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TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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ZBA 2022-25

Petition of Platt Development Group, LLC
144 Linden Street

Pursuant to due notice, the Wellesley Zoning Board of Appeals held a Public Hearing on April 7, 2022 at 7:00 pm, on the petition of Platt Development Group, LLC (the "Petitioner"), requesting modification of three prior dimensional variances (Case Nos. ZBA 1957-13; ZBA 1962-12; and ZBA 1973-17), pursuant to the provisions of Section 19 and Section 24 of the Wellesley Zoning Bylaw (the "Bylaw"), to undertake a renovation and vertical expansion/modification of the scale of previously-authorized construction at the property known as and located at 144 Linden Street, Wellesley, MA (the "Property"), as follows: (1) converting half of the one-story addition authorized in ZBA 1957-13 into a new garage bay, and raising the roof line of the other half of that addition; (2) expanding the scale of previously-authorized construction per the relief granted in ZBA 1962-12 by adding a third story (but in compliance with the Bylaw's presently-applicable height limitations); (3) changing the layout of the three dwelling units with respect to roof lines, heights, layouts and construction as authorized per the relief granted in ZBA 1957-13, ZBA 1962-12, and ZBA 1973-17, all as shown on submitted construction plans; and (4) adding one parking space at the Property (collectively, the "Project").

On February 1, 2022, the Petitioner filed a request for a hearing before this Board and, thereafter, due notice of the hearing was given by mailing and publication. Present at the public hearing on behalf of the Petitioners were Jeffrey Angley, attorney for the Petitioner, David and Kyle Gambone, principals of the Petitioner, and Frank Alvarado, the Petitioner's architect.

Attorney Angley explained that the proposed amendments to the three prior variances do not seek to alter the existing foot print of the existing three-family dwelling at the Property, nor do they create any new non-conformities. The purpose of the modification was to renovate the existing three-family dwelling to allow for better floor layouts and to make the space more livable and modernized. It was explained that the building was originally constructed in 1913 by the DeSchino Family. Between 1957 and 1973, the building underwent three additions / renovations by the DeShinos. Those additions and renovations created a variety of roof lines and a maze-like interior with multiple changing floor levels with two

separate apartments on the first floor and one on the second/third floor. The proposed work will create three level floor plates with one residential unit on each floor. The rooflines will be made uniform. Additional living space will be created on the third floor by this raised roof line and the addition of dormers. One additional parking spot was proposed under cover and the roof of the existing garage will be replaced. The Petitioner also sought an amendment to condition 5 of the 1973 Variance to increase parking on site from 5 to 6 vehicles.

Statement of Facts

The Property is a 14,575 square foot lot, located at 144 Linden Street, in a General Residence District. The original dwelling thereon was built in 1913. The minimum lot size for a three-family dwelling is 15,000 square feet. The minimum side yard setback is 20 feet. In 1957, the then owner, DeSchino, sought to build one story, 25'6" by 15' addition, to add a bedroom, porch and bathroom. The addition connected the original two-family dwelling to the existing garage. The garage was approximately 5 feet set off from the side lot line. Connecting the house to the garage created a violation of the 20-foot side set back. Relief was granted by this Board for that setback violation.

In 1962, the DeShinos sought to construct a split-level addition to the rear of the original dwelling to replace a then-existing greenhouse. The purpose of the addition was to add two more bedrooms and a family room. The greenhouse was 11 feet set off from the lot line. The addition would bring the structure to 10.5 feet from the lot line. Dimensional relief was granted for this encroachment into the setback.

In 1973, the Deschinos sought to convert the existing two-family structure into a three-family dwelling. Three-family dwellings were allowed within the applicable district under the Bylaw, provided that the lot had a minimum size of 15,000 square feet. The 1973 Variance gave 425 square feet of dimensional relief to allow the dwelling to become a lawful three-family dwelling on a marginally undersized lot.

Relief Sought

The 1957 Variance must be amended because the Project exceeds the scale of what was authorized. The description of the work in the 1957 Variance was for a one story 25' 6" by 15' addition with a bedroom, porch and bathroom. As noted above, one-half of the 1957 addition that connected the house to the garage would become a new garage bay. The other half of the 1957 addition would be integrated into the proposed changes to the 1962 addition and raised in height to match the same.

The 1962 Variance must be amended due to the vertical expansion of the split-level addition that was first authorized thereby. The narrative of the proposed work in the 1962 Variance described a "split-level addition 17' x 25'". As noted above, a third story is proposed to be added to the 1962 addition to bring the roof line level with the rear of the original house. No new nonconformities are proposed, including with respect to this work.

This 1973 Variance must be amended because the development authorized thereby was to divide the first-floor apartment into two apartments, thereby converting the structure into a three-family dwelling with two apartments on the first floor and one apartment on the second floor. The Project seeks to change the layout so that the first floor reverts back to a single apartment, with the second unit on the second floor, and the third unit moved to the third floor.

The Property and existing structure thereon are shown on a Certified Plot Plan dated August 9, 2021 drawn by Christopher C. Charlton, PLS, and are supplemented by existing floor plan drawings by Context Architects. The renovations proposed as part of the Project, including the vertical expansion of the dwelling and garage, and the revised parking layouts and locations are shown on the Floor Plans and

Elevation Drawings, dated 10/12/21, revised 12/02/21, prepared by Eric Zachrisson, Registered Architect. Photographs of the existing structures and lot were submitted. At the hearing, an updated plan showing the location of the sixth parking spot was submitted to the Board, together with the proposed Landscape Plan (All plans as filed with the Board are collectively referred to herein as the "Construction Plans").

On March 22, 2022, the Planning Board reviewed the petition and made no recommendation for approval or denial.

There was no member of the public who wished to speak to the Petition. However, the residential property owner to the west of the property raised concerns about proximity of the parking areas, general concerns about screening and a large tree. The Petitioner indicated at the hearing that they intended to trim the tree to help protect utility lines, planned to install a privacy fence and further intended to add plantings around the parking areas behind the car port.

Decision

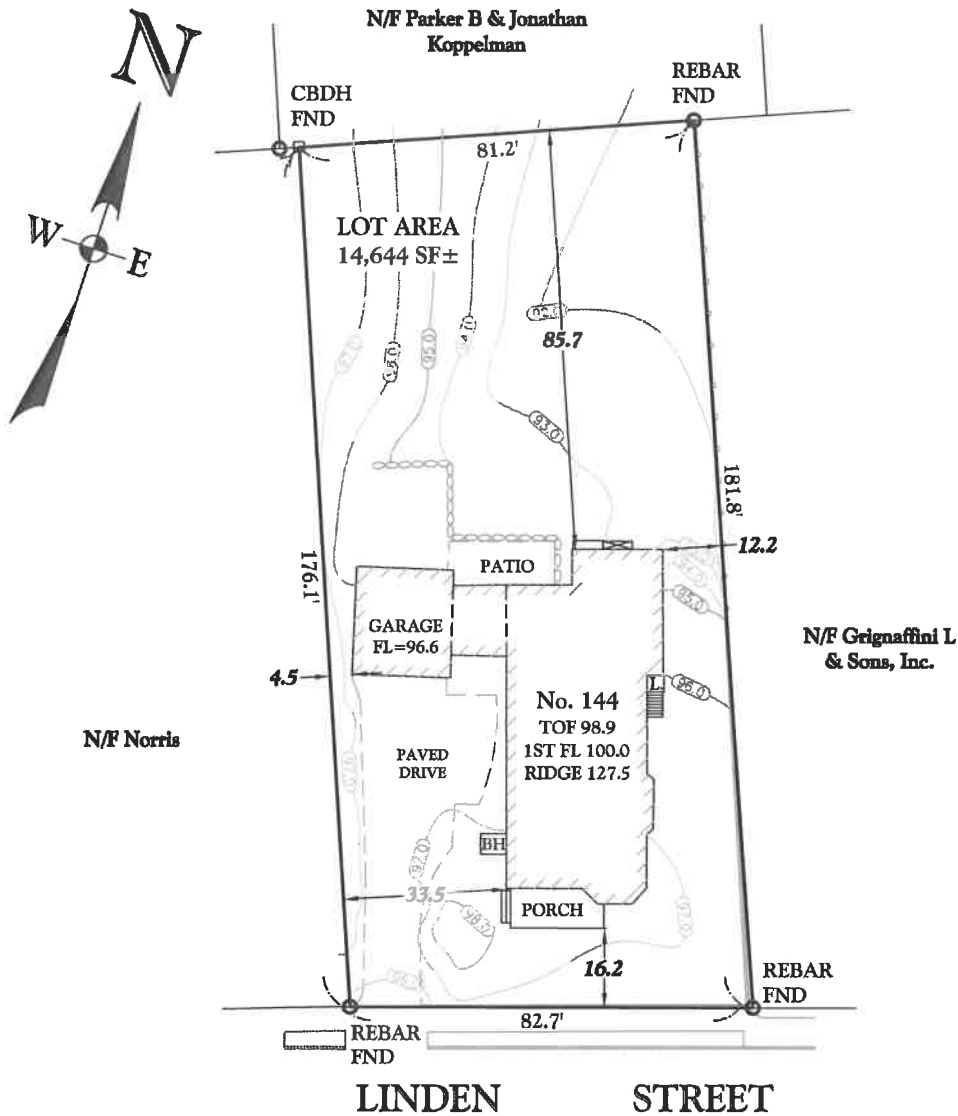
This Authority has made a careful study of the materials submitted and the information presented at the hearing. Under G.L. c. 40A, §14, it is within the express authority of the Board to modify a variance. In this case, the three (3) dimensional variances, previously granted by this Board, have already established the underlying basis for zoning relief. The basis for relief does not have to be revisited. Here the grant of relief is warranted and appropriate. The proposed project stays within existing building footprint. The use as a 3-family dwelling does not change. No new variances are required because no new nonconformities are being created. All of the proposed changes to the dwelling are within the existing dimensional criteria of the Bylaw, whether due to compliance with the same or due to the variance relief already granted. The proposed renovations will create three (3) new and updated living accommodations for the community. The existing 1913 dwelling has already been gutted by a prior owner. Practically, work needs to be done to make the dwelling habitable. The Applicant has designed a traditional and attractive building on the same footprint and has retained three (3) dwelling units. The street view of the building been substantially retained. The proposed renovations will allow for better layouts, living conditions and improved parking. The increased size of the dwelling will not detract from the residential area and is in character with the large abutting residential structure to the west. The property abuts a Business Zoning District to the east with a large office building. The Renovations do not alter the character or style of the existing dwelling. There is no substantial detriment to the public good and the project does not nullify or substantially derogate from the intent or purpose of the Bylaw.

Therefore, in reliance upon the prior variance decisions of the Board, and the facts and findings of this Board, this Board amends variances in Case Nos. ZBA 1957-13, ZBA 1962-12, and ZBA 1973-17, as follows:

1. Amends the 1957 Variance to allow one-half of the 1957 addition that connected the house to the garage to become a new garage bay, and the other half of the 1957 addition to be integrated into the proposed changes to the 1962 addition and raised in height to match the same, with the roof lines, heights and layouts all as shown on the Construction Plans filed with this Board;
2. Amends the 1962 Variance to alter the split-level addition, remove the roof system, and build walls and roof to allow for the vertical expansion of the 1962 addition with the roof line to connect with the main roof line of the house, all with roof lines, heights and layouts as shown on the Construction Plans filed with this Board;
3. Amends the 1973 Variance to allow for the change in layout of the three (3) living units at the Property so that the first floor reverts back to a single apartment, with the second unit on the second floor, and the third unit moved to the third floor, all with the roof lines, heights and layouts as shown on the Construction Plans filed with this Board;

4. Amends Condition 5 of the 1973 Variance to increase the number of motor vehicles that are allowed to park on the Property from five (5) to six (6); and
5. Otherwise Amends the 1957, 1962 and 1973 variances, as may be necessary, to allow for the construction of the Project, all as shown on the Construction Plans filed with this Board.

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TOTAL LOT COVERAGE = 19.6 %

ZONING DISTRICT - GR

OWNERS:
PETER DAVOS, TRUSTEE
NTABOS REALTY TRUST

REFERENCES:
DEED: BOOK 38057, PAGE 339
PLAN: 316 OF 1993

I CERTIFY THAT THIS PLAN WAS
CREATED BY AN INSTRUMENT
SURVEY ON THE GROUND AND
THAT ALL STRUCTURES ARE
LOCATED AS SHOWN HEREON.



CHRISTOPHER C. CHARLTON, PLS

CERTIFIED PLOT PLAN
LOCATED AT
144 LINDEN STREET
ASSESSORS PARCEL # 123-53
WELLESLEY, MA
NORFOLK COUNTY

CONTINENTAL LAND SURVEY, LLC
105 BEAVER STREET, FRANKLIN, MA
(508) 528 - 2528
SCALE: 1"=30' AUGUST 9, 2021

