



ZONING BOARD OF APPEALS

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ZBA 2015-29

Petition of Chungyang Chen & Wenying Tseng
 10 Hill Top Road

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 9, 2015, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of CHUNGYANG CHEN & WENYING TSENG requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a second story addition over an existing one-story structure with less than required front yard, left side yard and right side yard setbacks, and construction of a two-story structure with basement and attic with less than required left side yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, on a 6,000 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, at 10 HILL TOP ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On March 23, 2015, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Chungyang Chen, (the Petitioner). He said that the proposal is to upgrade the structure at 10 Hill Top Road with construction of a second story over the existing first floor footprint and expansion into the current deck area for a basement, first and second floor.

Mr. Chen said that he spoke with the neighbors. He said that they tried to keep the style of the neighbors' houses on the front and side. He displayed photographs of the front porches at 1 Hill Top Road and 8 Hill Top Road. He said that he is proposing to have a similar porch style.

Mr. Chen displayed a photograph of the view from his deck to the right sides of 8 Hill Top Road and 6 Hill Top Road. He said that the proposed structure will be similar to the pushed back extension at 6 Hill Top Road.

Mr. Chen discussed the total finished living area of 2,193 square feet for the first and second floors.

Mr. Chen said that the existing driveway and part of the yard will be unchanged due to neighbors' concerns about drainage.

Mr. Chen said that he researched the neighborhood. He said that they are not trying to create a large house that will not fit in with the neighborhood style. He said that the plan is to add value to the neighborhood.

Mr. Chen said that 10 Hill Top Road is the only one-story structure on that side of the road. He said that they are trying to match the neighborhood style.

The Board asked about the pitch of the main roof. Mr. Chen said that it will be 9/12, as shown on Sheet 3 of 4.

The Board asked about access to the attic area. Mr. Chen said that there will be unfinished stairs. The Board said that one of the conditions will be that the attic will not be used for living space.

The Board said that this is the second time that the Board has seen a proposal for the property. A Board Member said that the massing is much better than the previously submitted proposal. He said that there are some issues that are not related to Zoning but have not been thought out in terms of windows and things of that sort. Mr. Chen said that he spoke with the neighbors and they exchanged ideas about window directions. He said that there are more windows to break up the façade.

The Board Member said that one of his concerns is the projection to the rear. He said that the window in the small attic area is so small, it seems cramped and unnecessary. Mr. Chen can take it out and put in a vent.

The Board Member said that he did not like the bay window stuck on the second floor with nothing below it. He said that having it hang over the flat space on the first floor will look strange. He said that they may want to take that off or have another one on the first floor and connect the two. Mr. Chen said that they will construct two connected bay windows.

The Board Member said that on the second floor on the back elevation, the corridor goes past the master closet to the bathroom. He said that it looks like it is missing a window. He said that a window would illuminate the corridor and will help the back elevation. He said that it would be a lot friendlier in scale to have that window.

The Board Member said that the house is fairly close to the street. He said that the portico extends further into the front setback. He said that an open portico would look better than one with a solid front. He said that other houses on the street have the open portico. Mr. Chen said that they will keep the portico open.

The Board said that the Zoning Bylaw asks for the height from average grade. The Board said that the back elevation shows the height from the lowest point at 37.38 feet and 32 feet on the front. Mr. Chen said that the Plot Plan shows the maximum height allowed at 187.4 feet. The Board said that the Surveyor's calculation is 185.25 feet to the ridgeline. The Board said that the existing Average Grade Plane is shown as 151.4 feet. The Board said that the calculations are not usually presented that way. The Board confirmed that the height from average grade will be 33.75 feet.

The Board asked if Mr. Chen had looked into the structural integrity of the basement foundation to support the proposed addition. The Board confirmed that there will be no excavation under the existing house but there will be excavation under the existing porch. Mr. Chen said that the ground under the existing deck is gravel and some concrete. The Board said that will become part of the basement. The Board said that a Structural Engineer should check the foundation to make sure that it can take the weight

of the new addition on top. The Board said that the Engineer should write a letter to the Building Inspector stating that the foundation will support the new addition.

The Board asked if the changes that the Board suggested are agreeable to Mr. Chen. Mr. Chen said that they are. The Board said that new plans should be submitted showing those changes. The Chairman said that the Board could vote on the petition at this hearing subject to receiving new plans from the Petitioner. He said that once the revised plans are received, the decision will be filed with the Town Clerk.

The Board said that Sheet 3 of 4 shows a 7.6 foot height to the tie across the rafters. He said that indicates that the space could be occupied. The Board said that a condition of the decision will be that the space can just be used for storage. Mr. Chen said that it will be unfinished and just for storage.

The Chairman asked if there was anyone present at the Public Hearing who wished to speak to the petition. He read an email from Colette Aufranc, 5 Hill Top Road, stating that she did not object to the project.

Robert McConnell, 8 Hill Top Road, said that when the house went up for sale, he was hoping that the new owners would keep it much the same with just over 1,000 square feet of space. He said that he was resigned to the fact that it was very likely that someone would want to add a second floor. He said that the application before the Board is not to increase the house 100 percent. He said that the floor plan is a little over 1,000 square feet. He said that when that is doubled, it totals approximately 2,100 square feet. He said that should be enough space for most families. He said that the Applicant bought a small house and now says that a 100 percent increase in size is not enough. He said that the Applicant wants a 100 percent increase plus one-third more house. He said that the proposed house plan is really bulky. He said that the Applicant should stick to the original footprint. He said that the request to build an extension on the back will make this much larger. He said that Mr. Chen compared the proposed house to 8 Hill Top Road as if it is going to be very similar. He said that he did not think that it will resemble his house at all. He said that it will be much bigger. He said that it will be the biggest house on Hill Top Road. He said that the extension will be 140 square feet on both floors for a total of 280 square feet. He said that the total proposed structure will be in excess of 2,300 square feet. He displayed illustrations of the plans that were submitted to the Board showing existing and proposing structures. The Board said that the addition is at back and will not be seen from the street. Mr. McConnell said that it will be visible from the South side. The Board said that it will elongate the façade along Mr. McConnell's property.

Mr. McConnell submitted a copy of the Proposed Left Elevation with an outline of 8 Hill Top Road superimposed. He said that the depth of his house is 20 feet from front to back. He said that the existing house at 10 Hill Top Road is 30 feet and the request is for an additional 10 feet. He said that will double the depth of his house. He said that the roof at 10 Hill Top Road will rise higher than 8 Hill Top Road. He said that the plan that was submitted shows a rise to 10 feet on the interior of the attic. He said that his attic rises to 8 feet. He said that there is potential for usable attic space. The Board said that the attic will be used for storage. Mr. McConnell said that many houses on the street have occupied attics with bedrooms. He said that his son lived in the attic bedroom as a teenager. He said that this house will have a lot more space. He said that Mr. Chen's claim that he needs almost 2,400 square feet is hard to accept when he also has the option of usable space in the attic. The Board said that Mr. Chen has a growing family. The Board said that this is small compared to a lot of homes that are being built.

Mr. McConnell said that the proposed master bedroom will be double the size of his. The Board said that is a matter of taste. Mr. McConnell said that he was trying to deal with the issue of reasonableness of an applicant coming before the Zoning Board and saying that they need more space. The Board said that the house is 942 square feet. Mr. McConnell said that doubling that and adding 280 square feet will result in the biggest house on the street. The Board asked Mr. McConnell how this will hurt him. Mr. McConnell displayed the view of 10 Hill Top Road from his kitchen window. He said that he will be affected by the magnitude of the proposed changes. He said that it will diminish the value of his house and will diminish the appeal that it has for him.

Stephen Bogiages, 12 Hill Top Road, said that Mr. Chen had done a great job to address a lot of their concerns. He said that they will lose some sunlight with the new height. He confirmed that the Board did not object to the ratio, as proposed.

Mr. Bogiages asked if the Applicant can come back at a later date to add a deck at the back. The Board said that he could ask to do that. The Board said that it will not permit the attic to be used as livable space.

The Board discussed changing the pitch to lower the roof a little bit. Mr. Chen said that their concern is snow buildup on the roof. The Board said that changing the pitch will not change the size of the house dramatically.

Mr. Chen said that 6 Hill Top Road extends back almost the same distance as the proposed structure at 10 Hill Top Road.

Statement of Facts

The subject property is located at 10 Hill Top Road, on a 6,000 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with a minimum front yard setback of 24.4 feet, a minimum left side yard setback of 12.8 feet and a minimum right side yard setback of 12.9 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a second story addition over an existing one-story structure with less than required front yard, left side yard and right side yard setbacks, and construction of a two-story structure with basement and attic with less than required left side yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, on a 6,000 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.

A Plot Plan, dated 12/17/14, revised 3/2/15 & 3/10/15, stamped by Robert A. Gemma, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 1/10/15, revised 3/7/15, prepared by Design by Sami LLC, and photographs were submitted.

On April 9, 2015, the Planning Board reviewed the petition and recommended that the special permit be granted.

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 although construction of a second story addition over an existing one-story structure with less than required front yard, left side yard and right side yard setbacks, and construction of a two-story structure with basement and attic with less than required left side yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, on a 6,000 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet is increasing a nonconformity, such increase shall 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 second story addition over an existing one-story structure with less than required front yard, left side yard and right side yard setbacks, and construction of a two-story structure with basement and attic with less than required left side yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, on a 6,000 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, subject to the following conditions:

1. Revised Plans showing the recommended architectural details and windows shall be submitted.
2. A letter from a Structural Engineer stating that the existing foundation can support the proposed addition shall be submitted.
3. The attic shall not be used as finished or livable space.

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.

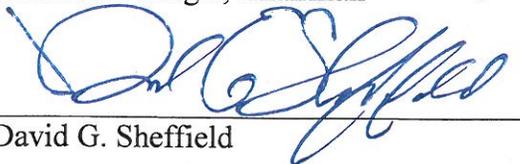
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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.


Richard L. Seegel, Chairman


David G. Sheffield


Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm

PROPOSED Z.B.A. PLOT PLAN IN WELLESLEY, MASS.

SCALE: 1"=20'

DATE: DECEMBER 17, 2014

REVISED: 03/02/15

REVISED: 03/10/15

LOCATION: #10 HILL TOP ROAD

PREPARED FOR: CHUNGYANG CHEN

ENGINEERS & SURVEYORS:

MWE

METROWEST ENGINEERING, INC.
75 FRANKLIN STREET
FRAMINGHAM, MA 01702
ROBERT A. GEMMA, PLS 37046

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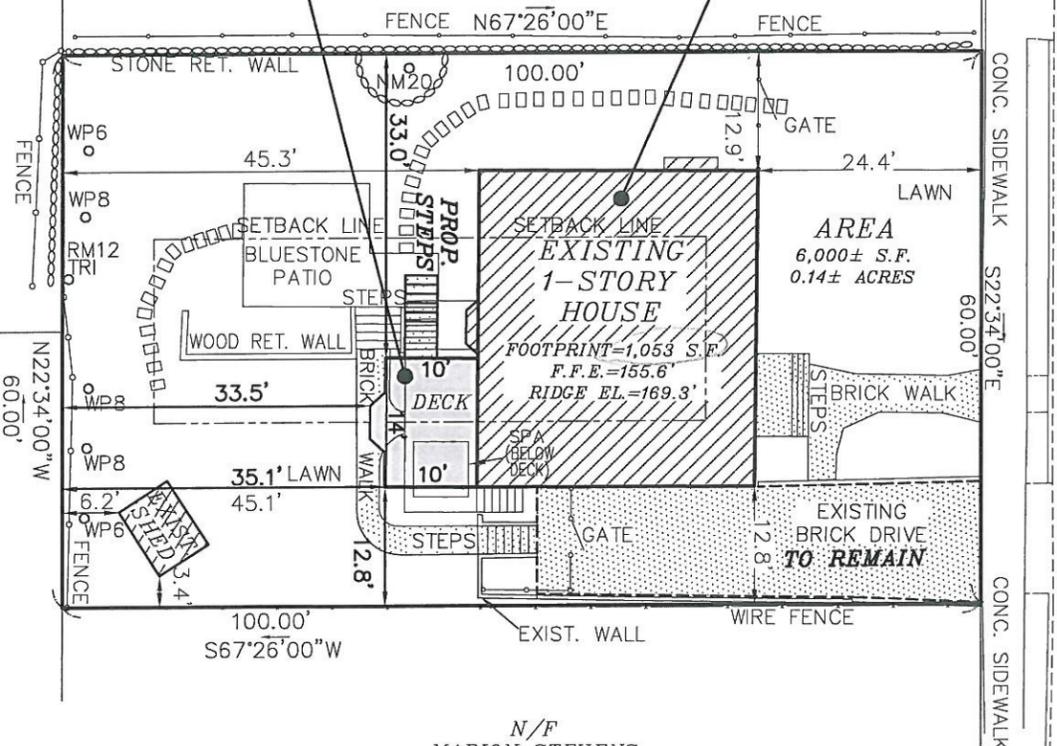
COMMONWEALTH OF MASSACHUSETTS
ROBERT A. GEMMA
No. 37046
PROFESSIONAL
LAND SURVEYOR
3/10/15

I CERTIFY THAT THE LOT SHOWN AND THE EXISTING HOUSE THEREON PREDATE THE CURRENT ZONING OF THE TOWN OF WELLESLEY ZONING BYLAWS. THE LOT PREDATES THE CURRENT AREA REQUIREMENT OF THE CURRENT TOWN OF WELLESLEY ZONING BYLAWS.

N/F
STEPHEN BOGIAGES & CAROL HUGHES
MAP 110, LOT 31
DEED BOOK 9226, PAGE 611

PROP. TWO STORY
ADDITION WITH BAY
WINDOW
AREA=± 155 S.F.

PROP. SECOND STORY
ADDITION OVER
EXISTING FIRST
FLOOR FOOTPRINT



N/F
TIMOTHY & SHANNON SCARLET
MAP 110, LOT 22
DEED BOOK 10966, PAGE 442

N/F
MIGUEL SANCHEZ
MAP 110, LOT 23
DEED BOOK 29079, PAGE 457

N/F
MARION STEVENS
MAP 110, LOT 29
DEED BOOK 8359, PAGE 170

ZONING:

SR-10
MINIMUM AREA= 10,000 SQUARE FEET
MINIMUM FRONTAGE= 60 FEET
SETBACKS:
FRONT YARD= 30 FEET*
SIDE YARD= 20 FEET
REAR YARD= 10 FEET
MAXIMUM HEIGHT= 36 FEET
* SETBACK IS SUBJECT TO 500-FOOT RULE

NOTES:

- SUBJECT PARCEL IS SHOWN AS ASSESSORS MAP 110, LOT 30. RECORD TITLE FROM DEED BOOK 32670 PAGE 532 RECORDED IN NORFOLK REGISTRY OF DEEDS.
- THE PROPERTY, DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY; THE PROPERTY LIES WITHIN ZONE "X" OF THE FLOOD INSURANCE RATE MAP IDENTIFIED AS MAP NUMBER 25021C0016E, BEARING AN EFFECTIVE DATE OF JULY 17, 2012.

IMPERVIOUS AREAS

PROPOSED BUILDING COVERAGE = 1,254 S.F. (20.9%)
TOTAL BUILDING, WALL & DRIVEWAY COVERAGE = 2,437 S.F.
TOTAL IMPERVIOUS COVERAGE = 2,437 S.F.

* EXISTING AVERAGE GRADE PLANE = 151.4'
EXISTING FIRST FLOOR ELEVATION (F.F.E.) = 155.6'
EXISTING BUILDING HEIGHT = 169.3'
MAXIMUM ALLOWED BUILDING HEIGHT = 187.4'
EXISTING BUILDING COVERAGE = 1,244 S.F. (20.7%)