

TOWN OF WELLESLEY



MASSACHUSETTS

**ZONING BOARD OF APPEALS**  
888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

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ZBA 2025-29  
Petition of Chenchen Zhou  
46 Upson Road

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, June 5, 2025, on the petition of Chenchen Zhou requesting a Special Permit/Finding pursuant to the provisions of Section 3.8, Section 5.1 and Section 6.3 of the Zoning Bylaw that demolition of an existing nonconforming one-story structure with less than required left side yard and rear yard setbacks and construction of a two-story structure that will meet setback requirements, on an existing nonconforming lot with less than required front yard width, at 46 Upson Road, in a 10,000 square foot Single Residence District, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On April 30, 2025, 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, Chenchen Zhou and Yao Lu, the Petitioners, and Jack Groper, Architect.

Mr. Himmelberger said that the lot is 16,299 square feet in a 10,000 square foot district. He said that that front yard width narrows to 46.9 feet. He said that the town has requirements that a minimum frontage of 60 feet be maintained from the street to the face of the house. He said that the existing home and two sheds have insufficient rear yard setbacks.

Mr. Himmelberger said that the proposed home will be fully compliant. He said that TLAG will be just under 5,000 square feet, the height of the home will be 31.5 feet, and lot coverage will be 17.2 percent. He said that the property is located in a Water Supply Protection District. He said that two underground infiltration systems are proposed to take all of the roof runoff.

A Board member said that it is a large property and the only nonconformity has minimal impact on the neighborhood. He said that it is an isolated lot.

Mr. Groper reviewed the plans. He said that the house will be set back, well off the street. He said that natural light was very important for his clients, so they designed a lot of glazing on the façade to allow light to seep in. He said that the garage will be to the far right side and not visible from the street.

Brenda Nicolazzo, 59 Upson Road, and Catherine Eaton, 58 Upson Road, discussed concerns about the size and style of the proposed home.

Mr. Himmelberger said that there is existing mature screening. He said that the house will be 120 feet from the street and tucked to the right side of the lot. He said that the proposed house will be otherwise fully compliant with zoning. He said that design is not typically taken into account when determining detriment to the neighborhood. He said that they will not be changing the nonconformity or making it worse. He said that they will be removing a nonconforming structure and sheds.

A Board member said that the only way any community can dictate style of a house is in a designated historic area.

The Chairman said that the Zoning Bylaw and State Law state that if the existing nonconformity is not increased and no new nonconformities are added, the applicant is entitled to a building permit.

Mr. Himmelberger said that the only nonconformity is the width of the front yard, and that is not being changed.

#### Statement of Facts

The subject property is located at 46 Upson Road, in a 10,000 square foot Single Residence District, in a Water Supply Protection District, with a minimum front yard width of 46.9 feet where 60 feet is required, a minimum rear yard setback of 9 feet for the main structure, a minimum rear yard setback of 1.9 feet for a 119 square foot shed, a minimum rear yard setback of 6.8 feet for a 125 square foot shed where 10 feet is required, and a minimum right side yard setback of 9.1 feet for the 125 square foot shed where 20 feet is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 3.8, Section 5.1 and Section 6.3 of the Zoning Bylaw that demolition of an existing nonconforming one-story structure with less than required left side yard and rear yard setbacks and construction of a two-story structure that will meet setback requirements, on an existing nonconforming lot with less than required front yard width, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Letter to Zoning Board of Appeals, dated 4/11/25, from David J. Himmelberger, Existing Conditions Plan, dated 2/10/25 and Proposed Building Plan, dated 4/8/25, stamped by Bryan G. Parmenter, Professional Land Surveyor, #48193, Proposed Site Plans, dated 5/22/25, stamped by Bryan G. Parmenter, Professional Land Surveyor, #48193 and Richard Volkin, Professional Engineer, #22282, Stormwater Management Analysis, dated 5/16/25, stamped by Richard Volkin, Professional Engineer, #22282, Floor Plans and Elevation Drawings, dated 3/26/25, prepared by Design T Building, TLAG Affidavit, and photographs were submitted.

On June 3, 2025, 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 3.8 of the Zoning Bylaw for Water Supply Protection Districts.

It is the opinion of this Authority that demolition of an existing nonconforming one-story structure with less than required left side yard and rear yard setbacks and construction of a two-story structure that will meet setback requirements, on an existing nonconforming lot with less than required front yard width 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 one-story structure with less than required left side yard and rear yard setbacks and construction of a two-story structure that will meet setback requirements, in accordance with the submitted plans.

The Building Inspector 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.



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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.

*J. Randolph Becker (Am)*  
J. Randolph Becker, Chairman

*Walter B. Adams (Am)*  
Walter B. Adams

*Peter Covo (Am)*  
Peter Covo

ZBA 2025-29  
Applicant Chenchen Zhou  
Address 46 Upson 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



