



## **STAFF REPORT**

### **Town of Wellesley - Planning Department**

---

Application: DR-18-56 – 38 Windsor Road - Waiver/Reduction of Delay Period

Subject Property: 38 Windsor Road (Assessor's Parcel ID # 47-28)

Applicant: R4 Windsor LLC

Property Owner: R4 Windsor LLC

Date: Report prepared 4/9/2019 for 4/11/2019 Historical Commission Meeting

Staff Contact: Claudia Zarazua, Planner

---

#### **APPLICATION OVERVIEW**

On January 14, 2019, following a public hearing on an application for a Preservation Determination for the building located at 38 Windsor Road, the Historical Commission voted 7-0 to determine that the building be Preferably Preserved, thereby imposing a delay on the issuance of a permit to demolish the building for 12 months. On February 14, 2019, pursuant to part D.(4) of the Historic Preservation Demolition Review Bylaw, the Owner applied to the Commission for a reduction of the imposed Delay Period ("Waiver").

#### **COMMISSION CONSIDERATION AND APPLICANT REQUEST**

Pursuant to the Bylaw, "the Commission may consider whether the Owner has:

- i. made a bona fide, reasonable and unsuccessful effort to locate a purchaser for the Building who is willing to preserve, rehabilitate or restore the Building; or
- ii. agreed to accept a Demolition Permit on specified conditions approved by the Commission. If the specified conditions involve approved plans and elevations, then no Demolition Permit shall be issued by the Inspector of Buildings unless the Owner provides to the Inspector of Buildings a complete set of plans and elevation drawings which have been signed and stamped by the Commission, provided, however, that if such plans and elevations are subsequently modified, no copy signed and stamped by the Commission shall be required if such modifications do not substantially alter the plans and elevations previously approved by the Commission."

Consistent with these standards, the Owner submitted plans and elevations for the proposed house to replace the existing house, if demolished. The proposed house is a two-story Colonial Revival style structure. The building is significantly larger than the existing dwelling and sited similarly to the existing dwelling. The proposed three-car garage is a front entry structure making it a very prominent feature of the street view.

Including the attached garage, the proposed house has a larger footprint than the existing structure and the street-facing façade is not consistent with the scale and proportions of other dwellings in the neighborhood. While some of the features of the proposed house are ubiquitous to Wellesley, they are not consistent with the architectural style of the existing house.

~~Staff recommends the Commission continue the hearing as the proposed design is not consistent with some of the architectural features of the existing house and the surrounding neighborhood.~~

**Staff recommends the Commission continue the hearing as the proposed design does not address the changes requested at the last meeting.**

## **PROCEDURAL CONSIDERATIONS AND STAFF RECOMMENDATIONS**

Within fifteen (15) days after the Commission has closed the public hearing on the Waiver, the Commission shall provide to the Owner written notice of its determination or a summary of the Owner and the Commission's agreed-upon plans with respect to the Delay Period and the Building.

In the event that the Commission is considering granting the waiver request based on submitted plans, Staff would recommend that the Commission do so contingent on the Owner's execution of an agreement specifying the following:

1. Issuance of a Demolition Permit for the dwelling is contingent on subsequent construction based on submitted/approved plans
2. Obligation for the Owner to provide the Planning Director with written notice of all building permit applications concerning the property at the same time as it is filed with the Building Department.
3. Obligation that the Owner not apply for any building permit concerning the property that does not conform to the Approved Plans, and that all construction on the property that does not conform to the Approved Plans is prohibited.
4. Authorization for the Planning Director to determine plans submitted for a Building Permit are consistent with the plans approved by the Commission, and authorization for the Planning Director to confirm compliance of the project prior to the issuance of a Certificate of Occupancy.
5. That the agreement run with the land and be binding on Owner's successors and assigns.

6. That the Historical Commission has the right to enforce all terms of this agreement.

**Staff recommends Commission maintain the public hearing open to allow for potential revisions that may result from this and other reviews.**