



## ZONING BOARD OF APPEALS

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

J. RANDOLPH BECKER, CHAIRMAN  
ROBERT W. LEVY, VICE CHAIRMAN  
DAVID G. SHEFFIELD

LENORE R. MAHONEY  
EXECUTIVE SECRETARY  
TELEPHONE  
(781) 431-1019 EXT. 2208

WALTER B. ADAMS  
DEREK B. REDGATE  
RICHARD L. SEEDEL

2020 AUG 31 12:11 PM  
 RECEIVED  
 ZONING BOARD OF APPEALS

ZBA 2020-36  
Petition of Belair-Prospect Nominee Trust  
24 Belair Road

---

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, August 13, 2020 at 7:30 pm, on the petition of Belair-Prospect Nominee Trust requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that demolition of an existing nonconforming structure with less than required front yard and left side yard setbacks, and construction of a new two-story structure that will meet setback requirements, on a 9,500 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, at 24 Belair Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On April 8, 2020, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication. In accordance with Chapter 53 of the Acts of 2020, the hearing was scheduled for August 13, 2020.

### **WITHDRAWN WITHOUT PREJUDICE**

Present at the public hearing were Laurence Shind, representing the current owner, Verdant Properties, and Michael Caraviello. Mr. Shind that the request is for a special permit/finding that the proposed demolition of the existing nonconforming residence on the lot and construction of a new residence that complies with all dimensional setback requirement will not be substantially more detrimental to the neighborhood than the existing structure.

Mr. Shind said that it is an undersized lot at 9,500 square feet in a 10,000 square foot district. He said that, according to the Assessor's records, the existing small colonial house was built in 1922 with 1,900 square feet of Total Living Area. He said that the left side yard setback is nonconforming at just over 10 feet. He said that existing lot coverage of 14 percent will increase to 24 percent, which is within the 25 percent that is allowed. He said that finished TLAG will be 3,692 square feet, which is slightly over the threshold for the district.

Mr. Shind said that they tried to give careful consideration to the design of the new house to be consistent with the prevailing design of homes in the general area, which is an eclectic mix of styles. He said that they tried to pick up the village style colonial with shingle siding, trim soffits, overhangs, entry porch and a stepped back second floor.

Mr. Shind said that the Planning Board was concerned about the front facing garage versus the predominant detached garages in the immediate neighborhood. He said that many of the lots on the street and in the neighborhood are under 10,000 square feet and many have detached nonconforming garages.

He said that by bringing the garage to the front, they will make it conforming and will maximize the useable area for the family in the rear.

Mr. Shind said that he submitted an updated plot plan that shows that they will be adding five evergreens to the right side that were asked for by the neighbor.

A Board member said that the Board received a significant amount of correspondence from neighbors who are opposed to the project and feel that it does not fit in with the neighborhood. He said that a primary reason seems to be that it is a sideways facing house with a garage facing the street. He said that the Board has to make a finding that it is not substantially more detrimental to the neighborhood than the existing structure. He said that is quite persuasive when there are so many neighbors who judge it as substantially more detrimental, though ultimately it is the Board's determination. He said that the Planning Board had the same reaction and recommended denial.

A Board member asked if the Petitioner would like to revisit this. He said that a side facing house is an anomaly in town and the two big garage doors are daunting. Mr. Shind said that the lot is much narrower from side to side than it is front to rear, so it is not a square lot. He said that creates difficulty in designing a house.

Mr. Caraviello said that he is the owner of Verdant Properties. He said that in designing the house they thought about trying to locate the garage at the back. He said that if the garage is in the back and if the garage doors face either of the side lot lines, that would put the garage dead center of the house and shut off any connection of the living space of the house to the yard in the back. He said that it is a function of the width of the lot.

Mr. Caraviello discussed the garage at the front from the perspective of plan view versus walking or driving by. He said that he tried to create a significantly sized porch that would be attractive to someone walking in the neighborhood. He said those were the design issues, given the constraints of the lot.

The Chairman said that in correspondence from the neighbors, they also raised the issue of the size of the house. He said that the TLAG for the proposed is slightly more than two percent greater than the trigger for a 10,000 square foot lot, and this lot is smaller than 10,000 square feet, so the intensity of use has gone up a lot. He said that translates for the non-technical person as being too big and too massive. He said that the right side will be 77 feet long solid building in a residential neighborhood, which is a lot. He said that clearly this is a challenging lot because it is undersized and narrow but the proposed plans fill up the box of allowed setbacks.

Mr. Caraviello said that he submitted a living area comparison of homes in the neighborhood. He said that the density of some is comparable to what he is proposing, both on a relative and an absolute basis. The Chairman said that he did an analysis using a series of residences rather than some of the surrounding houses. He said that the Board did not necessarily come to the same conclusion as Mr. Caraviello. He said that many of the lots in this neighborhood are undersized. Mr. Caraviello said that he was pointing out that a number of the properties are densely constructed.

The Chairman asked if any member of the public wished to speak to the petition.

The Chairman read the Planning Board recommendation.

Andrea and George Weber said that they live directly across the street at 25 Belair Road. Mr. Weber said that they are senior citizens who will probably be most affected by the project. He said that he was also speaking on behalf of his 96 year old mother, who lives a block away. He said that he and his wife have lived there for 30 years, during which time they always saw a charming, picturesque, moderate size home framed by full trees and occupied by a retired, widowed Wellesley College Professor. He said that under the proposal, that situation will be drastically transformed. He said that they would encounter two garage doors and a driveway when they look out their front door. He said that it was hard to imagine that any resident in Wellesley would welcome such a transformation to his or her home. He asked the Board to please not direct such an outcome for the rest of their days. He said that all 13 homes on Belair Road face the street and the proposed home should do so also. He said that this project turns its back on the street and the neighborhood. He said that another compelling reason for the Board to reject the project is the size of the proposed dwelling. He said that it will be twice the size of their home in terms of living space. He said that in their 30 years on Belair Road, they have received unsolicited letters from young couples asking them to sell their home because they believe it would be affordable, given its modest size. He said that they have loved their home every day for 30 years. He asked that the Board not tip this neighborhood to a future of ever larger and more expensive homes. He said that an oversized garage and driveway facing the street is substantially more detrimental than the existing, charming, moderately sized home. He urged the Board to reject the petition.

Lorin Shearman, 28 Belair Road, said that she lives directly adjacent to 24 Belair Road. She said that she has lived in Wellesley for three years and what attracted her was this hidden gem of a historic neighborhood. She said that she was quite disappointed when she saw the plan for 24 Belair Road. She said that she has similar views to the Webers that the sideways positioning of the house on the lot is not welcoming. She said that her house is to the right and one of her concerns is privacy, given that the current design has the entry door on the right side of the structure and has more of an apartment building appearance rather than a very welcoming historic colonial home. She said that there are no other side facing homes on Belair Road. She said that given the entry door, the windows, and the porch facing the side of her house and back yard patio, she has major concerns about her privacy. She said that the design of the proposed home is not consistent with the distinct character of the neighborhood. She said that the larger footprint and the mass of the house would dwarf her house, which is about half the size of what is being proposed. She said that if this large house is built, it could potentially set a precedent for historic homes in the neighborhood to be demolished and rebuilt in a similar manner, transitioning the neighborhood into an urban housing development. She urged the Board to reject the petition.

Peter Solomon, 17 Leighton Road, said that he has been a resident of Wellesley for 30 years, the last 12 of which have been on Leighton Road. He said that he was speaking in opposition to the plan. He discussed comments and issues that came up during Demo Review and a recent Planning Board meeting regarding the project. He said that they expressed concerns about the loss of character and fit with the neighborhood. He said that the Planning Board talked about the garage not being compatible and the townhouse look. He said that over his 30 years as a resident, he has been a petitioner, a proponent and an opponent of applications. He said that he has always struggled with what constitutes the potential subjectivity of what is substantially more detrimental. He said that he did some research and found a guide from Burlington, CA that talked about how growth can move forward while being additive and also what can be subtracted. He said that the guide points to the importance of having a new renovated structure that draws from original structures, incorporating design threads and planning attributes, which should unify the neighborhood. He said that while certain elements that are proposed check some of the

boxes, he believes that the subtracted elements far exceed them. He said that they think of character and charm when thinking about the neighborhood. He said that when the application was submitted, neighbors discussed concerns about the garage, mass, location, structure, orientation and lot size. He discussed the scale of the garage and double wide driveway that takes up more than 30 percent of the frontage and is a dominant feature. He said that houses with garages at the back do not have cars parked in the forefront and anyone going by may be subjected to looking at whatever is in the garage. He said that a side entrance is out of character. He said that he submitted a document that showed Belair, Birch and Leighton Road properties' TLAG versus TLA because the mass incorporates the garage. He said that it was 50 percent larger than the average house when you divided TLAG by the lot size. He said that the landscaping legend references a tree report but it does not appear with the PDF and the street shade trees do not correspond to the legend. He said that a lighting plan would be helpful. He said that given that so much surface area will be covered, he asked about potential overflow for the 1 inch design and what could happen during 25 and 100 years storms in terms of discharge. He said that he hoped that the Board had a chance to see the petition that was signed by 17 residents. He read excerpts from the petition. He said with no door facing the street, you will have to walk 65 feet to get to the street. He said that it is a non-people oriented design. He displayed a schematic of the neighborhood and a scaled overlay of the new dwelling, which he dropped on the comps in the neighborhood to give a relative perspective. He said that he dropped the overlay on the biggest houses. He said that this design has 70 plus feet of linear wall.

Maggie Tushman, 25 Leighton Road, said that she and her family have lived there for over 13 years. She said that her backyard directly abuts the backyard at 24 Belair Road. She said that they renovated their historic home that was built in 1909 a few years ago. She said that their lot is slightly smaller than 24 Belair Road. She said that they chose to not have a garage, despite the fact that they really could use one. She said that it was very difficult to fit it in and keep the character of their historic home and the neighborhood. She said that she is not opposed to new construction but believes that the plan for 24 Belair Road is too large and out of character with the neighborhood. She said that its main entry will be halfway down its right side, so the new house will face her backyard and her neighbors at 28 Belair Road. She said that visitors and delivery people approaching the main entrance will walk and look towards her backyard, which is currently private. She said that the new house will be 2.5 stories running all the way back to 17.7 feet from the back lot line. She said that the existing house is 69 feet from the rear lot line. She said that this will have a significant negative impact on the privacy and views from her house. She said that her family will be looking at a very tall and wide structure with second floor windows facing them, making them feel boxed in and exposed. She said that TLAG, not TLA, is the relevant metric to understand the scale of the proposed structure vis a vis the neighbors around it. She said that she emailed a spreadsheet to the Board that added garage sizes back to the Petitioner's exhibit so that TLA plus garage over lot size could be considered. She said that the 24 Belair Road plan is 38 percent greater in TLAG over lot size. She said that she hopes to see investment in the neighborhood and believes that there is a way to do this that will enhance the neighborhood. She said that this plan is not in keeping with the character of the houses around and it is her belief that it needs to be modified.

Karin Lifter, 23 Belair Road, said that she and her husband moved there 35 years ago to raise their children. She said that they were charmed by the neighborhood with comfortable houses, shared spaces and a sense of community. She said that one of the biggest issues with respect to the proposed plan is the garage facing the street will wall off a family from the community. She said that there is a sense of disengagement that is presented with that kind of construction. She said that the position of the house and the way that the neighborhood is set up matters in terms of supporting a sense of community. She said that a tear down and replacement with a much bigger house could start a chain reaction of teardowns and

bigger houses. She said that a number of neighborhoods in Wellesley are suffering with teardowns and houses that are bigger than the original house and there is a sense of crowding. She said that the houses in this neighborhood are different sizes. She said that it is a hidden gem and has its own character. She said that the neighborhood is important to Wellesley and the center. She recommended that the proposal be deemed detrimental. She said that she agreed with Ms. Tushman that something better is possible on this site with a gracious frontage to the street.

Lori Woodacre 21 Leighton, said that she has been a resident of Wellesley for 30 years, 18 years in the Dana Hall area on Brook Street and 9 years at 21 Leighton Road. She said that her property abuts the back of 24 Belair Road. She said that of the names that were submitted by the Developer, she does not know of any of them who are in favor of this project. She said that her 1912 house was probably one of the first ones built for professors at Wellesley College. She said that it is a large Victorian. She said that the driveway is long and way in the back for the garage. She said that it would be much more convenient to have the garage closer to the street but she would not dream of it. She said that this neighborhood, and Belair Road in particular, has many houses with garages at the back. She said that the house at 34 Leighton Road was recently built with a garage under to conform with the neighborhood. She said that the porch on the proposed house is so small in comparison to the garage. She said that all you will see is the garage and possibly its contents. She said that it is not consistent with the prevailing design. She said that she would like to see the Developer go back to an architect to see if he can do better. She said that the neighbors are not opposed to development. She said that almost all of the houses in the neighborhood that have been improved or torn down have been very much in keeping. She said that it is a gem of a neighborhood. She asked that the Developer reconsider the front of the design of the house.

The Chairman said that comments that the Board heard were consistent with emails that it received. He discussed what the next step should be. He said that his sense of the Board is that it is leaning more toward the Planning Board recommendation than to approval. He asked that Mr. Shind and Mr. Caraviello what the next steps should be. Mr. Shind asked about considering neighbors' comments and requesting a continuance versus withdrawal with a re-submittal. The Chairman discussed challenges with schedules during Covid. He said that there are currently no further meetings scheduled, so the hearing could not be continued to a date certain.

Mr. Caraviello said that he approved of a request to withdraw the petition without prejudice. He said that when he spoke with the abutters, he was not aware of the amount of opposition to the plan. He said that if he was made aware of the opposition he would have made some tweaks to the design. He said that he had not heard any of the concerns until the hearing.

A Board member said that it is normally the Board's practice to encourage developers to reach out to the neighbors. He said that has been difficult to do in the past four months.

Mr. Caraviello said that he lives in the neighborhood at 22 Dover Road. He said that he did not have to come before the Board to build that house. He said that a lot of people were upset when he tore the house down. He said that everyone that he has spoken to since he built his house has said that it looks like it has been there forever and is probably one of the nicest houses that has been built in town in the past 20 years. He said that he is cognizant of the nature of the neighborhood and wants to do his best to maintain that character.

The Board voted unanimously to allow the petition to be withdrawn without prejudice.