

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

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ZBA 2022-69  
Petition of Cynthia Sibold  
130 Abbott Road

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02482  
2022 NOV 17 AM 10:55

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 3, 2022, at 7:30 p.m. in the Great Hall, 525 Washington Street, Wellesley, on the petition of Cynthia Sibold requesting a Special Permit pursuant to the provisions of Section 5.13 and Section 6.3 of the Zoning Bylaw for alteration of an existing nonconforming detached garage with less than required left side yard and rear yard setbacks to construct an Accessory Dwelling Unit on the second floor of the two car garage, at 130 Abbott Road, in a 20,000 square foot Single Residence District.

On September 29, 2022, 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., who said that this is the first request for a special permit for an Accessory Dwelling Unit (ADU) to come before the Board. He said that the Board previously granted a special permit for reconstruction of the garage. He said that central to that special permit was the complementary nature of the architectural design befitting the main home. He said that as the construction process unfolded, the ADU bylaw came into effect and the owner thought that this would be a perfect opportunity to install an ADU in an envelope that had already been approved by the Board.

Mr. Himmelberger said that overall TLAG for the building and garage will not change from the previously approved special permit. He said that TLAG of 5,337 square feet is below the trigger of 5,900 square feet in an SR20 District.

Mr. Himmelberger said that the Planning Board was enthusiastic about the project as it is exactly the sort of proposal that they had contemplated when bringing the ADU bylaw.

A Board member asked if the Applicant discussed the design with the building inspector. He said that there are significant changes in building code that happen when it becomes a two family home. He discussed requirements in Massachusetts for exits from dwelling units.

The Chairman said that this is the first petition of its type before the Board. He said that a lot of issues were resolved with the special permit for the nonconforming garage. He said that the ADU bylaw is not

clear about what things the Board should be thinking about and what things should be left for review by the building inspector.

There was no one present at the Public Hearing who wished to speak to the petition.

#### Statement of Facts

The subject property is located at 130 Abbott Road, in a 20,000 square foot Single Residence District. A Special Permit was granted on October 21, 2021 to demolition and reconstruct an existing nonconforming garage with a minimum left side yard setback of 14.3 feet and a minimum rear yard setback of 13.5 feet where 20 feet is required.

The Petitioner is requesting a Special Permit pursuant to the provisions of Section 5.13 and Section 6.3 of the Zoning Bylaw for alteration of an existing nonconforming detached garage with less than required left side yard and rear yard setbacks to construct an Accessory Dwelling Unit on the second floor of the two car garage.

Letter to Zoning Board of Appeals, dated 9/15/22, from David J. Himmelberger, Esq., Email to Zoning Board of Appeals with Attachments, dated 11/1/22, from Cynthia Sibold, a Plot Plan, dated 8/3/21, stamped by Joseph R. Porter, Professional Land Surveyor, Floor Plans & Elevation Drawings, dated 8/30/22, prepared by Duckham Architecture & Interiors, Proposed Second Floor Plan, dated 7/28/22, TLAG Affidavit, dated 8/31/21, stamped by Kenton L. Duckham, Registered Architect, and photographs were submitted.

On November 1, 2022, the Planning Board reviewed the petition and recommended that the ZBA approve a Special Permit.

#### Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing.

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 14E of the Zoning Bylaw for Water Supply Protection Districts.

It is the opinion of this Authority that approval of a Special Permit pursuant to the provisions of Section 5.13 of the Zoning Bylaw to allow for alteration of an existing nonconforming detached garage with less than required left side yard and rear yard setbacks to construct an Accessory Dwelling Unit on the second floor of the two car garage shall not disturb or disrupt the customary character of the residential neighborhood, and is in harmony with the intent and purpose of Section 6.3 of the Zoning Bylaw with respect to Vehicular Circulation, Driveways, Vehicle Queuing Lanes, Compatibility with Surroundings, Pedestrian Safety, Noxious Uses and Intensity of Uses.

Therefore, a Special Permit is granted for the requested use, as voted unanimously by this Authority at the Public Hearing, in accordance with the submitted plans.

ZBA 2022-69  
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130 Abbott Road

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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.

  
J. Randolph Becker, Chairman

  
Walter B. Adams

  
Richard L. Seegel

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ZBA            2022-69  
Applicant    Cynthia Sibold  
Address      130 Abbott 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:

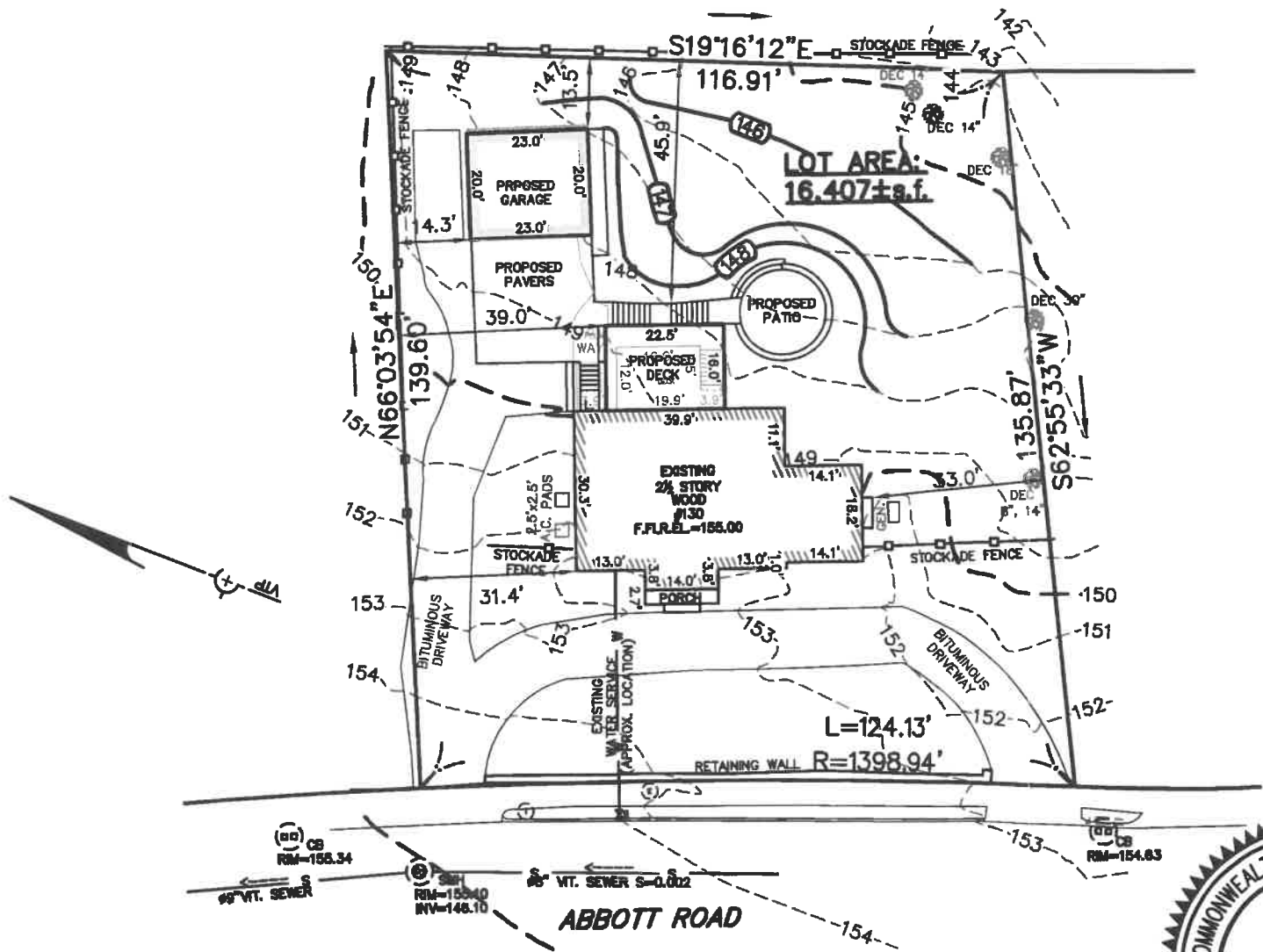
Attest:

\_\_\_\_\_  
Cathryn Jane Kato  
Town Clerk

cc: Planning Board  
Inspector of Buildings  
lrm

Section 5 Zoning Compliance/ Certified Plot Plan

5.1 Certified Plot Plan



ZONE: SR-20  
EXISTING LOT COVERAGE (SF): 2,034.46sf  
EXISTING LOT COVERAGE (%): 12.4%

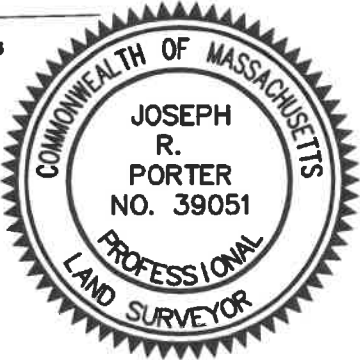
**NOTE:** By sealing/stamping this plot plan, the Registered Land Surveyor certifies that the proposed construction is in accordance with the Town of Wellesley Zoning By-Laws.

Land Surveyor Signature: *Joseph R. Porter*

Date: 8/3/2021

Address 132 Adams Street, Suite 3, Newton, MA 02458

Telephone: 617-332-8271



**RESIDENTIAL  
BUILDING PERMIT**

Application #

Property Address:  
130 Abbott Road

Date Permit Granted:

Reviewed By:

FOR ALL BUILDINGS ON THE PROPERTY	
5.2 Lot Area / Coverage	16,407
Lot Area (SF)	2,015.32
Proposed Lot Coverage (SF)	12.1%
Proposed Lot Coverage (%)	

**FOR THE BUILDING TO BE CONSTRUCTED OR  
ALTERED UNDER THIS PERMIT**

5.3 Building Height & Area	
Footprint New Construction (SF)	
Proposed Total Footprint (SF)	
Height of Building (FT)	
5.4 Living Area Gross (SF)	
Finished	
Unfinished	
5.5 Rooms	
Total # Rooms	
# Bedrooms	
# Full Bathrooms	
# Half Bathrooms	
Fees Collected:	
Permit	
Microfilming	
Advertising	
Cert. of Occ.	
TOTAL	\$