

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

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ZBA 2023-01
Petition of James & Jeannie Liou
58 Cartwright Road

RECEIVED
TOWN OF WELLESLEY
FEB 16 AM 10:51

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 2, 2023, at 7:30 pm in the Kingsbury Room, 485 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 three car garage that will not meet the requirements of the 500 Foot Rule, at 58 Cartwright Road, in a 20,000 square foot Single Residence District.

On January 5, 2023, 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, and Jeannie Liou, the Petitioner.

Mr. Alim said that the Board previously granted a variance for a side facing garage. He said that they subsequently found out that they will need relief from the 500 Foot Rule. He submitted a revised plot plan and revised architectural plans that show the existing front yard setback of 45.5 feet and a proposed front yard setback of 30.5 feet. He said that the request is for a variance to build a 15 foot addition that will project 10.6 feet into the front yard setback, in violation of the 500 Foot Rule.

Mr. Alim said that the property is located in wetlands and on a scenic road. He said that there are topography issues and the road conditions are poor. He said that water issues drove the decision to make it a side facing garage. He said that there is a slope across the street where water runs off and pools on Cartwright Road, which is not a maintained road. He said that water weeps off of the road onto the current driveway location. He said that there is an approximately 20 foot drop off from the front of the property to the back. He said that the soil conditions and topography cause water to pool in the driveway and freeze in the winter. He said that the proposed garage will be moved over to allow for grass and plantings at the front to mitigate some of the water issues. He said that they will catch rain from gutters and at the foundation.

A Board member confirmed that what appears to be a street on the side of the property is town land, not a public way. Mr. Alim said that it is water pump station.

Mr. Alim said that the project that was previously approved by the Zoning Board was approved by the Wetlands Protection Committee (WPC) and work has already begun at the back of the house.

Mr. Alim said that the massing of the proposed structure is one story. He said that the properties at 64 and 68 Cartwright Road have front yard setbacks of 40.9 feet and are large new builds with three story massing.

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 three car garage that will not meet the requirements of the 500 Foot Rule, at 58 Cartwright Road, in a 20,000 square foot Single Residence District.

Letter in support of a Variance, dated 12/5/22, from Brian Charles Alim, a Plot Plan, dated 1/6/23, revised 2/2/23, and Letter to Revocable Living Trust, dated 1/7/23, re: Setbacks on Cartwright Road, stamped by Terrence M. Ryan, Professional Land Surveyor, Google Map of 58 Cartwright Road, Floor Plans and Elevation Drawings, dated 11/21/22, revised 11/30/22 & 1/9/23, prepared by BCA Architectural Design, and photographs were submitted.

On January 27, 2023, the Department of Public Works Engineering Division submitted comments.

On February 1, 2023, the Planning Board reviewed the petition and recommended that a variance be granted with conditions.

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 three car garage that will not meet the requirements of the 500 Foot Rule, subject to the following conditions:

1. Stormwater controls such as grass and plantings at the front and capture of rainwater by gutters and at the foundation shall be installed.
2. There shall be no construction vehicle parking on Cartwright Road.

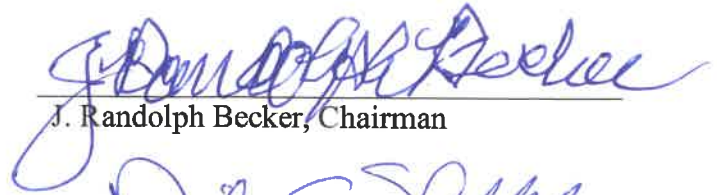
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed plans.

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

2023 FEB 16 AM 10:51
TOWN ENGINEER'S OFFICE
WILMINGTON, MA 01973

ZBA 2023-01
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58 Cartwright 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, Chairman



David G. Sheffield



Derek B. Redgate

ZBA 2023-01
Applicant James & Jeannie Liou
Address 58 Cartwright Road

2023 FEB 16 AM 10:51
TOWN CLERK'S OFFICE
WELLESLEY MA 01981

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

PROPOSED PLOT PLAN 58 CARTWRIGHT ROAD WELLESLEY, MASS.

DATE: FEBRUARY 2, 2023

SCALE: 1" = 30'

PREPARED FOR:

LIQUID REVOCABLE LIVING TRUST
58 CARTWRIGHT ROAD
WELLESLEY, MASS. 02482

ENGINEERS & SURVEYORS:

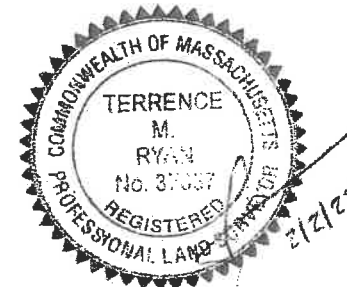
APPLEWOOD SURVEY CO. LLC
838 WASHINGTON STREET
HOLLISTON, MASS. 01746
TERRENCE M. RYAN R.L.S. 37057

ZONED: SINGLE RES.
AREA: 20,000 SF
FRONTAGE: 60 FT
SETBACK: 30 FT*
SIDEYARD: 20 FT
REARYARD: 20 FT
COVERAGE: 4,000 SF

* 500' RULE SETBACK: 40.9 FT

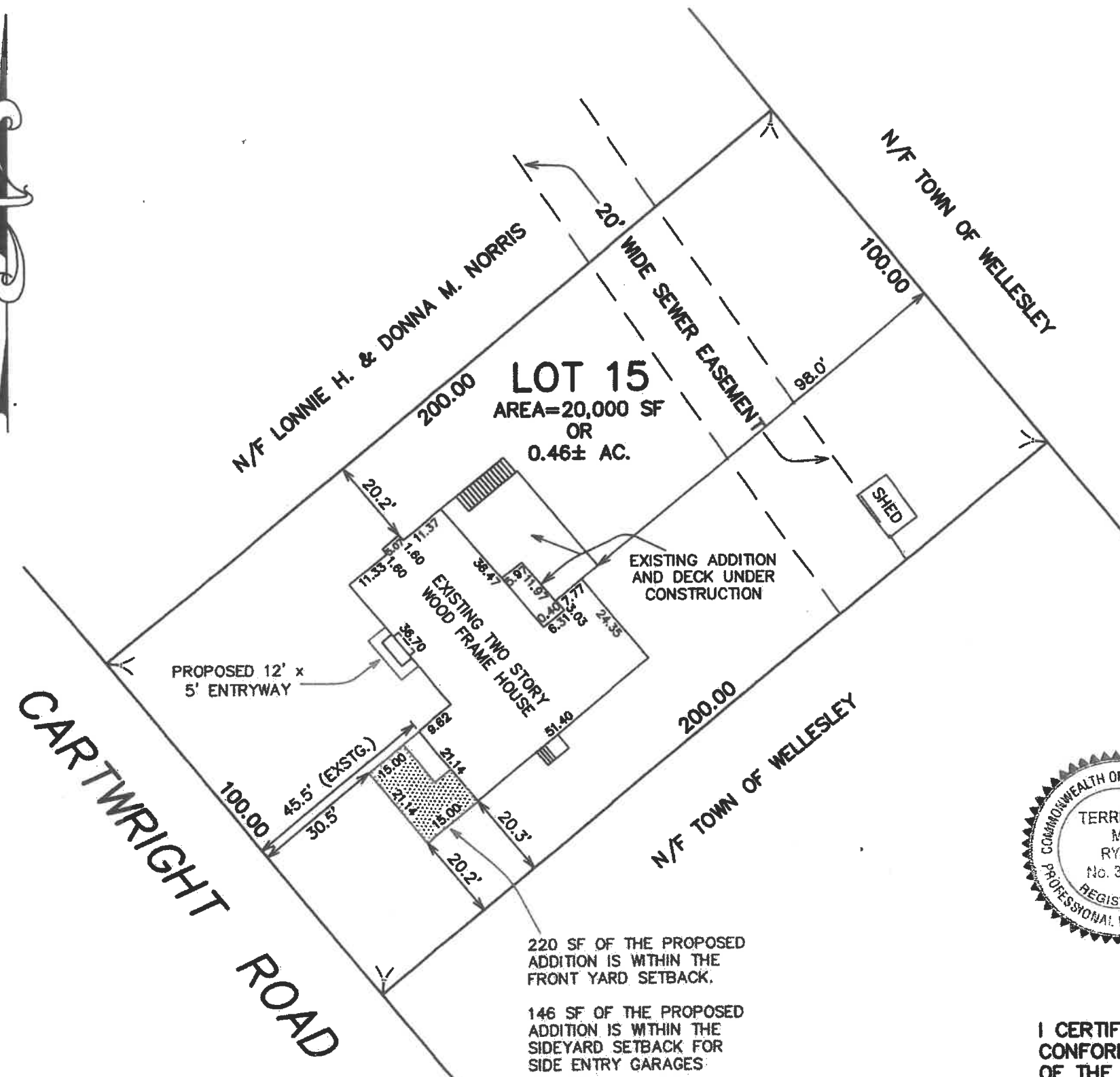
DEED BOOK 37572 PAGE 120
ASSESSORS MAP 91 LOT 29
PROPOSED COVERAGE: 3,208 SF = 16.0%

NOTE: THE DIMENSIONS OF THE EXISTING HOUSE SHOWN ARE MEASURED ALONG THE SIDING.



I CERTIFY THAT THE LOT SHOWN AND EXISTING HOUSE SHOWN THEREON CONFORM TO THE DIMENSIONAL AND THE DIMENSIONAL OFFSET REGULATIONS OF THE WELLESLEY ZONING BYLAWS.

I CERTIFY THAT THE LOT SHOWN AND EXISTING HOUSE SHOWN THEREON ARE LOCATED IN A FEDERAL FLOOD HAZARD ZONE "X" - SUBJECT TO MINIMAL FLOODING (SOURCE: F.I.R.M. 25021C0017E).



220 SF OF THE PROPOSED ADDITION IS WITHIN THE FRONT YARD SETBACK.

146 SF OF THE PROPOSED ADDITION IS WITHIN THE SIDEYARD SETBACK FOR SIDE ENTRY GARAGES.

265 SF OF THE PROPOSED ADDITION IS WITHIN BOTH SETBACKS.