

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

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ZBA 2024-45

Petition of Donovan Family Trust  
John J. Ryan III, Trustee  
143 Brook Street

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2024 JUN 20 PM 12:33

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 Donovan Family Trust, John J. Ryan, Iii, 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 structure with less than required left side yard setbacks and construction of a new two-story structure that will meet setback requirements, at 143 Brook Street, on a 17,973 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, 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 was David Himmelberger, Esq., representing John Ryan, Donovan Family Trust, the Petitioner.

Mr. Himmelberger said that the request is for a special permit for a nonconforming lot size of 17,973 square feet in a 20,000 square foot Single Residence District. He said that the proposed home will be otherwise compliant with Zoning requirements.

A Board member confirmed that the compressors in the setback will be heat pumps.

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

Statement of Facts

The subject property is located at 143 Brook Street, on a 17,973 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, with a minimum left 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 5.1 and Section 6.3 of the Zoning Bylaw that demolition of an existing nonconforming structure with less than required left side yard setbacks and construction of a new two-story structure that will meet setback requirements, on a 17,973 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Letter to Zoning Board of Appeals, dated 4/26/24, from David J. Himmelberger, Esq., Existing Conditions, dated 3/27/24, Proposed Plot Plan, dated 4/25/24 and Minimum Front Yard Depth, dated 4/1/24, stamped by Christopher C. Charlton, Professional Land Surveyor #48649, Floor Plans and Elevation Drawings, dated 4/23/24, and TLAG Affidavit, prepared by McKay Architects, 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.

It is the opinion of this Authority that demolition of an existing nonconforming structure with less than required left side yard setbacks and construction of a new two-story structure that will meet setback requirements will not 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 structure with less than required left side yard setbacks and construction of a new two-story structure 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.

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ZBA 2024-45  
Petition of Donovan Family Trust  
John J. Ryan III, Trustee  
143 Brook 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

Peter Covo (LM)  
Peter Covo

ZBA                    2024-45  
Applicant          Donovan Family Trust, John J. Ryan III, Trustee  
Address            143 Brook Street

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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  
lrn





