

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

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ZBA 2022-66

Petition of James & Jeannie Liou
58 Cartwright Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 6, 2022, at 7:30 pm in the Juliani Room, 525 Washington Street, Wellesley, on the petition of James & Jeannie Liou requesting a Variance pursuant to the provisions of Section 5.3 and Section 6.2 of the Zoning Bylaw for construction of a side facing garage addition with a deck above with less than required side yard setbacks, at 58 Cartwright Road, in a 20,000 square foot Single Residence District.

On September 1, 2022, 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 Brian Alim, Architect, representing James and Jeannie Liou, the Petitioner. Mr. Alim said that the request is for a variance for a nonconforming setback for a side facing garage, as part of a larger project to add a small kitchen bump out at the back of the house, a new deck, and a new garage bay at the front of the house. He said that there is an existing front facing two car garage. He said that the three car garage will abut the driveway to the town water pump station and there is no direct neighbor. He said that the existing side yard setback is 21 feet.

The Board said that Cartwright Road is a scenic road that is not maintained by the town. Mr. Alim said that the road is in disrepair due to issues from water ponding on the road. He said that during the winter it creeps onto the driveway. He said that the existing driveway takes up about half of the front of the house and the water works its way towards the house. He said that the proposal is to move the driveway entry to the far right to mitigate the water issues. He said that the driveway will be tight to the lot line but there is a slight grass buffer.

Mr. Alim discussed the topography of the road and wetlands. He said that the road pushes water onto the lot. He said that the existing two car garage is undersized and tight with a low steel beam that runs through the middle of it, which makes it hard to park in there. He said that they cannot move the garage

to the back because of the 20 foot drop down to the wetlands. He said that the pump house adjacent to the back of the property is noisy.

Mr. Alim said that the Wetlands Protection Committee approved the project. He said that they will install a rain barrel system to capture the additional water runoff. He said that they will direct runoff with gutters, water pipes and leaders. He said that the runoff goes to the wetlands quickly. He said that the proposed changes will improve water conditions on the site.

Mr. Alim discussed the intent of the bylaw. He said that the 30 foot setback requirement is for vehicles backing out and proximity to neighbors. He said that they will remove shrubbery on his client's property to create a grass area. He said that there is no direct neighbor. He said that there is a buffer on the abutting property line. He said that the Town has a long driveway down to the pump house.

The Board discussed the turning radius and back out space for the side facing garage. A Board member said that the driveway will be long enough so that vehicles can turn to the east as they are backing out.

The Chairman said that there was no evidence submitted that shows that the proposed garage will satisfy the 500 Foot Rule. He said that the structure will be coming closer to the street. He said that the Board would not make any determination with respect to the 500 Foot Rule.

A Board suggested continuing the metal roof over the garage to the side door.

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 58 Cartwright Road, in a 20,000 square foot Single Residence District.

The Petitioner is requesting a Variance pursuant to the provisions of Section 5.3 and Section 6.2 of the Zoning Bylaw for construction of a side facing garage addition with a deck above with less than required side yard setbacks.

Letter in support of a Variance, dated 8/9/22, from Brian Charles Alim, a Plot Plan, dated 3/14/21, revised 8/16/21, 9/29/21, 7/29/22 & 8/29/22, stamped by Frank Iebba, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 8/30/22, prepared by BCA Architectural Design, and photographs were submitted.

On October 5, 2022, the Planning Board reviewed the petition and recommended that a variance be granted with conditions.

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Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing.

It is the opinion of this Authority that literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner owing to circumstances relating to the soil conditions and topography of such land, which does not generally affect the zoning district in which it is located, the hardship has not been self-created, and desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested Variance from the terms of Section 5.3 and pursuant to the provisions of Section 6.2 of the Zoning Bylaw is granted to allow for construction of a side facing garage addition with a deck above with less than required side yard setbacks, subject to the following condition:

- A copy of the Order of Conditions, issued by the Wetlands Protection Committee, shall be submitted to the Zoning Board of Appeals for its file.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed plans.

If installation has not commenced, except for good cause, this Variance shall expire one year after the date time stamped on this decision.

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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.


Robert W. Levy, Acting Chairman


David G. Sheffield


Derek B. Redgate

ZBA 2022-66
Applicant James & Jeannie Liou
Address 58 Cartwright 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:

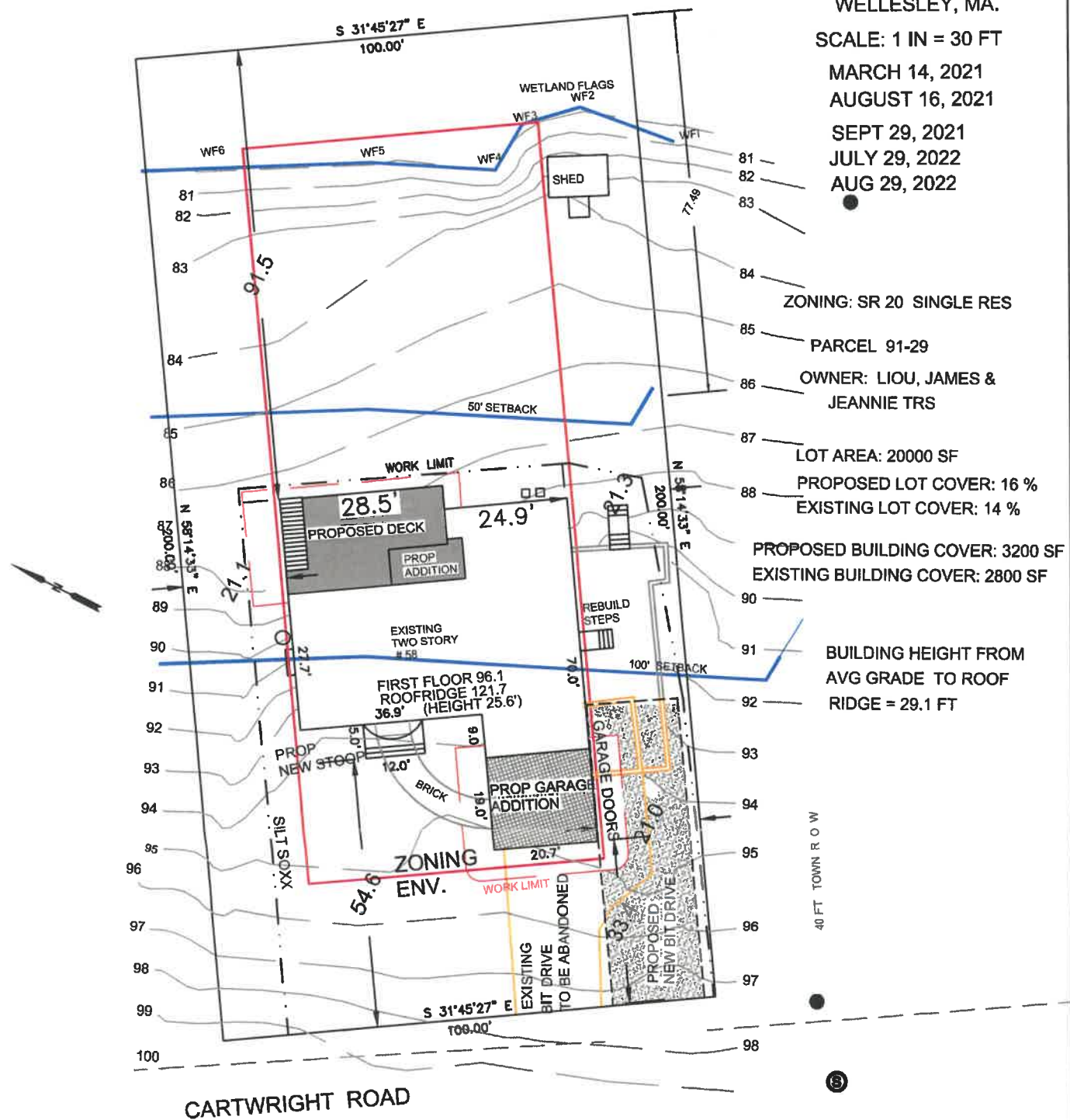
Attest:

Cathryn Jane Kato
Town Clerk

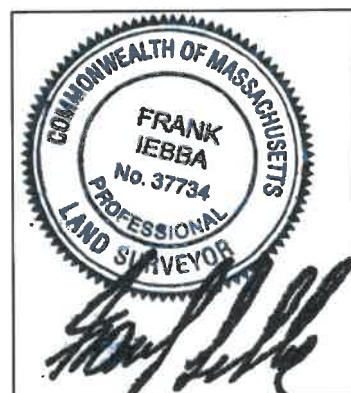
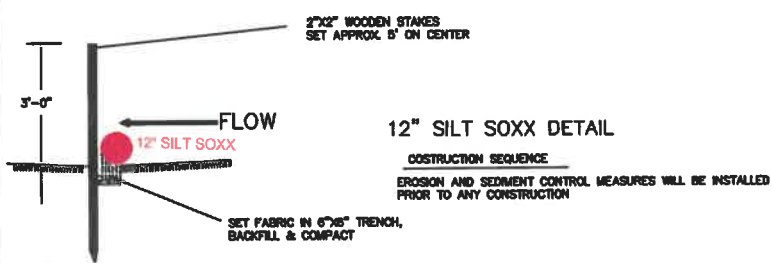
cc: Planning Board
Inspector of Buildings
lrm

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PROPOSED ADDITIONS
58 CARTWRIGHT ROAD
WELLESLEY, MA.
SCALE: 1 IN = 30 FT
MARCH 14, 2021
AUGUST 16, 2021
SEPT 29, 2021
JULY 29, 2022
AUG 29, 2022



NOTES: THERE IS APPROXIMATELY
650 SF DISTURBANCE WITHIN BUFFER ZONE



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