

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 2025-54
Petition of 19 Orchard Street LLC
19 Orchard Street

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, October 9, 2025, on the petition of 19 Orchard Street 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 a pre-existing nonconforming home and construction of a new home that will meet zoning requirements, on a 13,632 square foot lot in a single residence district in which the minimum lot size is 15,000 square feet, at 19 Orchard Street, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On September 4, 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 David Himmelberger, Esq., and Ethan Eckstrom, Eckstrom Home Designs.

Mr. Himmelberger said that the request is for a special permit to raze a pre-existing nonconforming home and build a fully conforming home on a nonconforming lot. He said that the existing left side yard and right side yard setbacks are nonconforming. He said that the existing lot is 13,632 square feet in a 15,000 square foot zoning district.

Mr. Himmelberger said that the home was subject to review by the Historical Commission, who initially determined it to be preferably preserved but granted a waiver after a few tweaks were made to window alignment over the garage doors and adding more windows to the rear. He said that the footprint and the height did not change. He said that the approved design is before the Board, but as a result of input from a Glen Road neighbor, the Applicant is proposing to plant 10 arborvitae trees, as shown on the proposed plot plan, to provide some screening to the neighbor at the rear who is downslope of the home.

Mr. Himmelberger said that lot coverage will increase from 11 percent to 17 percent. He said that 837 square feet of the proposed TLAG of 5,594 square feet will be in the basement and is due to the fact that the grade slopes off to the rear.

2025 OCT 23 PM 12:28
TOWN CLERK'S OFFICE
WELLESLEY, MA 02482

A Board member asked about the existing stone oven that sits on three properties. Mr. Himmelberger said that he did not have information about that.

Joe Burke, 24 Glen Road, discussed concerns about the size of the proposed house. He said that the mass of the house will be pushed to the back of the property, which reduces the open space and creates a density that wasn't there before. He said that planting the arborvitae will create an effective aesthetic difference. He asked about TLAG that exceeds the threshold for this area. The Chairman said that when an applicant seeks a special permit for a project, it is exempt from the TLAG requirements.

Alan Dittrich, 20 Orchard Street, said that the Historical Commission spent a lot of time talking about the historicity and placement of window shutters and a door entry. He asked if the house will be gas-heated or if ground source heat exchangers or air exchangers will be used. He said that every other house on the street has a chimney and this one does not. He asked about the duration of project.

Mr. Himmelberger said that there wasn't a consensus in the neighborhood about having shutters everywhere on the house. He said that shutters will be on the front of the building.

The Chairman said that the heating and cooling systems are not regulated by the Zoning Bylaw.

A Board member commented that a lighter exterior color palette will make the building seem bigger.

Statement of Facts

The subject property is located at 19 Orchard Street, on a 13,632 square foot lot in a single residence district in which the minimum lot size is 15,000 square feet, with a minimum left side yard setback of 18.9 feet and a minimum right side yard setback of 19.9 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 demolition of a pre-existing nonconforming home and construction of a new home that will meet zoning requirements, on a 13,632 square foot lot in a single residence district in which the minimum lot size is 15,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Letter to Zoning Board of Appeals, dated 8/29/24, from David Himmelberger, Esq., Existing Conditions Plan, dated 7/1/25 and Proposed Plot Plan, dated 8/28/25, and Letter to Town of Wellesley Building Department, dated 7/9/25, re: Minimum Front Yard Depth, stamped by Christopher C. Charlton, Professional Land Surveyor, #48649, Floor Plans and Elevation Drawings, dated 8/28/25, and TLAG Affidavit, dated 7/14/25, prepared by Eckstrom Home Designs, and photographs were submitted.

On October 7, 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 demolition of a pre-existing nonconforming home and construction of a new home that will meet zoning requirements, on a 13,632 square foot lot in a single residence district in which the minimum lot size is 15,000 square feet 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 demolition of a pre-existing nonconforming home and construction of a new home that will meet zoning requirements, on a 13,632 square foot lot in a single residence district in which the minimum lot size is 15,000 square feet, 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 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.

2025 OCT 23 PM 12:26
TOWN CLERK'S OFFICE
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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 (cm)
J. Randolph Becker, Chairman

David G. Sheffield (cm)
David G. Sheffield

Peter Covo (cm)
Peter Covo

ZBA 2025-54
Applicant 19 Orchard Street LLC
Address 19 Orchard 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.

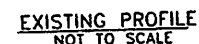
Date:

Attest:

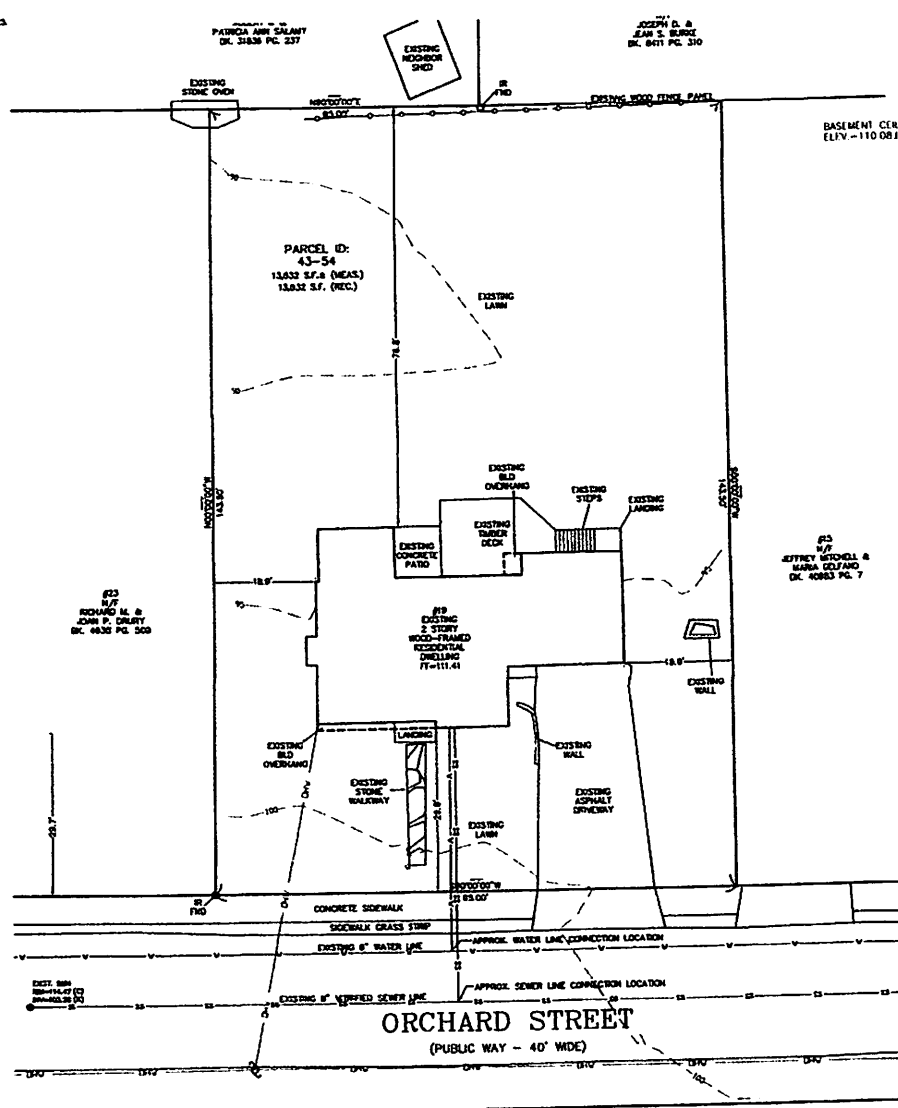
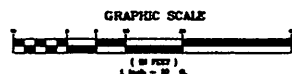
Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrn

8. THE ELEVATIONS SHOWN ARE ON BASIS OF NGLESLEY DATUM



SHEET 1 OF 1



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Property Address: 19 Orchard St., Wellesley
Deed Book 42485, P. 538