

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

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ZBA 2025-63

Petition of 15 Lafayette Circle LLC  
15 Lafayette Circle

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, November 6, 2025, on the petition of 15 Lafayette Circle 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 that demolition of an existing nonconforming structure and construction of a new structure with less than required side yard setbacks, on a corner lot at 15 Lafayette Circle, in a 10,000 square foot Single Residence District, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On October 8, 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 was David Himmelberger, Esq., Paul Beaulieu, Field Resources, Conor Bradley, and Fernando Dalfior.

Mr. Himmelberger said that the request is for a special permit to raze a pre-existing nonconforming home and reconstruct a new home that will be fully compliant except for a side setback. He said that the lot is conforming but has a unique bent cul-de-sac configuration that creates two front and two side setbacks. He said that the rear side setback of the existing home is 12.6 feet and the proposed home would improve that setback to 14.5 feet. He said that the home received a waiver of demolition delay from the Historical Commission. He said that the proposed home is modest, with a TLAG of 3,436 square feet, height of 29.57 feet, and lot coverage of 16.9 percent.

The Chairman questioned why a fully conforming house couldn't be built on the conforming lot. Mr. Beaulieu said that the lot's unique shape and narrow building envelope would not accommodate a standard 23-foot deep garage if fully conforming setbacks were met. He said that topography issues and the Historical Commission's requirement to step back garages from the front facade further constrained the design.

Mr. Himmelberger said that the Board has consistently interpreted the Zoning Bylaw's provision for changes to nonconforming one and two-unit dwellings and granted special permits for reconstruction of nonconforming structures when the nonconformity is not exacerbated. The Chairman said that the bylaw refers to alterations or additions, not complete demolition and reconstruction. He said that he discussed this petition with Town Counsel, who was not convinced but did not rule out the Board's authority to grant approval.

Jacqueline Nestor, 14 Lafayette Circle, spoke in support of the project. She said that it went through an extensive Historical Commission review process and she appreciates the final design.

The applicant confirmed that they had notified all neighbors, including the neighbors at 11 Lafayette Circle, who would be most affected by the side setback.

#### Statement of Facts

The subject property is located on a corner lot at 15 Lafayette Circle, in a 10,000 square foot Single Residence District, in a Water Supply Protection District, with a minimum side yard setback of 12.6 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 that demolition of an existing nonconforming structure and construction of a new structure with less than required side yard setbacks, 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 9/29/25, from David Himmelberger, Esq., a Plot Plan, dated 9/11/25, stamped by Bradley Simonelli, Professional Land Surveyor, #47581, Floor Plans and Elevation Drawings, dated 9/10/25, and TLAG Affidavit, dated 9/11/25, prepared by McKay Architects, and photographs were submitted.

On November 6, 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.

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 an existing nonconforming structure and construction of a new structure with less than required side yard setbacks will 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 an existing nonconforming structure and construction of a new structure with less than required 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 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.

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15 Lafayette Circle

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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

Walter B. Adams (LM)  
Walter B. Adams

Derek B. Redgate (LM)  
Derek B. Redgate

ZBA                    2025-63  
Applicant        15 Lafayette Circle LLC  
Address          15 Lafayette Circle

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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:

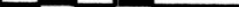
\_\_\_\_\_  
Cathryn Jane Kato  
Town Clerk

cc: Planning Board  
Inspector of Buildings  
lrm





GRAPHIC SCALE



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REVISED
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MASSACHUSETTS

## ZONING BOARD OF APPEALS

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Property Address: 15 Lafayette Circle, Wellesley  
Deedbook 42548, Page 20

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