

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5918

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ZBA 2020-23

Petition of 44 Sabrina Road LLC

44 Sabrina Road

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Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, April 2, 2020 at 7:30 pm, on the petition of 44 Sabrina Road LLC requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that demolition of an existing structure and construction of a new two story structure with basement and attic that will meet all setback and height requirements, on a 20,197 square foot lot in a Single Residence District in which the minimum lot size is 40,000 square feet, at 44 Sabrina Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On March 11, 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 was David Himmelberger, Esq., representing 44 Sabrina Road LLC, the Petitioner. He said that the request is for a special permit for construction on a lot that is nonconforming due to lot size. He said that the proposed home will be fully dimensionally compliant with all Zoning requirements. He said that all of the roof runoff will be captured and piped to Cultecs. He said that he submitted additional drawings today in response to the Planning Board question about lighting on the building. He said that there will be sconces at all of the doors and down lighting at the garage. He said that he submitted a drawing showing that the TLAG for the structure is 7,074 square feet, which is below the permissible 7,200 square feet in a 40,000 square foot district. He said that the house is beautifully designed, complements the neighborhood, and will not be substantially more detrimental to the neighborhood than the pre-existing nonconforming structure.

The Board discussed the windows in the basement. The Chairman said that there will be a lot of living space in the basement. Mr. Himmelberger said that it will be fully below grade, consistent with homes in this neighborhood.

The Chairman asked if all the attic was included in the TLAG. Mr. Himmelberger said that all of the livable space was included. He said that Sheet A10 shows 920 square feet of attic space contributing to the total TLAG. He said that the house has a footprint of 3,243 square feet, including the garage. A Board member said that the proposed house is close to the scale of other houses in the direct neighborhood. A Board member said that the lot is half the size of the minimum lot size in the district but he had no objection to what was proposed.

No member of the public wished to speak to the petition.

Statement of Facts

The subject property is located at 44 Sabrina Road, on a 20,197 square foot lot in a Single Residence District in which the minimum lot size is 40,000 square feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that demolition of an existing structure and construction of a new two story structure with basement and attic that will meet all setback and height requirements, on a 20,197 square foot lot in a Single Residence District in which the minimum lot size is 40,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, Allowable Height Plan of Land, Basement TLAG Exemption Plan of Land, dated 2/17/20, stamped by Bradley J. Simonelli, Professional Land Surveyor, Proposed Floor Plans and Elevation Drawings, TLAG Drawings, dated 2/20/20, revised 4/2/20, prepared by DNA Architecture, and photographs were submitted.

On April 2, 2020 the Planning Board reviewed the petition and recommended that action be delayed.

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.

It is the opinion of this Authority that demolition of an existing structure and construction of a new two story structure with basement and attic that will meet all setback and height requirements, on a 20,197 square foot lot in a Single Residence District in which the minimum lot size is 40,000 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 structure and construction of a new two story structure with basement and attic that will meet all setback and height requirements, on a 20,197 square foot lot in a Single Residence District in which the minimum lot size is 40,000 square feet, in accordance with the submitted plot plan and construction drawings.

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.

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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.

  
Richard L. Seegel, Acting Chairman

  
David G. Sheffield

  
Derek B. Redgate

ZBA            2020-23  
Applicant    44 Sabrina Road LLC  
Address      44 Sabrina Road

**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