



## ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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TELEPHONE  
(781) 431-1019 EXT. 2208

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ZBA 2019-81

Petition of Bradley Wertheim

32 Boulevard Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 10, 2019 at 7:30 pm in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Bradley Wertheim requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming structure with less than required front and side yard setbacks and lot coverage of 27.8 percent, and construction of a new two-story structure with less than required side yard setbacks and lot coverage of 27.5 percent, on a 6,080 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, at 32 Boulevard Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On September 17, 2019, 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., Kent Duckham, Architect, and Brad Wertheim, the Petitioner.

Mr. Himmelberger said that Mr. Wertheim and his wife have lived at 32 Boulevard Road for five years. He said that the request is for a special permit to raze and reconstruct a pre-existing nonconforming house on a nonconforming lot of 6,080 square feet in a 10,000 square foot district. He said that the proposed house will not have setbacks that are more nonconforming than the existing setbacks of 9.9 feet on the right side and 12.6 feet on the left side. He said that the nonconforming lot coverage of 1,692 square feet will be reduced slightly to 1,675 square feet. He said that the 1935 home went through Historical Commission Demolition Review and was deemed not preferably preserved. He said that the home was reviewed by the Wetlands Protection Committee (WPC) because it is within the 200 foot riverfront buffer. He said that an Order of Conditions was voted on October 3, 2019 and was issued on October 9, 2019. He said that the house is designed to complement the architectural style of many of the houses on the street. He said that it was purposely kept short at 29.5 feet. He said that it is an exceptionally narrow lot at 60 feet wide. He said that three letters were submitted from each of the abutters. He said that the abutters are present at the public hearing to offer their support for the project.

The Board discussed tear downs on undersized lots and requirements for setbacks and lot coverage. A Board member said that this is a small lot and it would be difficult to put a conforming house on it.

Mr. Himmelberger said that the Planning Board raised a concern that the riparian setback did not jibe with the Town's GIS mapping system. He said that he believes that the Planning Board misread the plan. He said that the riparian boundary is at the back of the house but the words, "200 Foot Outer Riparian" are

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outside of the zone. He said that the Town's GIS shows the setback going midway through the house. He said that the Petitioner's plan actually shows more of the area in the zone than the Town's GIS System.

Mr. Himmelberger said that the Planning Board recommended further reducing the footprint to eliminate a nonconformity. He said that the trade off is the building height. He said that they could put the 152 square feet in the attic but it would be a taller building. He said that the neighbors prefer a lower building.

Mr. Himmelberger said that the Petitioner believes that this is a beautifully designed building that will be very complementary to the neighborhood. He said that the TLAG will be 3,045 square feet. He said that there is strong support of the neighbors for the project. He said that in every case, they have lessened the setback by a small amount, and the house is pushed back from its existing location with nicer appeal to the street with a farmer's porch. He said that the request is that the Board make a determination that the proposed structure will not be substantially more detrimental and otherwise deserving of a special permit.

The Chairman asked about air conditioning compressors. Mr. Himmelberger said that they are shown on the site plan at the right rear.

Alyssa Mickle, 31 Boulevard Road, said that her house is to the right of 32 Boulevard Road, as you face the house. She said that she sent a letter of support. She said that the proposed design is in keeping with the current aesthetic and scale of the neighborhood. She said that it is a vast improvement over what happened at 35 Boulevard Road.

David Pineau, 22 Intervale Road, said that he is the abutter behind 32 Boulevard Road. He said that Mr. Wertheim showed him the plans and he and his wife wholeheartedly approve of them. He said that it is aesthetically appealing, is to scale, and fits in with the neighborhood.

There was no one present at the public hearing who wished to speak to the petition.

#### Statement of Facts

The subject property is located at 32 Boulevard Road, on a 6,080 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with a minimum front yard setback of 26.5 feet where 30 feet is required, a minimum left side yard setback and a minimum right side yard setback of 9.9 feet where 20 feet is required, and existing lot coverage of 27.8 percent where 25 percent is allowed.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming structure with less than required front and side yard setbacks and lot coverage of 27.8 percent, and construction of a new two-story structure with less than required side yard setbacks and lot coverage of 27.5 percent, on a 6,080 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 8/28/19, stamped by Bradley J. Simonelli, Professional Land Surveyor, Proposed Floor Plans and Elevation Drawings, dated 8/26/19, prepared by Duckham Architecture & Interiors, and photographs were submitted.

On October 8, 2019, the Planning Board reviewed the petition and submitted recommendations.

### Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that demolition of an existing nonconforming structure with less than required front and side yard setbacks and lot coverage of 27.8 percent, and construction of a new two-story structure with less than required side yard setbacks and lot coverage of 27.5 percent, on a 6,080 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 an existing nonconforming structure with less than required front and side yard setbacks and lot coverage of 27.8 percent, and construction of a new two-story structure with less than required side yard setbacks and lot coverage of 27.5 percent, on a 6,080 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in accordance with the submitted plot plan and construction drawings.

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.

If construction has not commenced, except for good cause, the Special Permit shall expire two years after the date time stamped on this decision.


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Petition of Brad Wertheim  
32 Boulevard Road

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, Acting Chairman

  
Richard L. Seegel

  
Walter B. Adams

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Applicant Brad Wertheim  
Address 32 Boulevard Road

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**NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK**

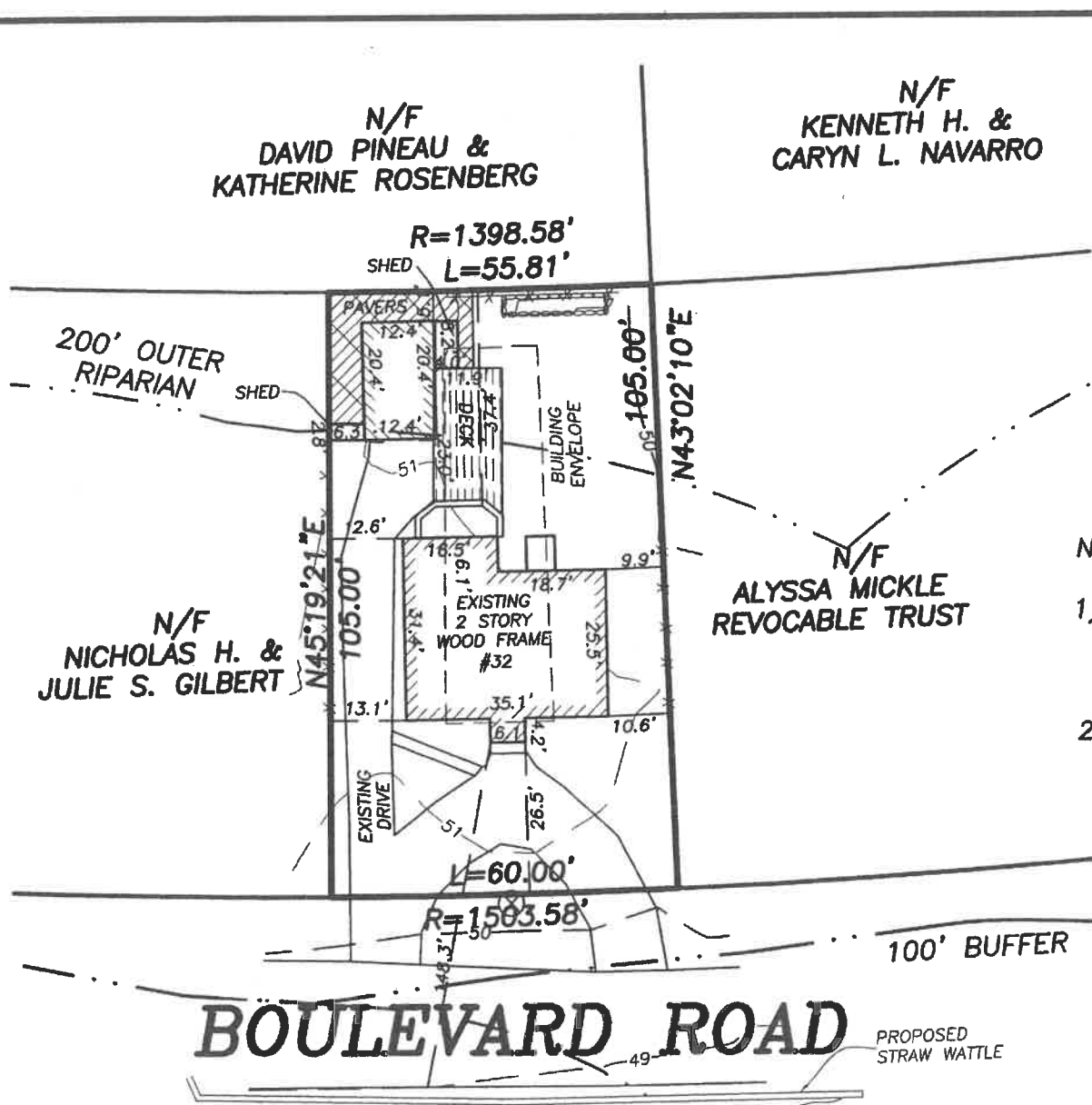
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Date:

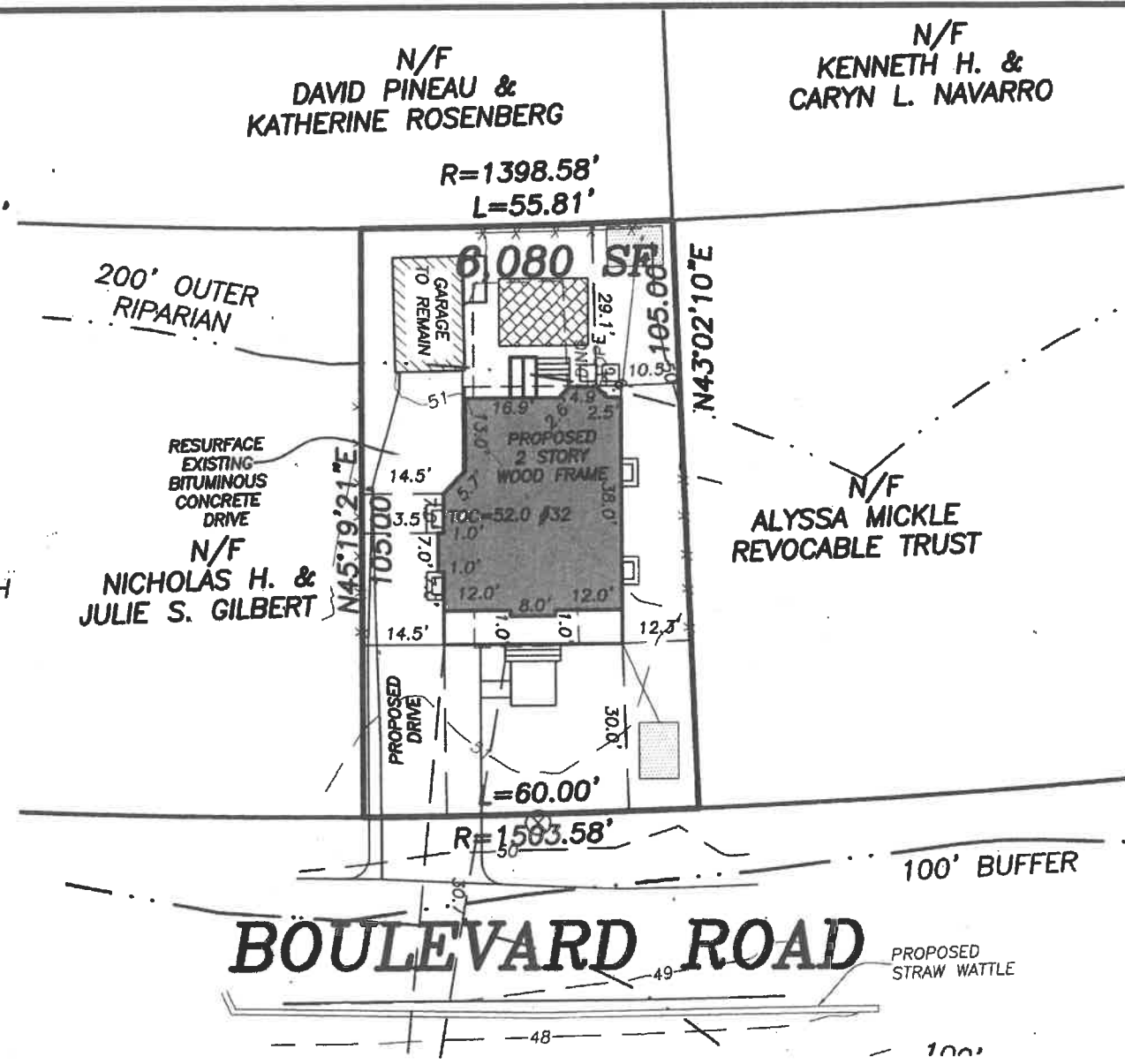
Attest:

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

cc: Planning Board  
Inspector of Buildings  
lrm



- NOTES:
- 1) ELEVATIONS REFER TO NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88)
  - 2) CONTOUR INTERVAL EQUALS ONE (1) FOOT.



ZONING INFORMATION: SINGLE RESIDENCE 10 (SR10)

	BYLAW	EXISTING	PROPOSED
MINIMUM LOT AREA	10,000 SF	6,080 SF	6,080 SF
MINIMUM LOT FRONTAGE	60 FEET	60.00 FEET	60.00 FEET
MINIMUM FRONT SETBACK	30 FEET	26.5 FEET	30.0 FEET
MINIMUM SIDE YARD	20 FEET	9.9 FEET	10.5 FEET
MINIMUM REAR YARD	10 FEET	37.4 FEET	29.1 FEET
MAXIMUM BUILDING COVERAGE	1520 SF	1692 SF	1675 SF
MAXIMUM LOT COVERAGE	25%	27.8%	27.5%
MAXIMUM BUILDING HEIGHT	36 FEET		29.5 FEET**
MAXIMUM BUILDING HEIGHT	2 1/2 STORIES		
*FRONT SETBACK DETERMINED BY 500 FOOT RULE, #19 BOULEVARD ROAD SETBACK 30.0 FEET.			
** HEIGHT DETERMINED FROM AVERAGE GRADE PLANE PER WELLESLEY ZONING BYLAW SECTION XX			

EXISTING LOT COVERAGE = 27.8%  
 PROPOSED BUILDING COVERAGE = 27.5%  
 EXISTING BUILDING COVERAGE = 1692 SF  
 PROPOSED BUILDING COVERAGE = 1675 SF

057-04

TOWN OF WELLESLEY  
 MAP 42 PARCEL 33

NORFOLK COUNTY  
 REGISTRY OF DEEDS  
 BOOK 32349 PAGE 46  
 PLAN IN BOOK 914 PLAN 321

OWNER/APPLICANT:  
 BRADLEY M WERTHEIM &  
 MONICA H. WOJCIK

JOB NO. 057-04

REVISED



ZONING BOARD OF APPEALS  
 PLAN OF LAND  
 32 BOULEVARD ROAD  
 WELLESLEY, MASS.

Field Resources, Inc.  
 LAND SURVEYORS

AUGUST 28, 2019 SCALE 1"=30'  
 P.O. BOX 324 281 CHESTNUT ST.  
 AUBURN, MA NEEDHAM, MA.  
 508 832 4332 781 444 5936  
 fieldresources@hotmail.com