

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

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(781) 431-1019 EXT. 2208

WALTER B. ADAMS  
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RICHARD L. SEESEL

2021 DEC 16 P 12:16

ZBA 2021-96

Petition of Garfield & Lindsey Miller  
7 Atwood Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, December 2, 2021 at 7:30 pm, in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Garfield & Lindsey Miller 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 construction of a second story addition over an existing nonconforming structure with less than required front yard setbacks, on an existing nonconforming structure with less than required front yard and left side yard setbacks, at 7 Atwood Street, in a 10,000 square foot Single Residence District and a General Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On November 1, 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., and Timothy Burke, Architect, representing Garfield & Lindsey Miller, the Petitioner.

Mr. Himmelberger said that the request is for a special permit for a pre-existing nonconforming structure on a conforming lot, with a left side yard setback of 14.8 feet and a front yard setback of 25 feet. He said that the proposed addition will include a second floor over the existing right side one story portion of the home. He said that they will maintain the existing front setback and have an expanded two story on the right rear of the existing home, outside of the setbacks. He said that the home will retain its existing building height of 29.5 feet. He said that TLAG will increase from 3,297 square feet to 4,639 square feet. He said that lot coverage will increase from 1,483 square feet, or 15 percent, to 1,887 square feet, or 18 percent.

Mr. Himmelberger said that the house is located on the south side of St. Paul's. He said that neighbors at 3 and 15 Atwood Street and 4 and 6 Aberdeen Road wrote letters of support.

Mr. Burke said that the existing house has suffered some benign neglect. He said that the plan is for a modern farm house. He said that they will simplify two dormers, replace two windows with one at the center, and add a new area on the second floor for a master suite. He said that they plan to keep the flowering trees.

Mr. Burke said that there is an existing garage at the back that is in disrepair and may disappear at some point. He said that the homeowners wanted to have a garage inside the house. Mr. Himmelberger said that the existing garage is good for storage.

Mr. Burke said that infiltration systems are shown on the site plan.

A Board member confirmed that the storage area of the new garage was included in the TLAG calculations. He discussed the size of home in relation to the 3,600 square foot threshold for Large House Review. He said that there are opportunities to make improvements to the TLAG and further minimize the nonconformities of the lot by removing the existing detached garage. He said that the proposed two-car garage is almost the size of a three-car garage, so there will be plenty of room for cars and storage. He said that the existing garage contributes to serious massing on the western side of the property. Mr. Himmelberger said that TLAG typically addresses the main volume of the house. He said that the garage sits back and is lower than street level. He said that a condition for removal of the existing garage is acceptable.

A Board member said that the plan is well worked out. He asked if there is any way to provide a little more window area in the lower level au pair space.

No member of the public wished to speak to the petition.

#### Statement of Facts

The subject property is located at 7 Atwood Street, in a 10,000 square foot Single Residence District and a General Residence District, with a minimum front yard setback of 25 feet where 30 feet is required, and a minimum left side yard setback of 14.8 feet where 20 feet is required. The existing nonconforming garage has a minimum right side yard setback of 7.5 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 construction of a second story addition over an existing nonconforming structure with less than required front yard setbacks, on an existing nonconforming structure with less than required front yard and left side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Letter to Zoning Board of Appeals, dated 10/26/21, from David J. Himmelberger, Esq., Existing Plot Plan and Proposed Plot Plan, dated 11/3/21, stamped by Michael Paul Antonino, Registered Land Surveyor, Floor Plans and Elevation Drawings, dated 11/3/21, prepared by Timothy Burke Architecture, and photographs were submitted.

On November 30, 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 construction of a second story addition over an existing nonconforming structure with less than required front yard setbacks, on an existing nonconforming structure with less than required front yard and left side yard setbacks will not result in the intensification of an existing nonconformity, 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 construction of a second story addition over an existing nonconforming structure with less than required front yard setbacks, subject to the following condition:

- The existing garage shall be removed.

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 DEC 16 P 12:10

ZBA 2021-96  
Petition of Garfield & Lindsey Miller  
7 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



David G. Sheffield



Derek B. Redgate

2021 DEC 16 PM 12:11

ZBA 2021-96  
Applicant Garfield & Lindsey Miller  
Address 7 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:

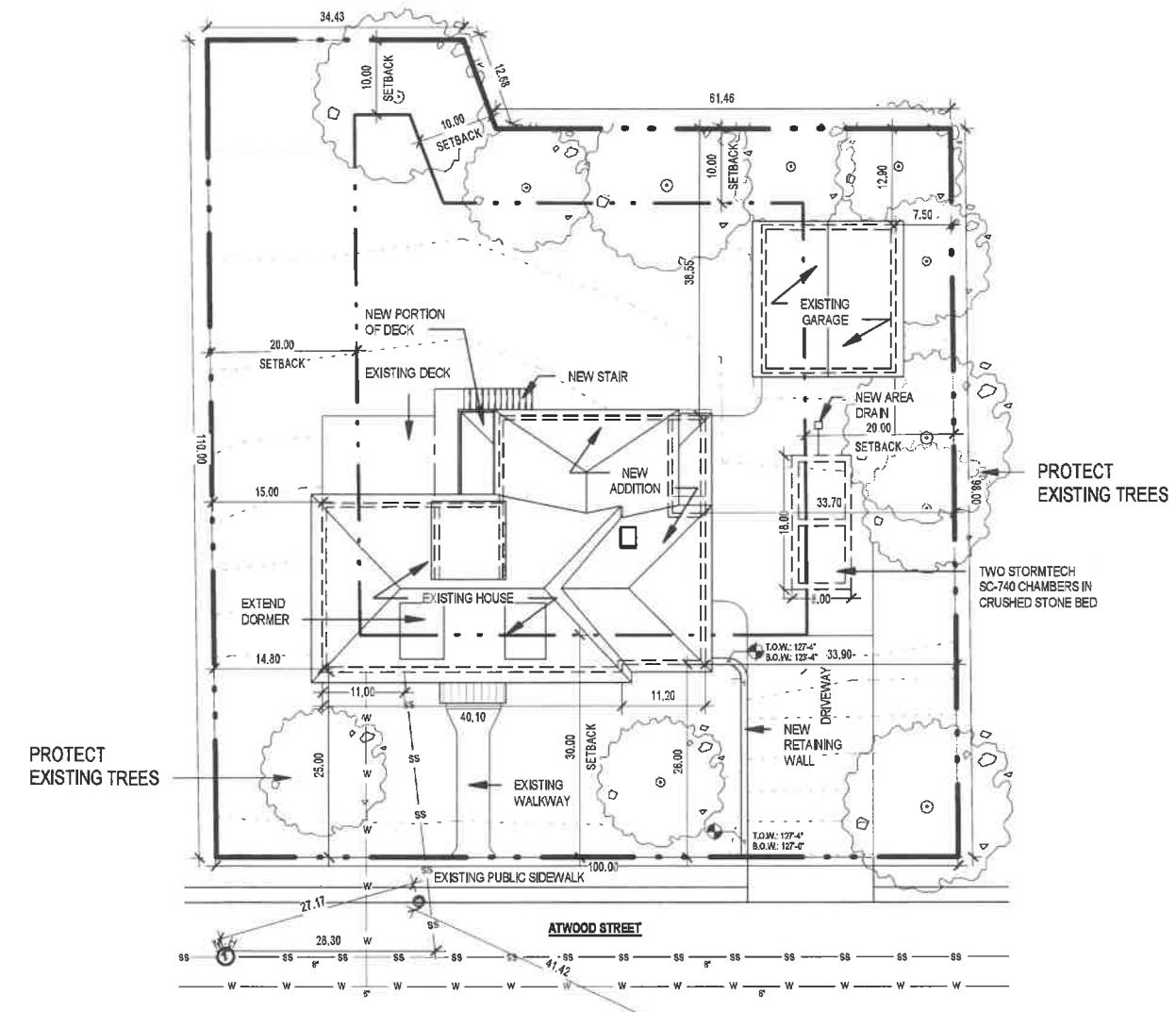
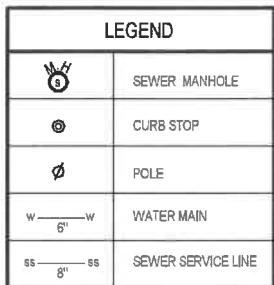
Attest:

Cathryn Jane Kato  
Town Clerk

cc: Planning Board  
Inspector of Buildings  
lrm

### PROPERTY INFORMATION:

ADDRESS	7 ATWOOD, WELLESLEY, MA 02481
PARCEL	99-54
ZONE	SR10 - SINGLE RESIDENCE
YEAR BUILT	1915
LOT SIZE	10,240 FT <sup>2</sup>
EXISTING LOT	1,483 FT <sup>2</sup> - 15%
COVERAGE	
PROPOSED LOT	1,887 FT <sup>2</sup> - 18%
COVERAGE	



1 PLOT PLAN PROPOSED  
1" = 20'-0"

REGISTERED LAND SURVEYOR  
**MICHAEL P. ANTONINO**

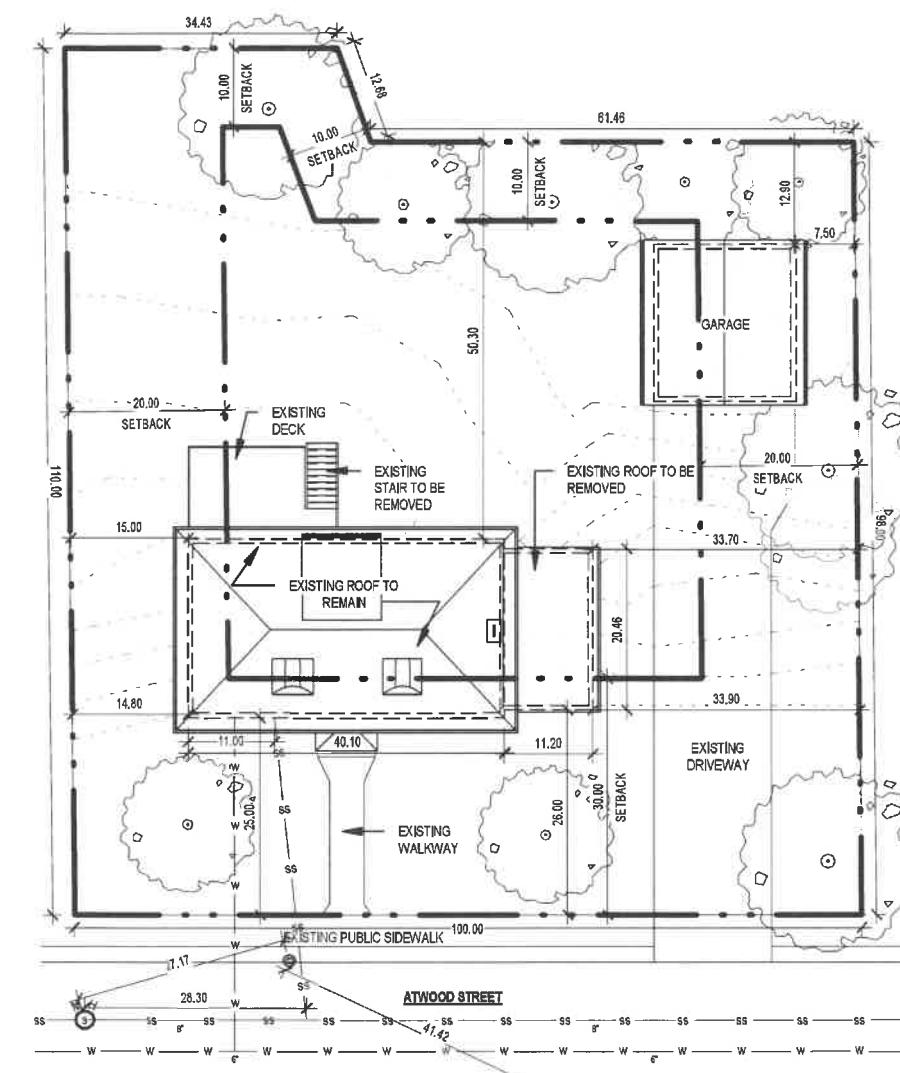
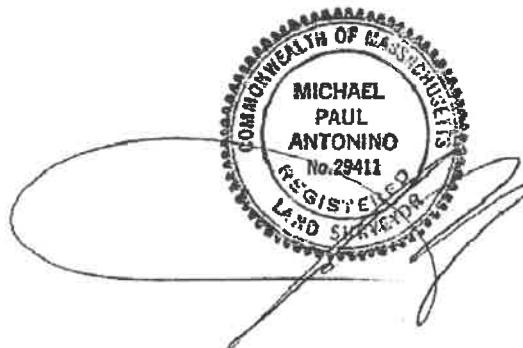
PHONE / FAX: 781.344.4530  
STOUGHTON, MASSACHUSETTS 02072  
31 LEDGEBROOK AVE.

PROPERTY INFORMATION:

ADDRESS 7 ATWOOD, WELLESLEY, MA 02481  
 PARCEL 99-54  
 ZONE SR10 - SINGLE RESIDENCE  
 YEAR BUILT 1915  
 LOT SIZE 10,240 FT<sup>2</sup>  
 EXISTING LOT 1,483 FT<sup>2</sup> - 15%  
 COVERAGE



LEGEND	
	SEWER MANHOLE
	CURB STOP
	POLE
	WATER MAIN
	SEWER SERVICE LINE



1

PLOT PLAN EXISTING  
 1" = 20'-0"

REGISTERED LAND SURVEYOR  
**MICHAEL P. ANTONINO**

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 STOUGHTON, MASSACHUSETTS  
 02072  
 31 LEDGEBROOK AVE.