

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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ROBERT W. LEVY  
WALTER B. ADAMS  
DEREK B. REDGATE

Thursday, July 10, 7:40 p.m.

Juliani Meeting Room  
Town Hall

Zoning Board of Appeals Members Present: J. Randolph Becker, Acting Chairman  
Robert W. Levy  
Walter B. Adams

### ZBA 2014-54, XUESI WANG, 46 OLD COLONY ROAD

Presenting the case at the hearing was Brian Liu, Architect, Xuesi Wang, (the "Petitioner"). Mr Liu said that the request was for relief for an addition to a pre-existing nonconforming garage with less than required right side yard setbacks. He said that they looked at several options to come up with a plan for additional space on the property. He said that they came to the conclusion that the easiest way and one that would have less impact would be to build a second story over the existing garage. He said that they will maintain the setback at the front and pushed the back of the addition in. He said that they will add a canopy over the front entrance of the house.

Mr. Adams said that he was concerned about the proposed construction. He said that there is a lot of available land on the property and a compliant addition could be built behind or to the left of the property. He said that the proposal is to put a very tall addition within 13 feet of the property line. He said that it would triple the height of the garage. He said that he would find it difficult to not find that the proposed addition would not be substantially more detrimental to the neighborhood. He asked if the Applicant tried to find another location for the addition. Mr. Liu said that 50 to 60 percent of the site is a steep hill. He said that the only level area is where the house is located. He said that more than half of the backyard is a cliff. He said that they did not see any other location to put the addition without installing retaining walls. He said that he could reduce the size of the garage by seven feet and push it forward to comply with the 20 foot side yard setback. He said that they would lose the two-car garage.

Mr. Becker asked about the Total Living Area plus Garage (TLAG) calculations. He asked how much space will be added. He said that the proposed design adds square feet and raises it up on top of the existing garage. He said that it is not simply a two-story addition but a two-story addition that starts on

top of the existing garage. He said that when one looks at the right side elevation, one sees a lot of stuff up high right next to the property line, and it is difficult to not conclude that it will be substantially more detrimental to the neighborhood.

Mr. Liu asked about revising the plans and coming back before the Board. He asked about withdrawing the petition without prejudice.

Mr. Adams asked if the plans were shared with the neighbors. Mr. Liu said that he had not shared the plans but did not know if the homeowners had spoken with the neighbors. Mr. Adams said that the Board received three letters from neighbors, all of which were negative.

Mr. Liu said that they would prefer to come up with an alternative plan. Mr. Adams said that if they could do the addition in a complying way it would be easier. He said that possibly they could build on top of the existing one-story on the left side of the house. He said that there is addition space on the left side of the property if they did not want to change the sunroom on the left.

Mr. Becker said that the proposed addition overpowers the house because it is higher. He said that what the neighbors would see is a huge blank space. He said that it is those kinds of things that make the Board think that it will be more detrimental to the neighborhood. Mr. Adams said that the neighbor is only 13 feet away. Mr. Becker said that there are architectural ways to break up the mass to make it less onerous.

Robert Rose, 50 Old Colony Road, said that he is the abutter immediately to the north. He said that the existing garage is completely consistent with the house and the neighborhood. He said that no one lives in it and it is screened by mature plantings. He said that the proposed structure is massively huge. He said that it is 54 percent longer and goes up 34 feet high. He said that the entire mass would overlook his master bedroom, living and sitting rooms. He said that 46 Old Colony is on a knoll that is higher than his home. He said that the looming effect will be greatly exaggerated. He said that he submitted photos. He said that it was important to him that the petition be denied. He said that when he did work to his house he did not make it deeper because he wanted to preserve the salt box roof of the house. He said that the neighbors did not speak with them about this. He submitted three additional letters from neighbors. He said that there is no access from the garage to the ground floor. He said that it has two staircases at the back. He said that there is potential for an apartment. He said that there is also outside access.

John Libertino, 39 Old Colony Road, said that he and many of the abutters who were present at the hearing were concerned about the size and scope of the project. He said that they all believe that this will demean the appearance of the neighborhood and will significantly impact the neighborhood in an adverse way.

Eugene Clerkin, 35 Old Colony Road, said that he has lived in the neighborhood for 50 years. He said that the value of the houses has increased substantially over the years. He said that when a single dwelling is going to change the architecture of the neighborhood and have a significant impact on the abutters, it is something that should not be accepted. He proposed that the motion be rejected.

Dan Curran, 19 Sagamore Road, said that he and his wife have lived in the neighborhood for five years. He said that his wife grew up in the house that they live in. He said that they feel that this would detrimentally affect the character of the neighborhood. He asked that this proposal be rejected.

Steve Clarke, 56 Old Colony Road, said that his house is two houses to the north of 46 Old Colony. He said that he had not met the neighbors but would like to be welcoming. He said that he respects

everyone's right to modify their home within reason. He said that he has lived on Old Colony Road for 14 years and in Wellesley for 20 years. He said that what attracted him to Wellesley was the character of the neighborhood and the neighbors. He said that the street has a certain harmony to it. He said that the proposed addition will be significantly out of character with the structure and the neighborhood. He said that when they built an addition to his house, they did their best to show that the addition would harmonize with the existing structure and with the neighborhood. He recommended that proposal be denied. He said that he would be happy to engage with the new neighbors in looking at alternative plans.

Stephanie Wasser, 51 Old Colony Road, said that up until 20 months ago she was Chair of the Planning Board. She said that she respects that the Board does not want to hear the same thing from many different people. She said that she felt that it is important to enter into the record the neighbors' thoughts so that the Applicant can know what the concerns are and who they can speak with going forward. She said that she and her husband would prefer to see this denied and have the Applicant completely rethink this after living in the house a little longer for a more thoughtful approach for whatever their needs may be.

Mr. Becker read the Planning Board recommendation.

Mr. Becker said that the proposal before the Board is a request to withdraw the petition without prejudice. Mr. Levy said that if the Board was to deny the permit, in order for it to come back before the Board within next two years, it must first go to the Planning Board and get a vote of all but one member that new design is substantially different. He said that it is generally the practice of the Board to grant a Petitioner's request to withdraw their petition without prejudice.

Mr. Levy moved and Mr. Adams seconded the motion to allow the petition to be withdrawn without prejudice. The Board voted unanimously to allow the petition to be withdrawn without prejudice.