



## ZONING BOARD OF APPEALS

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

RICHARD L. SEEGEL, CHAIRMAN  
 J. RANDOLPH BECKER, VICE CHAIRMAN  
 DAVID G. SHEFFIELD

LENORE R. MAHONEY  
 EXECUTIVE SECRETARY  
 TELEPHONE  
 (781) 431-1019 EXT. 2208  
 web: [www.wellesleyma.gov](http://www.wellesleyma.gov)

ROBERT W. LEVY  
 WALTER B. ADAMS  
 DEREK B. REDGATE

ZBA 2013-78  
 Petition of Xue Qi Wang  
 2 Hill Top Road

---

2013 DEC 19 P 12:13

TOWN'S OFFICE  
 WELLESLEY MA 02482

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 7, 2013, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of XUE QI WANG requesting a Modification of a Variance 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 2.1 foot by 20 foot one-story addition, and construction of a two-story addition over the new construction and an existing one-story structure with less than required front yard and side yard setbacks, on a 7,944 square foot corner lot in a district in which the minimum lot size is 10,000 square feet, at 2 HILL TOP ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On October 21, 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 was Jackie Shi, Contractor, who said that he was representing Xue Qi Wang, (the "Petitioner").

Mr. Shi said that it is a nonconforming lot with less than 10,000 square feet. He said that it is a one story house with a front yard setback of 27.7 feet to Hill Top Road.

Mr. Shi said that the proposal is for a 2.1 foot by 20 foot addition to square off the front of the house, and for a second and third story addition over the entire first floor.

The Board said that it was concerned with the proposed third story. Mr. Shi said that the third floor will be a half story. The Board said that the proposal is to put two bedrooms up there. The Board said that the plans show fixed access to the third floor. The Board said that the two attic bedrooms were included in the Total Living Area plus Garage (TLAG) calculation. The Board said that the proposal is to go from a house that has less than average living space compared to other houses on Hill Top Road to a house that will be 20 percent larger than the largest house in the neighborhood.

Mr. Shi said that the house next door to the left has a walkup attic and dormers. The Board said that the house next door is the only house on the street that is larger and appears to have been built that way originally.

The Board said that it received letters from four neighbors regarding the third floor. The Board said that if the Petitioner was willing to reduce the plans to a second floor with attic storage, no dormers, and lower the roof, the Board could allow it.

Mr. Shi said that he could speak with the owner about the possibility of eliminating the third story. The Board said that overall height must be lowered so that the attic cannot be converted to living space later. The Board said that there will be no plumbing allowed in the third floor.

The Board suggested that the neighbors be shown copies of the revised plans.

Tim Morgan, 4 Hill Top Road, said that he lives next door to 2 Hill Top Road. He said that his concern as well as 12 other neighbors is that the building could be reconfigured. He said that they do not have a problem with the second story. He said that the problem is the third floor.

The Board said that the property is located at the bottom of the hill. The Board said that it is asking that the height of the roof be lowered slightly. The Board said that the neighbors need to be aware that it is not unusual to put a second floor with an attic on. The Board said that the only thing that will be missing in the revised plans will be the dormers.

The Board voted unanimously to continue the petition to December 5, 2013.

**December 5, 2013**

Presenting the case at the hearing was Jacky Shi. He said that he was previously before the Board with a proposal for an addition to a house on a nonconforming lot. He said that the Board would not grant a Special Permit for a third story on the structure. He said that the revised proposal is for a 2.5 story structure with a two foot addition at the front of the house.

Mr. Shi said that the revised plans show that the third floor will be for storage space. He said that there will be no living space in the attic.

The Board said that the dormers were removed but noted that the height was not reduced. The Board said that there are now only two windows on the third floor.

Statement of Facts

The subject property is located at 2 Hill Top Road, on a 7,944 square foot corner lot, with a minimum front yard setback of 27.7 feet and a minimum side yard setback of 13.8 feet.

The Petitioner is requesting a Modification of a Variance 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 2.1 foot by 20 foot one-story addition, and construction of a 2.5 story addition over the new construction and an existing one-story structure with less than required front yard and side yard setbacks, on a 7,944 square foot corner 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.

2013 DEC 19 P 12:11  
TOWN'S OFFICE  
SLEY MA 02188

A Plot Plan dated 9/16/13, stamped by Frank Iebba, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 9/9/13, revised 11/14/13, prepared by Designs by SAMI LLC, and photographs were submitted.

On October 31, 2013, the Planning Staff reviewed the petition and recommended that the request 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 a Variance that it will be deemed a modification of the existing Variance, granted on August 7, 1951 and that desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of this Zoning Bylaw.

It is the opinion of this Authority that although construction of a 2.1 foot by 20 foot one-story addition, and construction of a 2.5 story addition over the new construction and an existing one-story structure with less than required front yard and side yard setbacks, on a 7,944 square foot corner 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.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of a 2.1 foot by 20 foot one-story addition, and construction of a 2.5 story addition over the new construction and an existing one-story structure with less than required front yard and side yard setbacks, on a 7,944 square foot corner lot in a district in which the minimum lot size is 10,000 square feet, subject to the following conditions:

1. The attic shall not be used for habitation purposes.
2. There shall be no plumbing or water in the attic.

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.

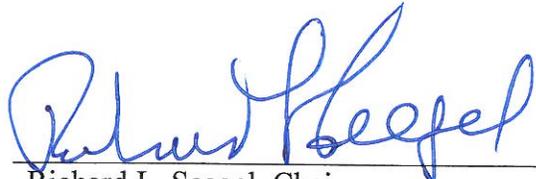
DEC 19 P 12:13  
PLANNING OFFICE  
131 EYMA 02482

ZBA 2013-78  
Petition of Xue Qi Wang  
2 Hill Top Road

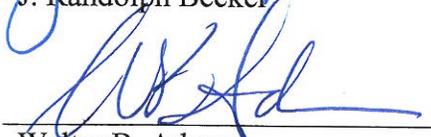
---

2013 DEC 19 P 12:13  
TOWN CLERK'S OFFICE  
MILLISLEY MA 02482

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

  
J. Randolph Becker

  
Walter B. Adams

cc: Planning Board  
Inspector of Buildings  
lrm

