



## ZONING BOARD OF APPEALS

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

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ZBA 2019-99

Petition of Bradley & Jodi Prosek  
17 Atwood Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, December 5, 2019 at 7:30 pm in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Bradley & Jodi Prosek requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that demolition of an existing deck and garage and construction of an attached two-story, two-car garage and a two-story addition with less than required right side yard setbacks, on an existing nonconforming structure with less than required right side yard setbacks, at 17 Atwood Street, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On November 14, 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 Brad Prosek, the Petitioner, and Michael Hally, Architect.

Mr. Prosek said that they looked at houses for quite a while when it was time to move from the Back Bay with one toddler and another child on the way in 2012. He said that their criteria included good schools, walking distance to town and the train. He said that they wanted a house with character rather than a McMansion and 17 Atwood Street met all of their criteria. He said that they have come to love Wellesley over the past seven years. He said that their family has expanded to three children and they need more space and would like to make the house more energy efficient. He said that they looked in other neighborhoods in Wellesley and decided that they would like to stay where they are. He said that they withdrew an earlier set of plans without prejudice so that they could look at ways to accommodate their aging mother living with them.

Mr. Hally said that the lot is conforming at 12,000 square feet in a 10,000 square foot Single Residence District but the house is nonconforming on the right side at 10.7 feet. He said that they want to add a master bathroom because the existing one is very small. He said that they will remove an existing sunroom on the first floor on the back right hand side of the house and rebuild it with a foundation, heating and windows that will work for dining room space. He said that on top of that will be a partial second floor addition. He said that because of the location of the chimney, they had to put the addition on the right hand side. He said that the house will expand towards the back and slightly to the right. He said that they will remove a large deck and replace it with a smaller one. He said that they will remove the existing free standing garage and shed and build an attached garage with shed space in a conforming location. He said that they will build a one story mudroom addition at the back of the house that connects to the garage and allows for a split staircase down to the garage slab and up to an in-law suite. He said that upstairs in the garage will be a bedroom, bathroom and refreshment area. He said that he spoke with

Michael Grant, Building Inspector, at great length about configuring the space so that it is not misconstrued as being an accessory dwelling unit.

Mr. Hally discussed the elevations plans. He said that the street side will be changed with the garage pulled forward. He said that the garage will be wide enough for two cars. He said that most of the work will be to the rear of the house. He said that he reviewed demolition calculations with the Historical Commission and it was determined that they will only demolish 20 percent of the existing envelope.

Mr. Hally said that lot coverage will be just below the maximum allowed.

Mr. Hally discussed TLAG calculations. He said that older homes frequently have shallow foundations. He said that the design of the attic adds a lot of TLAG. He said that there are stairs up to the attic but the area is not very usable. He said that all of the spaces in the home are long and narrow and it was a challenge to try to find rectangular space for a more modern style that will work for a family. He said that the TLAG exceeds the threshold for the district but that is due in large part to the attic and basement. He said that potentially there will be two new basements, one of which will be needed for the bulkhead to work.

A Board member said that the project will save an old home from the wrecking ball. He asked about a connection on the second floor to the in-law suite. Mr. Hally said that there is no connection. He said that going from the kitchen to the mudroom, the stairs on the outside wall will go up to the in-law suite and the stairs that abut the kitchen wall will go down to the garage. He said that access to the basement will be in the garage. The Board discussed inserting a condition that the in-law suite above the garage may not be rented and the house may never be used as a two family.

A Board member said that the property slopes down behind the garage. He said that having a deck at the back will create a perched view of the neighboring property. He asked if the Petitioner had spoken with the neighbor about the plans. Mr. Prosek said that he tried to reach out to but was not able to make contact with that neighbor. He said that he did speak with the neighbors behind, to the west and immediately to the east. He said that the area in question is a heavily vegetated corner of the property.

A Board member said that an attic plan was not submitted. Mr. Hally described access to the attic from bedroom #4 on the second floor. He said that attic space is ten feet wide left to right across the house with usable five foot high space. He said that over bedroom #2 there is another alley down to the back of the house. He said that the space was finished in 1945 but is not heated. He said that you have to duck at the top of the stairs so that you do not hit your head on the slope of the roof. Mr. Prosek said that a previous owner put a sink up there and used the space as a home office. The Board discussed inserting a condition that the attic space shall not be made livable without coming back before the Board.

A Board member said that the TLAG is already over the top and should be noted in the special permit.

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 17 Atwood Street, in a 10,000 square foot Single Residence District, with a minimum right side yard setback of 10.7 feet where 20 feet is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that demolition of an existing deck and garage and construction of an attached two-story, two-car garage and a two-story addition with less than required right side yard setbacks, on an existing nonconforming structure with less than required right side yard setbacks, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 10/30/19, stamped by John R. Hamel, Professional Land Surveyor, Existing Floor Plans and Elevation Drawings, dated 12/10/18, Proposed Floor Plans and Elevation Drawings, dated 9/24/19, prepared by Michael Hally Design, Inc., and photographs were submitted.

On December 3, 2019, the Planning Board reviewed the petition and recommended that the special permit be approved.

#### 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 deck and garage and construction of an attached two-story, two-car garage and a two-story addition with less than required right side yard setbacks, on an existing nonconforming structure with less than required right 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 deck and garage and construction of an attached two-story, two-car garage and a two-story addition with less than required right side yard setbacks, on an existing nonconforming structure with less than required right side yard setbacks, subject to the following conditions:

1. The in-law suite above the garage shall be used for that purpose only and may never be rented or used as a separate dwelling.
2. The Board notes for the record that future special permits to increase the living area on the third floor will not be well received.
3. The existing garage and shed shall be removed.

The Inspector of Buildings is hereby authorized to issue a permit upon receipt and approval of a building application and detailed 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.

ZBA 2019-99  
Petition of Brad & Jodi Prosek  
17 Atwood Street

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.

  
Richard L. Seegel, Acting Chairman

  
Walter B. Adams

  
Derek B. Redgate

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02482  
2019 DEC 19 A 8:40

ZBA                    2019-99  
Applicant        Brad & Jodi Prosek  
Address           17 Atwood 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



SITE PLAN TO ACCOMPANY  
ZONING BOARD OF APPEALS APPLICATION  
17 ATWOOD STREET  
WELLESLEY, MASSACHUSETTS

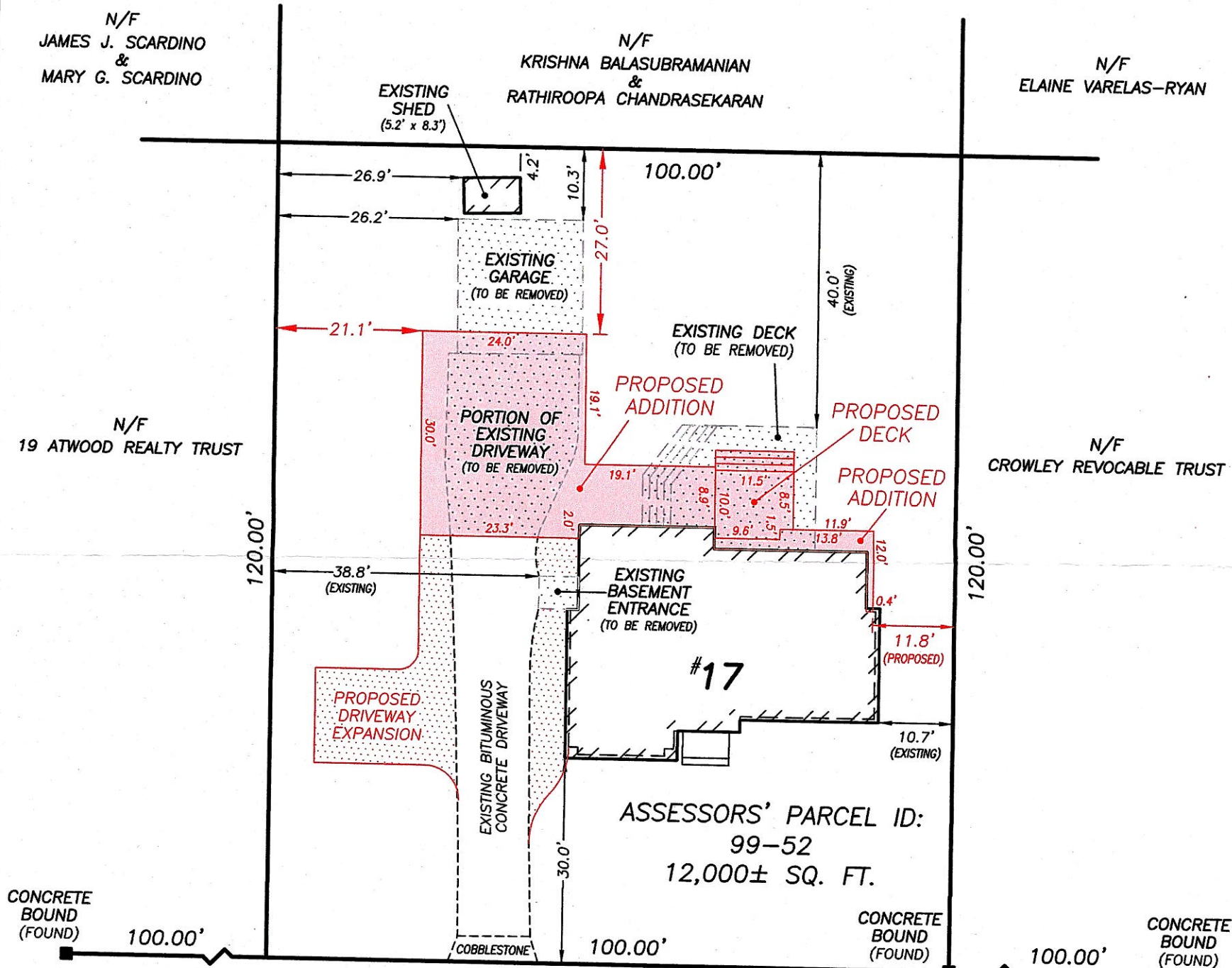
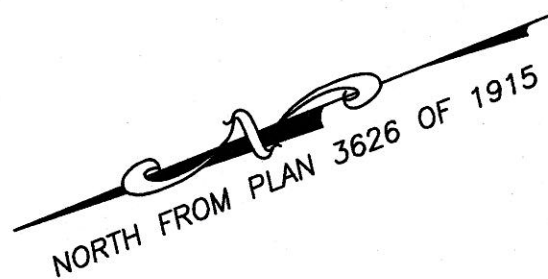
1 INCH = 20 FEET OCTOBER 30, 2019

SNELLING & HAMEL ASSOCIATES, INC.  
PROFESSIONAL LAND SURVEYORS & ENGINEERS  
10 LEWIS STREET P.O. BOX 102  
LINCOLN, MASSACHUSETTS 01773  
(781) 259-0071

OWNERS OF RECORD:

BRADLEY M. PROSEK  
&  
JODI PROSEK  
BK.30809 PG.385

1 INCH = 20 FEET



ATWOOD STREET  
(40' WIDE)

NOTES:

- ZONING DISTRICT: SINGLE RESIDENCE 10
- EXISTING LOT COVERAGE: 2,103± SF OR 17.5%
- PROPOSED LOT COVERAGE: 2,443± SF OR 20.4%
- CONSTRUCTION STAKEOUT IS NECESSARY TO ASSIST WITH THE PLACEMENT OF THE PROPOSED FEATURES.

PLAN REFERENCE:

- PLAN 3626 OF 1915, IN PLAN BOOK 75

I HEREBY STATE THAT THE LOCATION OF THE FEATURES SHOWN  
HEREON IS THE RESULT OF A FIELD SURVEY PERFORMED AS OF  
DECEMBER 31, 2018, WITH THE USE OF TOPCON TOTAL STATION.

JOHN R. HAMEL  
PROFESSIONAL  
LAND SURVEYOR



10-30-2019  
DATE: