

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

LENORE R. MAHONEY  
EXECUTIVE SECRETARY  
TELEPHONE  
(781) 489-7450

WALTER B. ADAMS  
DEREK B. REDGATE  
PETER COVO

ZBA 2024-29  
Petition of Tyler Griffith  
46 Thackeray Road

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 Tyler Griffith requesting a Special Permit/Finding pursuant to the provisions of Section 3.8, Section 5.1 and Section 6.3 of the Zoning Bylaw that demolition of an existing deck, and construction of an addition with less than required right side yard setbacks and a new deck that will meet setback requirements, on an existing nonconforming structure with less than required left side yard and right side yard setbacks, at 46 Thackeray Road, in a 15,000 square foot Single Residence District, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On February 29, 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 Mr. Himmelberger, Esq., Sarah and Tyler Griffith, the Petitioner, Jacob Lilley and Brianne McGowan, Jacob Lilley Architects.

Mr. Himmelberger said that the request is for a special permit to construct an addition to a pre-existing nonconforming home with a right side yard setback of 10.5 feet and a left side yard setback of 15.2 feet. He said that the house sits on a slightly oversized lot of 19,594 square feet in an SR15 district. He said that the proposed addition will have a right side yard setback of 16.4 feet. He said that TLAG of 4,558 square feet for the existing house will be increased to 6,270 square feet with the addition. He said that the addition will be located at the rear of the home and the street view will remain unchanged. He said that the roof height will be unchanged at 30.3 feet from average grade. He said that lot coverage will slightly increase from 2,465 square feet, or 12.6 percent to 2,839 square feet, or 14.5 percent.

Mr. Lilley said that the goal of the project was to provide some relief for a family that has lived in the house for almost 10 years and is expecting a fifth child. He said that the proposal is to nestle a diminutive two-story addition at the back of the house for extra bedroom and living space. He said that the grade falls off 10 feet from front to back, so the addition will be unnoticeable from the street side.

Mr. Himmelberger said that the property is located in a Water Supply Protection District.

The Chairman said that the existing nonconforming right and left side yard setbacks will not be increased with the proposed addition. He said that an area in the rear yard is labeled on the plot plan to be used for a roof drain drywell to be designed. Mr. Himmelberger said that the lot slopes down toward town land and is 470 feet to Route 9 through the Town Forest. He said that there is plenty of opportunity for drainage.

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

#### Statement of Facts

The subject property is located at 46 Thackeray Road, in a 15,000 square foot Single Residence District, in a Water Supply Protection District, with a minimum left side yard setback of 15.2 feet and a minimum right side yard setback of 10.5 feet where 20 feet is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 3.8, Section 5.1 and Section 6.3 of the Zoning Bylaw that demolition of an existing deck, and construction of an addition with less than required right side yard setbacks and a new deck that will meet setback requirements, on an existing nonconforming structure with less than required left side yard and right side yard setbacks, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 2/26/24, stamped by Joseph March, Professional Land Surveyor (MA PLS # 36384), Floor Plans and Elevation Drawings, and TLAG Affidavit, dated 2/27/24, prepared by Jacob Lilley Architects, 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.

The Board found that the Design and Operation Standards in Part F are adequately satisfied and not otherwise prohibited in Part D.1, of Section 3.8 of the Zoning Bylaw for Water Supply Protection Districts.

It is the opinion of this Authority that construction of an addition with less than required right side yard setbacks will 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 construction of an addition 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.

2024 APR 18 PM 12:58  
TOWN ENGINEER  
WILLETT MA 01901

ZBA 2024-29  
Petition of Tyler Griffith  
46 Thackeray Road

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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 (km)  
J. Randolph Becker, Chairman

David G. Sheffield (km)  
David G. Sheffield

Walter B. Adams (km)  
Walter B. Adams

ZBA            2024-29  
Applicant    Tyler Griffith  
Address      46 Thackeray Road

2024 APR 18 PM 12:58  
WELLESLEY MA 02461

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

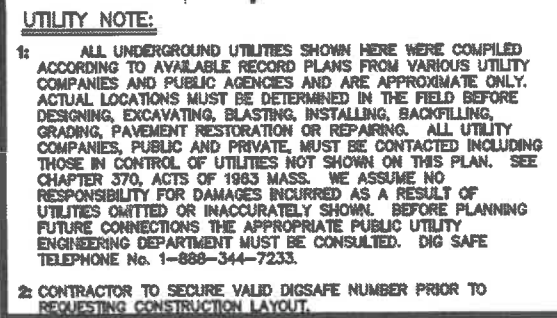


2/26/24 Joseph March  
DATE REGISTERED PROFESSIONAL LAND SURVEYOR

A circular seal for the Commonwealth of Massachusetts. The outer ring contains the text "COMMONWEALTH OF MASSACHUSETTS" at the top and "PROFESSIONAL LAND SURVEYOR" at the bottom. In the center, the name "JOSEPH MARCH" and the number "# 36384" are printed. A handwritten signature is scrawled across the bottom of the seal.

FOR: GRIFFITH  
SCALE: 1"=20' FEBRUARY 26, 2024

0 10 20 40 60 80 FT  
(7420.P.PPL.dwg) 46 Thackery Road SM-7420



**REFERENCE**  
NORFOLK REGISTRY OF DEEDS  
LAND COURT CERT. #190214  
LAND COURT PLAN 7129-2

**DATUM**  
NAVD OF 1988.

TOWN OF WELLESLEY



MASSACHUSETTS

**ZONING BOARD OF APPEALS**

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ZBA 2024-29  
Petition of Tyler Griffith  
46 Thackeray Road

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On February 29, 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 Mr. Himmelberger, Esq., Sarah and Tyler Griffith, the Petitioner, Jacob Lilley and Brianne McGowan, Jacob Lilley Architects.

Mr. Himmelberger said that the request is for a special permit to construct an addition to a pre-existing nonconforming home with a right side yard setback of 10.5 feet and a left side yard setback of 15.2 feet. He said that the house sits on a slightly oversized lot of 19,594 square feet in an SR15 district. He said that the proposed addition will have a right side yard setback of 16.4 feet. He said that TLAG of 4,558 square feet for the existing house will be increased to 6,270 square feet with the addition. He said that the addition will be located at the rear of the home and the street view will remain unchanged. He said that the roof height will be unchanged at 30.3 feet from average grade. He said that lot coverage will slightly increase from 2,465 square feet, or 12.6 percent to 2,839 square feet, or 14.5 percent.

Mr. Lilley said that the goal of the project was to provide some relief for a family that has lived in the house for almost 10 years and is expecting a fifth child. He said that the proposal is to nestle a diminutive two-story addition at the back of the house for extra bedroom and living space. He said that the grade falls off 10 feet from front to back, so the addition will be unnoticeable from the street side.

209704  
Certified True  
Property Address: 46 Thackeray Rd, Wellesley

2024 APR 18 PM 12:17  
RECEIVED  
WELLESLEY MA 02482

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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WALTER B. ADAMS  
DEREK B. REDGATE  
PETER COVO

RECEIVED  
DEC 11 2024  
PM 12:25

ZBA 2024-29-Modify  
Petition of Tyler Griffith  
46 Thackeray Road

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, December 5, 2024, at 7:30 pm, on the petition of Tyler Griffith requesting modification of a Special Permit that was granted on April 18, 2024, pursuant to the provisions of Section 3.8, Section 5.1, Section 5.3 and Section 6.3 of the Zoning Bylaw. The request is to not remove existing space above the family room, to change from an approved hip roof to a gable roof to match the existing roof over the family room, to change from the approved stone veneer at the foundation to painted concrete parged wall, and to slide a window to the left, above the landing to the stairs to the deck. The property is located at 46 Thackeray Road, in a 15,000 square Foot Single Residence District and a Water Supply Protection District.

On November 4, 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 Jacob Lilley, Architect.

Mr. Himmelberger said that the request is for modification to a previously granted special permit. He said that subsequent to approval of the special permit, there were some unanticipated cost increases to the project. He said that space that was to be removed above the family room has now been deemed as space that the applicant can use. He said that the request before the Board involves three changes to the previously approved special permit.

Mr. Himmelberger said that the approved design included a hip roof over the family room to replace the existing gable roof. He said that the expanded kitchen was to have a hip roof to match the new hip roof over the family room. He said that because the space above the family room will not be removed, there is no need to change the existing gable roof. He said that it makes more sense to make the new roof over the expanded kitchen a gable.

Mr. Himmelberger said that his client is requesting to change from the stone veneer that is shown on the original plan for the lower level basement area to painted concrete.

Mr. Himmelberger said that the third change is to move a window in the lower level a number of feet to the left for better lighting within the interior.

Mr. Himmelberger said that the proposed changes will not result in any increase in footprint or height. He said that 122 square feet of space above the family room was originally to be removed. He said that because the space will now be retained, the TLAG calculation is increased by 122 square feet on the TLAG Affidavit.

The Chairman said that the proposed modifications do not impact the setbacks that were already approved. A Board member said that the proposed solution is more disjointed where the roofs come together and the parging is not as architecturally attractive as the stone work but the owner has to take the costs into consideration.

Mr. Himmelberger said that the rear of the house isn't seen by other houses because it faces a wooded area that is owned by the town, between the house and Route 9.

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

#### Statement of Facts

The subject property is located at 46 Thackeray Road, in a 15,000 square foot Single Residence District, in a Water Supply Protection District, with a minimum left side yard setback of 15.2 feet and a minimum right side yard setback of 10.5 feet where 20 feet is required.

The Petitioner is requesting modification of a Special Permit that was granted on April 18, 2024, pursuant to the provisions of Section 3.8, Section 5.1, Section 5.3 and Section 6.3 of the Zoning Bylaw. The request is to not remove existing space above the family room, to change from an approved hip roof to a gable roof to match the existing roof over the family room, to change from the approved stone veneer at the foundation to painted concrete parged wall, and to slide a window to the left, above the landing to the stairs to the deck.

Letter to Zoning Board of Appeals, dated 10/28/24, from David J. Himmelberger, Esq., a Plot Plan, dated 2/26/24, stamped by Joseph March, Professional Land Surveyor (MA PLS # 36384), Floor Plans and Elevation Drawings, and TLAG Affidavit, dated 10/25/24, prepared by Jacob Lilley Architects, and photographs were submitted.

On December 3, 2024, the Planning Board reviewed the petition and recommended that modification of 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 modification of a Special Permit to not remove existing space above the family room, to change from an approved hip roof to a gable roof to match the existing roof over the family room, to change from the approved stone veneer at the foundation to painted concrete parged wall, and to slide a window to the left, above the landing to the stairs to the deck 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, modification of a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, to not remove existing space above the family room, to change from an approved hip roof to a gable roof to match the existing roof over the family room, to change from the approved stone veneer at the foundation to painted concrete parged wall, and to slide a window to the left, above the landing to the stairs to the deck, 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, modification of this Special Permit shall expire two years after the date time stamped on this decision.

2024 DEC 19 PM 12:25  
ZBA 2024-29-Modify  
Petition of Tyler Griffith  
46 Thackeray Road

ZBA 2024-29-Modify  
Petition of Tyler Griffith  
46 Thackeray Road

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IF ANY, SHALL BE MADE PURSUANT  
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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

Walter B. Adams (LM)  
Walter B. Adams

Peter Covo (LM)  
Peter Covo

ZBA            2024-29-Modify  
Applicant    Tyler Griffith  
Address      46 Thackeray Road

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Date:

Attest:

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

cc: Planning Board  
Inspector of Buildings  
lrm

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Certificate of Title: 209704  
Property Address: 46 Thackeray Rd Wellesley