

TOWN OF WELLESLEY



MASSACHUSETTS

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

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ZBA 2025-33
Petition of Catherine & Owen Remeika
5 Middlesex Street

RECEIVED
ZONING BOARD OF APPEALS
WELLESLEY, MASSACHUSETTS
APR 30 2025

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, June 5, 2025, on the petition of Catherine & Owen Remeika requesting a Special Permit/Finding pursuant to the provisions of Section 5.1 and Section 6.3 of the Zoning Bylaw that enclosure of an existing nonconforming porch with less than required right side yard setbacks, and changing the location of the rear door, landing and stairs, 5 Middlesex 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 April 30, 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.

Present at the public hearing were Catherine and Owen Remeika, the Petitioner.

Mr. Remeika said that enclosure of the existing screened in porch is part of a kitchen renovation project. He said that the footprint of the building will not change, except for exterior stairs. He said that their neighbors have sent letters of support.

The Chairman said that the two nonconformities are the setback from Middlesex Street and the right side yard setback. He said that those setbacks will not change, which means that the Petitioner is entitled to a special permit under the Zoning Bylaw.

Mr. Remeika asked about foregoing the 20 day appeal period. The Chairman said that the appeal period cannot be foregone but that does not preclude the Petitioners from starting the project at their own risk. A Board member said that there is currently construction underway at the property. Mr. Remeika said that they have a partial building permit for a mudroom, powder room and kitchen.

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

Statement of Facts

The subject property is located at 5 Middlesex Street, in a 10,000 square foot Single Residence District, with a minimum front yard setback of 18.1 feet where 30 feet is required, and a minimum right side yard setback of 11.9 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 enclosure of an existing nonconforming porch with less than required right side yard setbacks, and changing the location of the rear door, landing and stairs, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 4/28/25, stamped by Robert A. Gemma, Professional Land Surveyor, #37046, Floor Plans and Elevation Drawings, dated 4/29/25, prepared by Henley, and photographs were submitted.

On June 3, 2025, 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 enclosure of an existing nonconforming porch with less than required right side yard setbacks, and changing the location of the rear door, landing and stairs 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 enclosure of an existing nonconforming porch with less than required right side yard setbacks, and changing the location of the rear door, landing and stairs, 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 2025-33
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5 Middlesex Street

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 2025-33
Applicant Catherine & Owen Remeika
Address 5 Middlesex Street

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

