

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ZBA 2020-06

Petition of Terrill & Lianna Ramage
46 Overbrook Drive

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 6, 2020 at 7:30 pm in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Terrill & Lianna Ramage requesting a Special Permit/Finding pursuant to the provisions of Section 14E, Section 17 and Section 25 of the Zoning Bylaw that demolition of an existing one story garage and construction of a two-story garage with less than required front yard setbacks, construction of a second story addition over an existing nonconforming structure with less than required front yard and left side yard setbacks, construction of two front porches, and construction of a two story structure that will meet setback requirements, on a 9,600 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, at 46 Overbrook Drive, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On January 8, 2020, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Present at the public hearing were Lianna and Terrill Ramage, the Petitioner. Ms. Ramage said that the request is for a special permit to demolish the existing garage and build a new two car garage with a second floor and build an addition at the rear of the house. She said that the lot is 9,600 square feet in a 10,000 square foot district and the left side yard and front yard setbacks are nonconforming.

The Chairman said that a revised plan was submitted that shows an existing sewer easement that runs along the southerly portion of the lot. He said that the Department of Public Works (DPW) commented that the existing shed encroaches on the easement. A Board member said it was unclear if DPW wants the shed removed. He said that it is over 100 square feet and there is no special permit for it.

A Board member asked if construction will affect the existing trees at the front of the house. Mr. Ramage said that they would prefer to keep the small flowering trees. He said that there is a tree that is leaning over the street that looks like it will not make it.

The Chairman discussed imposing a condition that a TLAG Affidavit be submitted that shows that TLAG will be under 3,600 square feet versus continuing the hearing so that a completed TLAG Affidavit be submitted for the Board's consideration. Mr. Ramage said that his preference is to come back before the Board.

A Board member confirmed that the Petitioner spoke with the neighbors about the plans.

The Board voted unanimously to continue the petition to March 5, 2020.

March 5, 2020

The Chairman said that a TLAG affidavit was submitted with existing TLAG of 1,960 square feet and proposed TLAG of 4,736 square feet, which is in excess of 1,000 square feet over the 3,600 square foot threshold for Large House Review (LHR) in a 10,000 square foot district.

A Board member asked the Petitioner why they thought it was necessary to put such a large house on this lot. Mr. Ramage said that they have three young children and need four bedrooms. He said that with the expanded kitchen they will end up with approximately 3,600 square feet of living space. He said that the steeper roof pitch increases the TLAG by quite a bit but the style suits New England.

The Chairman said that although this project is exempt from LHR under the bylaw, the Board is charged with making a determination that the proposed structure will not be substantially more detrimental to the neighborhood than the existing nonconforming structure. He said that consideration of LHR criteria can help the Board to make its determination.

Catherine Johnson, Planning Board, said that the LHR Bylaw was changed in 2017 to eliminate the exemption for trusses in attic spaces. She said that any space in the attic that is five feet or greater must be counted in TLAG. She discussed LHR criteria.

A Board member said that the project will not increase any existing nonconformities.

A Board member asked that separate plans be submitted for existing and proposed elevations because it is hard for the Board to understand the massing in the overlay plan that was submitted.

The Board discussed requiring a landscape plan that addresses screening the large house from the neighbors. Mr. Ramage said that their house is overlooked by larger homes in the neighborhood in a fish bowl arrangement. He submitted Google street views.

A Board member said that 46 Overbrook Drive appears to be at a low point. He asked if there have been any water problems. Mr. Ramage said that their property drains toward the street. He said that sandy material was brought in before they bought the house in 2010. He said that the lot is fairly level. He said that currently there are no drywells or french drains on the property but he would consider putting in a drywell. The Chairman said that a drainage plan should be submitted. A Board member said that the property is located in a Water Supply Protection District and the bylaw requires recharge of all runoff from impervious surfaces unless an analysis shows that it is not feasible.

The Board voted unanimously to continue the petition to May 7, 2020.

In accordance with Chapter 53 of the Acts of 2020, the hearing was continued to June 4, 2020.

June 4, 2020

The Chairman said that the only changes since the last meeting are that the plot plan now shows a recharge system and the plans show existing and proposed elevations. He said that the left side yard

setback is omitted on the plot plan but an older plan shows that setback at 19.8 feet. He said that dimension needs to be on the plot plan because it is nonconforming. Mr. Ramage said that there is no change to the building.

The Chairman said that the recharge system was sized to only handle the runoff from the addition. Mr. Ramage said that the roof area will be increased by 106 square feet and the recharge system can handle 636 square feet. He said that existing lot coverage of 1,914 square feet will increase to 2,020 square feet. A Board member said that this is substantially larger than the TLAG that is allowed for the district. He said that although they will not be increasing the footprint or the roof by much, they are building a much larger house.

A Board member said that there are two existing driveways. He asked if the one to the left serves any purpose. Mr. Ramage said that he currently parks there and they have a basketball hoop there. He said that they do not have a lot of front yard, so their children use the front yard to play in. He said that it does not serve as access to the garage.

Mr. Ramage said that the plan is to incorporate the existing garage that is open to the front and enclosed on three sides into the addition to make it a two car garage.

The Chairman said that if the property was conforming, it would be subject to Large House Review (LHR) and its associated requirements. He said that although this is exempt from those requirements, the Board looks at those items in conjunction with making a determination of whether the proposed structure will be substantially more detrimental to the neighborhood. He discussed more than doubling the size of the house and increasing the original TLAG of 1,960 square feet to 4,736 square feet, which exceeds the TLAG threshold for a 15,000 square foot district. He said that it is a very large house. Mr. Ramage said that the TLAG is deceiving because of the roof area. A Board member said that a neighbor submitted a letter of support.

A Board member said that although the recharge system appears to be adequate, it should be reviewed by the town's engineering department.

The Chairman asked if the Applicant would consider mitigating the size of the house by removing the shed. Mr. Ramage said that he is not opposed to it. He said that currently it houses his lawn mower and landscape equipment that can be stored in the new garage.

A Board member confirmed that the house will be two stories with a full walk up attic.

There was no member of the public who wished to speak to the petition.

Statement of Facts

The subject property is located at 46 Overbrook Drive, on a 9,600 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, with a minimum front yard setback of 29.3 feet where 30 feet is required, and a minimum left side yard setback of 19.8 feet where 20 feet is required.

RECEIVED
TERRILL & RAMAGE
WILLEYSMA
2020 JUN 18 PM 1:00

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 14E, Section 17 and Section 25 of the Zoning Bylaw that demolition of an existing one story garage and construction of a two-story garage with less than required front yard setbacks, construction of a second story addition over an existing nonconforming structure with less than required front yard and left side yard setbacks, construction of two front porches, and construction of a two story structure that will meet setback requirements, on a 9,600 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 12/10/19, revised 1/23/20, stamped by Joyce E. Hastings, Professional Land Surveyor, a Proposed Plot Plan with existing and proposed footprints and drainage system, dated 4/24/20, stamped by Paul Truax, Professional Engineer and Joyce Hastings, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 11/11/19, prepared by Artform Home Plans, Existing Elevation Drawings, TLAG Affidavit, dated 3/2/20, prepared by Terrill Ramage, and photographs were submitted.

On February 5, 2020, March 5, 2020 and June 4, 2020, the Planning Board reviewed the petition and recommended that the ZBA deny a special permit.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

The Board found that the Design and Operation Standards in Part F are adequately satisfied and not otherwise prohibited in Part D.1, of Section XIVE of the Zoning Bylaw for Water Supply Protection Districts.

It is the opinion of this Authority that demolition of an existing one story garage and construction of a two-story garage with less than required front yard setbacks, construction of a second story addition over an existing nonconforming structure with less than required front yard and left side yard setbacks, construction of two front porches, and construction of a two story structure that will meet setback requirements, on a 9,600 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet will not result in the intensification of existing nonconformities, will not result in additional nonconformities, and will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of an existing one story garage and construction of a two-story garage with less than required front yard setbacks, construction of a second story addition over an existing nonconforming structure with less than required front yard and left side yard setbacks, construction of two front porches, and construction of a two story structure that will meet setback requirements, on a 9,600 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, subject to the following conditions:

1. The existing shed shall be removed.

2. The drainage system shall not be altered.
3. The drainage plan be reviewed by the town's engineering department.
4. The left side yard setback shall be inserted on the plot plan.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed constructions plans.

If construction has not commenced, except for good cause, the Special Permit shall expire two years after the date time stamped on this decision.

1 2020 JUN 18 P 1:05
TOWN ENGINEER DEPT OF
WILLESTON MA 02460

ZBA 2020-06
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46 Overbrook Drive

APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.

Robert W. Levy
Robert W. Levy, Acting Chairman

Walter B. Adams
Walter B. Adams

Derek B. Redgate
Derek B. Redgate

ZBA 2020-06
Applicant Terrill & Liana Ramage
Address 46 Overbrook Drive

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Date:

Attest:

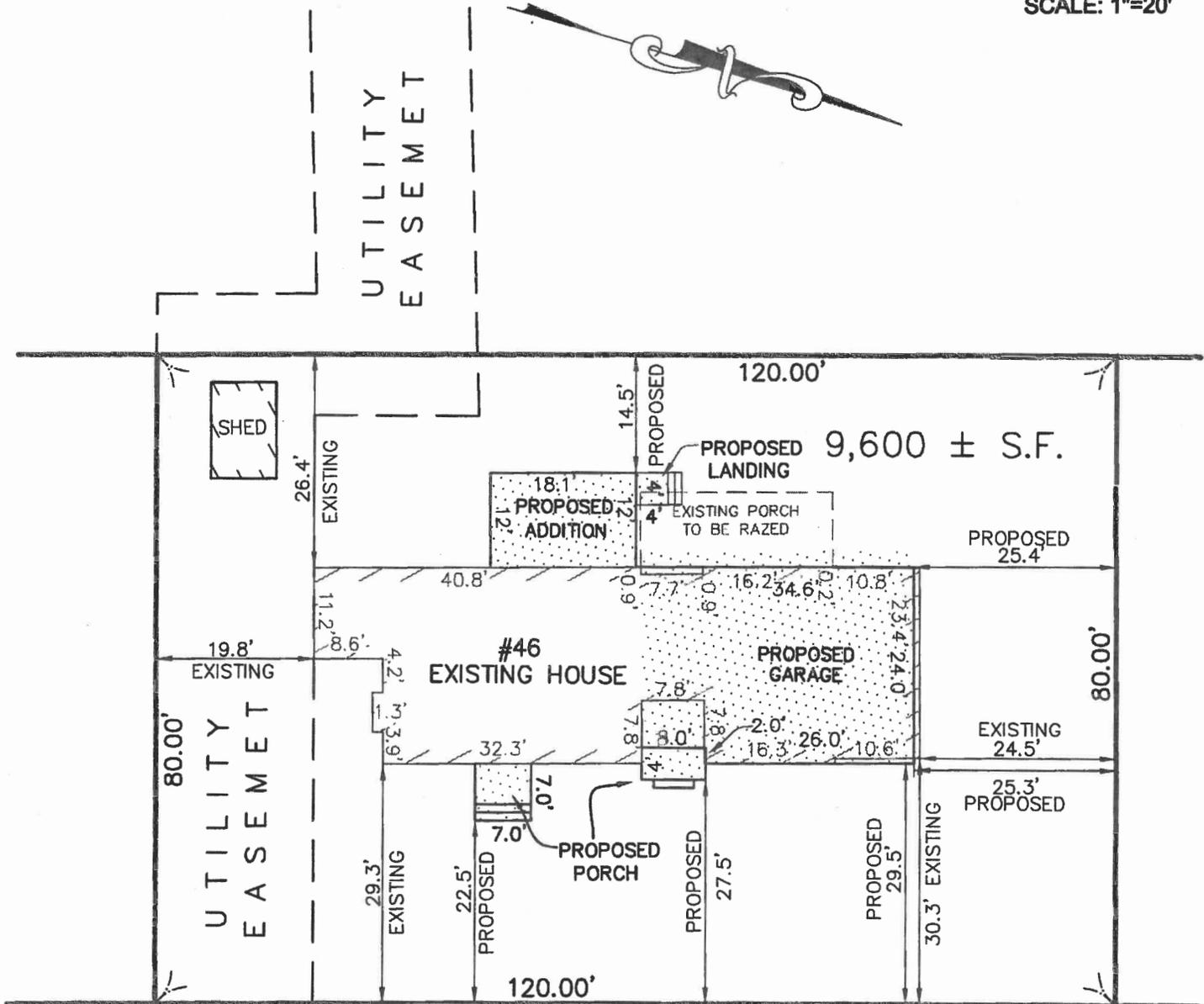
Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm

2020 JUN 18 11:05
TOWN CLERK'S OFFICE
WELLESLEY MA 02468

PLAN VIEW

SCALE: 1"=20'



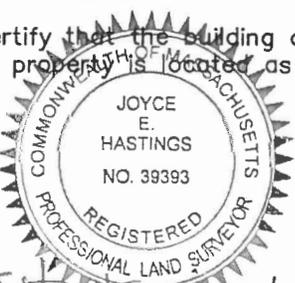
OVERBROOK DRIVE

LOT COVERAGE

EXISTING=19.93%

PROPOSED=21.5%

I certify that the building on this property is located as shown.



GLM Engineering Consultants, Inc.

19 EXCHANGE STREET
HOLLISTON, MA 01746

P: 508-429-1100

www.GLMengineering.com

**PLOT PLAN OF LAND
46 OVERBROOK ROAD
WELLESLEY MA**

12/10/2019
REVISED 1/23/2020

JOB #16664

J. Hastings 1/23/20