

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 2025-55
Petition of 1 Lawrence Road LLC
1 Lawrence Road

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, October 9, 2025, on the petition of 1 Lawrence Road LLC requesting a Special Permit/Finding pursuant to the provisions of Section 3.8, Section 5.1 and Section 6.3 of the Zoning Bylaw, and a Variance pursuant to the provisions of Section 5.3 and Section 6.2 of the Zoning Bylaw, that demolition of a pre-existing nonconforming home and construction of a new home with less than required left side yard setbacks, and a new nonconforming right side yard setback, on a 9,623 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, at 1 Lawrence Road, 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 Conor Bradley, Crest City Capital.

Mr. Himmelberger said that the pre-existing nonconforming structure with a 9.3 foot left side yard setback to a single story structure and a 17.4 foot left side yard setback to the main body of the house is located on a nonconforming lot of 9,623 square feet in a 10,000 square foot district. He said that the existing home was initially deemed preferably preserved by the Historical Commission but was granted a waiver to situate the house with an improved left side setback of 12.8 feet. He said that subsequent to that approval, the abutter on the left requested that the left side of the proposed home be no closer to his property than the main body of the existing home. He said that due to the irregular shape of the lot and moving the house as requested, the right side of the structure is pushed into the right side setback, creating a new nonconformity for which a variance is requested. He said that the total area of the encroachment into the right side setback will be 15.7 square feet, of which 12.4 square feet is a one-story front porch, and only 3.3 square feet is comprised of the main two-story house. He said that the right side setback will be 16.7 feet to the porch and 18.5 feet to the house.

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TOWN OF WELLESLEY
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Mr. Himmelberger said that the two closest houses to the right side setback are at 10 and 14 Strathmore Road, where the distance from the rear of 10 Strathmore to the proposed right side setback encroachment is over 90 feet, and the distance from the rear of 14 Strathmore to the proposed right side setback is over 65 feet.

Mr. Himmelberger said that, based upon the lot shape and the de minimis proposed intrusion into the right side, the request is that a variance may be granted, with a special permit for the nonconformity on the left side, which would remain, as it currently is at 17.4 feet. He said that by moving the house over, it will be more balanced.

The Chairman asked if the Applicant looked at moving the structure further back from Lawrence Road. Mr. Bradley said that they did look at doing that but concluded that setting the house back would disrupt the uniformity of the front yard setbacks of the rest of the houses on that side of the street. Mr. Himmelberger said that they would have to go back about 10 feet to take the porch out of the side yard setback and that would bring the back of the house to the 10 foot rear yard setback line. He said that virtually all the homes on the street have a 30 foot front yard setback, or thereabouts, and this would be 40 feet, which would look a little odd, even though the house is at the end of the street.

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

Statement of Facts

The subject property is located at 1 Lawrence Road, on a 9,623 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, with a minimum left side yard setback of 9.3 feet where 20 feet is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 3.8, Section 5.1 and Section 6.3 of the Zoning Bylaw, and a Variance pursuant to the provisions of Section 5.3 and Section 6.2 of the Zoning Bylaw, that demolition of a pre-existing nonconforming home and construction of a new home with less than required left side yard setbacks, and a new nonconforming right side yard setback, on a 9,623 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Letter to Zoning Board of Appeals, dated 8/29/25, from David Himmelberger, Esq., a Plot Plan, dated 8/15/25 and a letter to the Town of Wellesley, dated 6/2/25, re: Minimum Front Yard Depth, stamped by Christopher C. Charlton, Professional Land Surveyor, #48649, Floor Plans and Elevation Drawings, dated 8/22/25, 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 variance and a special permit be approved.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing.

The Board found that the Design and Operation Standards in Part F are adequately satisfied and not otherwise prohibited in Part D.1, of Section 3.8 of the Zoning Bylaw for Water Supply Protection Districts.

It is the opinion of this Authority that demolition of a pre-existing nonconforming home and construction of a new home with less than required left side yard setbacks, on a 9,623 square foot lot in a Single Residence District in which the minimum lot size is 10,000 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 with less than required left side yard setbacks,

and

It is the opinion of this Authority that literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner owing to circumstances relating to the shape of the lot, soil condition and topography of such land, which does not generally affect the zoning district in which it is located, the hardship has not been self-created, and desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested Variance from the terms of Section 5.3 and pursuant to the provisions of Section 6.2 of the Zoning Bylaw is granted to allow for demolition of a pre-existing nonconforming home and construction of a new home with less than required right side yard setbacks,

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.

If construction has not commenced, except for good cause, this Variance shall expire one year after the date time stamped on this decision.

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

David G. Sheffield (am)
David G. Sheffield

Peter Covo (am)
Peter Covo

ZBA 2025-55
Applicant 1 Lawrence Road LLC
Address 1 Lawrence 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

2025 OCT 23 PM12:24
TOWN CLERK'S OFFICE
WELLESLEY, MA 02481



CHRISTOPHER
C.
CHARLTON
NO. 48649

PROFESSIONAL
LANE - YOR

PROPERTY ID:
159-91
9,623 S.F.±

3 LAWRENCE ROAD
N/F
RAPHAEL, L NICHOLAS
PK 12252 PG 3

EXISTING
NONCONFORMING

EXISTING
NEIGHBOR
PAVED
DRIVEWAY

LAWRENCE ROAD

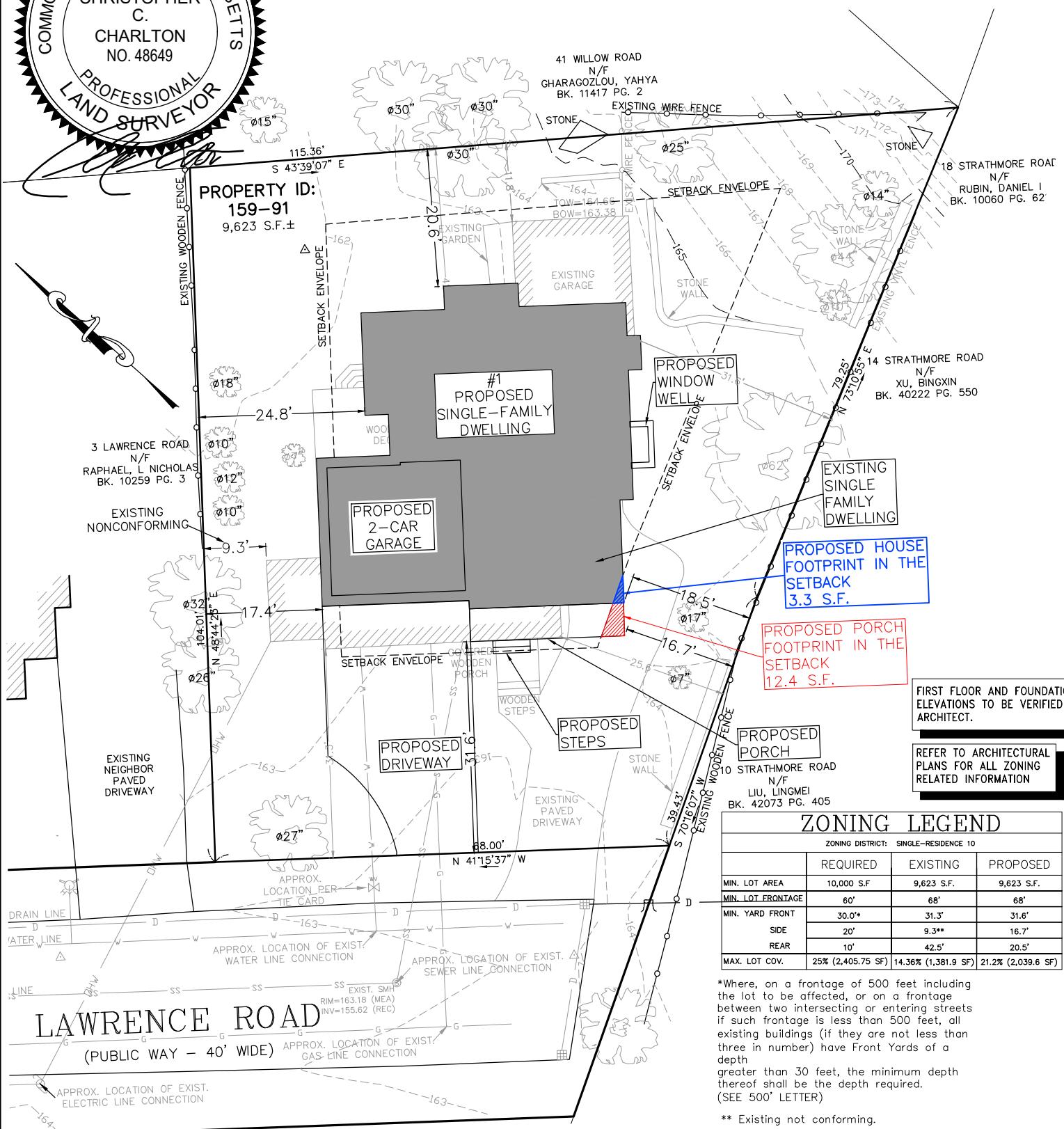
(PUBLIC WAY - 4

1. LOCATION OF EXISTING CONNECTION

All legal rights including, but not limited to, copyright and design patent rights, in the designs, arrangements and plans shown on this document are the property of Spruhan Engineering, P.C. They may not be used or reused in whole or in part, except in connection with this project, without the prior written consent of Spruhan Engineering, P.C. Written dimensions on these drawings shall have precedence over scaled dimensions. Contractors shall verify and be responsible for all dimensions and conditions on this project, and Spruhan Engineering, P.C., must be notified of any variation from the dimensions and conditions shown by these drawings.

1 LAWRENCE RD
WELLESLEY
MASSACHUSETTS

PROPOSED PLOT PLAN (OPTION 1)



TOWN OF WELLESLEY



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1 Lawrence Road

2025 OCT 23 PM 11:45
RECEIVED
WELLESLEY TOWN CLERK
1 LAWRENCE ROAD

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Property Address: 1 Lawrence Rd. Wellesley Current Deed Book 42733, Page 371