

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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ZBA 2024-08

Petition of FR Linden Square, Inc.  
165 Linden Street (Karma)

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 FR Linden Square, Inc. requesting a Special Permit pursuant to the provisions of Section 5.12 and Section 6.3 of the Zoning Bylaw to keep existing nonconforming wall sconce lights and canopy down lights, and installation of new wall washer lights at existing window locations and new down lights at a new patio exterior trellis, at 165 Linden Street (Karma), in an Industrial District and the Linden Street Corridor Overlay District.

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.

### **WITHDRAWN WITHOUT PREJUDICE**

Present at the public hearing were Ken Feyl, Principal, LYF Architects, and Iverson Guo, owner, Karma Restaurant.

Mr. Feyl said that the request is for a special permit to keep existing nonconforming exterior sconce lights and LED strip wall accent lighting, and for new LED wall washer strip lighting at existing window locations and new down lights at a new patio exterior trellis. He said that the application packet included the lights, photometrics and renderings.

The Chairman said that the documents that were submitted were quite detailed but there are certain things that are a bit confusing. He said that the Applicant is asking for a special permit to leave certain lights in place. He said that for Section 5.12 of the Zoning Bylaw to apply, there has to be major or minor project or externally lighted signs. He said that nothing was submitted to show that this is a minor construction project. He said that if it is not a minor project, the lighting bylaw does not apply.

Mr. Feyl said that the project involves an interior restaurant fit up. He said that they will be moving the exterior entry door over and adding an exterior trellis and lights. He said that they will provide exterior decorative panels over some existing windows. He said that they were told that they need to go for a special permit to add the lighting on the exterior of the building and to keep the exterior wall sconces. A Board member confirmed that the footprint of the building will not change other than the exterior patio trellis area.

The Chairman read an excerpt from Section 5.12 of the Zoning Bylaw. He said that a key component of a minor construction project is that it is small but has a building permit. Mr. Feyl said that Mr. Guo has a building permit for a previous design. He said that they can apply for a building permit for this project and will come back before the Board if they are directed by the Building Department to do that.

Mr. Feyl asked that the Board allow the petition to be withdrawn without prejudice.

The Board voted unanimously to allow the petition to be withdrawn without prejudice.