

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

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WALTER B. ADAMS  
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PETER COVO

ZBA 2024-23

Petition of Kevin & Emily Quigley  
402 Linden Street

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, April 4, 2024, at 7:30 pm, on the petition of Kevin & Emily Quigley requesting a Special Permit/Finding pursuant to the provisions of Section 5.1 and Section 6.3 of the Zoning Bylaw that demolition of an existing nonconforming garage with less than required front yard and side yard setbacks, and construction of a one-car garage with less than required side yard setbacks attached to a new two-story addition that will meet setback requirements, on a corner lot at 402 Linden Street, in a 10,000 square Foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On February 29, 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 Michael Tartamella, AIA, Patrick Ahearn Architect, and David Himmelberger, Esq.

Mr. Himmelberger said that the request is for a special permit for a pre-existing nonconforming structure. He said that the property is just under 20,000 square feet in a 10,000 square foot district. He said that there are pre-existing nonconformities in the front yard on Clifton Road and in the side yard to the north. He said that the plan is to remove and rebuild an existing nonconforming garage further back from Clifton Road, along with a new addition to the side of the house. He said that the project will meet lot coverage requirements.

Mr. Himmelberger said that the existing home has a TLAG of 4,516 square feet and the proposed home will have a TLAG of 5,332 square feet, which is an 18 percent increase. He said that the size of the lot can easily accommodate it. A Board member said that the lot size is almost double the minimum required for a 10,000 square foot Single Residence District.

The Chairman said that it is a corner lot with two front yard and two side yards. He said that when viewed from Clifton Road, the left side yard and the front yard are nonconforming for the existing house. He said that the addition will go on the back of the house and will not relate to the front yard setback.

Mr. Tartamella said that the house was originally built in 1848 and was the home of George Shaw of Shaw Farm and was later the home of two prominent Wellesley residents. He said that the house pre-dates all of the other houses in the area and is one of the largest homes in the neighborhood. He said that the scale and proportions of the additions are in keeping with the overall scale of the house. He said that the additions will improve the nonconformity on the Clifton Road side.

Phillip Hahnfeldt, 5 Clifton Road, said that he lives on the property behind the nonconforming garage and has had some communication with Mr. Quigley. He said that his understanding is that the plan is to slide the garage along the line of nonconformity of 16.1 feet on the left side. He said that the new elevation will be a one-story garage and a two-story addition. He said that it looks like an impressive addition to the property. He said that his wife voiced her liking of the plan to Mr. Quigley.

Mr. Hahnfeldt asked that the proposed 16.1 foot side yard setback be confirmed. The Chairman said that the setbacks are confirmed on the drawings that were submitted as part of the package and will be part of the permit.

Mr. Hahnfeldt asked about the impact of the project on stormwater runoff. The Chairman said that the drawings show a slope away from the Hahnfeldt property.

A Board member said that the additional textures of the new design will greatly improve the look of this building in the neighborhood.

#### Statement of Facts

The subject property is located at 402 Linden Street, on a corner lot in a 10,000 square Foot Single Residence District, with a minimum front yard setback of 14.5 feet to Clifton Road where 30 feet is required, and a minimum side yard setback of 16.1 feet where 20 feet is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 5.1 and Section 6.3 of the Zoning Bylaw that demolition of an existing nonconforming garage with less than required front yard and side yard setbacks, and construction of a one-car garage with less than required side yard setbacks attached to a new two-story addition that will meet setback requirements, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Letter to Zoning Board of Appeals, dated 2/21/24, from Michael Tartamella, AIA, a Plot Plan, dated 2/14/24, stamped by Gregory Gould, Professional Land Surveyor (MA PLS # 51280), Floor Plans and Elevation Drawings, prepared by Patrick Ahearn Architect, and photographs were submitted.

On March 21, 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.

It is the opinion of this Authority that demolition of an existing nonconforming garage with less than required front yard and side yard setbacks, and construction of a one-car garage with less than required side yard setbacks 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.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of an existing nonconforming garage with less than required front yard and side yard setbacks, and construction of a one-car garage with less than required side yard setbacks attached to a new two-story addition that will meet setback requirements, 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 APR 18 PM 12:51  
TOWN OF  
WILMINGTON  
DE

ZBA 2024-23  
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402 Linden Street

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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

Derek B. Redgate (Lm.)  
Derek B. Redgate

ZBA                    2024-23  
Applicant        Kevin & Emily Quigley  
Address           402 Linden Street

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



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Property Address: 402 Linden St., Wellesley  
Deed Book 37842, Page 426

2024 APR 16 PM 12:50  
TOWN OF WELLESLEY MA 02482