

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

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ZBA 2023-06  
Petition of Stonecleve LLC  
21 Stonecleve Road

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 2, 2023, at 7:30 pm in the Kingsbury Room, 525 Washington Street, Wellesley, on the petition of Stonecleve, LLC requesting modification of a Variance (ZBA 70-52) pursuant to the provisions of Section 3.8, Section 5.3 and Section 6.2 of the Zoning Bylaw for construction of a second story addition with less than required front yard setbacks, on an existing nonconforming structure with less than required front yard and side yard setbacks, on a 3,307 square foot corner lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, with less than required frontage, and existing nonconforming lot coverage, at 21 Stonecleve Road.

On January 5, 2023, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

The Chairman said that the variance to be modified is from 1970.

Present at the public hearing were David Himmelberger, Esq. and Tim Burke, Architect, representing Stonecleve LLC, the Petitioner.

Mr. Himmelberger said that the request is for modification of an existing variance to allow for the construction of an additional second story above a portion of the house that currently is a single story. He said that the home is nonconforming due to lot size, frontage, front yard setback, side yard setback, and lot coverage. He said that the proposed second story construction will add 744 square feet, increasing the overall TLAG to 2,112 square feet in an SR 10 District for which 3,600 square feet is the trigger.

A Board member discussed concerns about constructability on the tight site, circulation, handling of equipment, and parking. He asked about temporarily taking away the carport and then replacing it if they need the space. Mr. Burke said that they could do that but there is quite a bit of space along the side. He said that he is used to working on tight sites in Boston. He said that they will be working within the

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WELLESLEY, MA 02451  
16 FEB 16 AM 10:42

existing footprint and only going up. The Board member said that construction equipment and vehicles take up space.

A Board member asked if off-site pre fabrication of parts was considered. Mr. Burke said that it will be stick built. Mr. Himmelberger said that they could never get a crane on a trailer to lift off pre-fab structures there.

A Board member asked that the neighbors be alerted about construction and be provided with a phone number to call if there is a problem. Mr. Burke said that the plan is to reach out to all of the neighbors and provide them with a contact number. He said that they will work with the neighbors to make sure that they are not inconvenienced.

A Board member said that the roads should be kept clear for emergency vehicles. He said that construction worker parking in the streets should be minimized.

Mr. Burke said that they anticipate a six to seven month construction period. He said that the plan is to get started on construction as soon as possible.

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 21 Stonecleve Road, on a 3,307 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 10.4 feet to Stonecleve Road and a minimum front yard setback of 0.4 feet to Bay Road where 30 feet is required, a minimum side yard setback of 2.1 feet where 20 feet is required, minimum frontage of 45 feet where 60 is required, and lot coverage of 44.6 percent where 25 percent is allowed.

The Petitioner is requesting modification of a Variance (ZBA 70-52) pursuant to the provisions of Section 3.8, Section 5.3 and Section 6.2 of the Zoning Bylaw for construction of a second story addition with less than required front yard setbacks, on an existing nonconforming structure with less than required front yard and side yard setbacks, on a 3,307 square foot corner lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, with less than required frontage, and existing nonconforming lot coverage.

Letter to Zoning Board of Appeals, dated 12/27/22, from David J. Himmelberger, Esq., TLAG Affidavit, a Plot Plan, dated 11/10/22, and a Plot Plan, dated 7/28/22, stamped by Christopher C. Charlton, Professional Land Surveyor, Floor Plans & Elevation Drawings, dated 10/19/22, prepared by Timothy Burke Architecture, and photographs were submitted.

On January 27, 2023, the Department of Public Works Engineering Division submitted comments.

On February 1, 2023, the Planning Board reviewed the petition and recommended that modification of the variance be approved.

2 FEB 15 AM 10:11  
PLANNING BOARD  
STONECLEVE ROAD DISTRICT

ZBA 2023-06  
Petition of Stonecleve LLC  
21 Stonecleve Road

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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 XIVE of the Zoning Bylaw for Water Supply Protection Districts.

The Board is of the opinion that in granting modification of a previously granted Variance, ZBA 70-52, it was determined by a previous Board in 1970 that a hardship existed.

Therefore, in reliance on the prior findings of that Board, this Board modifies the Variance to permit construction of a second story addition with less than required front yard setbacks, subject to the same conditions in ZBA 70-52, except for Condition #3.

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.

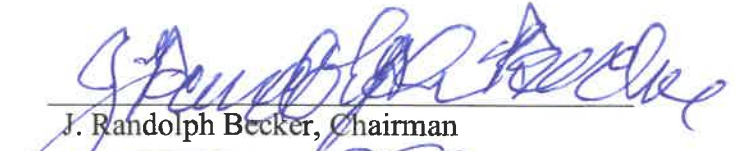
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

RECEIVED  
TOWN OF STONECLEVE  
PLANNING & ZONING DEPT  
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ZBA 2023-06  
Petition of Stonecleve LLC  
21 Stonecleve 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.

  
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J. Randolph Becker, Chairman

  
\_\_\_\_\_  
David G. Sheffield

  
\_\_\_\_\_  
Derek B. Redgate

ZBA            2023-06  
Applicant     Stonecleve LLC  
Address       21 Stonecleve Road

2023 FEB 16 AM 10:43  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02458

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.

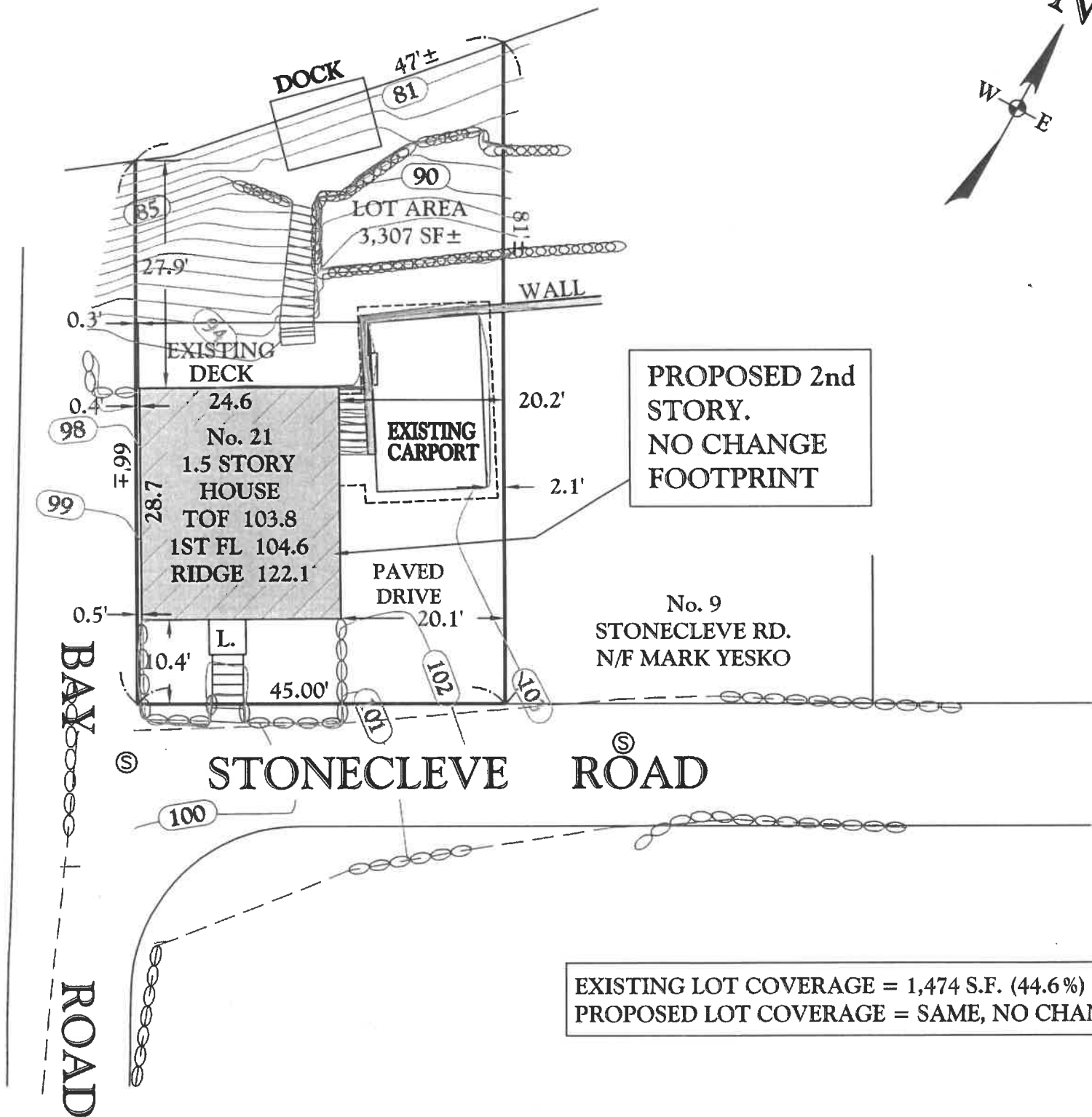
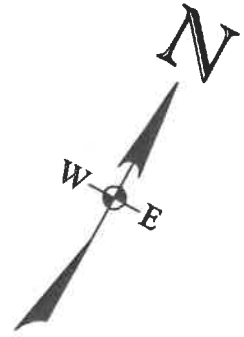
Date:

Attest:

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

cc: Planning Board  
Inspector of Buildings  
lrm

MORSE POND



PROPOSED 2nd STORY.  
NO CHANGE FOOTPRINT

EXISTING LOT COVERAGE = 1,474 S.F. (44.6%)  
PROPOSED LOT COVERAGE = SAME, NO CHANGE

ZONING DISTRICT - SINGLE RESIDENCE 10

OWNERS:  
STONECLEVE, LLC

REFERENCES:  
DEED: BOOK 40322, PAGE 49  
PLAN: BOOK 78, PAGE 3771

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  
21 STONECLEVE ROAD  
ASSESSORS PARCEL #183-21  
WELLESLEY, MA  
NORFOLK COUNTY

CONTINENTAL LAND SURVEY, LLC  
105 BEAVER STREET, FRANKLIN, MA  
(508) 528 - 2528

SCALE: 1"=20' NOVEMBER 10, 2022

