

TOWN OF WELLESLEY



MASSACHUSETTS

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

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ZBA 2025-28  
Petition of 17 Midland LLC  
17 Midland Road

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, May 8, 2025, on the petition of 17 Midland LLC 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 and construction of a one-story addition with less than required front yard setbacks to Birch Road, on an existing nonconforming structure with less than required front yard setbacks to Birch Road, and construction of a two-story addition that will meet setback requirements, on a corner lot at 17 Midland Road, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On April 7, 2025, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

May 8, 2025

Present at the public hearing were David Himmelberger, Esq., John Anderson, Manager of 17 Midland LLC, and Robert Williamson, Architect.

Mr. Himmelberger said that the request is for a special permit to renovate and construct additions to a pre-existing nonconforming home. He said that the pre-existing nonconforming garage will be razed. He said that after his client met with the neighbors, the plans were revised to address their concerns. He said that a fully revised packet will be submitted.

The Board voted unanimously to continue the matter to June 5, 2025, to be heard de novo.

June 5, 2025

Mr. Himmelberger said that revised plans were submitted on May 9, 2025.

Mr. Himmelberger said that the existing home is located on the corner of Midland and Birch Roads, with nonconforming front yard setbacks from Birch Road of 14.8 feet to the home and 10.1 feet to the garage. He said that the nonconforming side yard setback to the garage is 10.5 feet, and that nonconformity will be eliminated when the garage is razed. He said that the existing nonconforming front yard setback of 14.8 feet to the home will remain.

Mr. Himmelberger said that the home sits on an oversized 15,000 square foot lot in a 10,000 square foot district. He said that the current proposal includes a two-story addition with a side facing garage on the right side of the existing home. He said that proposed TLAG is 4,735 square feet, and garage height will be 25.7 feet, which is less than the existing home height of 30.1 feet. He said that lot coverage will increase from 11.7 percent to 17.4 percent, which is below the 20 percent maximum that is allowed.

Mr. Williamson commended Mr. Anderson for undertaking the challenge of renovating the old historic structure rather than tearing it down. He said that they intend to keep a lot of the existing details and restore as much as possible. He reviewed the proposed construction plans. He said that they are asking for setback relief for a one-story addition on the existing nonconforming side of the house.

A Board member said that the Engineering Department at DPW submitted comments about protecting trees on both sides of the proposed driveway during construction. Mr. Anderson said that they will have a certified arborist for the project. He said that a tree plan is required for the building permit.

Parker Morse, 12 Roanoke Road, and Doug Smith, 8 Midland Road, spoke in support of the project.

#### Statement of Facts

The subject property is located on a corner lot at 17 Midland Road, in a 10,000 square foot Single Residence District, with a minimum front yard setback of 14.8 feet to Birch Road where 30 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 and construction of a one-story addition with less than required front yard setbacks to Birch Road, on an existing nonconforming structure with less than required front yard setbacks to Birch Road, and construction of a two-story addition that will meet setback requirements, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 5/8/25, stamped by Stephen M. Melesciuc, Professional Land Surveyor, #39049, TLAG Affidavit, Floor Plans and Elevation Drawings, dated 5/8/25, stamped by Robert H. Williamson, Registered Architect, #951798, and photographs were submitted.

On April 24, 2025, the Planning Board reviewed the petition and recommended that a special permit be approved.

On April 29, 2025, Rafi Razzaque, Civil Engineer, Town of Wellesley Engineering Division, submitted comments.

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 and construction of a one-story addition with less than required front yard setbacks to Birch Road, on an existing nonconforming structure with less than required front yard setbacks to Birch Road, and construction of a two-story addition that will meet setback requirements 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 garage and construction of a one-story addition with less than required front yard setbacks to Birch Road and construction of a two-story addition that will meet setback requirements, in accordance with the submitted plans.

The Building Inspector 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.

ZBA 2025-28  
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17 Midland Road

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 (Am)*  
J. Randolph Becker, Chairman

*Walter B. Adams (Am)*  
Walter B. Adams

*Peter Covo (Am)*  
Peter Covo

ZBA 2025-28  
Applicant 17 Midland LLC  
Address 17 Midland Road

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

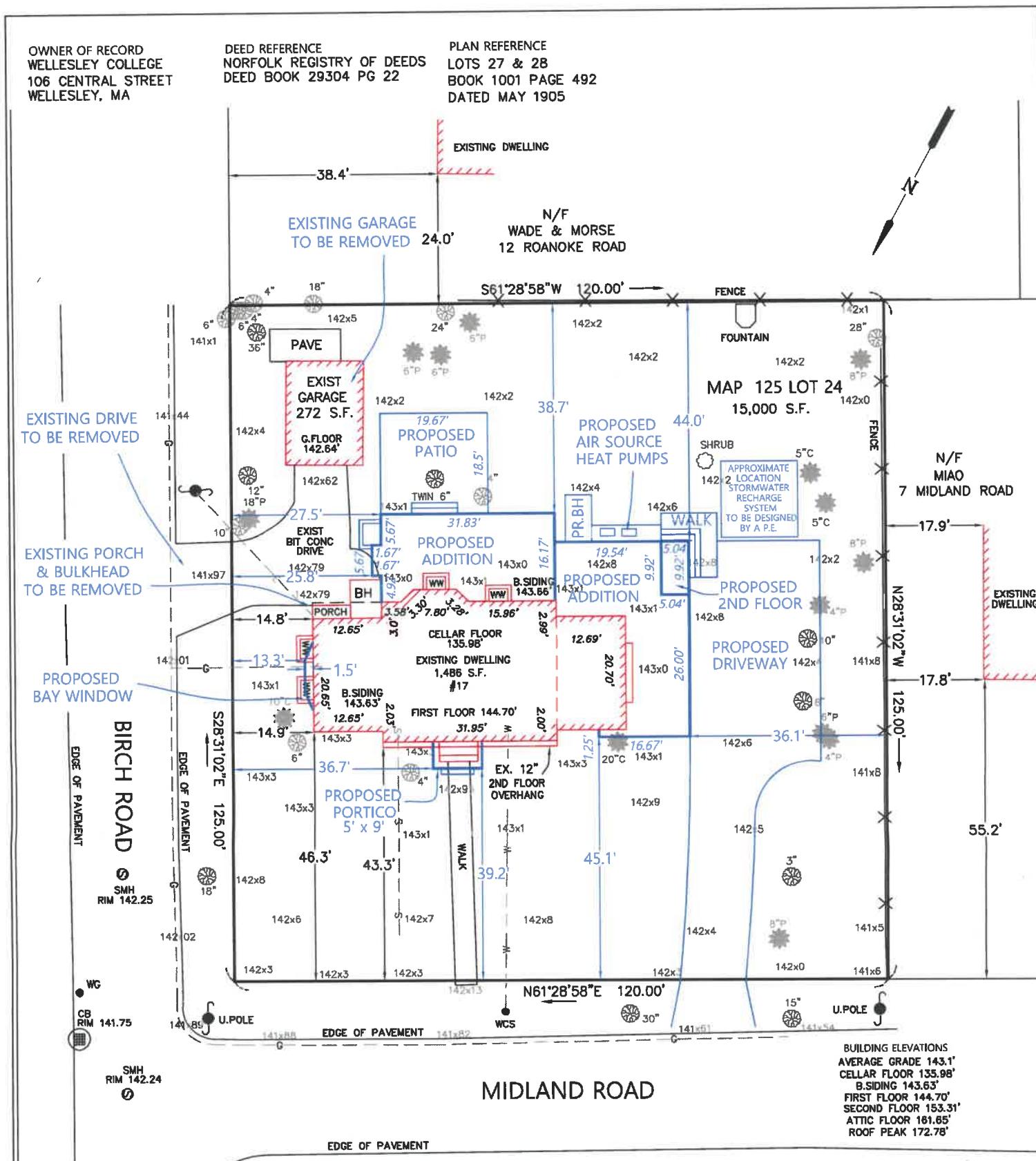
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed,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

Date:

Attest:

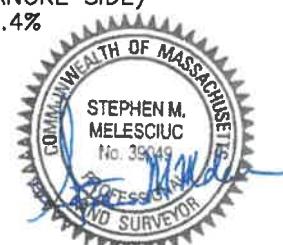
Cathryn Jane Kato  
Town Clerk

cc: Planning Board  
Inspector of Buildings  
lrm



## SR10-SINGLE RESIDENCE

	<u>REQUIRED</u>	<u>EXISTING</u>	<u>PROPOSED</u>
LOT AREA:	10,000 S.F.	15,000 S.F.	15,000 S.F.
FRONTAGE:	60'	120.00'	120.00'
FRONT YARD SETBACK:	30.0'(500' RULE)	43.3' MIDLAND RD 14.8' BIRCH RD	39.2' MIDLAND RD 27.5' BIRCH RD
SIDE YARD SETBACK:	20'	47.8'	36.1' (7 MIDLAND SIDE)
SIDE YARD SETBACK:	20'	52.6'	38.7' (12 ROANOKE SIDE)
BUILDING COVERAGE:	20% = 3,000 S.F.	1,758 S.F.=11.7%	2,610 S.F.=17.4%
BUILDING HEIGHT:	36'	29.83'	29.83'



## PROPOSED ADDITION

17 MIDLAND ROAD  
ASSESSORS MAP 125 PARCEL 24  
WELLESLEY, MA  
PREPARED FOR  
BLUE CEDAR PROPERTY GROUP, LLC  
559 NORTH AVENUE  
WAKEFIELD, MA

STEPHEN M. MELESCIUC  
PROFESSIONAL LAND SURVEYOR #39049  
514 GAZEBO CIRCLE  
READING, MA 01867  
781-844-7108

SCALE: 1"=20'

DATE: MAY 8, 2025