

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

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ZBA 2024-52

Petition of Boston Real Estate Investments Group LLC,  
Yuerin Yan, Manager  
10 Fife 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 Boston Real Estate Investments Group, LLC, Yuerin Yan, Manager, 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 structure with less than required rear yard setbacks, and construction of a new two-story structure with basement and attic with less than required rear yard setbacks, at 10 Fife Road, on a 6,956 square foot lot in a Single Residence District in which the minimum lot size is 15,000 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.

July 11, 2024

Present at the public hearing were David Himmelberger, Esq., Robert Williamson, Architect, Yuerin Joseph Yan, the Petitioner, and John Anderson, Builder.

Mr. Himmelberger said that the request is for a special permit to raze a pre-existing nonconforming single family home in an SR 15 district, with less than required setbacks on a nonconforming lot of 6,956 square feet, and to build a new home that is compliant, with the exception of a rear setback of 15.08 feet where 20 feet is required. He said that the rear yard abuts the side yard at 206 R Cedar Street.

Mr. Himmelberger said that TLAG of 3,464 square feet is proposed in a district where the threshold is 4,300 square feet. He said that the peak ridge height will be 34.25 feet. He said that existing lot coverage of 1,020 square feet, or 14.76 percent, will increase to 1,386 square feet, or 19.93 percent. He said that a 500 Foot Rule letter was submitted. He said that the Planning Board commented that the rear yard

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JULY 11 2024  
10:12:20 PM

setback of 13.3 feet was incorrectly measured to a stoop. He said that the existing nonconforming rear yard setback is 16.2 feet. He said that the proposed rear yard setback will be 15.08 feet.

The Chairman said that the nonconformities are the lot size and the rear yard setback.

A Board member discussed concerns with the plans that were submitted. He said that it was hard to see the existing structure with the proposed structure superimposed over it on the plot plan. He said that there are not enough dimensions on the plot plan to compare the existing and proposed structures. He said that he did not see any drawings that show the existing structure. He said that there are no details included in the TLAG affidavit. He said that the Board will need to see an existing conditions plot plan and a proposed conditions plot plan before it can approve anything. He said that the photographs that were submitted show the existing building. The Chairman said that the plot plan should include the dimensions of the portico.

Mr. Williamson said that the portico will be 42 square feet, projecting less than five feet from the face of the house. He said that the building height will be 34.2 feet, as shown on Plan ZBA.09. He said that it is a tight lot and it was a challenge to come up with a design that fits. He said that special attention was paid to diversify the massing and break up the form to provide a nice addition to the neighborhood as a classic colonial with a garage slightly set back from the main body of the house. He said that the bay projections are less than two feet from the face of the concrete below. A Board member said that the dimensions appear to be maxed out and there is no room for contractor error.

Mr. Anderson said that they strove to put in a building in that would fit with the neighborhood. He said that he spoke with a few of the neighbors and showed them plans. He said that he left packets with plans, contact information and a cover letter. He said that the neighbors that he spoke with had positive reactions to the plans. He said that one immediate abutter had concerns about a tree. He said that they will work with a certified arborist on a tree mitigation plan.

Mr. Anderson said that he showed the plans to the granddaughter of the generational family who had lived in the home for 70 years or so. He said that her mother sent a letter of support.

Mr. Williamson said that they will coordinate with the surveyor to make the plot plan more graphically legible. Mr. Himmelberger said that the plans will show setbacks, the bay windows and the portico.

Mr. Williamson said that they will submit an updated TLAG Affidavit with the new architectural package. A Board member said that it is helpful to have a graphic plan of the building that shows how the TLAG was calculated.

Mr. Himmelberger confirmed that the photographs are sufficient to show the elevations of the existing structure.

A Board member asked about stormwater management. He said that they will be increasing the roof structure significantly. Mr. Anderson said that the intent is to put in a cultec system. Mr. Himmelberger said that the system will be shown on the plot plan.

The Board voted unanimously to continue the matter to September 12, 2024.

September 12, 2024

Mr. Himmelberger said that, as the Board requested, the revised plans show roof heights of the existing and proposed home, more dimensions for the lengths and widths of the proposed home, bay extensions, front portico, side stair landing, top and bottom of retaining wall elevations for the patio, and downspouts for roof runoff connected to underground recharge systems to collect all roof runoff. He said that the architectural plans were revised to correct the TLAG data and show more traditional balusters on the side entry porch. He said that the Applicant addressed all of the Board's concerns from the previous hearing.

A Board member said that he was satisfied with the documents provided. He discussed concerns about locating the structure within one inch of a minimum side yard setback on both sides.

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

Statement of Facts

The subject property is located at 10 Fife Road, on a 6,956 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, with a minimum rear yard setback of 13.3 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 structure with less than required rear yard setbacks, and construction of a new two-story structure with basement and attic with less than required rear yard setbacks, on a 6,956 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Letter to Zoning Board of Appeals, dated 5/31/24, from David J. Himmelberger, Esq., a Plot Plan and Letter regarding Yard Regulation, dated 6/3/24, Existing Conditions Plan of Land and Proposed Plan of Land, dated 8/20/24, stamped by Bryan Parmenter, Professional Land Surveyor #48193, Floor Plans and Elevation Drawings and TLAG Affidavit, dated 6/3/24, revised 8/20/24, prepared by Robert Williamson, Architect, 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 structure with less than required rear yard setbacks, and construction of a new two-story structure with basement and attic with

less than required rear yard setbacks, on a 6,956 square foot 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 structure with less than required rear yard setbacks, and construction of a new two-story structure with basement and attic with less than required rear yard setbacks, in accordance with the submitted plans.

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.

2024-52  
26 SEP 2024  
11:20:20  
RECEIVED  
BOSTON  
REAL ESTATE  
INVESTMENTS  
GROUP LLC  
YUERIN YAN  
10 FIFE ROAD  
BOSTON, MA 02125

ZBA 2024-52

Petition of Boston Real Estate Investments Group LLC,  
Yuerin Yan, Manager  
10 Fife 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 (rm)*

Robert W. Levy, Acting Chairman

*Walter B. Adams (rm)*

Walter B. Adams

*Derek B. Redgate (rm)*

Derek B. Redgate

ZBA 2024-52  
Applicant Boston Real Estate Investments Group LLC, Yuerin Yan, Manager  
Address 10 Fife Road

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

REC'D SEP 26 PM:20  
TOWN CLERK  
WELLESLEY

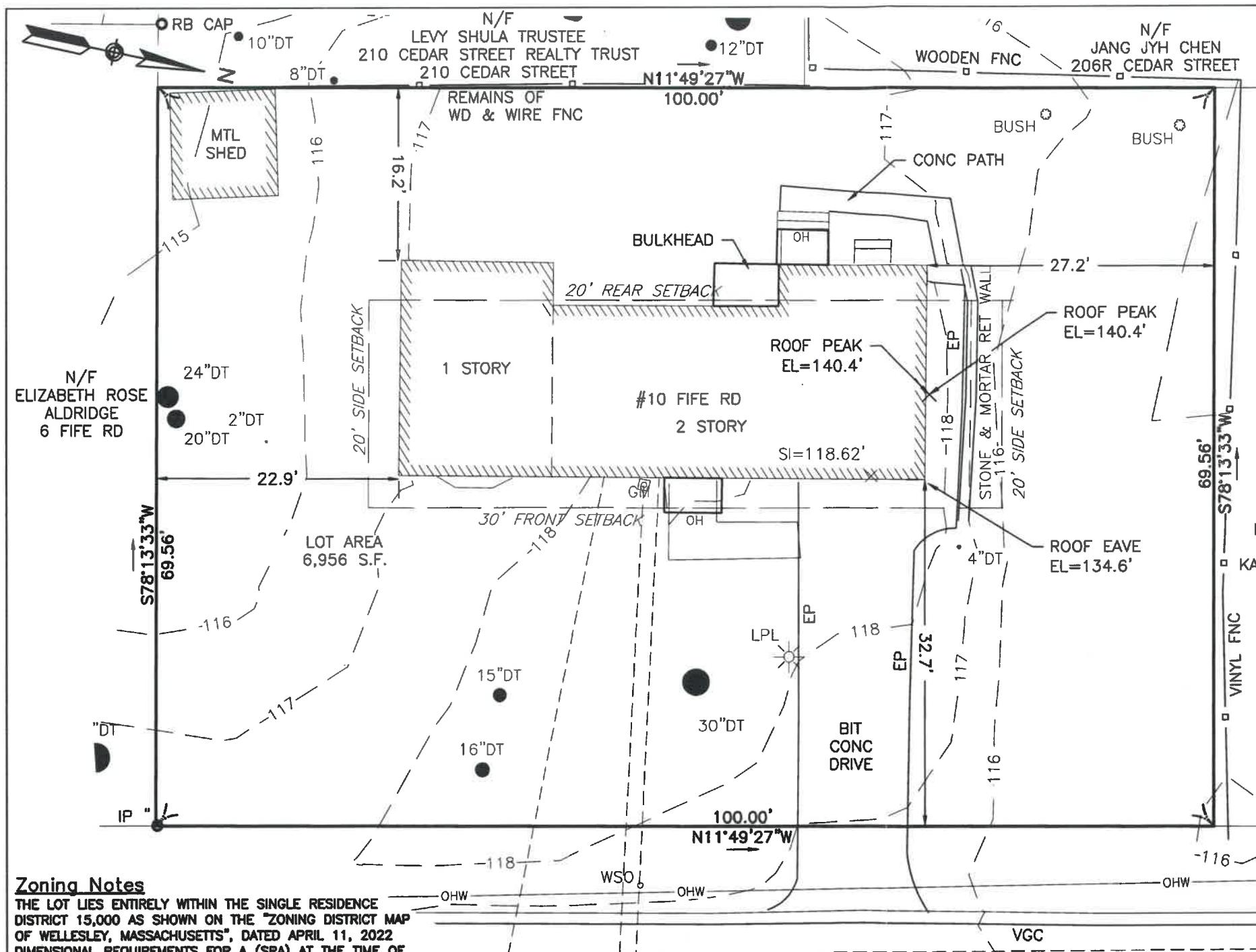
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Date:

Attest:

Cathryn Jane Kato  
Town Clerk

cc: Planning Board  
Inspector of Buildings  
lrm



### General Notes

- 1) THE PROPERTY LINES SHOWN ON THIS PLAN ARE BASED UPON AN ACTUAL FIELD SURVEY CONDUCTED BY PFS LAND SURVEYING INC. IN MARCH 2023 AND FROM DEEDS AND PLANS OF RECORD.
- 2) THE EXISTING CONDITIONS SHOWN ON THIS PLAN ARE BASED UPON AN ACTUAL ON-THE-GROUND INSTRUMENT SURVEY PERFORMED BY PFS LAND SURVEYING INC. IN MARCH 2023.
- 3) THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES SHOWN ON THIS PLAN ARE BASED ON FIELD OBSERVATIONS AND INFORMATION OF RECORD. THEY ARE NOT WARRANTED TO BE EXACTLY LOCATED NOR IS IT WARRANTED THAT ALL UNDERGROUND UTILITIES OR OTHER STRUCTURES ARE SHOWN ON THIS PLAN.
- 4) HORIZONTAL DATUM IS BASED ON AN ASSUMED SYSTEM. ELEVATIONS SHOWN ON THIS PLAN REFER TO AN ASSUMED DATUM.
- 5) THE LOT LIES ENTIRELY WITHIN ZONE X UNSHADED (AREA OF MINIMAL FLOODING) AS SHOWN ON THE FLOOD INSURANCE RATE MAP FOR THE TOWN OF WELLESLEY, MASSACHUSETTS, COMMUNITY PANEL NUMBER 25021C0036E, EFFECTIVE DATE JULY 17, 2012.
- 6) NO WETLAND FLAGS WERE OBSERVED ON SITE AT THE TIME OF THE SURVEY.

Designed by BGP	Drawn by BGP	Checked by BGP
CAD checked by BGP	Approved by BGP	
Scale 1"=10'	Date 08/20/2024	

Project Title

Existing Conditions

Plan of Land

10 Fife Road

Wellesley, MA 02481

Issued for

Permitting

Drawing Title

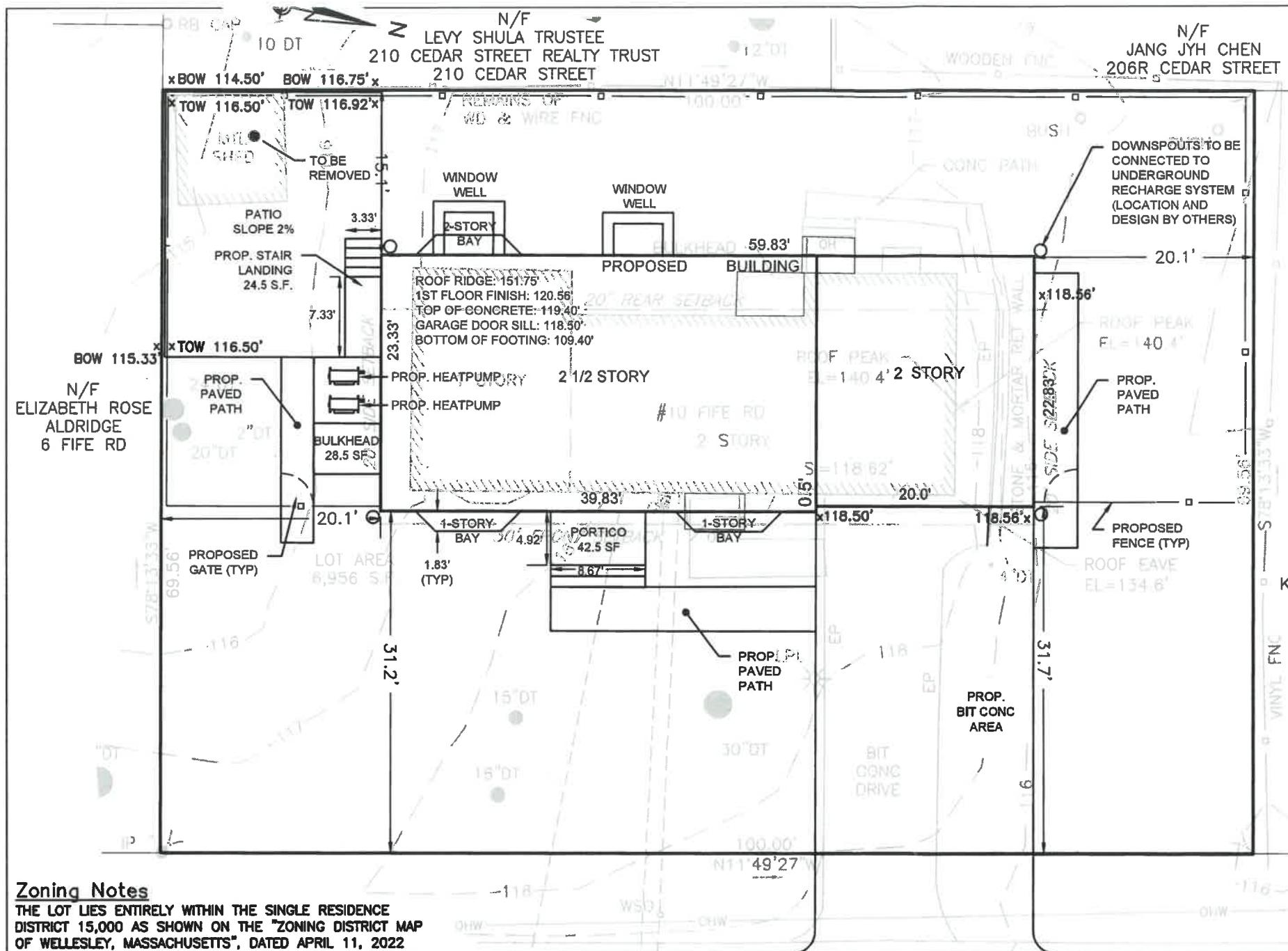
Plot Plan



PFS Land  
Surveying Inc.

20 Balch Avenue  
Groveland, MA 01834  
978.891.5203  
www.pfsland.com

Drawing Number  
**SV-1**  
1 of 1  
Project Number  
23027



#### Zoning Notes

THE LOT LIES ENTIRELY WITHIN THE SINGLE RESIDENCE DISTRICT 15,000 AS SHOWN ON THE "ZONING DISTRICT MAP OF WELLESLEY, MASSACHUSETTS", DATED APRIL 11, 2022. DIMENSIONAL REQUIREMENTS FOR A (SRA) AT THE TIME OF THIS SURVEY ARE:

	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA	15,000 S.F.	6,956 S.F.	N/A
MINIMUM FRONTAGE	60 FEET	100 FEET	100 FEET
MINIMUM FRONT YARD SETBACK	30 FEET	32.7 FEET	31.2 FEET
MINIMUM SIDE YARD SETBACK	20 FEET	22.9 FEET	20.1 FEET
MINIMUM REAR YARD SETBACK	20 FEET	16.2 FEET	15.1 FEET
LOT COVERAGE (%)	25%	15.5%	21.3%
LOT COVERAGE (S.F.)	1,078 S.F.	1,482 S.F.	
MAX. BUILDING HEIGHT	36 FEET	22.9 FEET	34.25 FEET

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N/F  
PETER BROWN  
TRUSTEE  
KATHRYN ARNONE  
2009 TRUST  
14 FIFE RD

Designed by BGP	Drawn by BGP	Checked by BGP
CAD checked by BGP	Approved by BGP	
Scale 1"=10'	Date 08/20/2024	

#### Project Title

Proposed Plan  
Plan of Land  
10 Fife Road  
Wellesley, MA 02481

#### Issued for

Permitting

Drawing Title  
Plot Plan



PFS Land  
Surveying, Inc.

20 Balch Avenue  
Groveland, MA 01834  
978.891.5203  
www.pfsland.com

Drawing Number  
SV-2  
1 of 1  
Project Number  
23027