



## ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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ZBA 2013-63  
 Petition of Dennis Pan  
 35 Boulevard Road

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 12, 2013, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of DENNIS PAN requesting modification of a Variance (ZBA 70-16) and a Special Permit/Finding pursuant to the provisions of Section XVII, Section XIX, Section XXIV-D and Section XXV of the Zoning Bylaw that construction of a second story addition over an existing nonconforming structure with less than required left side yard and right side yard setbacks, on a 6,080 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 35 BOULEVARD ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On August 26, 2013, 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 were Brian Lau, Architect and Dennis Pan, (the "Petitioner").

Mr. Lau said that the proposal is for a second story addition over the existing footprint with less than required side yard setbacks. He said that the owner bought the property at the beginning of the year. He said that the owner would like to create more space. He said that adding the full second floor will change the bungalow into a garrison colonial. He said that it will be an owner occupied single family home. He said that there will be no site work involved.

Mr. Lau said that the new addition will not be detrimental to the neighborhood. He said that the house will look like one unified structure. He said that they tried to keep the first floor intact in terms of exterior elevations.

A Board member said that he is happy to see improvements made to houses on Boulevard Road.

The Board said that it is a small lot. The Board said that there is no opportunity to create a complying addition that would give the homeowner the amount of space that he is looking to create. The Board said that it was slightly concerned about the creation of a third story. The Board asked if the homeowner had spoken with the neighbors, especially on the shed dormer side. Mr. Pan said that he had.

The Board said this is an out of the way neighborhood that is in transition with larger houses being built closer to the area. The Board said that even though the lot is small, there is little value to the property

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 WELLESLEY MA 02482

without the changes. The Board said that there will be similar additions in the neighborhood and this will be a decent start to changes in the neighborhood.

David Myersmith, 10 Greenlawn Avenue, said that he lives directly behind the property. He said that the house needs improvement. He said that he was concerned about the height of the addition in relation to neighboring houses. The Board said that the house will be 34.5 feet high.

Mr. Myersmith asked about the exterior finish. Mr. Lau said that it will be finished with clapboards. Mr. Myersmith said that will be a nice finish and he has no objections.

Statement of Facts

The subject property is located at 35 Boulevard Road, on a 6,080 square foot lot in a district in which the minimum lot size is 10,000 square feet, with a minimum left side yard setback of 11.3 feet and a minimum right side yard setback of 11.2 feet.

The Petitioner is requesting modification of a Variance (ZBA 70-16) and a Special Permit/Finding pursuant to the provisions of Section XVII, Section XIX, Section XXIV-D and Section XXV of the Zoning Bylaw that construction of a second story addition over an existing nonconforming structure with less than required left side yard and right side yard setbacks, on a 6,080 square foot lot in a 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 8/13/13, stamped by Patrick Roseingrave, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevations Drawings, dated 7/31/13, prepared by LDC, and photographs were submitted.

On September 10, 2013, the Planning Board reviewed the petition and recommended that the Special Permit be denied.

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, to the extent this Special Permit is modifying an existing Variance that it will be deemed a modification of an existing Variance as well as a Special Permit.

It is the opinion of this Authority that although construction of a second story addition over an existing nonconforming structure with less than required left side yard and right side yard setbacks, on a 6,080 square foot lot in a 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.

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Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of a three-season screened porch over a nonconforming existing deck with less than required side yard setbacks, in accordance with the submitted plot plan and construction drawings.

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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DENNIS PAN'S OFFICE  
MILLISLEY MA 02482

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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

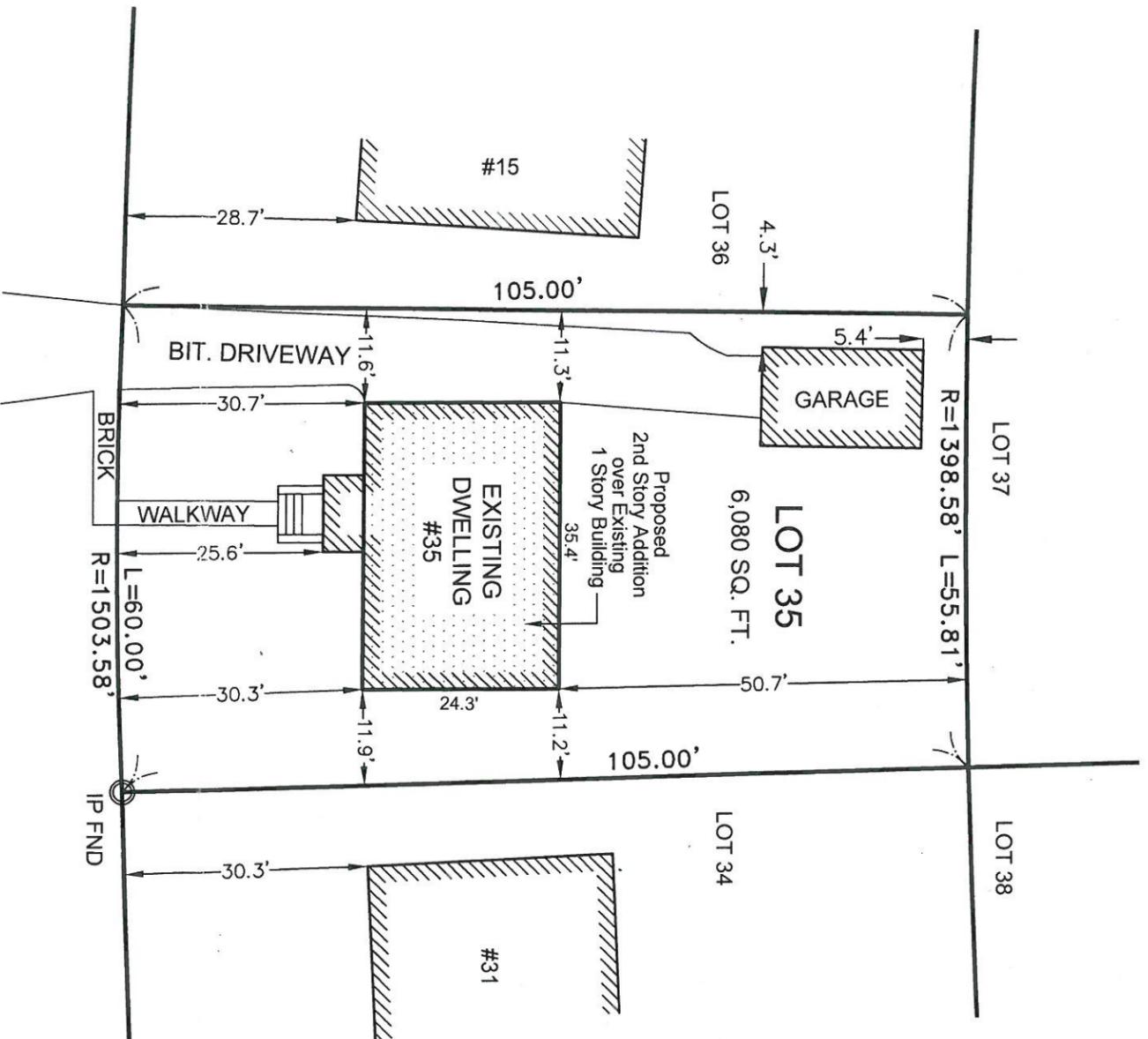
  
Walter B. Adams

cc: Planning Board  
Inspector of Buildings  
lrm



PLANNING OFFICE  
WELLESLEY MA 02482

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### BOULEVARD ROAD

**NOTES:**

Assessors Ref.: 42-31

Deed Ref.: Norfolk Book 31165 Page 470

Plan Refs.: Book 914 Page 321

Zone: SRD 10 (Single Residence)

Minimum required setbacks:

Front: 30' Side: 20' Rear: 10'

Max Building Coverage= 25%

Existing Building Coverage= 19% (1,148 s.f.)

Proposed Building Coverage= 19% (1,148 s.f.)



Proposed Addition  
35 Boulevard Road  
Wellesley, Massachusetts

Plan by:



CCR Associates Inc.  
Civil Engineers & Land Surveyors  
40 Mears Ave., Quincy, Ma. 02169  
Phone 617-769-0111.

Scale: 1" = 20'  
Date: August 13, 2013