

TOWN OF WELLESLEY



MASSACHUSETTS

**ZONING BOARD OF APPEALS**  
888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

J. RANDOLPH BECKER, CHAIRMAN  
ROBERT W. LEVY, VICE CHAIRMAN  
DAVID G. SHEFFIELD

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(781) 489-7450

WALTER B. ADAMS  
DEREK B. REDGATE  
PETER COVO

ZBA 2024-61  
Petition of Bradley & Jodi Prosek  
17 Atwood Street

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, September 12, 2024, at 7:30 pm, on the petition of Bradley & Jodi Prosek 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 one story addition, deck and detached two car garage, and construction of a two and a half story addition with an attached two car garage with less than required right side yard setbacks, on an existing nonconforming structure with less than required right side yard setbacks, at 17 Atwood 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 August 7, 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 Timothy Burke, Architect.

Mr. Himmelberger said that the request is for a special permit to construct a two-story addition to a pre-existing nonconforming dwelling, on a 12,000 square foot lot in a 10,000 square foot district, with less than required right side yard setback. He said that the existing home has a nonconforming right side yard setback of 10.7 feet at the front right corner. He said that a portion of the existing right side wall will be removed and pulled back to 13.6 feet. He said that a new second floor addition will be constructed with a 14 foot right side yard setback. He said a conforming addition on the left side consists of a two-story garage with a primary bedroom above. He said that the nonconforming air conditioning condenser in the side yard will be removed and new HVAC will be installed in a conforming location to the rear of the new garage. He said that the existing height of the home is 29 feet 10 inches. He said that the height of the expanded attic space will be slightly lower at 28 feet 5/8 inches, and the height of the left side two-story addition will be 22 feet 1 3/4 inches. He said that existing lot coverage of 2,103 square feet, or 17.5 percent will increase to 2,366 square feet, or 19.7 percent. He said that existing TLAG of 4,089 square feet will increase to 4,823 square feet.

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WELLESLEY  
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Mr. Himmelberger said that the Applicants previously received a special permit in 2019 for a similar project but with the onset of the pandemic, the project was placed on hold. He said that further consideration was given to the configuration of the space, resulting in the current plan.

Mr. Himmelberger said that only a small portion of the proposed addition will be located within the right side yard setback, which they believe will not be substantially more detrimental to the neighborhood than the pre-existing nonconforming home. He said that the Board received letters of support the project and the Planning Department recommended favorable approval.

The Chairman said that the TLAG will be increased but already exceeds the threshold.

A Board member said that the elevation drawings show height from grade level. He said that the bylaw requires that the height be measured from average grade. Mr. Burke said that the height shown on the plan is from average grade. The Board member said that the elevation drawings should be relabeled to show compliance with the bylaw.

The Chairman said that the project will create a good amount of additional impervious surface. He asked if there are any drainage issues. Mr. Himmelberger said that an underground cultec to capture roof runoff is not shown on the plans but the Applicant would accept a condition for it. He said that the existing garage at the back and all of the driveway running up to it will be removed. A Board member said that calculation should be shown on the plans.

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

#### Statement of Facts

The subject property is located at 17 Atwood Street, in a 10,000 square foot Single Residence District, with a minimum right side yard setback of 10.7 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 one story addition, deck and detached two car garage, and construction of a two and a half story addition with an attached two car garage with less than required right side yard setbacks, on an existing nonconforming 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 7/17/24, from David J. Himmelberger, Esq., a Plot Plan, dated 6/28/24, stamped by John R. Hamel, Professional Land Surveyor #35029, Floor Plans and Elevation Drawings, dated 7/10/24, and TLAG Affidavit, dated 6/30/24, prepared by Timothy Burke Architecture, and photographs were submitted.

On September 10, 2024, the Planning Staff 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 one story addition, deck and detached two car garage, and construction of a two and a half story addition with an attached two car garage 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 one story addition, deck and detached two car garage, and construction of a two and a half story addition with an attached two car garage with less than required right side yard setbacks, subject to the following conditions:

1. A cultec or similar system shall be installed to capture roof runoff.
2. Calculations that include removal of the impervious surface of the existing garage and the driveway running up to it shall be shown on a plan.

Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction 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 SEP 26 PM12:22  
BOSTON CITY CLERK'S OFFICE  
BOSTON, MASSACHUSETTS

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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.

*Robert W. Levy (lm)*  
Robert W. Levy, Acting Chairman

*David G. Sheffield (lm)*  
David G. Sheffield

*Derek B. Redgate (lm)*  
Derek B. Redgate

ZBA 2024-61  
Applicant Bradley & Jodi Prosek  
Address 17 Atwood Street

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

2024 SEP 26 PM12:22  
TOWN CLERK  
WELLESLEY, MASS.

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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MASSACHUSETTS

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