

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5918

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ZBA 2020-56

Petition of Stephen & Nicole Connolly  
11 Lovewell Road

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, October 29, 2020 at 7:30 pm, on the petition of Stephen & Nicole Connolly requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that demolition and reconstruction of an existing nonconforming structure with less than required front yard, left side yard, and right side yard setbacks, and construction of a garage extension and a front portico with less than required front yard setbacks, on a 3,322 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with less than required frontage, and lot coverage in excess of the maximum allowed, at 11 Lovewell Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 31, 2020, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication. In accordance with Chapter 53 of the Acts of 2020, the hearing was scheduled for October 29, 2020.

Present at the public hearing was David Himmelberger, Esq., representing Stephen and Nicole Connolly, the Petitioner. Mr. Himmelberger said that the request is for a special permit for significant renovation of a pre-existing nonconforming structure. He said that the house is proposed to be rebuilt on the same footprint as the existing structure with the exception of bringing the garage forward about two feet to make it long enough for modern day cars. He said that because this was a home that involved more than 50 percent of proposed demolition with removal of the upper floor, it was reviewed by the Historical Commission, who were enthusiastic about how well the new house tied to the old house in terms of its look. He said that with the reconstruction of the main body and adding a second story over the one story garage, the TLAG will be 3,222 square feet, which is below the threshold for a 10,000 square foot Single Residence District. He requested favorable approval.

The Chairman said that this is an interesting lot in that the TLAG is almost equal to the lot size. Mr. Himmelberger said that it is a very small lot and the TLAG is 100 square feet less than the total lot size, which is why the owner built up over the existing structure. He said that the homeowner thought that it would be better to build from the first floor up since they were dealing with low ceilings. He said that this fits, is complimentary and pays homage to the original structure design.

A Board member asked about access off of Norfolk Terrace. Mr. Himmelberger said that it does not have access off of Norfolk Terrace. He said that there is a parking field at 12 Norfolk Terrace.

The Chairman said that the building coverage will increase the nonconformity but everything else will stay the same.

Mr. Himmelberger said that the retaining wall that is shown on Plan A6.2 is 36 inches with a 40 inch maximum height at the very edge.

A Board member said that the design is a good solution. He suggested that the homeowner consider a darker shade of paint color to compliment the black framed windows.

There was no member of the public who wished to speak to the petition.

#### Statement of Facts

The subject property is located at 11 Lovewell Road, on a 3,322 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with a minimum left side yard setback of 6.9 feet and a minimum right side yard setback of 12.1 feet where 20 feet is required, with a minimum front yard setback of 12.8 feet where 30 feet is required, 55.3 feet of frontage where 60 feet is required, and lot coverage of 31.5 percent where 25 percent is allowed.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that demolition and reconstruction of an existing nonconforming structure with less than required front yard, left side yard, and right side yard setbacks, and construction of a garage extension and a front portico with less than require front yard setbacks, on a 3,322 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with less than required frontage, and lot coverage in excess of the maximum allowed, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 3/20/20, revised 7/21/20, stamped by Joseph March, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 7/31/20, prepared by Robert H. Williamson, Architect, and photographs were submitted.

On October 28, 2020, 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 and reconstruction of an existing nonconforming structure with less than required front yard, left side yard, and right side yard setbacks, and construction of a garage extension and a front portico with less than require front yard setbacks, on a 3,322 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with less than required frontage, and lot coverage in excess of the maximum allowed 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.

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Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition and reconstruction of an existing nonconforming structure with less than required front yard, left side yard, and right side yard setbacks, and construction of a garage extension and a front portico with less than required front yard setbacks, on a 3,322 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with less than required frontage, and lot coverage in excess of the maximum allowed, 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 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.

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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* lrm  
J. Randolph Becker, Chairman

*Walter B. Adams* lrm  
Walter B. Adams

*Richard L. Seegel* lrm  
Richard L. Seegel

ZBA 2020-56  
Applicant Stephen & Nicole Connolly  
Address 11 Lovewell Road

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

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2020 NOV 12 P 1:58 PM

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

