



ZONING BOARD OF APPEALS

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

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ZBA 2014-90
 Petition of Dianne Tappé
 4 Lake Road

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 2014 OCT 23 P 3:41

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 9, 2014, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of DIANE TAPPÉ requesting a Variance pursuant to the provisions of Section XIX and Section XXIV of the Zoning Bylaw for installation of an air conditioning condenser with less than required front yard and side yard setbacks, on a 2,981 square foot corner lot in a Water Supply Protection and a Single Residence District in which the minimum lot size is 10,000 square feet, at 4 LAKE ROAD. The existing structure does not meet any setback requirements. Frontage on Lake Road is 37.30 feet, which is less than the required 60 feet. Existing lot coverage is 35.6 percent and proposed lot coverage will be 36.7 percent, where a maximum of 25 percent is allowed by right.

On September 23, 2014, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing were Paul Beaulieu and Dianne Tappé, (the Petitioner). Mr. Beaulieu said that the request is for a Variance for an air conditioning unit. He said that the Petitioner was before the Board for a special permit to do some work on the second story and entry issues to the porch. He said that in that special permit they had put forth that they would probably have to have the air conditioning unit on the roof. He said that after talking with the neighbors, who had no objections, the request is to install the air conditioning unit, as shown on the plan. He said that the unit will not meet setback requirements. He said that the lot is under 3,000 square feet and the house takes up the setbacks. He said that the position that they are proposing for the unit puts it most closely to Bay Road, which is a narrow private way. He said that the other side of the street is empty land which is the back yard of 22 Stoneclev Road. He said that the intention of the bylaw is to protect neighbors from noise. He said that the technology changes and the units are getting quieter.

Mr. Beaulieu said that Ms. Tappé submitted a letter of support from a neighbor. Ms. Tappé said that Mr. Alevisos owns two pieces of property. She said that one is located at 2 Lake Road and the other is at 21 Stoneclev Road. She said that he is an abutter of abutters. The Board said that Mr. Alevisos prefers to have the unit as shown on the plan rather than on the roof. Mr. Beaulieu said that the unit could make more noise on the roof.

The Board asked if the equipment has been selected yet. Ms. Tappé said that has not. A Board member said that there is screening proposed. He said the plant material will not do much for noise mitigation. He said that he has seen opaque baffles that, if angled correctly, can direct the sound up in the air. He

said that there are a number of tricks that can be done. He said that the manufacturer may have devices to mitigate noise. He said that the point is to try to be a good neighbor. He said that houses are close in that neighborhood and that extra care should be taken to do the best to reduce sound. He said that every effort should be made to get physical devices to mitigate noise.

The Board confirmed that there will be one condenser. Mr. Beaulieu said that it is a small house. Ms. Tappé said that the plan is to only duct the top floor, so the unit may be smaller.

The Board said that there are precious little alternate places where the unit could go.

The Board said that variances are typically tough to get approved by this Board. He said that this could be approved due to the shape of the lot.

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 4 Lake Road, on a 2,981 square foot corner lot in a Water Supply Protection District and a Single Residence District in which the minimum lot size is 10,000 square feet, with a minimum frontage of 37.30 feet, minimum side yard setbacks of 1.1 feet and 4.1 feet, minimum front yard setbacks of 27.2 feet from Lake Road and 4.1 feet from Bay Road, with existing lot coverage of 35.6 percent.

The Petitioner is requesting a Variance pursuant to the provisions of Section XIX and Section XXIV of the Zoning Bylaw for installation of an air conditioning condenser with less than required front yard and side yard setbacks, on a 2,981 square foot corner lot in a Water Supply Protection and a Single Residence District in which the minimum lot size is 10,000 square feet. The existing structure does not meet any setback requirements. Frontage on Lake Road is 37.30 feet, which is less than the required 60 feet. Existing lot coverage is 35.6 percent and proposed lot coverage will be 36.7 percent, where a maximum of 25 percent is allowed by right.

A Plot Plan, dated 5/12/14, revised 8/19/14, stamped by Bradley Simonelli, Professional Land Surveyor, Floor Plans & Elevation Drawings, dated 5/9/14, 5/11/14 & 5/13/14, prepared by Howland Architecture Studio, and photographs were submitted.

On August 19, 2014, Pam Helinek, Wetlands Administrator, granted administrative approval to place an air conditioning unit on the ground in the back corner of the property at 4 Lake Street, including any small base or pad that is required beneath the unit, as she determined that it will have no impact on the wetland resource area.

On October 7, 2014, the Planning Board reviewed the petition and recommended that the Variance be granted.

Decision

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

It is the opinion of this Authority that a variance may be granted from the terms of the Zoning Bylaw with respect to front and side yard setbacks, as the Board found that a literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner owing to the shape of this lot, especially affecting this land but not generally affecting the zoning district in which it is located; and that the hardship has not been self-created. The Board found that 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 XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw is granted to allow for installation of an air conditioning condenser with less than required front yard and side yard setbacks, subject to the conditions:

1. The Applicant shall specify which shrubs and their size will be planted surrounding the unit, as shown on the plan.
2. The shrubs shall be installed and maintained in good health.

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

If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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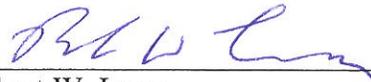
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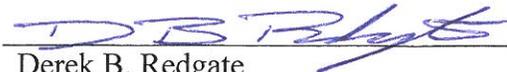
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



David G. Sheffield, Acting Chairman

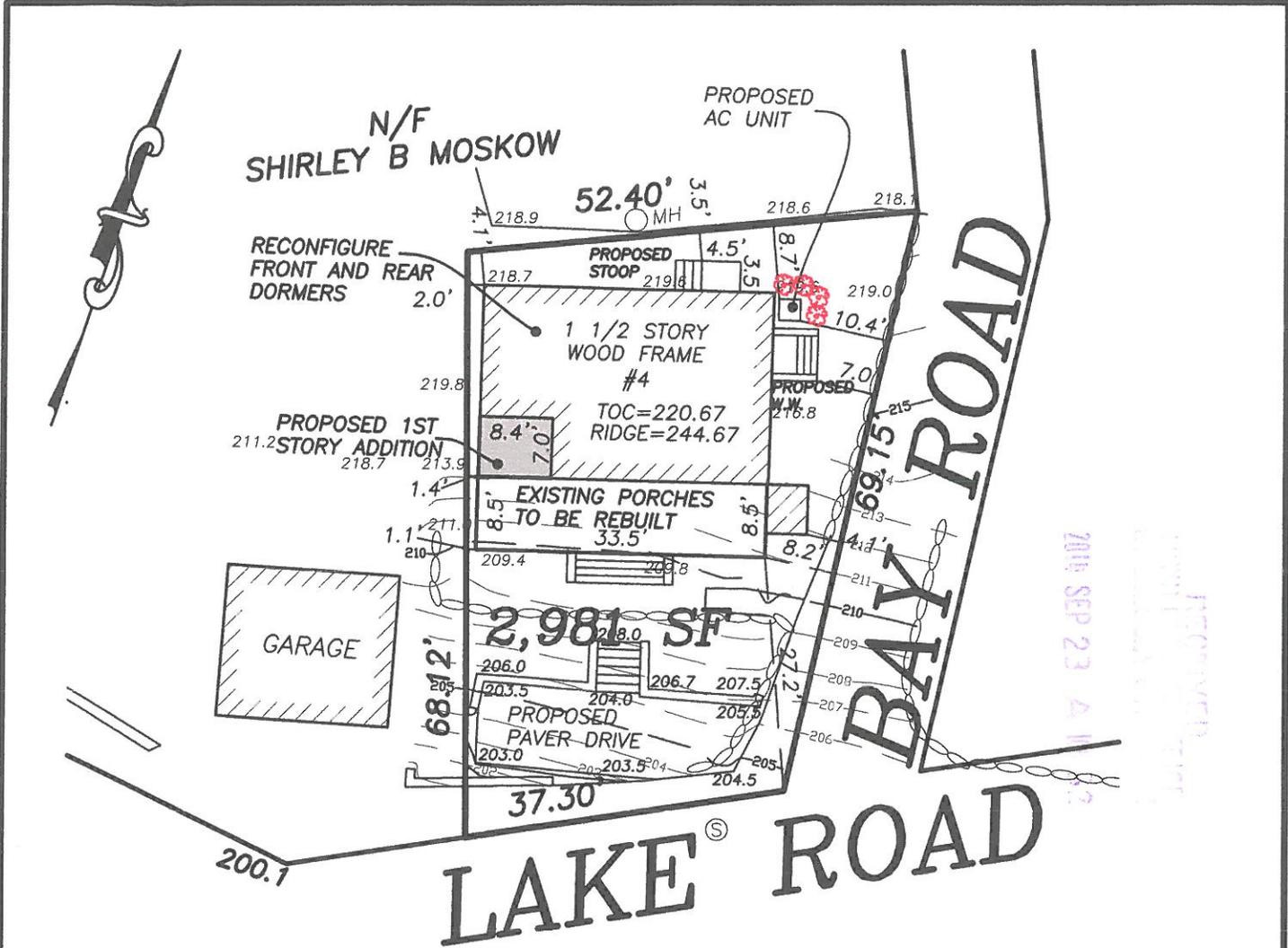


Robert W. Levy



Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm

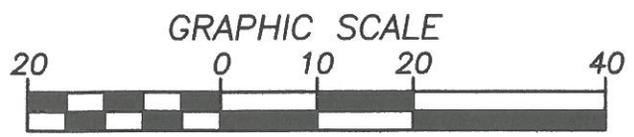


EXISTING LOT COVERAGE = 35.6%
 PROPOSED LOT COVERAGE = 36.7%
 EXISTING BUILDING COVERAGE = 1061 SF
 PROPOSED BUILDING COVERAGE = 1093 SF



**ZBA PLAN SHOWING
 PROPOSED ADDITION AND CHANGES
 4 LAKE ROAD
 WELLESLEY, MA**

MAP 183 PARCEL 19
 ZONING INFORMATION: SINGLE RESIDENCE 10 (SR10)



Field Resources, Inc.
 LAND SURVEYORS

MAY 12, 2014 SCALE 1" = 20'
 P.O. BOX 324 281 CHESTNUT ST.
 AUBURN, MA NEEDHAM, MA.
 508 832 4332 781 444 5936
 fieldresources@hotmail.com

051-14 REVISED: 8/19/14