

**ZONING BOARD OF APPEALS**

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WALTER B. ADAMS  
DEREK B. REDGATE

December 5, 2019

7:30 pm

Juliani Meeting Room

Town Hall

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

**ZBA 2019-59, TOWN OF WELLESLEY NATURAL RESOURCES COMMISSION**

Present at the public meeting was George Saraceno, Senior Civil Engineer, Town of Wellesley. Mr. Saraceno said that the request is for a determination that changes to two projects at Lee and Hunnewell Softball Fields. He distributed renderings of the proposed dugouts. He said that they are currently under construction on the Lee Field. He said that they are at the stage of the project where they will be building two dugouts per field. He said that the original was a screened shelter system, which is pre-manufactured. He said that they did not realize that the foundation is very conservative and with wind loads, it could blow away. He said that they did not realize that it would require such a deep foundation. He said that they wanted to add brick work on the columns and the storage associated with the structure. He said that the donors really want the dugouts to look like the dugouts at Reidy Field. He said that the dimensions will not change, including the height. He said that the only change will be to the roof system. He said that they will go with a salt box style roof that is shingled, not metal. He said that there will be a lot more brick work. He said that they will build the dugouts from scratch. He said that there will be a conventional foundation, full four foot. He said that they have structural plans from contractor's structural engineer. He said that they will use full footings with sona tubes at the front column. He said that the contractor will set up a heated tent structure so that they can build during the winter. He said that construction is expected to last four to six weeks.

Mr. Adams asked if there have been any problems with vandalism. Mr. Saraceno said that there are no issues that he aware of. He said that the dugouts will be locked. He said that there are no issues at Reidy Field that he is aware of.

Mr. Redgate confirmed that the newly proposed dugouts will have the same footprint as the approved dugouts.

Mr. Adams moved, Mr. Redgate seconded the motion, and the Board voted unanimously to make a determination that the proposed changes are minor modifications that do not require a public hearing, and approve the proposed changes.

ZBA 2019-93, WELLESLEY COLLEGE, 33 DOVER ROAD

Present on behalf of Wellesley College, the Petitioner, was Peter Eastment, Director of Faculty Housing, who said that the request is for renewal of a special permit to use the premises at 33 Dover Road for educational purposes as a language residence for seven Wellesley College students. He said that the French house is a carriage house that continues to be used to house six to seven students per semester.

Mr. Adams asked if renewal would be subject to the same conditions. He asked if there have been any problems.

Mr. Redgate said that the Planning Board recommended a change in the language tweak a condition to include language about the total number of students on the property, with seven in the carriage house and nine in the main house, for a total of sixteen students.

Mr. Redgate moved, Mr. Adams seconded the motion, and the Board voted unanimously to renew the special permit for two years, subject to the same conditions that incorporate the minor change in language that was recommended by the Planning Board.

ZBA 2019-94, WELLESLEY COLLEGE, 629 WASHINGTON STREET

Present on behalf of Wellesley College, the Petitioner, was Peter Eastment, Director of Faculty Housing, who said that the request is for renewal of a special permit for a three-family residence that is used to house three faculty members. He said that there are no changes in the use and the house is occupied full time. He said that there have been no problems and would be subject to the same conditions.

Mr. Adams moved, Mr. Redgate seconded the motion, and the Board voted unanimously to renew the special permit, subject to the same conditions for a period of two years.

ZBA 2019-95, WELLESLEY COLLEGE, 828 WASHINGTON STREET (CHEEVER HOUSE)

Present on behalf of Wellesley College, the Petitioner, was Peter Eastment, Director of Faculty Housing, who said that the building continues to be used as the home of the Wellesley Centers for Women. He said that there has been no change in the use.

Mr. Adams asked how big the building is, given that there are 40 offices there. Mr. Eastment said that he did not have the exact square footage but it is a very large old home.

Mr. Redgate moved, Mr. Adams seconded the motion, and the Board voted unanimously to renew the special permit, subject to the same conditions for a two year period of time.

ZBA 2019-80 25 OAK STREET HOLDINGS LLC, 25 OAK STREET

Mr. Seegel said that the Petitioner requested that the petition be allowed to be withdrawn without prejudice.

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

ZBA 2019-92, DAVID & PAMELA DONOHUE, 17 ALLEN ROAD

Present at the public hearing was Michael Tartamella, Architect, representing David and Pamela Donohue, the Petitioner.

Mr. Tartamella said that the property is a pre-existing nonconforming lot due to size and the existing structure. He said that the proposal is for additions to the existing structure, removal of a one story and construction of a new addition at the rear that will conform to setbacks, construction of a one-story addition on the south side of the property that maintains the 22 foot setback, and construction above an existing structure on the north side with an existing side yard setback of 15.7 feet.

Mr. Tartamella said that the lot is 17,207 square feet in 20,000 square foot Single Residence District. He said that allowed lot coverage is 3,441 square feet and the proposed lot coverage will be 2,921 square feet, which is below the TLAG threshold for the district. He said that there is an existing detached garage on the property where there is no proposed change except an entry door on the exterior.

Mr. Adams asked Mr. Tartamella spoke with the neighbors about the proposed alterations. Mr. Tartamella said that there were no direct conversations with anyone but they have not heard of any opposition to the proposed plans. Mr. Adams said that the Board had not received any letters from the public.

Mr. Redgate asked if they will be keeping the fire escape. Mr. Tartamella said that they will not.

Mr. Seegel conformed that there will be no change in height.

Mr. Tartamella said that all of the proposed additions will be conforming. He said that the issue is just the lot size. Mr. Seegel said that the northwest side of the structure is nonconforming. Mr. Tartamella said that the second floor addition on the nonconforming side will be over the existing footprint.

Mr. Tartamella said that they will submit demolition calculations to the Planning Department prior to applying for a building permit. He said that it will be under 50 percent.

Mr. Adams said that the proposed structure will be slightly under the TLAG threshold.

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

Robert Sechrest, 15 Allen Road, said that he is an abutter to 17 Allen Road. He said that he was disappointed that the Proponent does not have any renderings of what is proposed. Mr. Seegel asked if Mr. Sechrest had seen the plans that were submitted to the Zoning Board. Mr. Sechrest said that he had not. Mr. Seegel said that the plans that were submitted show existing and proposed elevations.

Mr. Tartamella showed the plans to Mr. Sechrest. Mr. Sechrest said that what will be added is nonconforming because it encroaches into the setback. Mr. Tartamella said that they will not expand the footprint on that side.

Mr. Sechrest said that the structure is 25 percent closer to the lot line than what is allowed. He said that when he sat on the Zoning Board, he felt that 25 percent relief is asking too much for the town to grant. Mr. Seegel said that the proposed change will not increase the nonconformity. Mr. Tartamella said that they will add a half story over the existing nonconforming one story structure.

Mr. Sechrest asked about the height of the existing nonconforming structure. Mr. Tartamella said that it is approximately 12 feet high. He said that the proposed height will be 20 to 22 feet. Mr. Sechrest said that he will be looking at a building that is 22 feet high, which is more in your face. He asked if the slope of the roof could be changed. Mr. Tartamella said that the slope matches the character of the existing house. Mr. Sechrest said that he objected to having something that close to his house. He said that the design could be architecturally changed so that it would not seem so much closer.

Mr. Sechrest said that there is house across the street that has been under construction for four years. He said that they removed every tree on the property. He said that as something that affects the neighborhood, he is opposed to removal of old growth trees. Mr. Seegel said that there are no plans showing any trees to be removed.

Mr. Sechrest discussed construction noise in the morning before 7 am. Mr. Seegel said that is regulated in town bylaws. Mr. Adams said that if there is a problem, Mr. Sechrest can speak with the Building Inspector about it. Mr. Tartamella said that they have not ordered the project to a general contractor yet but once they do, they will have the contractor reach out to Mr. Sechrest.

Mr. Sechrest discussed connecting the house to the garage in the future. Mr. Seegel said that they will need a permit to do that. Mr. Adams that would dramatically increase the bulk of the building.

Mr. Seegel read the Planning Board recommendation.

Mr. Adams moved, Mr. Redgate seconded the motion, and the Board voted unanimously to make a finding that the proposed alteration shall not intensify or increase an existing nonconforming and shall not be substantially more detrimental to the neighborhood, and grant a special permit.

#### ZBA 2019-96, RANDALL & ANDREA SCHNEIDER, 16 FELLOWS ROAD

Present at the public hearing were Randall and Andrea Schneider, the Petitioner, and Michael Hally, Architect. Mr. Schneider said that they moved to Wellesley six years ago and love the town, public schools and neighborhood. He said that their house is a 1925 Dutch Colonial that has been well maintained over the years with much of its original charm and detail intact. He said that with two young children, they have outgrown their home. He said that the house is 1,480 square feet and they decided that they would like something bigger. He said that they looked into moving but could not find a place that they liked as much. He said that Mr. Hally designed an addition that looks like it has always been part of a 1925 Dutch Colonial, both inside and out. He said that they spoke with the neighbors in all directions and submitted a letter of approval with all of their signatures.

Mr. Hally said that it is an undersized lot in a 10,000 square foot Single Residence District, with less than required frontage. He said that all of the proposed additions will be conforming. He said that the setback on the right side is nonconforming. He said that the proposal is to demolish an open porch on the left side and construct a like structure that is enclosed. He said that there will be a two story addition off the back of the house, part of which will be a sitting area and a kitchen with a master suite on top.

Mr. Seegel said that there do not appear to be any trees in the way of construction. Mr. Hally said that there are none.

Mr. Redgate asked if the end result will be four bedrooms. Mr. Hally said that it will be. He said that there will be a new master bedroom on the second floor. He said that the two bedrooms at the front on the right side will remain and the old bedroom on the left side will get smaller.

Mr. Adams asked about TLAG. Mr. Hally said that TLAG starts at 2,469 square feet, and they will add 833 square feet for a total of 3,102 square feet, which is a 34 percent increase in TLAG. Mr. Seegel said that is below the 3,600 square foot threshold.

Mr. Adams said that it is a unique lot that may have qualified for a variance, if one was sought. He discussed the finding that the Board has to make regarding detriment to the neighborhood in the case of a special permit.

Mr. Seegel said that the Board received a document that was signed by 13 or 14 neighbors on Fells Road who have no objections to the proposed changes.

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

Mr. Redgate said that the property is located in a Water Supply Protection District. He asked if the Petitioner would be opposed to including a drywell in the landscaping design and hooking up roof drains. Mr. Hally asked how sophisticated the system would have to be. Mr. Redgate said that it can be a typical landscape drywell, which would be either plastic or concrete with a single landscaping grate, either metal or plastic. Mr. Schneider said that currently there are no water problems on the property. Mr. Adams said that they will be increasing the impervious surface. Mr. Schneider said that he did not object to adding a drywell.

Mr. Seegel read the Planning Board recommendation.

Mr. Redgate moved, Mr. Adams seconded the motion, and the Board voted unanimously to find that the proposed alterations shall not intensify or create a new nonconformity, shall not be substantially more detrimental to the neighborhood, and approve a special permit, subject to the condition that a drywell be installed, and in accordance with the Design and Operation Standards of Section 14E, Part F of the Zoning Bylaw for a Water Supply Protection District.

ZBA 2019-97, ALICIA ABAD, 102 ABBOTT ROAD

Mr. Seegel said that the Petitioner requested that the petition be allowed to be withdrawn without prejudice.

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

ZBA 2019-98, MIKE TIROZZI & DENISE CAMERA, 22 CAVANAGH ROAD

Present at the public hearing were Annie Chow, Architect, and Denise Camera Tirozzi, the Petitioner.

Ms. Chow said that the request is modification of an existing variance. She said that it is a nonconforming structure on a nonconforming lot in a 10,000 square foot Single Residence District.

Ms. Chow said that the Tirozzi's are a young family who have lived in the house for seven years. She said that they love the neighborhood, the neighbors and the school district. She said that they are interested in updating the house to accommodate growing family needs. She said that the existing house has a poor layout and the massing is a hodgepodge of volumes, which makes it difficult to expand. She said that the first floor has a tight layout and poor circulation. She said that there is not adequate circulation on the second and the room sizes are small, where one bedroom is more like a large closet. She said that they are looking to upgrade the house to make it more aesthetically and functionally pleasing while responding to the scale of the neighborhood.

Ms. Chow said that they will remove the existing portion of the back of the house with a family room and small kitchen area on the first floor and an el shaped hallway and smaller bathroom and bedroom above on the second floor. She said that they will also remove the existing portico on the front.

Ms. Chow said that the proposal is to construct a more simple volume addition and a farmers porch on the front that will help to scale down the house. She said that they added a side entrance on the driveway side that will work better as an entrance. She said that the addition at the back will be open concept living space that opens out to the back yard and redirects the focus from the side yards.

Ms. Chow said that they will replace the vinyl siding with wood and will add a trim band around the house to bring down the overall scale.

Ms. Chow said that the interior will be open concept on the first floor, a new side entrance with potential for a mudroom, and a large sliding glass door that opens out to the back yard. She said that they simplified the floor plan on the second floor, added an ensuite and a larger fourth bedroom to accommodate the Petitioner's mother if she stays for longer term.

Ms. Chow said that the plans include a circular driveway in the front to help take the cars off of the street. She said that it will create more of a safety zone for people walking by and for kids to play.

Mr. Seegel said that the proposal is to essentially double the size of the house. Ms. Chow said that there is an existing addition. She said that they will only increase the overall space by approximately 300 square feet. Mr. Seegel said that the proposed addition will be 21 feet by 34 feet. Ms. Chow said that she had been looking at lot coverage. Mr. Seegel said that the house appears to be doubled in size on the plot plan. Ms. Chow said that it will be not quite doubled in size.

Mr. Seegel asked about the circular driveway. Ms. Chow said that the circular driveway will be in front of the house. Mr. Seegel said that this is a very small lot and the proposal is to add a lot of roof space. He said that he did not want to see more pavement. He said that the frontage is 65 feet. Ms. Chow said that they spoke with the Town Engineer and designed the circular driveway to town regulations. Mr. Seegel said that this is a small lot and the proposal is to increase lot coverage to 22.3 percent. He said that they will create more roof runoff. He said that there is an existing driveway and he did not think it is appropriate to add to it. He said that there are no other circular driveways that he knows of in the neighborhood.

Mr. Adams said that he did not see the benefit of having a circular driveway. He asked how it will be used. Ms. Camera said that it is a long lot and they currently pull the cars to the back of the house to park side by side. She said that the goal of the circular was to alleviate the long stretch of backing out to the street and to not get into a tandem parking situation. She said that the entire street has cars parked on it, which makes it difficult to navigate. She said that it is also a safety concern. She said that her family will benefit by getting more back yard space with the cars moving to the front.

Mr. Seegel said that the Board would not want to see that. He said that the lot only has 65 feet of frontage. Mr. Redgate said that it will be really tight. Mr. Seegel said that in 1992 the Zoning Board at that time found it appropriate to grant a variance on the property. He said that the current Board is being asked to vote approval to amend the variance. He said that the house would not qualify for a variance under today's standards. He said that he would put a condition that there not be a circular driveway at the front of this property.

Mr. Redgate asked how the homeowners will park their cars and back out around the in angle in the addition. Ms. Camera said that was how they came to the circular driveway solution. She said that they will have to flesh the issue out further because they will not be able to fit two cars at the back.

Mr. Redgate said that some of the proposed elevations appear to be mislabeled. He asked about the dining room table in the yard. Ms. Camera said that is a patio area. She said that the patio will remain where it is.

Mr. Adams said that the TLAG is within 52 square feet of the threshold. He said that it is an undersized lot as well.

Mr. Redgate asked if the addition will be set back slightly. Ms. Chow said that the existing nonconforming setbacks are set by the front corner of the house.

Mr. Seegel said that an existing addition will be taken down. Ms. Chow said that they will not be increasing by a lot of square footage.

Mr. Redgate said that the amount of structure will be increasing within the setback area. He said that it will maintain the edge that is closest to the side lot line and continue it.

Mr. Seegel said that two letters in favor of the proposed construction were submitted to the Board.

Ms. Camera said that they have lived on Cavanagh Road since 2013. She said that they immediately realized that they were moving into a tight knit community. She said that they have taken a lot of pride in their home over the years. She said that they invited the neighbors to see the plans and received an outpouring of positive responses. She said that the home does not work for their family's long term and evolving needs. She said that their goals to bring in modern amenities such as central air conditioning, a mudroom and an open concept that connects to the back yard. She said that they currently faced toward the side yard. She said that they need a fourth bedroom to accommodate their aging parents. She said that the dormer bathroom will make the space for their parents work. She said that currently there is a shared bathroom. She said that the proposed are modest adjustments to help them to achieve their goals. She said that they engaged the services of Jacob Lilley, who is a well respected architect in Wellesley. She said that the plans will fit in with the neighborhood and the enhance the curb appeal of their home. She said that many of the homes on the street have similar expansions into the back yards. She said that they purposely did not want to go massive at the bookends of the lot to preserve the space where they spend a lot of time.

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

Marc and Ranjani Hild, 20 Cavanagh Road, said that they are the direct abutter to 22 Cavanagh Road. Ms. Hild said that they have lived there since 2010 and have two kids in school. She said that they love the neighborhood and the neighbors.

Ms. Hild said that they looked at the plans and thought that they were tasteful. She said that they do have concerns. She said that they understand that the front of the house is nonconforming and they will be building over the existing structure. She said that adding a second floor really squeezes the space between the houses and will affect their privacy. She said that they were concerned about placement of the air conditioning condensers and the noise that they will generate. Mr. Seegel said that the air conditioning condensers are not proposed to be in the setback and are permitted there.

Ms. Hild said that bumping out the house brings it that much closer to them and their windows. She said that it is more of an issue of privacy.

Mr. Hild said that the house will be expanding into the setback area. He said that the patio is already in the side yard and there will be more noise. He said that in the summer when the neighbors are entertaining on the side patio, they hear a lot from their bedroom window. He said that everything will be moving closer and they will keep the patio on the side. He said that will create a situation where there will be more noise coming over. He said that their hope is that the patio could be moved to the back of the house or to build the house to the back and not closer to the neighbors. He said that they were contacted by their neighbors after the public hearing was announced.

Mr. Adams said that the Board always encourages applicants to talk to the neighbors about their plans.

Mr. Adams said that the addition will be on the back of the house. Mr. Hild said that the addition will move five to six feet closer to his property and in the setback where they could have expanded to the back. Mr. Seegel said that the existing nonconforming side yard setback is 16.5 feet and the proposed addition will be 16.8 and 16.9 feet in that area.

Mr. Hild said that the existing addition is conforming. He said that the proposed addition will be nonconforming.

Mr. Seegel said that he was concerned about the width of the addition. He said that it will be much wider.

Mr. Hild discussed concerns about the orientation of the roof. He said that the house will look much bigger.

Mr. Redgate asked if the trees are proposed. Ms. Camera said that they are existing tall arbor vitae. She said that there is four foot open fencing along that side. She said that the trees are as tall as the second floor.

Mr. Seegel confirmed that there are fairly large trees between 20 and 22 Cavanagh Road.

Mr. Seegel said that it would make sense to move the patio to the rear of the house to give the neighbors more privacy.

Mr. Seegel said that he was concerned that the Applicant had not shown the plans to all of the neighbors before they got this far in the process. He said that the Board has to determine how the neighborhood in general feels about it. He said that the proposed construction will have an effect on the property next door.

Mr. Adams asked about the potential to move the patio to the back and provide landscaping screening between 20 and 22 Cavanagh Road. Ms. Chow said that they are open to looking at different options.

Mr. Seegel discussed the options of continuing the petition or allowing it to be withdrawn without prejudice. He discussed redesigning the project to put the patio in the back yard, eliminating the circular drive, showing possible screening between 20 and 22 Cavanagh, and if feasible, moving the air conditioning units. Ms. Chow said that they had discussed potentially moving the air conditioning condensers closer to the garage and providing a screen around them. Mr. Redgate said that would be a good idea.

Mr. Seegel said that the petition would be continued to January 9, 2020. He asked that the Applicant show the revised plans to all of the neighbors, including the neighbors at 20 Cavanagh Road. He said that the Board should get the revised materials by January 2, 2020.

Mr. Seegel strongly suggested that the patio be moved to the rear of the house and that the air conditioning units be moved closer to the garage. He said that the circular driveway should be eliminated.

Mr. Adams said that the Board has to look at the impact of the project on the neighborhood and the basis to grant somebody the right to build a larger home on a lot that will not get any larger.

Mr. Seegel said that the Applicant could do any of the things that are proposed were it not for the prior variance. He said that a prior Board granted a variance when the standards were different.

Mr. Redgate moved, Mr. Adams seconded the motion, and the Board voted unanimously to continue the petition to January 9, 2020.

ZBA 2019-99, BRAD & JODI PROSEK, 17 ATWOOD STREET

Present at the public hearing were Brad Prosek, the Petitioner, and Michael Hally, Architect.

Mr. Prosek said that they looked for quite a long time when it was time to move from the Back Bay with one toddler and another child on the way in 2012. He said that their criteria included good schools, walking distance to the town and train. He said that they wanted a house with character rather than a mansion. He

said that 17 Atwood Street met all of their criteria. He said that they have come to love Wellesley over the past seven years. He said that their family has expanded to three children and they need more space and flow. He said that they would like to make the house more energy efficient. He said that they looked in other neighborhoods in Wellesley and decided that they would like to stay where they are. He said that they withdrew an earlier set of plans without prejudice so that they could look at ways to accommodate their aging mother living with them.

Mr. Hally said that they did not change the front of the house. He said that the lot is conforming at 12,000 square feet in a 10,000 square foot Single Residence District but the house is nonconforming on the right side at 10.7 feet. He said that they want to add a master bathroom. He said that the existing master bathroom is very small. He said that they will remove an existing sunroom on the first floor on the back right hand side of the house and rebuild it with a foundation, heating and windows that work. He said that they will turn that area into a dining room. He said that on top of that will be a partial second floor addition. He said that because of the location of the chimney, they had to put the addition on the right hand side. He said that the house will expand towards the back and slightly to the right. He said that they will remove a large deck and replace it with a smaller one. He said that they will remove the existing free standing garage and build an attached garage in a conforming location. He said that the shed will also come down. He said that the new garage will have shed space at the back. He said that they will build a one story mudroom addition at the back of the house that connects to the garage and allow a split staircase down to the garage slab and up to an in-law suite. He said that upstairs will be a bedroom, bathroom and a refreshment area. He said that he spoke with Michael Grant, Building Inspector, at great length about configuring the space so that it is not misconstrued as an accessory dwelling unit.

Mr. Hally discussed the elevations. He said that the street side will be changed with the garage pulled forward. He said that the garage will be wide enough for two cars.

Mr. Hally said that most of the work will be to the rear of the house. He said that reviewed demolition calculations with the Historical Commission. He said that they will only demolish 20 percent of the existing envelope.

Mr. Hally said that lot coverage will be just below the maximum allowed at 20.4 percent.

Mr. Hally discussed TLAG calculations. He said that older homes frequently have a shallow foundation. He said that the design of the attic adds a lot of TLAG. He said that there are stairs up there but the area is not very usable but it counts toward TLAG. He said that all of the spaces in the home are long and narrow and it was a challenge to try to find rectangular space for a more modern style that will work for a family. He said that TLAG exceeds the threshold for the district. He said that attic and basement keep the TLAG well above the threshold. He said that potentially there will be two new basements, one of which he will need for the bulkhead to work.

Mr. Seegel and Mr. Redgate said that they were not concerned about the TLAG for this house. Mr. Redgate said that they will be saving an old home from the wrecking ball. He asked about a connection on the second floor to the in-law suite. Mr. Hally said that there is no connection. Mr. Redgate said that he appreciated that the Petitioner told the Board how the space will be used in the future.

Mr. Adams said that the property slopes down behind the garage. He said that having a deck at the back will create a perch viewing the neighboring property. He asked if the Petitioner had spoken with the neighbor about the plans. Mr. Prosek said that he tried to reach out to but was not able to make contact with that neighbor. He said that speak with the neighbors behind, to the west and immediately to the east. He said that the area in question is a heavily vegetated corner of the property.

Mr. Seegel asked for a description of the connection to the in-law suite. Mr. Hally said that going from the kitchen to the mudroom, the stairs on the outside wall go up to the in-law suite. He said that the stairs that abut the kitchen wall go down to the garage. He said that access to the basement will be in the garage.

Mr. Seegel read the Planning Board recommendation. He said that the Board will insert a condition that the in-law suite above the garage may not be rented and the house may never be used as a two family.

Mr. Adams said that an attic plan was not submitted. Mr. Hally said that on the second floor plan in bedroom #4, traveling across the page to the master, there is a door that goes up to the attic. Mr. Adams asked how much of the attic is over the second floor space. Mr. Hally said that is ten foot wide left to right across the house with usable five foot high space. He said that over bedroom #2 there is another alley down to the back of the house. He said that the space was finished in 1945 but is not heated. He said that you have to duck at the top of the stairs so that you do not hit your head on the slope of the roof. Mr. Prosek said that one of the previous owners put a sink up there. He said that it was used as a home office at one point. Mr. Seegel discussed inserting a condition that the attic space shall not be made livable without coming back before the Board. Mr. Redgate said that the TLAG is already over the top and should be noted in the special permit.

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

Mr. Redgate moved, Mr. Adams seconded the motion, and the Board voted unanimously to find that the proposed addition will not be substantially more detrimental to the neighborhood, and approve a special permit, subject to the conditions that the in-law suite above the garage will be used for that purpose only and will never be rented or used as a separate dwelling, noting for the record that regarding the existing third floor finished space, future special permits to increase the living area on the third floor will not be well received, and the existing garage and shed shall be removed.

#### ZBA 2019-100, KIMBERLY ENGLER, 9R LOCUST ROAD

Present at the public hearing was Kimberly Engler, the Petitioner, who said that the request is to build a garage to replace one that had to be removed. She said that she bought the house in 1996 and raised her children there. She said that they always had a garage underneath the house. She said that recently they had to replace their septic system before it failed, which involved loss of the garage. She said that the back of the property was all pavement with a long driveway that goes around the house. She said that the new septic system is quite large and takes up the entire back yard. She said that her back yard is located in Wellesley.

Ms. Engler said that the proposal is for a 24 foot by 24 foot garage that faces the neighbor at 7 Locust Road. She said that she has a letter of support from the neighbor. She displayed pictures of what is left in her yard.

Ms. Engler said that the architect that drew the plans for the garage did not know about the 30 foot side yard setback requirement. She said that the proposed setback is 22.5 feet setback. She said that she is now looking to potentially shorten it to 20 to 21 feet with the same width of 24 feet. She said that they had soil tested when they put the septic system in and found that ledge is not an issue. She said that they can flatten the hill to make an area to pull out of the garage.

Ms. Engler said that the proposed garage will be for two cars, with a single door, tucked behind the house and not seen from the street if the length is reduced to 20 feet. She said that the dimension will be 26 feet at the turnaround. She said that they will add pavement where currently it is dirt so that they can back out onto the pavement.

Mr. Seegel discussed granting the relief that was requested and leave it up to Ms. Engler whether or not to shorten the length. He said that the topography of the lot is sufficient grounds for the Board to grant a variance.

Mr. Seegel read the Planning Board recommendation.

Mr. Seegel moved, Mr. Redgate seconded the motion, and the Board voted unanimously to grant a variance, in accordance with the plans submitted, 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 said that the variance is to permit relief from Sections 19 and 24D of the Zoning Bylaw to allow for a side yard setback of 22.3 feet where 30 feet is required.

As there was no further business to come before the Board, the hearing was adjourned at 9:19 pm.

Respectfully submitted,

Lenore R. Mahoney  
Executive Secretary

DRAFT