

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

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ZBA 2026-01  
Petition of Chunyong Lin  
13 Fells Road

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, January 8, 2026 on the petition of Chunyong Lin requesting a Special Permit/Finding pursuant to the provisions of Section 3.8, Section 5.1 and Section 6.2 of the Zoning Bylaw that demolition of an existing nonconforming home and garage and construction of a new two-story home that will meet setback requirements on a 9,982 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with no frontage, front yard setback or front yard width, at 13 Fells Road, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On December 9, 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 was David Himmelberger, Esq., representing the record owner, Chunyong Lin. Mr. Himmelberger said that the request is for a special permit to raze and rebuild a pre-existing nonconforming structure on a nonconforming lot. He said that the new home to be fully dimensionally compliant with all Zoning bylaws, save for the fact that the lot is less than 10,000 square feet in a 10,000 square foot district and has no frontage. He said that the property is accessed by a deeded easement.

Mr. Himmelberger said that the Historical Commission initially determined the house to be preferably preserved but granted a waiver after working with the applicant. He said that TLAG for the proposed home will be just under the 3,600 square foot threshold. He said that the existing nonconforming garage and shed will be removed.

Mr. Himmelberger said that a revised plot plan was submitted that shows the house moved forward in the lot by 5 feet, increasing the rear setback from 22.1 to 27.1 feet, and decreasing the front setback from 41.3 to 36.3 feet. He said that the surveyor did not revise the date on the plan. He said that the plan showing the front setback at 36.3 feet and the rear setback at 27.1 feet is the correct plan.

The Chairman asked if there has been any discussion with the neighbor at the front who would be most impacted by this project. Ms. Lin said that she communicated with her neighbors and they were supportive of the plans.

A Board member confirmed that the right-of-way to 13 Fells Road also serves the house at the front. Mr. Himmelberger said that it is a deeded right-of-way. He said that the property owners at 13 Fells Road only have the right to pass over the right-of-way. He said that they do not have a right to store anything on it.

The Chairman said that the Town's Engineering Department commented that the driveway for 13 Fells Road appears to encroach over the northern corner of the 15 Fells Road lot.

Ms. Lin said that a driveway that went out to Route 9 was changed in the 1960's and the property became landlocked.

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

#### Statement of Facts

The subject property is located at 13 Fells Road, on a 9,982 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, with no frontage or front yard width where 60 feet is required, and a minimum front yard setback of 20.4 feet where 30 feet is required. The existing detached garage has a minimum right side yard setback of 11.8 feet 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 6.2 of the Zoning Bylaw that demolition of an existing nonconforming home and garage and construction of a new two-story home that will meet setback requirements on a 9,982 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with no frontage, front yard setback or 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 11/20/25, from David Himmelberger, Esq., Existing Conditions Plan, dated 6/27/25 and Proposed Plot Plan, that shows a front yard setback of 36.3 feet and a rear yard setback of 27.1 feet, dated 6/27/25, stamped by Scott C. Lynch, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 7/15/25, prepared by RAV & Assoc., Inc., TLAG Affidavit, dated 9/5/25, and photographs were submitted.

On December 15, 2025, the Planning Staff 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 home and garage and construction of a new two-story home that will meet setback requirements on a 9,982 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with no frontage, front yard setback or 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 home and garage and construction of a new two-story home that will meet setback requirements, subject to the following condition:

- The existing nonconforming garage shall be removed.

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.

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 (am)*

Robert W. Levy, Acting Chairman

*Walter B. Adams (am)*

Walter B. Adams

*Derek B. Redgate (am)*

Derek B. Redgate

ZBA 2026-01  
Applicant Chunyong Lin  
Address 13 Fells Road

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

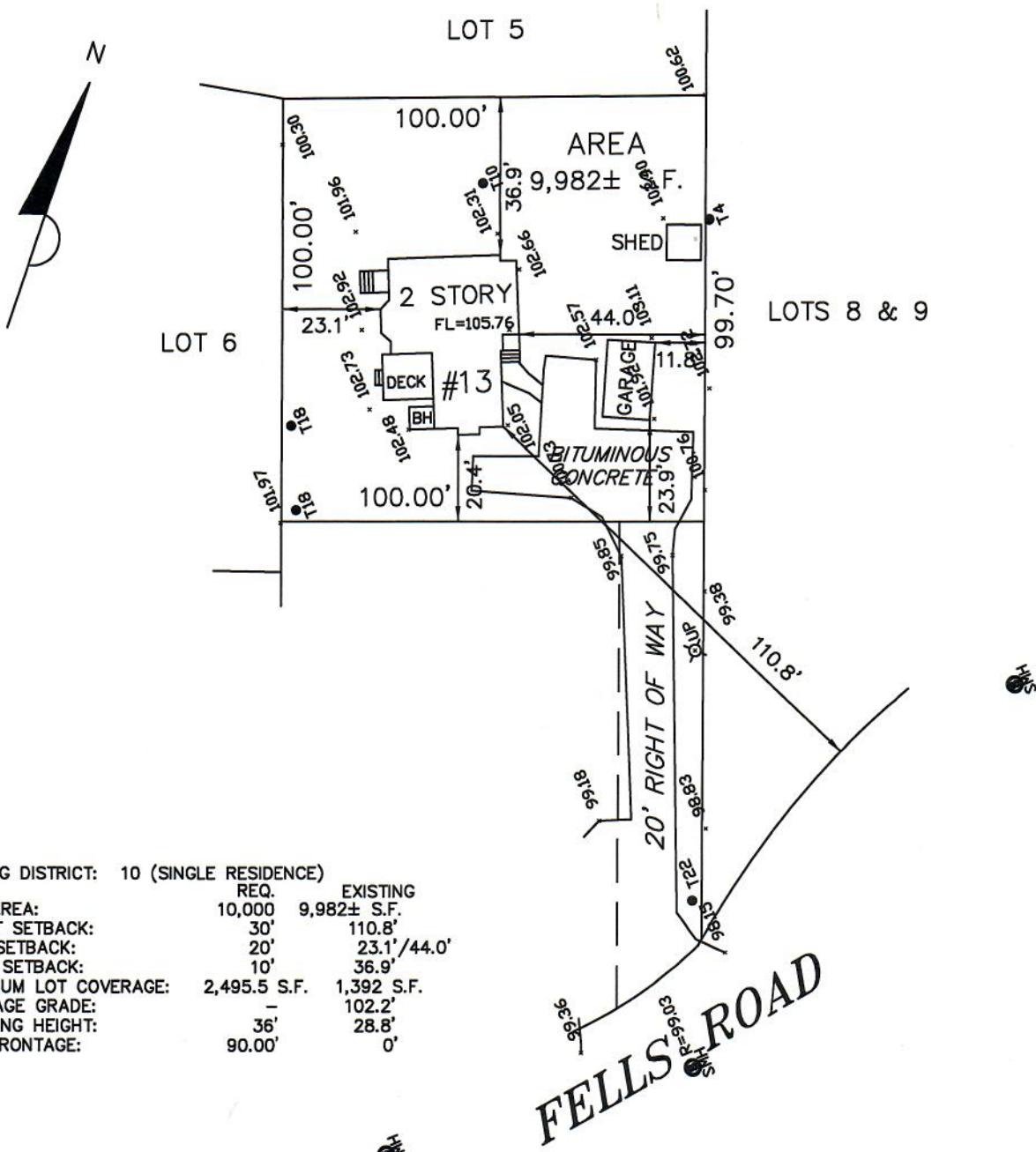
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed,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

Date:

Attest:

Cathryn Jane Kato  
Town Clerk

cc: Planning Board  
Inspector of Buildings  
lrm



I HEREBY CERTIFY THAT THE BUILDING IS  
LOCATED AS SHOWN.



SCOTT LYNCH, PLS DATE

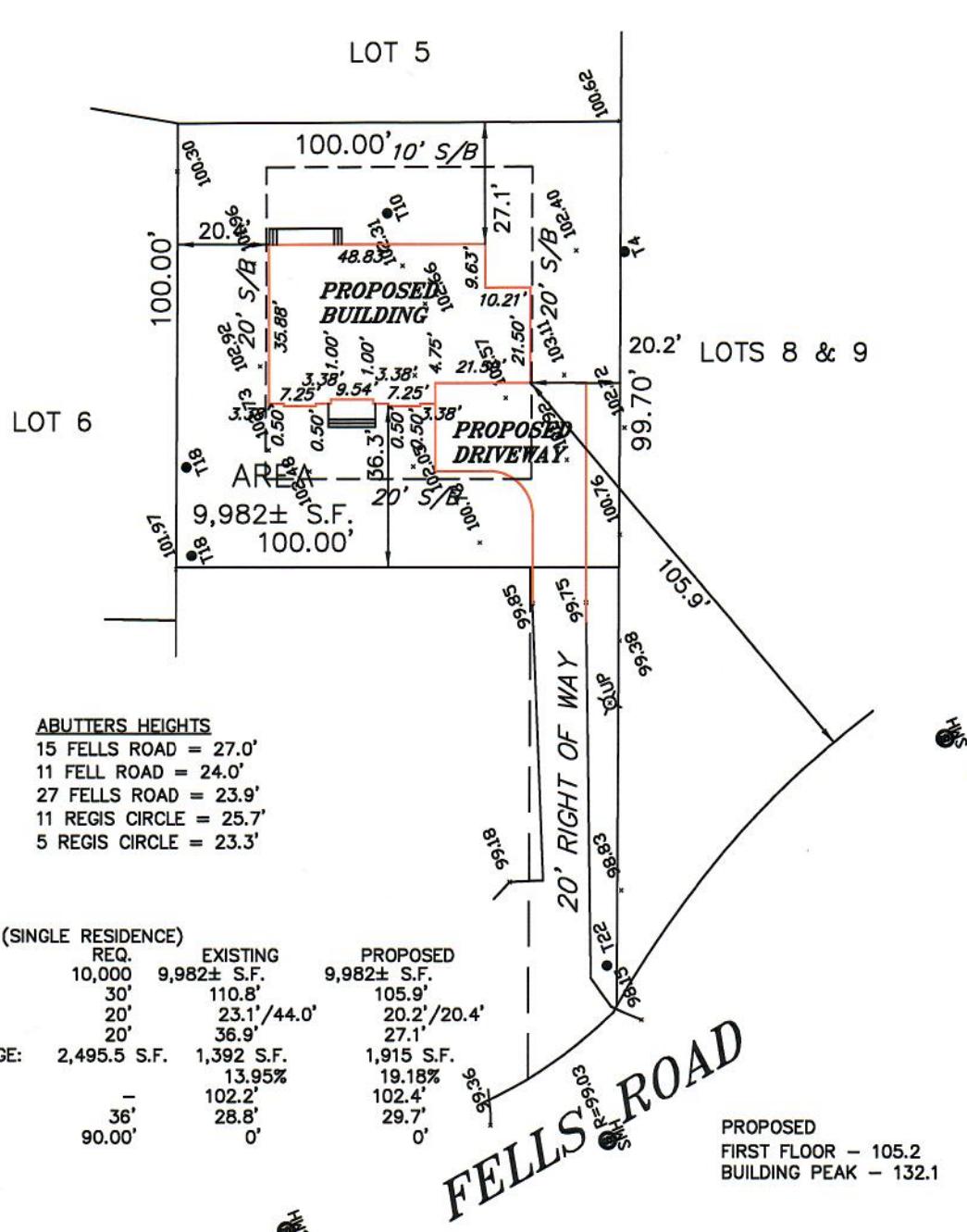
THIS PLAN MAY HAVE BEEN ALTERED IF  
THE SIGNATURE IS NOT SIGNED IN BLUE.

EXISTING CONDITIONS PLAN  
#13 FELLS ROAD  
IN  
**WELLESLEY, MA**  
(MIDDLESEX COUNTY)

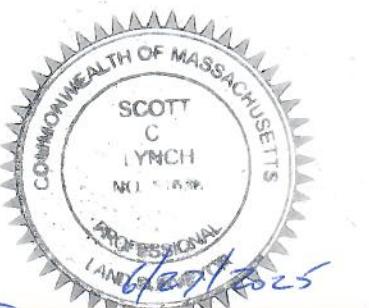
SCALE: 1" = 40' DATE: 6/27/2025

0 40 80 120 ft

ROBER SURVEY  
1072A MASSACHUSETTS AVENUE  
ARLINGTON, MA 02476  
(781) 648-5533  
7717CP1.DWG



I HEREBY CERTIFY THAT THE BUILDING IS  
LOCATED AS SHOWN.



SCOTT LYNCH, PLS DATE

THIS PLAN MAY HAVE BEEN ALTERED IF  
THE SIGNATURE IS NOT SIGNED IN BLUE.

PROPOSED PLOT PLAN  
#13 FELLS ROAD  
IN  
WELLESLEY, MA  
(MIDDLESEX COUNTY)

SCALE: 1" = 40' DATE: 6/27/2025



ROBER SURVEY  
1072A MASSACHUSETTS AVENUE  
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7717PP3.DWG