

**ZONING BOARD OF APPEALS**

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

RICHARD L. SEEGEL, CHAIRMAN
CYNTHIA S. HIBBARD
DAVID G. SHEFFIELDLENORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 208ROBERT A BASTILLE
J. RANDOLPH BECKER, VICE CHAIRMAN
ROBERT W. LEVY

ZBA 2005-71

Petition of Wellesley Conservation Council
Various Sanctuaries

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 8, 2005 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of WELLESLEY CONSERVATION COUNCIL requesting Special Permits pursuant to the provisions of Section XXIIA and Section XXV of the Zoning bylaw to install signs at six of their sanctuaries:

1. a 2.04 foot by 3.5 foot standing sign, with a total area of 6.08 square feet, and height of 5.04 feet, at SUSAN LEE MEMORIAL SANCTUARY – EAST OF LIVINGSTON ROAD;
2. a 2.04 foot by 3.5 foot standing sign, with a total area of 6.08 square feet, and height of 5.04 feet, at SUSAN LEE MEMORIAL SANCTUARY – WEST OF LIVINGSTON ROAD;
3. a 1.7 foot by 3 foot standing sign, with a total area of 4.28 square feet, and height of 4.7 feet, at PICKLE POINT – MORSES POND AND COCHITUATE AQUEDUCT;
4. a 1.7 foot by 3 foot standing sign, with a total area of 4.28 square feet, and height of 4.7 feet, at WALKER WOODS – SUDBURY AQUEDUCT BEHIND 80 & 88 FULLER BROOK ROAD;
5. a 2.04 foot by 3.5 foot standing sign, with a total area of 6.08 square feet, and height of 5.04 feet, at COLD SPRING BROOK SANCTUARY – OAK STREET AT WORCESTER STREET;
6. a 1.5 foot by 2.2 foot standing sign, with a total area of 2.8 square feet, and height of 4.7 feet, at COVESIDE BANK – BETWEEN 9 & 17 STONECLEVE ROAD.

Special Permits are requested for the six properties listed above to exceed the maximum area of 1 square foot and the maximum height of 4 feet allowed in a Single Residence District.

1. a 1.7 foot by 3 foot standing sign, with a total area of 4.28 square feet, and height of 4.7 feet, set back 3 feet from the property line, at HEYL SANCTUARY – LIVINGSTON ROAD AND RIDGE HILL FARM ROAD.

A Special Permit is requested to exceed the maximum area of 1 square foot, the maximum height of 4 feet, and the minimum setback of 15 feet allowed in a Single Residence District.

Presenting the case at the hearing was Ingrid Carls, who said that she was representing the Wellesley Conservation Council.

The Board asked if all of the signs are single-sided. Ms. Carls said that they are. The Board asked if all of the signs are set back at least 15 feet. Ms. Carls said that they are requesting a 3 foot setback for the sign at Heyl Sanctuary. She said that there is no sidewalk there. She said that if they set the sign back too far it may not be readable. The Board asked that the sign be placed at the 5 foot setback. Ms. Carls said that they would do that.

Sheila DeFazio, 88 Fuller Brook Road, said that she was speaking to sign #4, Walker Woods – Sudbury Aqueduct behind 80 and 88 Fuller Brook Road, which is in her backyard. She asked if the sign would be on the woods side of the aqueduct. She said that the area there is extremely narrow with high banks. She said that a State agency comes by once a year to mow the sides of the aqueduct. She said that sign would have to be put far enough into the woods so that it would not interfere with the mowing. She said that she has no objection to the sign but asked that it be moved. She said that this is the only place where two houses are close together and both have decks out back. She said that anyone walking along and stopping to read the sign could hear the DeFazios and their neighbors and the DeFazios and their neighbors could hear the walkers. She said that if the sign could be moved west to where the aqueduct is flat, it could be seen better and would not affect their privacy.

The Board asked where Ms. DeFazio would prefer to have the sign placed. Ms. DeFazio said that she would prefer to see it closer to Cartwright Road.

Ms. Carls said that the sign would be on the other side of the aqueduct. Ms. DeFazio said that if the sign were 15 feet below the bank of the aqueduct, it would be in her backyard.

The Board asked if Ms. DeFazio would be able to see the sign from her house. Ms. Carls said that she did not believe so. She said that the sign would be on the other side of the aqueduct.

Ms. DeFazio said that if the sign is put far enough into the woods so that it does not affect the mowing, the area will have to be cleared out every year so that the sign is visible. She said that the flatter, more open part of the aqueduct would be a more appropriate place for the sign.

Ms. Carls said that the aqueduct is high and the sign would be within the property. The Board asked if the sign was meant to be visible from the aqueduct. Ms. Carls said that it would be visible looking down from the aqueduct. The Board confirmed that the sign would not be visible from the DeFazio property.

Ms. DeFazio said that her neighbor at 80 Fuller Brook Road was unable to attend the hearing. She said that their deck is even closer to the aqueduct. She said that they hear people as they go by. She is concerned that people will stop if they see if sign. The Board said that the sign is for identification for people to walk into the woods. Ms. DeFazio said that it is a wetlands area and a buffer between them and the Recycling facility.

Ms. Carls said that it is a wild area and they have a problem with people dumping materials there. She said that is why they want to identify the property as a sanctuary.

The Board asked if the Department of Public Works would be making the signs. Ms. Carls said that they will be made by a private contractor. She said that a local resident, Dr. Ulbrich, will do the carving.

The Board asked if there will be a Conservation Council representative present for the installation of the signs. Ms. Carls said that there will be.

The Board said that the sign for Walker Woods does not need to be located at the midpoint of the sanctuary. The Board said that it could be located to left and further away from the houses.

Statement of Facts

The subject properties are located at Livingston Road, Pickle Point, behind 80 and 88 Fuller Brook Road, Oak Street at Worcester Street, between 9 and 17 Stonecleve Road, and Livingston and Ridge Hill Farm Roads, in Residential Districts.

The petitioner is requesting Special Permits to install seven signs:

1. a 2.04 foot by 3.5 foot standing sign, with a total area of 6.08 square feet, and height of 5.04 feet, at SUSAN LEE MEMORIAL SANCTUARY – EAST OF LIVINGSTON ROAD;
2. a 2.04 foot by 3.5 foot standing sign, with a total area of 6.08 square feet, and height of 5.04 feet, at SUSAN LEE MEMORIAL SANCTUARY – WEST OF LIVINGSTON ROAD;
3. a 1.7 foot by 3 foot standing sign, with a total area of 4.28 square feet, and height of 4.7 feet, at PICKLE POINT – MORSES POND AND COCHITUATE AQUEDUCT;
4. a 1.7 foot by 3 foot standing sign, with a total area of 4.28 square feet, and height of 4.7 feet, at WALKER WOODS – SUDBURY AQUEDUCT BEHIND 80 & 88 FULLER BROOK ROAD;
5. a 2.04 foot by 3.5 foot standing sign, with a total area of 6.08 square feet, and height of 5.04 feet, at COLD SPRING BROOK SANCTUARY – OAK STREET AT WORCESTER STREET;
6. a 1.5 foot by 2.2 foot standing sign, with a total area of 2.8 square feet, and height of 4.7 feet, at COVESIDE BANK – BETWEEN 9 & 17 STONECLEVE ROAD.

Special Permits are requested for the six properties listed above to exceed the maximum area of 1 square foot and the maximum height of 4 feet allowed in a Single Residence District.

1. a 1.7 foot by 3 foot standing sign, with a total area of 4.28 square feet, and height of 4.7 feet, set back 5 feet from the property line, at HEYL SANCTUARY – LIVINGSTON ROAD AND RIDGE HILL FARM ROAD.

A Special Permit is requested to exceed the maximum area of 1 square foot, the maximum height of 4 feet, and the minimum setback of 15 feet allowed in a Single Residence District.

Design Drawings, Sign Location Maps and photographs of existing and proposed conditions were submitted.

On August 29, 2005, the Board of Selectmen approved the request of the Wellesley Conservation Council to install a sign on Town property at Pickle Point.

On July 5, 2005, the Design Review Board reviewed the petition and voted to recommend approval of the proposed standing signs.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structures do not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that the installation of seven signs:

1. a 2.04 foot by 3.5 foot standing sign, with a total area of 6.08 square feet, and height of 5.04 feet, at SUSAN LEE MEMORIAL SANCTUARY – EAST OF LIVINGSTON ROAD;
2. a 2.04 foot by 3.5 foot standing sign, with a total area of 6.08 square feet, and height of 5.04 feet, at SUSAN LEE MEMORIAL SANCTUARY – WEST OF LIVINGSTON ROAD;
3. a 1.7 foot by 3 foot standing sign, with a total area of 4.28 square feet, and height of 4.7 feet, at PICKLE POINT – MORSES POND AND COCHITUATE AQUEDUCT;
4. a 1.7 foot by 3 foot standing sign, with a total area of 4.28 square feet, and height of 4.7 feet, at WALKER WOODS – SUDBURY AQUEDUCT BEHIND 80 & 88 FULLER BROOK ROAD;
5. a 2.04 foot by 3.5 foot standing sign, with a total area of 6.08 square feet, and height of 5.04 feet, at COLD SPRING BROOK SANCTUARY – OAK STREET AT WORCESTER STREET;
6. a 1.5 foot by 2.2 foot standing sign, with a total area of 2.8 square feet, and height of 4.7 feet, at COVESIDE BANK – BETWEEN 9 & 17 STONECLEVE ROAD.
7. a 1.7 foot by 3 foot standing sign, with a total area of 4.28 square feet, and height of 4.7 feet, set back 5 feet from the property line, at HEYL SANCTUARY – LIVINGSTON ROAD AND RIDGE HILL FARM ROAD.

is in harmony with the intent and purpose of Section XXIIA of the Zoning Bylaw.

Therefore, Special Permits are granted, as voted unanimously by this Authority, to install the signs in accordance with the submitted drawings, subject to the following conditions:

1. The sign for Walker Woods be placed approximately 150 feet to the west so that it will not be in front of the houses at 80 and 88 Fuller Brook Road. The sign should be located outside of the area of the aqueduct.
2. The setback for the sign at Heyl Sanctuary should be at least 5 feet from the property line.
3. The sign at Pickle Point will be located in accordance with the September 6, 2005 letter from the Board of Selectmen.

The Inspector of Buildings is hereby authorized to issue permits for the proposed signs subject to approval of sign applications. No signs shall be installed until said permits have been issued.

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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.

Richard L. Seegel, Chairman

David G. Sheffield

J. Randolph Becker

cc: Planning Board
Inspector of Buildings
lrm