

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

J. RANDOLPH BECKER, CHAIRMAN
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WALTER B. ADAMS
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ZBA 2024-54
Petition of Hongsheng Wu
9 Hill Top Road

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, July 11, 2024, at 7:30 pm, on the petition of Hongsheng Wu requesting a Special Permit/Finding pursuant to the provisions of Section 5.1 and Section 6.3 of the Zoning Bylaw that demolition of an existing nonconforming one-story structure and construction of a new two-story structure on the same footprint, with less than required front yard, left side yard and right side yard setbacks, and construction of a one-story addition with roof deck with less than required left side yard and right side yard setbacks, at 9 Hill Top Road, on a 6,129 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.

On June 5, 2024, 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., Hongsheng Wu, the Petitioner, and Kyle Xue, Architect.

Mr. Himmelberger said that the request is for reconstruction of a pre-existing nonconforming house that is located in an SR 10 Zoning District. He said that the proposal is to raze the house down to the foundation and reconstruct a one and a half story structure on the existing foundation and build a one story addition with a roof deck at the rear over a crawl space. He said that existing nonconforming setbacks are 5 feet on the right side and 17 feet on the left side. He said that the existing 18 foot tall house will be raised 7.5 feet for a new roof height of 25.5 feet. He said that the new roof height will be 29.8 feet from average original grade due to a basement garage at a deeper depth.

Mr. Himmelberger said that the plot plan shows air conditioning condensers in the setback. He said that the owner will either install heat pumps or move the air conditioning condensers to the rear of the property in a compliant location. He said that the existing and proposed retaining walls are compliant.

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The Chairman said that the lot size is undersized at 6,129 square feet in an SR 10 district. He said that the front yard setback is 19.1 feet.

A Board member said that the plot plan is missing the bearings of the lot lines, distances of the lot, frontage, and the length of the sides and the back. Mr. Himmelberger said that they will submit a plot plan that shows the property dimensions and frontage.

The Chairman said that the decision grants no relief for air conditioners or retaining walls.

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

Statement of Facts

The subject property is located at 9 Hill Top Road, on a 6,129 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 19.1 feet where 30 feet is required, a minimum left side yard setback of 17 feet and a minimum right side yard setback of 5 feet where 20 feet is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 5.1 and Section 6.3 of the Zoning Bylaw that demolition of an existing nonconforming one-story structure and construction of a new two-story structure on the same footprint, with less than required front yard, left side yard and right side yard setbacks, and construction of a one-story addition with roof deck with less than required left side yard and right side yard setbacks, on a 6,129 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 6/4/24, stamped by Christopher C. Charlton, Professional Land Surveyor #48649, Floor Plans and Elevation Drawings, dated 6/3/24, prepared by UP Design & Build, TLAG Affidavit, and photographs were submitted.

On July 2, 2024, 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 of an existing nonconforming one-story structure and construction of a new two-story structure on the same footprint, with less than required front yard, left side yard and right side yard setbacks, and construction of a one-story addition with roof deck with less than required left side yard and right side yard setbacks, on a 6,129 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.

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Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of an existing nonconforming one-story structure and construction of a new two-story structure on the same footprint, with less than required front yard, left side yard and right side yard setbacks, and construction of a one-story addition with roof deck with less than required left side yard and right side yard setbacks, subject to the following condition:

- A plot plan that shows the bearings of the lot, the length of the property lines, and any other information that is typically shown on a plot plan shall be submitted.

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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ZBA 2024-54
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9 Hill Top Road

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.

Robert W. Levy (L.M.)
Robert W. Levy, Acting Chairman

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

Derek B. Redgate (L.M.)
Derek B. Redgate

ZBA 2024-54
Applicant Hongsheng Wu
Address 9 Hill Top Road

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

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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.

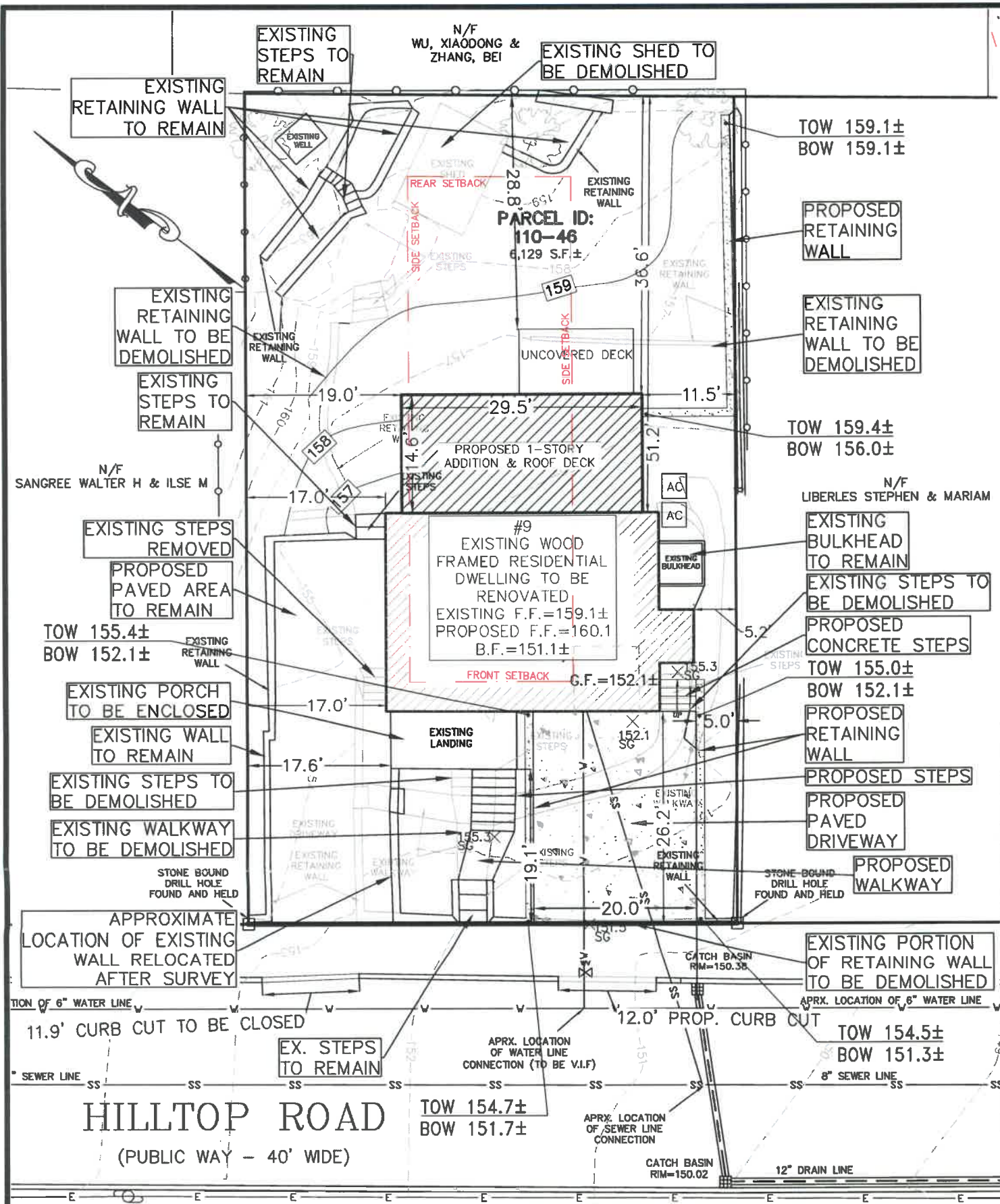
Date:

Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm

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SPOT LOCATION	EXISTING GRADE	PROPOSED GRADE
1	155.6	155.6
2	155.5	155.5
3	155.3	155.3
4	155.1	151.1
5	155.2	155.2
6	155.2	155.2
7	155.6	155.6
8	156.4	159.5
9	156.5	159.5
10	156.7	159.4
11	156.9	159.2
12	156.8	158.0
13	156.3	156.5
14	154.6	154.6
15	154.2	154.2
AVERAGE	155.7	156.3

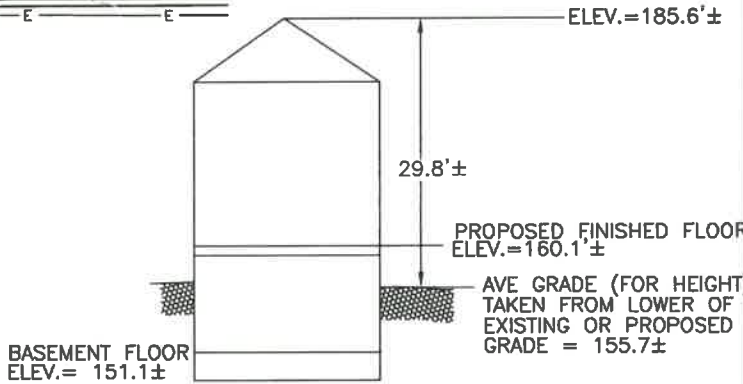
155.7' < 156.3' THEREFORE USE EXISTING AVERAGE GRADE FOR BUILDING HEIGHT CALCULATION.

WHERE ENGINEERING DESIGN IS REQUIRED FOR DRAINAGE PURPOSES, A CIVIL ENGINEER MUST BE CONSULTED

FIRST FLOOR AND FOUNDATION ELEVATIONS TO BE VERIFIED BY ARCHITECT.

REFER TO ARCHITECTURAL PLANS FOR ALL ZONING RELATED INFORMATION

EXISTING LOT COVERAGE = 958.0± SF OR 15.6%
PROPOSED LOT COVERAGE = 1,388.7± SF OR 22.7%



REVISION BLOCK			
BY	DESCRIPTION	DATE	SCALE
			1"=20'
			DATE 6/4/2024
			DRAWN BY RV
			CHECKED BY CC
			APPROVED BY ES
			SHEET 1 OF 1
			DRAFT
			S1.0

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9 HILL TOP ROAD,
WELLESLEY,
MASSACHUSETTS

PROPOSED PLOT
PLAN


**SPRUHAN
ENGINEERING, P.C.**
80 JEWETT ST, (SUITE 1)
NEWTON, MA 02458
Tel: 617-816-0722
Email: edmond@spruhaneng.com

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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Property Address: 9 Hill Top Road, Wellesley
Deed Book: 38416, Page 119