection.

Mr. Perry said that the signs will not be crowded together and there will be no clutter of signs.

Mr. Adams said that he did not understand the point of it because there is no pathway associated with the sign. Mr. Seegel said that the sign will identify an area, not a business.

Mr. Redgate moved and Mr. Adams seconded the motion to approve a special permit for a second wall sign. The Board voted unanimously to grant a special permit.

ZBA 2017-54, KATYA SHUTTS, 19 COLUMBIA STREET

Presenting the case at the hearing were Adam Kersnowski and Terrance Shutts, homeowner, representing Katya Shutts, the Petitioner. Mr. Kersnowski said that that the proposal is to enlarge an existing dormer for a master bedroom and a master bathroom. He said that the project was approved by the Wetlands Protection Committee.

Mr. Adams said that the plot plan does not clearly identify where the second story addition is. Mr. Kersnowski said that there will be no footprint change to the house. Mr. Adams said that usually the plot plan will point out what parts of the house are already two stories and where a single story will be added to. He said that it is easier to understand if it is shown on the plot plan.

Mr. Adams said that there is a large mutli-family structure behind the property and the Charles River and State land. He said that he did not have a problem with what is proposed. He said that his concern was that there was nothing on the plot plan that says where the addition will go.

Mr. Seegel asked about the chimney. Mr. Kersnowski said that it will be in the same place and enclosed. He said that it is a zero clearance vent from the fireplace that is on the first floor.

Mr. Redgate moved and Mr. Adams seconded the motion to approve the special permit and make a finding that the proposed construction shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The Board voted unanimously to grant a special permit.

ZBA 2017-55, NGOC HOANG & SALVATORE INSOGNA, 95 RUSSELL ROAD

Presenting the case at the hearing was Sal Insogna, the Petitioner, who said that the proposal is to raise the roof on the third floor for a bathroom.

Mr. Adams said that it is a small lot.

Mr. Redgate asked if there is any kind of a driveway. Mr. Insogna said that there is no driveway. He said that they park across the street. Mr. Redgate asked how constructors and building materials will get to the site. Mr. Insogna said that the land across the street is town land and there is a parking area there. He said that is probably where a dumpster would go. He said that there has been a lot of construction on the street and that is how it has worked. Mr. Seegel said that they use smaller trucks that have lifts right on them so that everything can be taken off quickly and the truck backs out because there is nowhere for it to turn around. Mr. Redgate said that his concern is that there is no place to store materials on this lot. He said that the contractor needs to have a good plan.

Mr. Adams said that it is a tough site and a tiny lot. He said that the only choice is to go up.

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. Adams moved and Mr. Redgate seconded the motion to approve a special permit and make a finding that the proposed reconstruction of the third floor to allow for a bedroom and bathroom shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. He said that it will be consistent with other homes in the neighborhood. The Board voted unanimously to grant a special permit.

ZBA 2017-56, 3 STRATHMORE ROAD LLC, 3 STRATHMORE ROAD

Presenting the case at the hearing were David Himmelberger and Brett DeMeo, representing 3 Strathmore Road LLC, the Petitioner.

Mr. Himmelberger said that the request is for a special permit to reconstruct a single family dwelling on an existing foundation. He said that the Petitioner was previously before the Board where they sought to raze and rebuild a new home on the site that would have been larger and taller. He said that after discussion with the Board the petition was withdrawn without prejudice. He said that the redesigned structure will remain fully on the existing footprint with the exception of a two-car attached garage on the left side as one faces the home. He said that the lot is 7,526 square feet in a 10,000 square foot district. He said that the left side yard setback for the detached garage is 8.1 feet. He said that the garage will come down as part of the project. He said that this is a corner lot where the rear setback is treated as a side setback. He said that setback is 9.8 feet. He said that the new building height will be 29.7 feet, which is significantly less than the previously proposed 34.5 feet. He

said that the renovation will retain the existing footprint and will have the addition of a two-car garage and improved second floor living, such that it will appear to be a 1.5 story structure. He said that the house is attractive with detail trim work. He said that the addition was designed to minimize massing. He said that the house anchors the corner of Weston and Strathmore Roads and is across the street from significantly larger newer homes. He said that they believe, as redesigned, this proposal will not be substantially more detrimental to existing neighborhood than the current structure. He said that the Planning Board recommended denial of the previous design but now recommends approval of the redesign.

Mr. Adams confirmed that the garage will be an addition. He said that construction of two-thirds of the house will be to the right of the garage on the existing foundation. He asked Mr. DeMeo if he is confident that they can salvage the foundation. Mr. DeMeo said that he is. He said that it is a slab on the Weston Road side. He said that the existing basement under the main part of the building is in good shape.

Mr. Seegel asked if there will be an infiltration system. Mr. Himmelberger said that it is shown on the plot plan. He said that the proposed garage will now meet the left side setback at 20.5 feet.

Mr. Adams said this is another good example of an owner listening to the Board's concerns and trying hard to come up with something that works for them and responds to concerns that were raised.

Mr. Redgate said that he was on the Board that reviewed the previous application for this property. He said that it seems like the Board was listened to and these are good improvements.

Mr. Seegel read the Planning Board recommendation.

Dorothy Howells, 11 Strathmore Road, said that the houses go 3, 7, 11. She said that she is the third house in. She said that the neighbor at 8 Strathmore Road is also present. She said that neighbor lives diagonally across from the property.

Ms. Howells said that it is a pretty plan with the gable in the middle but her concern is about the 1.5. story addition with a garage below and a bedroom above. She asked how that is not a two story. Mr. DeMeo said that is because of the roofline. He said that the roof would be above two stories. He said that with a 1.5 story, the roofline is the second story. He said that they were able to gain upstairs space with dormers. Ms. Howells said that as you look at the house with the gable in the middle, one side is above the other side. She said that it is not exactly the same. Mr. DeMeo said that it is still lower than the center gable. Ms. Howells asked if the ceiling over the garage level will be lower to accommodate a regular size bedroom. Mr. Himmelberger said that in order to gain the same roof pitch, because one side is a deeper structure with the garage at 20 feet and the other side at 18 feet, in order to have the same pitch it goes a little higher. He said that the highest point of the house is the center.

Mr. Seegel said that they could build house to 35 feet. He said that the house will be 28.9 feet, which is more than 6 feet lower than what they could build. Ms. Howells asked about the height on the Weston Road side. Mr. Seegel said that it is lower. Mr. DeMeo said that the ceiling height will be the same. He said that the only change is the height of the roof from a pitch perspective. He said that you will not notice the difference.

Ms. Howells asked about the size of the driveway. Mr. Seegel said that if they are building a two-car garage, they can have a driveway that is appropriate for that.

Mr. Seegel said that there is drainage in Strathmore Road.

Ms. Howells said that she wanted to understand how you got two levels with the garage and the room above it. Mr. Seegel said that is how it was designed for the lot. He said that everything will be within zoning bylaw allowances.

Mr. Redgate asked if Ms. Howells is concerned about the structure being symmetrical or the height. Ms. Howells said that her concern is the symmetry of the structure. She said that she was concerned about how it will look. Mr. Himmelberger said that it will look handsome. He said that one never has the same vantage of a two dimensional drawing in the field. He said that when the house is built, the architectural elements including the center gable, are such that your eye is drawn to the center gable or it's drawn to another element. He said that you never see it in quite the same light as you do on paper.

Mr. Seegel said that all of the windows on the second floor will be at the same level. Ms. Howells said that coming across to Weston Road, you hardly see that house because it is the first one and you are making the turn. She said that she has lived on the street for 40 years. She said that it is the gateway to the street. She asked what the siding will be. Mr. DeMeo said that it will be cedar shingles. He said that they have not decided on the paint color.

Mr. Adams moved and Mr. Redgate seconded the motion to approve a special permit and make a finding that reconstruction of the structure and new construction shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The Board voted unanimously to grant a special permit.

ZBA 2017-59, DANA & ELLEN CONTI, 157 WESTON ROAD

Presenting the case at the hearing were David Himmelberger, Esq. and Dana Conti, the Petitioner.

Mr. Himmelberger said that the request is for a special permit for a conforming addition to a pre-existing nonconforming house due to insufficient side yard setback.

Mr. Himmelberger said that after the plot plan was submitted, it was discovered that there was a typo for lot coverage. He apologized for the late submission. He said that the corrected plot plan, dated May 30, 2017 shows existing lot 1,266 square feet for 8.9 percent coverage while the proposed lot coverage will be 2,101 square feet for 14.8 percent, which is well within permissible limits.

Mr. Himmelberger said that the addition is consistent with the home, which is quite beautiful in its design. – He said that it is an older home. He said that there is a two-story addition in the back that is fully conforming and a one-story addition on the side that will be conforming. He said that the Planning Board recommended approval. He said that they would submit that the fully compliant additions shall not be substantially more detrimental to the neighborhood than the existing nonconformities, which are side setback for the house and the garage. He said that the right side yard setback to the house is 17.8 feet and the side yard setback for the garage is 2.2 feet.

Mr. Seegel asked about the height of the addition. Mr. Himmelberger said that the height is shown on Plan X2. He said that the existing building height is 30 feet and the addition is no greater.

Mr. Redgate asked about the ability to pull into the driveway off of Weston Road and turn around so that you can pull out front ways. Mr. Conti said that they can do that. He said that there is an area where they can do a three point turn.

Mr. Seegel asked if there are any Building Code issues. He said that they will be putting an addition on the left side and rear of the house. He asked if the house will be five feet from the garage. Mr. Himmelberger said that there are no Building Code issues with that.

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

Mr. Redgate moved and Mr. Adams seconded the motion to approve a special permit and make a finding that the proposed structure shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The Board voted unanimously to grant a special permit.

ZBA 2017-60, AARON & LEIGH THOMAS, 6 FAIRBANKS AVENUE

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

Mr. Himmelberger said that the Petitioner came before the Board last spring, at which time the Board granted relief to raze and reconstruct a single family home. He said that inadvertently the air conditioning condensers were not shown on the plot plan that was submitted to the Board. He said that as a consequence of that, they needed to come back before the Board for a special permit for relief to put the condensers at the rear of the house, as shown on the plot plan, albeit at 12.1 feet from the property line. He said that the house as constructed with zoning relief has a setback of 9.9 feet.

Mr. Adams asked about the spiral stair on the deck. He asked if the stair precludes them from putting the air conditioning condensers in a more conforming location. He said that the property is only 50 feet wide so there is not much area to find compliance.

Mr. Redgate confirmed that the two condensers will be located under the second story porch. He said that the closest neighbors appear to be the parking lot at 54 Washington and the Flanagans.

Mr. Seegel said that relief would be granted as a special permit, not a variance.

Thomas Atkinson, 14 Crescent Street, said that he has no issues with the air conditioning condensers.

Mr. Adams asked about screening the condensers. Mr. Thomas said that at some point they will be probably put a nice wooden casing around them such as lattice.

Mr. Adams moved and Mr. Redgate seconded the motion to approve a special permit and make a finding that placement of the proposed air conditioning condensers shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. He said that the lot is only 50 feet wide. The Board voted unanimously to grant a special permit.

As there was no further business to come before the Board, the hearing was adjourned at 9:30 pm.

Respectfully submitted,

Lenore R. Mahoney
Executive Secretary