

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

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WELLESLEY MA 02482
2024 FEB 15 AM 1:20

ZBA 2024-10
Petition of 25 Thomas Road, LLC
25 Thomas Road

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, February 1, 2024, at 7:30 pm, on the petition of 25 Thomas Road, LLC requesting a Special Permit/Finding pursuant to the provisions of Section 3.8, Section 5.1 and Section 6.3 of the Zoning Bylaw that rebuilding an existing nonconforming roof to increase its height, adding a dormer to the front and rear roof area, and adding a second story to an existing one-story bump out, on an existing nonconforming structure with less than required front yard, left side and right side yard setbacks, and rear yard setbacks, on a 4,886 square foot lot with 50 feet of frontage in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, at 25 Thomas Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On December 27, 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.

Present at the public hearing were David Himmelberger, Esq., Fernando Dalfior, Manager, and Mark Iacocca, Architect.

Mr. Himmelberger said that the request is for a special permit to rebuild an existing two-story roof, increasing its pitch and the height by 3 feet 1 inch, to add dormers to the front and rear roof area, and to add a second story to a one-story dining room bump out that has a previously approved building permit. He said that the existing home is nonconforming due to lot size of 4,886 square feet in a SRD 10, left side yard setback of 9.2 feet, right side yard setback of 15 feet, front yard setback of 18.7 feet, rear yard setback for a nonconforming garage of 5.6 feet, and frontage. He said that the proposed renovations and addition will result in a TLAG of 1,756 square feet, which is far less than 3,600 square feet that is allowable in the district. He said that adding dormers to the existing house would not look proportional without raising the pitch slightly.

A Board member asked about the height to average grade. Mr. Himmelberger said that the building height is shown on the stamped surveyor's plan as existing height of 28.1 feet and proposed height of 31

Property Address: 25 Thomas Rd Wellesley Deed Book 41390, Page 25

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feet. He said that Page 2 of the renderings show a building height of 29 feet 11 inches from the top of concrete. He said that the Applicant would accept a condition that a revised architectural plan that shows a height to average grade that is not greater than 31 feet be submitted.

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

Statement of Facts

The subject property is located at 25 Thomas Road, on a 4,886 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 50 feet of frontage where 60 feet is required, a minimum front yard setback of 18.7 feet where 30 feet is required, a minimum left side yard setback of 9.2 feet and a minimum right side yard setback of 15 feet where 20 feet is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 3.8, Section 5.1 and Section 6.3 of the Zoning Bylaw that rebuilding an existing nonconforming roof to increase its height, adding a dormer to the front and rear roof area, and adding a second story to an existing one-story bump out, on an existing nonconforming structure with less than required front yard, left side and right side yard setbacks, and rear yard setbacks, on a 4,886 square foot lot with 50 feet of frontage in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Letter to Zoning Board of Appeals, dated 12/26/23 from David Himmelberger, Esq., a Plot Plan, dated 12/26/22, revised 1/24/24, stamped by Bradley J. Simonelli, Professional Land Surveyor, Floor Plans and Elevation Drawings, Renderings, Existing House Photos, and TLAG Calculations, dated 12/22/23, and Demolition Area Plan, dated 11/9/23, prepared by Mark Iacocca were submitted.

On January 26, 2024, the Planning Board reviewed the petition and recommended that a Special Permit be approved.

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 3.8 of the Zoning Bylaw for Water Supply Protection Districts.

It is the opinion of this Authority that rebuilding an existing nonconforming roof to increase its height, adding a dormer to the front and rear roof area, and adding a second story to an existing one-story bump out will not result in the intensification of an existing nonconformity, will not result in additional nonconformities, and will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for rebuilding an existing nonconforming roof to increase its height, adding a dormer to the front and rear roof area, and adding a second story to an existing one-story bump out, in accordance with the submitted plans.

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.

2024 FEB 15 AM 1:20
TOWN OF WILMINGTON
MA 02461

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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 (LM)
J. Randolph Becker, Chairman

David G. Sheffield (LM)
David G. Sheffield

Peter Covo (LM)
Peter Covo

ZBA 2024-10
Applicant 25 Thomas Road, LLC
Address 25 Thomas Road

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

2024 FEB 15 AM 1:20
TOWN CLERK'S OFFICE
WELLESLEY 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: 3-7-2024

Attest:

Cathryn J. Kato

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lm

