

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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

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ZBA 2019-91

Petition of Ying Xu & Yang Shen  
259 Weston Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 7, 2019 at 7:30 pm in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Ying Xu & Yang Shen requesting a Special Permit/Finding pursuant to the provisions of Section 14 E, Section 17 and Section 25 of the Zoning Bylaw that construction of a two-story addition and a deck that will meet all setback requirements, on an existing nonconforming structure with less than required front yard setbacks, at 259 Weston Road, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On October 11, 2019, 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 Tom Timko, Architect and Ying Xu, the Petitioner.

Mr. Timko said that the property is a somewhat larger lot in a 10,000 square foot Single Residence District with a nonconforming front yard setback. He said that the proposed work will be at the rear of the house and will be conforming. He said that the plan is to add approximately 1,200 square feet to a small house to provide a new kitchen and family room with a master suite above. He said that the proposed construction will be well below the TLAG requirement.

Ms. Xu said that the existing and proposed height will be the same. She said that it will not block any views from the neighborhood.

A Board member suggested having sliding doors instead of French doors at the back of the addition leading to the deck.

There was no one present at the public hearing who wished to speak to the petition.

### Statement of Facts

The subject property is located at 259 Weston Road, in a 10,000 square foot Single Residence District and a Water Supply Protection District, with a minimum front yard setback of 26.5 feet where 30 feet is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that construction of a two-story addition and a deck that will meet all setback

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WELLESLEY MA 02482

requirements, on an existing nonconforming structure with less than required front yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 9/10/19, revised 9/27/19, stamped by Dennis B. O'Brien, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 8/18/19, 8/20/19, 9/18/19 and 9/23/19, prepared by Copper Beech Design, and photographs were submitted.

On November 5, 2019, the Planning Board reviewed the petition and recommended that ~~the special permit~~ be approved.

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.

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 XIVE of the Zoning Bylaw for Water Supply Protection Districts.

It is the opinion of this Authority that construction of a two-story addition and a deck that will meet all setback requirements, on an existing nonconforming structure with less than required front yard setbacks 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 construction of a two-story addition and a deck that will meet all setback requirements, 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 construction plans.

If construction has not commenced, except for good cause, the Special Permit shall expire two years after the date time stamped on this decision.

ZBA 2019-91  
Petition of Ying Xu & Yang Shen  
259 Weston 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.

*J. Randolph Becker*  
J. Randolph Becker, Chairman

*David G. Sheffield*  
David G. Sheffield

*Robert W. Levy*  
Robert W. Levy

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WELLESLEY, MA 02482  
2019 NOV 21 P 3:49

ZBA 2019-91  
Applicant Ying Xu & Yang Shen  
Address 259 Weston Road

**NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK**

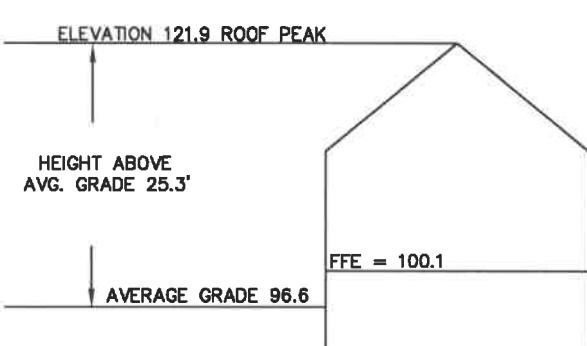
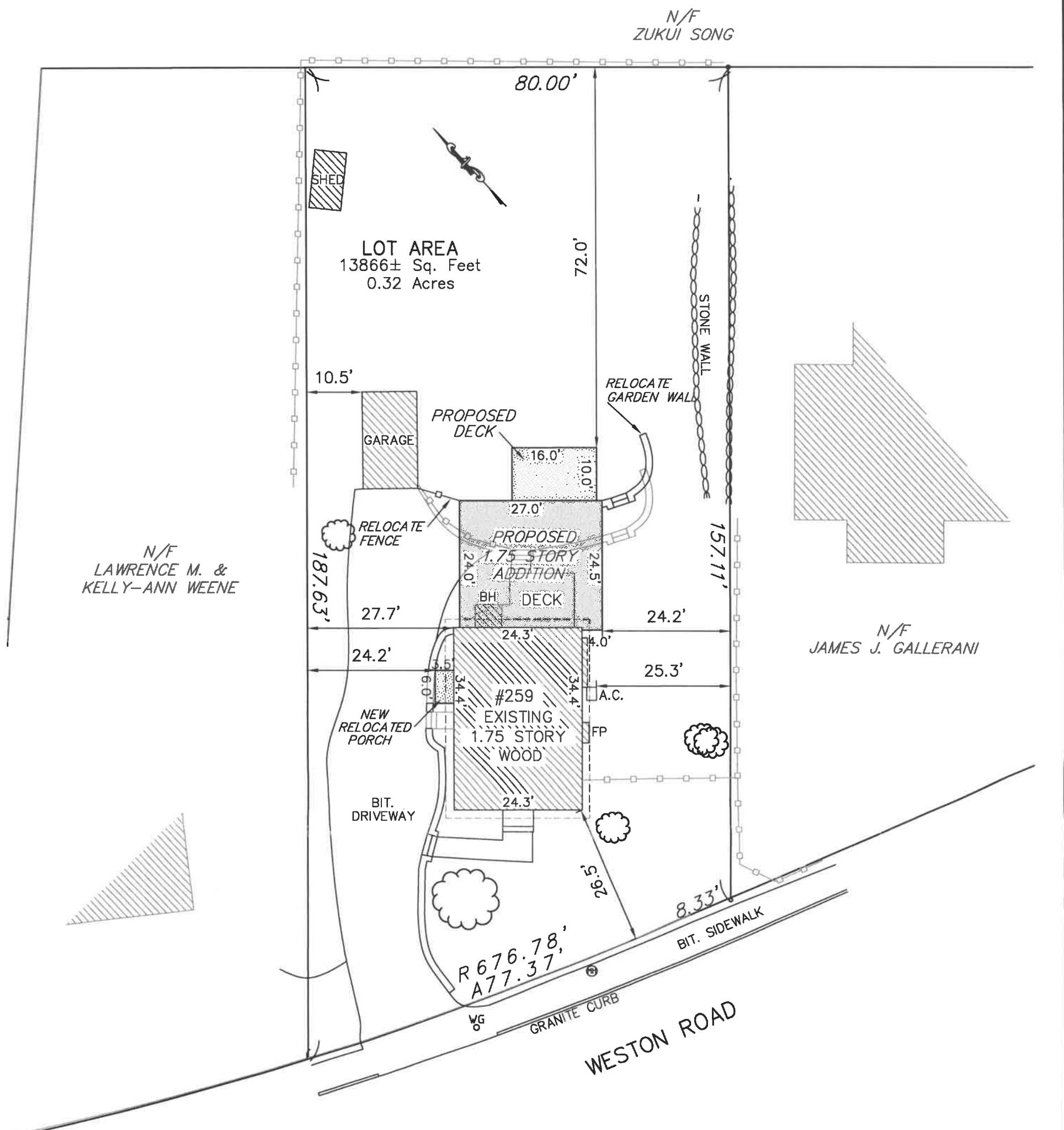
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed,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

Date:

Attest:

Cathryn Jane Kato  
Town Clerk

cc: Planning Board  
Inspector of Buildings  
lrm



PLOT PLAN  
FOR  
259 WESTON ROAD  
IN  
WELLESLEY, MA.

SCALE: 1"=20' SEPTEMBER 10, 2019

C & G SURVEY COMPANY  
37 JACKSON ROAD  
SCITUATE, MA. 02066  
1-877-302-8440

NOTES:

1. ZONING CLASSIFICATION – SR-10
2. LOCUS DEED:  
NORFOLK REGISTRY OF DEEDS BOOK 32945 PAGE 260
3. PLAN REFERENCES:  
NORFOLK REGISTRY OF DEEDS BOOK 1761 PAGE 72
4. ASSESSORS PARCEL ID: 159-17

LOT COVERAGE (EXISTING) = 1422/13866 = 10.3%  
LOT COVERAGE (PROPOSED) = 2074/13866 = 15.0%

