

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

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ZBA 2025-37
Petition of Robert S. Brown
44 South Lincoln Street

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INTRODUCTION

Robert S. Brown, the "Applicant", has requested from the Zoning Board of Appeals (the "Board") the issuance of a site plan approval subject to Section 5.6 and Section 6.3 of the Zoning Bylaw for a major construction project in a Flood Plain District.

THE PROJECT

Description

The Site consists of a 17,502 square foot lot, in a 15,000 square foot Single Residence District. The property is bounded by the Charles River and DCR land to the east and south and residential properties to the north and west. A small portion of the lot is located in the Town of Natick, MA. Utilities for the property are connected to the Town of Natick.

The project includes demolition of an existing nonconforming structure and construction of a new nonconforming structure.

On June 18, 2025, the Zoning Board of Appeals granted a Special Permit pursuant to the provisions of Section 3.7 of the Zoning Bylaw for demolition and construction in a Flood Plain District, and a Special Permit pursuant to the provisions of Section 5.1 and Section 6.3 of the Zoning Bylaw for demolition of an existing nonconforming structure with less than required front yard and left side yard setbacks, and construction of a new nonconforming structure with less than required front yard and left side yard setbacks

RECORD OF DISCUSSIONS

The Board held a public hearing on August 7, 2025. The public hearing was closed and Site Plan Approval was granted on August 7, 2025.

FINDINGS OF FACT

Zoning

The Zoning Bylaw provides, for each zoning district, requirements for the use of land and structures, as well as dimensional requirements for the land and structures erected upon the land.

SECTION 3.7. FLOOD PLAIN OR WATERSHED PROTECTION DISTRICTS

E. Regulations and Restrictions

1. General Restrictions:

- a. In Flood Plain or Watershed Protection Districts, except as provided in Section 3.7.E.4 below, no new building or structure shall be constructed or used in whole or in part, and no existing building or structure lying wholly within a designated Flood Plain or Watershed Protection District shall be altered, enlarged, reconstructed or used in a manner which would increase ground coverage within the Flood Plain or Watershed Protection District; no dumping of trash, rubbish, garbage, junk or other waste materials shall be permitted; no filling, dumping, excavating, removal or transfer of gravel, sand, loam, or other material which will restrict flood water flow or reduce the flood water storage capacity shall be permitted, except the surfacing or resurfacing of any existing parking area.
- b. The Town requires a permit for all proposed construction or other development in the Flood Plain District, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, and paving.
- c. All development in the Flood Plain or Watershed Protection District, including structural and non-structural activities, must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and the following:
 - i. Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;
 - ii. Wetlands Protection Regulations, Department of Environmental Protection (310 CMR 10.00);
 - iii. Inland Wetlands Restriction, Department of Environmental Protection (310 CMR 13.00); and
 - iv. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, Department of Environmental Protection
 - iv. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, Department of Environmental Protection (310 CMR 15, Title 5).
- d. The portion of any lot delineated as being within a Flood Plain or Watershed Protection District may be used to meet the area and yard requirements for the district in which the remainder of the lot is situated.

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SECTION 1.3 DEFINITIONS

Major Construction Project – shall mean any Construction Project which involves a change in the outside appearance of a building or buildings or premises, and includes one or more of the following:

1. construction of twenty-five hundred (2,500) or more square feet gross floor area;
2. an increase in gross floor area by fifty (50) percent or more which results in a gross floor area of at least twenty-five hundred (2,500) square feet;
3. any project meeting the definition of an MBTA Community Project;
4. grading or regrading of land to planned elevations, and/or removal or disturbance of the existing vegetative cover, over an area of five thousand (5,000) or more square feet;
5. any activities regulated or restricted under Section 3.7; or
6. any activities regulated under Section 3.8.

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SECTION 5.6. PROJECT APPROVAL

A. Scope and Purpose

Minor Construction Projects (as herein defined) and Major Construction Projects (as herein defined) are subject to comprehensive review in accordance with the terms of this section. This section shall not apply to construction, alteration, enlargement or reconstruction of One-Unit Dwellings and Two-Unit Dwellings or structures accessory thereto, unless such One-Unit or Two-Unit Dwelling is located in a Flood Plain or Watershed Protection District.

SUBMITTALS FROM THE APPLICANT

- Letter to Zoning Board of Appeals, dated June 16, 2025, from David J. Himmelberger, Esq., re: 44 South Lincoln Street Site Plan Approval Submittal
- Application for Site Plan Approval
- Plans and Submittal Checklist
- Development Prospectus, dated June 11, 2025
- Stormwater Report & Drainage Calculations, dated February 20, 2025, revised March 26, 2025 & July 21, 2025, stamped by Scott P. Henderson, Professional Engineer, #51845

Plan Number	Drawing Title	Date of Issue	Prepared By	Date of Revision

	Plot Plan w/Proposed Overlay	4/22/25	Robert A. Lucey, PLS, #46121	
	Site Plan	2/20/25	Scott P. Henderson, PE, #51845	3/26/25, 4/11/25, 7/21/25
	Drainage & Utility Site Plan	2/20/25	Scott P. Henderson, PE, #51845	3/26/25, 4/11/25, 7/21/25
	Construction Details – page 3 of 4	2/20/25	Scott P. Henderson, PE, #51845	3/26/25, 4/11/25, 7/21/25
	Construction Details – page 3 of 4	2/20/25	Scott P. Henderson, PE, #51845	3/26/25, 4/11/25, 7/21/25
A.0	Project Information	4/24/25	Mitchell Construction Group	
B1	Site Photos	4/24/25	Mitchell Construction Group	
EX1.0	Existing Basement Plan	4/24/25	Mitchell Construction Group	
EX1.1	Existing First Floor Plan	4/24/25	Mitchell Construction Group	
EX1.2	Existing Second Floor Plan	4/24/25	Mitchell Construction Group	
EX1.3	Existing Roof Plan	4/24/25	Mitchell Construction Group	
EX2.0	Existing South & West Elevations	4/24/25	Mitchell Construction Group	
EX2.1	Existing North & East Elevations	4/24/25	Mitchell Construction Group	2025 AUG 21 PM 12:19
D1.0	Demolition Basement Plan	4/24/25	Mitchell Construction Group	
D1.2	Demolition First Floor	4/24/25	Mitchell Construction Group	
D1.2	Demolition Second Floor Plan	4/24/25	Mitchell Construction Group	
D1.3	Demolition Roof Plan	4/24/25	Mitchell Construction Group	
A1.0	Proposed Garage Plan	4/24/25	Mitchell Construction Group	
A1.1	Proposed First Floor Plan	4/24/25	Mitchell Construction Group	
A1.2	Proposed Second Floor Plan	4/24/25	Mitchell Construction Group	
A1.3	Proposed Roof Plan	4/24/25	Mitchell Construction Group	
A2.0	Proposed South & East Elevations	4/24/25	Mitchell Construction Group	

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A2.1	Proposed North & West Elevations	4/24/25	Mitchell Construction Group	
A3.0	Proposed Building Section	4/24/25	Mitchell Construction Group	
	Proposed Elevations Renderings			

SUBMITTALS ON BEHALF OF THE TOWN OF WELLESLEY:

On May 15, 2025, the Wetlands Protection Committee issued an Order of Conditions, MassDEP File #:324-1053.

On July 1, 2025, Ian McMakin, Deputy Chief, Town of Wellesley, Fire Resue Department, reviewed the project and had no objections to the project moving forward.

On July 17, 2025 and August 6, 2025, George Saraceno, Assistant Town Engineer, Town of Wellesley, Department of Public Works, Engineering Division, reviewed the project and submitted comments.

On July 31, 2025, the Design Review Board reviewed the Project and voted unanimously to recommend approval, subject to a recommendation.

DECISION

The Applicant has requested from the Board the issuance of a site plan approval subject to the Zoning Bylaw Section 5.6, §§ C.2. (a) and (b), authorizing the Applicant to construct the Project.

The Board has made a careful study of the materials submitted and the information presented at the hearing, and has documented the results of the study above. Based on the results of the study, on August 7, 2025, the Board voted unanimously to grant the site plan approval pursuant to Section 5.6 of the Zoning Bylaw for a major construction project subject to site plan review.

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.

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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

Peter Covo (lm)
Peter Covo

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Applicant Robert S. Brown
Address 44 South Lincoln 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

8/6 (lm)







