

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

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WELLESLEY MA 02482  
2024 JUN 20 PM 12:32

ZBA 2024-44

Petition of 16-18 Brook Street Nominee Trust  
Denis Cronin, Trustee  
16-18 Brook Street

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Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, June 6, 2024, at 7:30 pm, on the petition of 16-18 Brook Street Nominee Trust, Denis Cronin, Trustee 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 two-unit structure with less than required right side yard setbacks and construction of a new two-story with attic single family structure with less than required right side yard setbacks, at 16-18 Brook Street, in a General Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On May 1, 2024, 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., and Denis Cronin, Trustee, 16-18 Brook Street Nominee Trust, the Petitioner.

Mr. Himmelberger said that the request is for a special permit to raze a two-unit dwelling and construct a single family dwelling in a General Residence District, with less than required right side yard setbacks. He said that the matter was well vetted by the Historical Commission, who approved a waiver of the demolition delay period after a number of revisions were made that scaled the project down.

Mr. Himmelberger said that the only nonconformity to remain will be the right side yard setback, which will be slightly improved. He said that the proposed building is attractive and was designed to fit within the neighborhood.

Doug Kowalewski, 20 Brook Street, said that he is the neighbor to the right. He discussed concerns about the encroachment of the house on the left side of his property. He said that the overall proposed structure does not improve the nonconforming setback. He said that the existing nonconforming setback is 15.5 feet at one corner of the house at 16-18 Brook Street. He said that the new plan is for a 16.5 foot setback

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for the entire length of the house. He said egress from the basement will come closer to his property and to a large tree between the lots that is necessary for privacy. He said that similar trees have fallen in the past. He said that anything that can be done to preserve the roots would be great.

Mr. Kowalewski discussed concerns about the height of the proposed house. He said that because of his own clipped roofline, he sees less than two stories of clapboards. He said that the proposed house is two stories and an attic. He said that he will see a three-story wall of clapboards. He said that it will be almost twice as high because of the raised grade. He said that the proposed structure that is within the setback is taller, much longer, and extends further into the setback. He said that the volume of the new structure within the setback will be about the size of a tractor trailer, which is a significant concern.

Tim Raeke, 1 Dexter Road, said that he has lived around the corner for 20 years. He said that most of the homes are typical to the neighborhood, with approximately 1,700 square feet of living area. He said that the proposed house will be much larger than most of the houses in the neighborhood. He discussed maintaining the character of what they have in the neighborhood.

Mr. Raeke said that the plan is to knock down the entire house and reconstruct something new. He questioned why the new structure is not subject to the required setbacks.

The Chairman said that there is a single nonconformity, the right yard setback, and that will be improved slightly.

#### Statement of Facts

The subject property is located at 16-18 Brook Street, in a General Residence District, with a minimum right side yard setback of 15.5 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 two-unit structure with less than required right side yard setbacks and construction of a new two-story with attic single family structure with less than required right side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Letter to Zoning Board of Appeals, dated 4/25/24, from David J. Himmelberger, Esq., a Plot Plan, dated 10/16/23, revised 3/11/24 & 3/27/24, stamped by Bradley J. Simonelli, Professional Land Surveyor #47581, Floor Plans and Elevation Drawings, dated 4/15/24, and TLAG Affidavit, prepared by Kenton L. Duckham, Registered Architect #7777, and photographs were submitted.

On June 4, 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.

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It is the opinion of this Authority that demolition of an existing nonconforming two-unit structure with less than required right side yard setbacks and construction of a new two-story with attic single family structure with less than required right side yard setbacks will result in the intensification of existing nonconformities, 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 two-unit structure with less than required right side yard setbacks and construction of a new two-story with attic single family structure with less than required right side yard setbacks, 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.

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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                    2024-44  
Applicant        16-18 Brook Street Nominee Trust, Denis Cronin, Trustee  
Address         16-18 Brook Street

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

RECEIVED  
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2024 JUN 20 PM 12:32

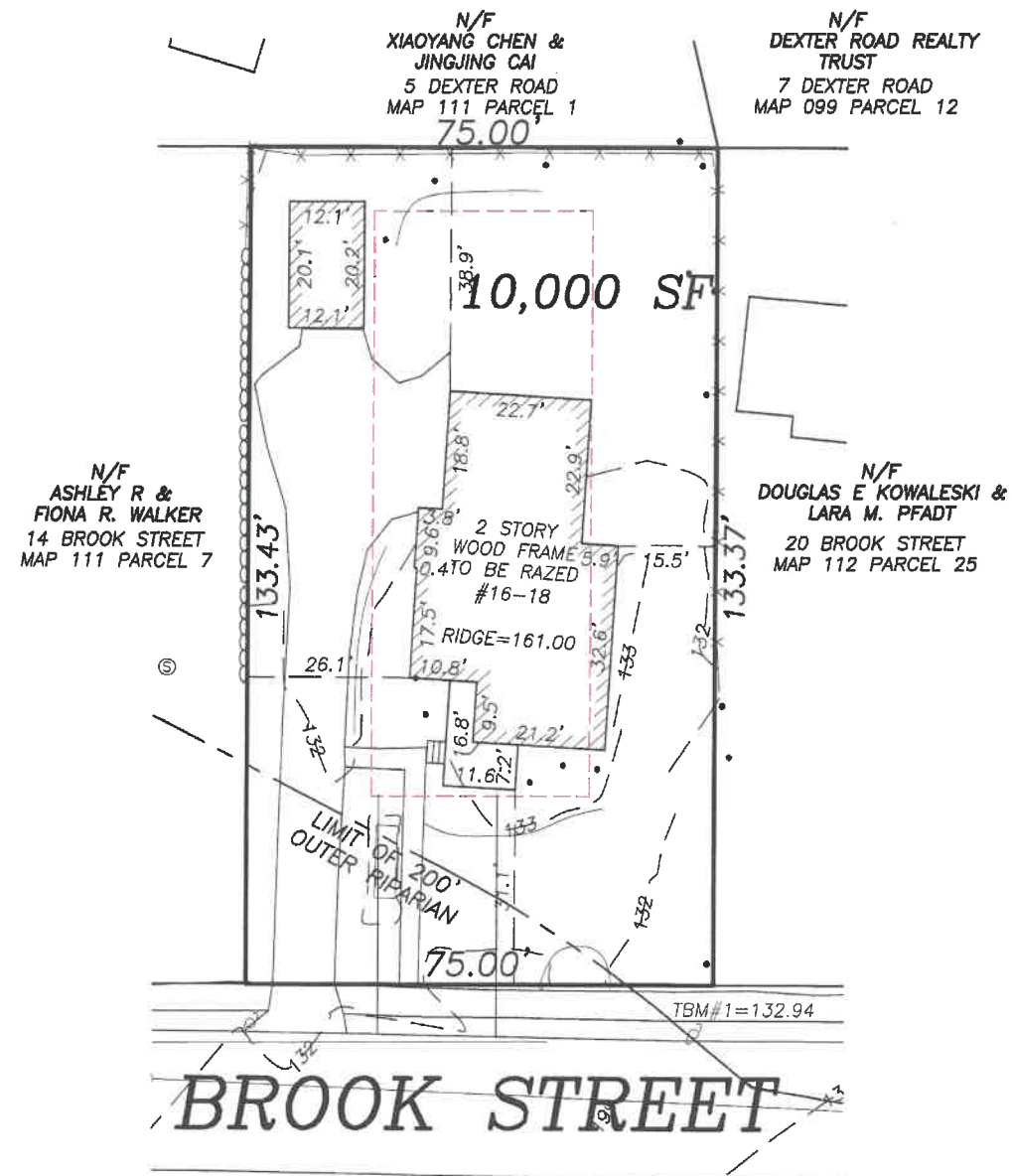
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Date:

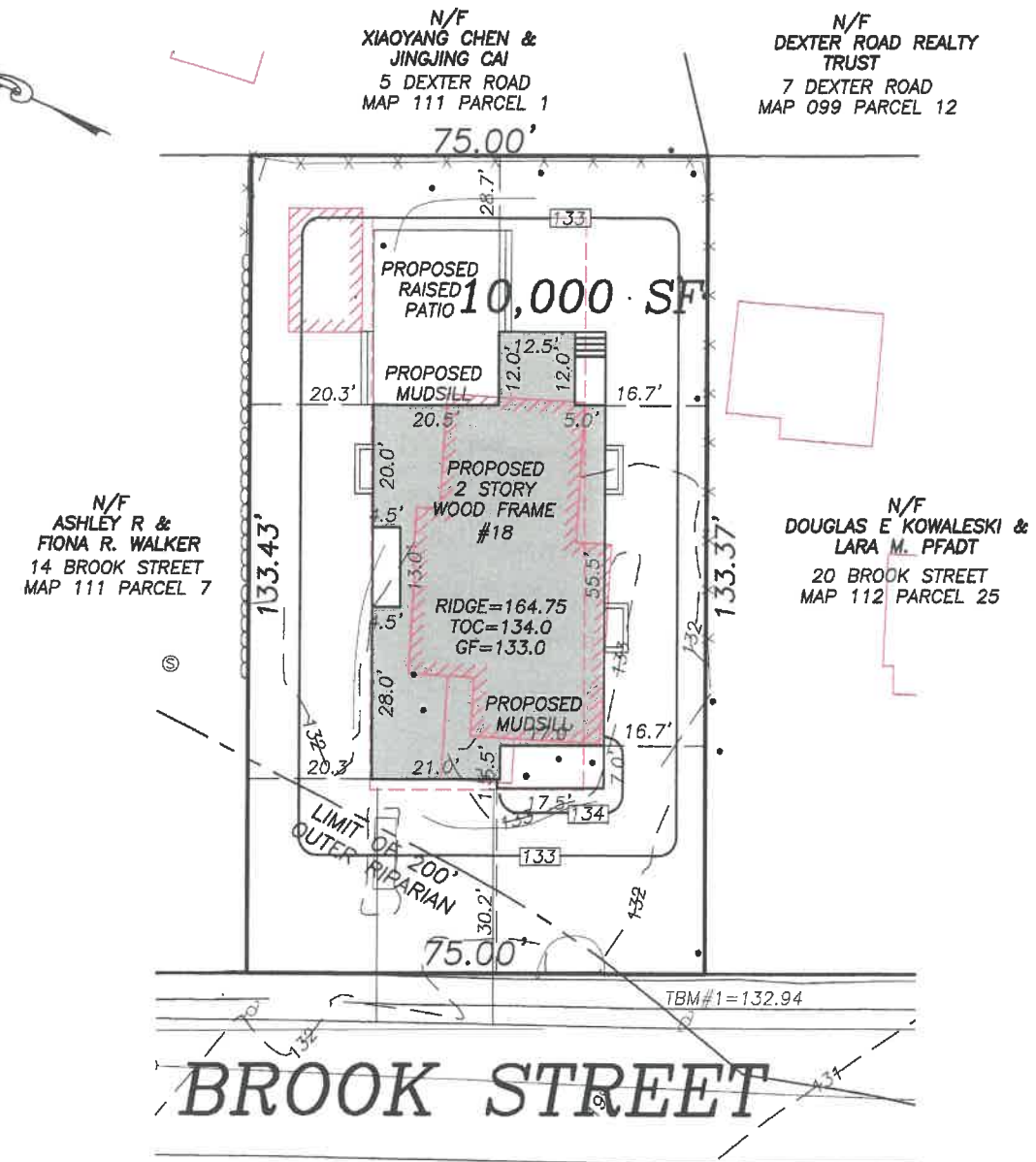
Attest:

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

cc: Planning Board  
Inspector of Buildings  
lrm



**EXISTING SITE**



**PROPOSED SITE**

**ZONING INFORMATION: SINGLE RESIDENCE 10 (SR10)**

	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA .....	10,000 SF.....	10,000 SF.....	10,000 SF.....
MINIMUM LOT FRONTAGE.....	60 FEET.....	75.00 FEET.....	75.00 FEET.....
MINIMUM FRONT SETBACK.....	30.0 FEET*.....	31.1 FEET.....	30.2 FEET.....
MINIMUM SIDE YARD.....	20 FEET.....	15.5 FEET.....	16.7 FEET.....
MINIMUM REAR YARD .....	10 FEET.....	26.1 FEET.....	20.3 FEET.....
MAXIMUM BUILDING COVERAGE.....	(2500 SF).....	18.5%(1846 SF).....	24.9%(2494 SF).....
MAXIMUM BUILDING HEIGHT.....	36 FEET** .....	28.7 FEET.....	32.43 FEET.....
MAXIMUM BUILDING HEIGHT.....	2 1/2 STORIES.....	2 STORIES.....	2 STORIES.....

\*FRONT SETBACK DETERMINED TO BY THE 500 FOOT RULE TO BE 30.0 FROM THE 500 FOOT RULE  
HOUSE # 12 BROOK STREET SITS AT 28.5 FEET FROM BROOK ST MAKING THE FRONT SETBACK 30.0'

\*\* HEIGHT DETERMINED FROM AVERAGE GRADE PLANE PER ZONING BYLAW SECTION 5.4



TOWN OF WELLESLEY  
MAP 112 PARCEL 24

NORFOLK COUNTY  
REGISTRY OF DEEDS  
BOOK 41539 PAGE 477

OWNER/APPLICANT:

DENIS CRONIN, TRUSTEE  
16-18 BROOK STREET NOMINEE TRUST  
14 BROOK ST  
WELLESLEY MA



**HISTORIC PRESERVATION  
DEMOLITION REVIEW  
PLAN OF LAND  
16-18 BROOK STREET  
WELLESLEY, MASS.**

**Field Resources, Inc.  
LAND SURVEYORS**

OCTOBER 16, 2023 SCALE 1"=20'  
P.O. BOX 324 281 CHESTNUT ST.  
AUBURN, MA NEEDHAM, MA.  
781 444 5936

office@fieldresources.net