

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ROBERT W. LEVY
ROBERT C. SECHREST

Thursday, May, 2007 – 7:30 p.m.
Felix Juliani Meeting Room

Zoning Board of Appeals Members Present: Richard L. Seegel, Chairman
Cynthia S. Hibbard
David G. Sheffield

ZBA 2007-27, JAMES CUSACK & JULIA SHIVERS, 44 BAY STATE ROAD
Presenting the case at the hearing were Julia Shivers and James Cusack.

Mr. Seegel said that the Planning Board recommended that the request be denied because it represented an unreasonable imposition on the abutter.

Ms. Shivers said that the abutter wrote a letter of support for the proposal.

Mr. Seegel said that he was concerned about visibility of the structure from the house across the street. He said that the structure would be less than 30 feet from the street.

Ms. Hibbard said that the proposed car port would be 2.6 feet from the property line. She said that the proposal is for a very long structure and will visually protrude across the front plane of the house. She said that she would rather see something that is much reduced so that it is only the length of one car or that just a roof or covering along the side of the house.

Mr. Cusack said that they tried to make it comply with the space. He said that when they park two cars there, they come to the end of the house. He said that the end of the car port would come to the end of the solarium. Ms. Hibbard said that the car port extends further out than the solarium. Mr. Sheffield said that would accommodate two cars.

Mr. Sheffield said that the architect had come up with a good design but it is one car too long.

Ms. Hibbard said that the car port should be tucked back so that it is not prominent. She said that trying to cover two cars is too much.

Mr. Seegel said that he was concerned about the appearance of the structure for the neighbors across the street. Mr. Cusack said that he thought that the proposed car port would look better than the existing driveway with two cars.

Mr. Sheffield asked if there had been a garage. Mr. Cusack said that there had been a garage on the left side of the house. Ms. Shivers said that the driveway went out to Bay State Road and that the garage opened up on the same plane as the front door. Mr. Cusack said that the one car garage was not large enough to be usable.

Ms. Shivers said that the proposed car port is low profile. She said that it finishes off the driveway. She said that they have made improvements to the house over the years in harmony with the original style. She said that it is situated on a small lot. She said that originally the garage door was just to the left of the front door. She said that it was a standard unappealing front. She said that there was a small milkman's sidewalk to the back. She said that they gained more than a third of the yard by taking up the existing driveway and changing the garage into a family room. She said that now there is more landscaping and lawn.

Ms. Shivers said that the car port is proposed for safety reasons. She said that they want protection from rain, ice and snow. She said that they have been trying to sell the house for a little over one year. She said that they have had two prospective buyers but the buyers backed out because of the lack of a garage.

Ms. Shivers said that there is hardship because people moving to the suburbs want to have a garage.

Ms. Hibbard said that the petitioners had made the choice to enclosed the garage. She questioned whether there was justification to allow encroachment into the side yard setback for the car port. She said that the Board has to make a finding that the proposal will not be substantially more detrimental to the neighborhood. She said that a car port of that length would be visually obtrusive. She said that a car port for one car would be less detrimental.

Mr. Seegel said that he would look more favorably at a car port for one car. He said that it should be set back 9 ½ feet from the front of the house. He said that the car port should be shortened by approximately 11 ½.

Christine Olaksen, 28 Pine Street, said that her property is directly across from 44 Bay State Road. She said that the only notice that they had of the project was from the Zoning Office for the Public Hearing. She said that the petitioners are selling the house and will be leaving the neighborhood. Ms. Olaksen said that they have lived in Wellesley for 17 years. She said that she agrees that the petitioners improved the house over the years.

Ms. Olaksen displayed a view from her front door, which was a photograph from the Wellesley Townsman real estate section. She said that she looks directly at the driveway. She said that she is also representing other neighbors, the Donahues, who face the driveway. She said that they are also opposed to the request.

Ms. Olaksen said that there are no other car ports on Pine Street. She said that she is not aware of any car ports in the neighborhood. She said that most of the houses in the neighborhood either have a garage at the back of the property or attached to the house, similar to 44 Bay State Road before it was altered. She said that a car port is not in keeping with the neighborhood. She said that she is not opposed to a garage being constructed.

Lou Titus, 40 Bay State Road, asked to look at the architectural plans.

Ms. Shivers said that the style of the house is unusual for the neighborhood. She said that all of the changes that they have made have been in keeping with the design of the house. She said that the elements of the proposed car port are in keeping with the design of the house.

Mr. Seegel said that the design of the car port is good but it is too large. He said that car ports are more California style.

Ms. Shivers said that a garage would be more massive.

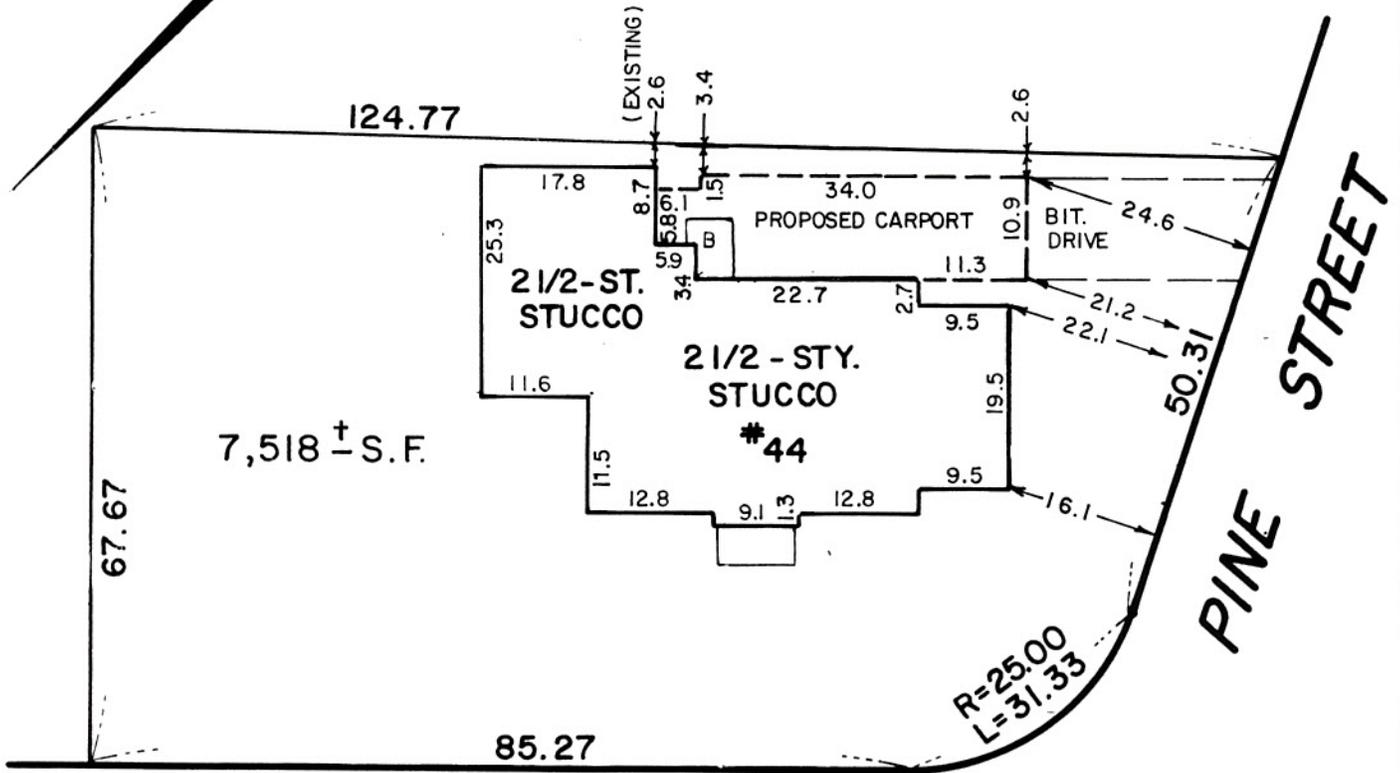
Ms. Shivers said that there is a fence on the property line with a door that opens. She said that the car port would be in the same spirit as the openness of the fence.

Hugh Crowther, 24 Pine Street, said that the primary motivation for the car port is to sell the house.

David Olaksen, 28 Pine Street, asked about the roofline of the car port.

Ms. Hibbard moved that the Board allow the petition to be withdrawn without prejudice. Mr. Sheffield seconded. The Board voted unanimously to allow the petition to be withdrawn without prejudice.

ASSESSORS REF. = MAP 52 , PARCEL 60
 BUILDING ZONE = SR 15,000± S.F.
 EXISTING LOT COVERAGE = 19.6 % (1,475± S.F.)
 PROPOSED LOT COVERAGE = 25 % (1,879± S.F.)
 LOT AREA = 7,518 ± S.F.



BAY STATE ROAD



RECEIVED
 TOWN CLERK'S OFFICE
 WELLESLEY MA 02482

2007 APR 17 P 12:23

PLAN OF LAND
 IN
WELLESLEY, MASS.

SCALE: 1" = 20'
 ESSEX ENGINEERING & SURVEY, INC.
 617-797-7342

APRIL 3, 2007
 NEWTON, MASS.