

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) 431-1019 EXT. 2208

WALTER B. ADAMS
DEREK B. REDGATE
RICHARD L. SEEGL

February 2, 2023
Kingsbury Room, Police Station
7:30 pm

Zoning Board of Appeals Members Present: J. Randolph Becker
David G. Sheffield
Derek B. Redgate

BUSINESS MEETING

ZBA 2021-21, DANA ANGELO, 8 ABBOTT STREET

The Chairman said that 8 Abbott Street has requested extension to a special permit due to extenuating circumstances caused by Covid and its impact on the supply chain and construction costs.

The Chairman said that the Board can grant extension of the special permit up to two years.

Present at the Business Meeting was David Himmelberger, Esq., representing Dana Angelo, 8 Abbott Street.

The Chairman asked if the project will commence in the next few years. Mr. Himmelberger said that he spoke with his client, who indicated that he has every confidence that he can move forward in that time frame. He said that he had trouble pulling the project together during the past two years due to the reasons that the Chairman discussed.

A Board member asked if the Applicant anticipates any design changes due to changes in construction costs. Mr. Himmelberger said that the prior decision will be adhered to.

The Board voted unanimously to approve extension of Special Permit, ZBA 2021-21, for a period of two years.

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ZBA 2021-21
Petition of Dana Angelo
8 Abbott Street

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, March 4, 2021 at 7:30 pm, on the petition of Dana Angelo requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that construction of a two story addition and enclosure of a first floor porch with less than required left side yard setbacks, on an existing nonconforming structure with less than required front and left side yard setbacks, on a 6,482 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, at 8 Abbott Street, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On January 28, 2021, 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., Dana Angelo, the Petitioner, and Charles Kraus, Architect. Mr. Himmelberger said that the request is for a special permit for enclosure of a portion of a first floor porch and an addition to the existing home on a lot with less than required area and less than required front and side yard setbacks. He said that the house was originally built in 1893, according to the Assessor's database. He said that it is an undersized lot at 6,482 square feet, with a front yard setback of 19.5 feet and a left side yard setback of 6.4 feet. He said that the left side yard setback abuts a commercial parking lot.

Mr. Himmelberger said that the proposal is for a two story addition at the back left corner to infill an existing jog. He said that the addition is 6 feet by 15 feet, with a slightly better setback of 8.3 feet. He said that partial enclosure of the 6 foot by 14.9 foot first floor porch will continue the line of the existing nonconforming side yard setback. He said that lot coverage will increase from 1,408 to 1,498 square feet, or 21.7 to 23.14 percent. He said that proposed TLAG will be 3,705 square feet, which is just slightly higher than the 3,600 square foot trigger for this district.

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

Statement of Facts

The subject property is located at 8 Abbott Street, with a minimum front yard setback of 19.5 feet where 30 feet is required, and a minimum left side yard setback of 6.4 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 construction of a two story addition and enclosure of a first floor porch with

ZBA 2021-21
Petition of Dana Angelo
8 Abbott Street

less than required left side yard setbacks, on an existing nonconforming structure with less than required front and left side yard setbacks, on a 6,482 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.

Plot Plan dated 1/26/21, stamped by Daniel O'Brien, Professional Land Surveyor, Proposed Floor Plans and Elevation Drawings, dated 1/25/21, prepared by Kraus Associates, and photographs were submitted.

On February 11, 2021, Jason Tobin, Civil Engineer, Town of Wellesley, reviewed the petition and submitted comments.

On March 3, 2021, 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 construction of a two story addition and enclosure of a first floor porch with less than required left side yard setbacks, on an existing nonconforming structure with less than required front and left side yard setbacks, on a 6,482 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet 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 construction of a two story addition and enclosure of a first floor porch with less than required left side yard setbacks, on an existing nonconforming structure with less than required front and left side yard setbacks, on a 6,482 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, this Special Permit shall expire two years after the date time stamped on this decision.

2021 MAR 18 A 11:28
TOWN OF WELLESLEY
INSPECTOR OF BUILDINGS
MA 02480

ZBA 2021-21
Petition of Dana Angelo
8 Abbott 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.

J. Randolph Becker (L.M.)
J. Randolph Becker, Chairman

Richard L. Seegel (L.M.)
Richard L. Seegel

Walter B. Adams (L.M.)
Walter B. Adams

ZBA 2021-21
Applicant Dana Angelo
Address 8 Abbott Street

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

2021 MAR 18 A 11:28

RECEIVED
TOWN CLERK
MAR 18 2021
11:28 AM

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
lrn

