

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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ZBA 2025-36

Petition of Needham Miller, LLC  
144 Washington Street

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, July 10, 2025, on the petition of Needham Miller 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 structure with less than required right side yard setbacks and construction of a new structure that will meet setback requirements, on a 11,222 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, at 144 Washington Street, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

### **WITHDRAWN WITHOUT PREJUDICE**

Present at the public hearing was David Himmelberger, Esq., who said that, subsequent to submittal of an application to the Zoning Board of Appeals, and following further discussion with Michael Grant, Inspector of Buildings/Zoning Enforcement Officer, it was determined that no zoning relief is required. He said that the request is to allow the petition to be withdrawn without prejudice.

A Board member discussed concerns about the need for the Board to review additional drainage control systems that take into account doubling the impervious surface. Mr. Himmelberger said that proposed lot coverage will be compliant. He said that no zoning relief is required to raze and reconstruct an otherwise fully conforming home on this lot. He said that the lot was created and the original home was built subject to an exception to the zoning bylaw at the time. He said that because they could not obtain an answer from Mr. Grant and Town Counsel prior to the submittal deadline, they filed an application in case Town Counsel and Mr. Grant did not agree with his analysis that no zoning relief was required. He read an email from Michael Grant, Inspector of Buildings, dated July 8, 2025, stating that he agreed with Mr. Himmelberger's analysis. The Board member asked that the email be submitted to the Board.

Mr. Himmelberger discussed a similar case on Hastings Street that came before the Board in 2015.

The Board voted unanimously to allow the petition to be withdrawn without prejudice, subject to a condition that the email from Mr. Grant, Inspector of Buildings, dated July 8, 2025, regarding 144 Washington Street, be submitted.