

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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

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2021  
1/8 A 11:29  
WELLESLEY  
MA 02482-5918

ZBA 2021-22

Petition of Eric & Laura Misbach  
8 Fiske Road

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 Eric & Laura Misbach requesting a Special Permit/Finding pursuant to the provisions of Section 14E, Section 17 and Section 25 of the Zoning Bylaw that demolition of an existing nonconforming garage, and construction of a two story attached three car garage that will meet setback requirements, on a 14,000 square foot corner lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District, at 8 Fiske Road, 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., Eric and Laura Misbach, the Petitioner, and Timothy Burke, Architect. Mr. Himmelberger said that the request is for a special permit to build a conforming addition to an existing nonconforming home on a nonconforming lot with less than required area. He said that the house was built in 1933, according to the Town Building Department's records and is located on an undersized lot of 14,000 square feet in a 15,000 square foot Single Residence District and a Water Supply Protection District. He said that the existing home is nonconforming due to a side yard setback of 15.3 feet to an existing attached two-car garage. He said that the proposed addition will remove the nonconforming setback by replacing it with an attached conforming three-car garage with a master suite above. He said that all of the proposed addition will be fully dimensionally compliant. He said that the existing ridge height is 29.1 feet and ridge height of the addition will be 27.7 feet. He said that existing lot coverage is 1,806 square feet or 13 percent, and proposed lot coverage will be 2,280 square feet or 19 percent. He said that proposed TLAG of 4,683 square feet will be slightly above the trigger in this district of 4,300 square feet.

Mr. Himmelberger said that his client retained a stormwater consultant for work in a Water Supply Protection District. He said that they added two Stormtec Infiltration Systems in the yard adjacent to the proposed addition. He said that with proposed construction there will only be 49 square feet of additional impervious area.

Mr. Himmelberger said that the Planning Board expressed concerns about screening with the neighbor on Fairbanks Avenue. He said that his client had a conversation with that neighbor and they have agreed to continue an existing line of evergreen screening further down to screen the garage area.

Mr. Himmelberger said that the proposal is to remove an existing nonconforming portion of the house and add 49 square feet of impervious area. He said that the proposed construction will not be substantially

more detrimental to the neighborhood than the pre-existing nonconformities. He said that a number of neighbors wrote in their support.

The Chairman discussed the Planning Board recommendation regarding variation in materials on the north wall. Mr. Burke said that is the back of the house where they thought that they had done a nice job of articulating the spaces.

A Board member said that the Department of Public Works asked that the final site plan show utilities.

The Chairman asked about a note on the plan that says, "if required on potential stormwater." He asked who decides that and when they do it. Mr. Himmelberger said that there are two existing area drains at the rear of the property and they are only adding 49 square feet of additional impervious surface. He said that it was a question of being overly cautious in a Water Supply Protection District. He said that if it rose to the Board's concern, they would put the drainage improvements in. The Chairman said that when a proposal is small and does not have much impact, the Board does not ask for a drainage system. A Board member said that there is a plan in place if problems develop after construction.

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

#### Statement of Facts

The subject property is located at 8 Fiske Road, on a 14,000 square foot corner lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District,

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 14E, Section 17 and Section 25 of the Zoning Bylaw that demolition of an existing nonconforming garage, and construction of a two story attached three car garage that will meet setback requirements, on a 14,000 square foot corner lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Existing & Proposed Plot Plans dated 1/26/21, stamped by Michael Paul Antonino, Professional Land Surveyor, Proposed Floor Plans and Elevation Drawings, dated 1/26/21, prepared by Timothy Burke Architecture, 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.

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 14E of the Zoning Bylaw for Water Supply Protection Districts.

It is the opinion of this Authority that demolition of an existing nonconforming garage, and construction of a two story attached three car garage that will meet setback requirements, on a 14,000 square foot corner lot in a Single Residence District in which the minimum lot size is 15,000 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 garage, and construction of a two story attached three car garage that will meet setback requirements, on a 14,000 square foot corner lot in a Single Residence District in which the minimum lot size is 15,000 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 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.

2021 MAR 18 A 11:29  
ZONING BYLAWS OFFICE  
BOSTON, MASSACHUSETTS 02148

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

*Richard L. Seegel (lrm.)*  
Richard L. Seegel

*Walter B. Adams (lrm.)*  
Walter B. Adams

2021 MAR 18 A 11:29  
Wellesley, MA 02451

ZBA 2021-22  
Applicant Eric & Laura Misbach  
Address 8 Fiske Road

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

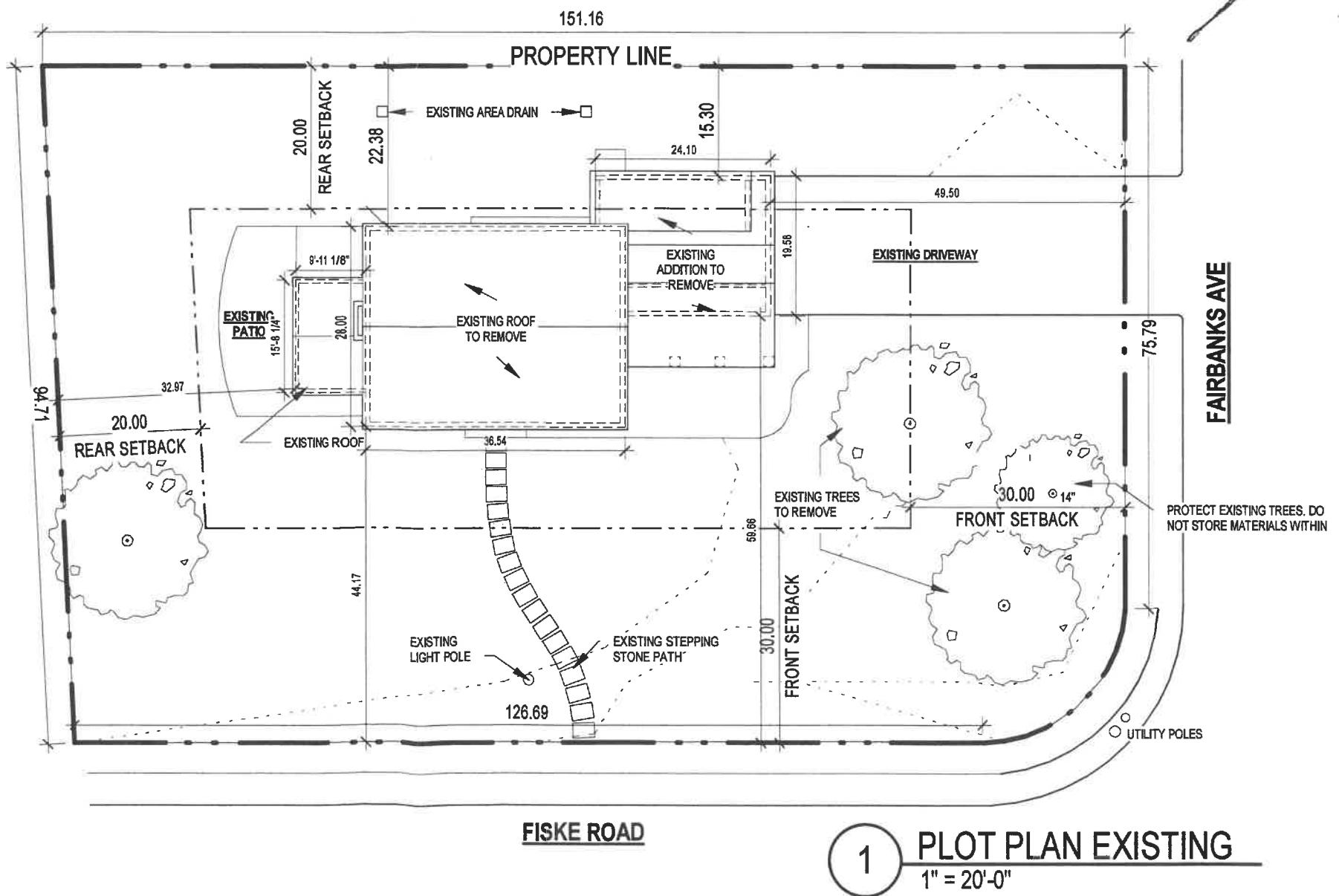
# PROPERTY INFORMATION:



ADDRESS 8 FISKE ROAD, WELLESLEY, MA 02481  
 PARCEL 36-43  
 ZONE SR15 - SINGLE RESIDENCE  
 YEAR BUILT 1933  
 LOT SIZE 14,000 FT<sup>2</sup>  
 LOT COVERAGE 1,806 FT<sup>2</sup> - 13%



REGISTERED LAND SURVEYOR  
**MICHAEL P. ANTONINO**



## PROPERTY INFORMATION:



ADDRESS 8 FISKE ROAD, WELLESLEY, MA 02481  
 PARCEL 36-43  
 ZONE SR15 - SINGLE RESIDENCE  
 YEAR BUILT 1933  
 LOT SIZE 14,000 FT<sup>2</sup>  
 LOT COVERAGE 2,280 FT<sup>2</sup> - 19%

