



ZONING BOARD OF APPEALS

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

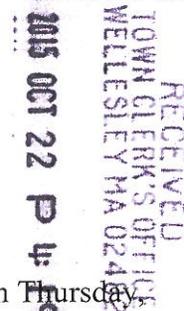
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ZBA 2015-78

Petition of Unitarian Universalist Society of Wellesley Hills
 307 Washington Street



Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 8, 2015, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Unitarian Universalist Society Of Wellesley Hills requesting a Variance pursuant to the provisions of Section XIX and Section XXIV-D of the Zoning Bylaw for installation of two air conditioning condensers with less than required front yard setbacks from Worcester Street (Route 9), at 307 Washington Street, in a General Residence District.

On September 22, 2015, 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 was Vincent Trubiani, 18 Halsey Avenue, representing the Unitarian Universalist Society of Wellesley Hills, the Petitioner. Mr. Trubiani said that the issue is the location of air conditioners. He said that the Building Inspector, Michael Grant, has determined that the building in question has frontage on Route 9. He said that a front yard setback requires 30 feet. He said that Mr. Grant said that the rear of the lot faces Route 16, which would require a 10 foot rear yard setback. He said that would be the only area where they could put air conditioners. He said that they really do not want them there because it is facing the church and Washington Street. The Board said that is where the entrance to the church is located.

Mr. Trubiani said that they would like to put the air conditioners on the Route 9 side. He said that there is a picture on Plan A1-B that shows the view from Route 9 to the building. He said that you cannot see the area where they would like to locate the air conditioners.

Mr. Trubiani said that the park is between the back of the lot and Route 16. He said that the church property is two lots. The Board said that the building at 307 Washington Street has a setback of 2.2 feet from Route 9.

Mr. Trubiani said that the air conditioners will not be visible from Route 9. The Board said that this is another instance where the proposal makes perfect sense. The Board said that it had to figure out a way to approve it in compliance with the bylaw.

Mr. Trubiani said that the address is 307 Washington Street, not Route 9. The Board said that if this lot is combined with the church lot, it would have frontage on Washington Street. Mr. Trubiani said that the church's address is 309 and this is 307 Washington Street. The Board said that the properties are assessed

as separate lots but are held in common ownership. The Board said that an ANR Plan would combine the lots and put the frontage on Washington Street. Mr. Trubiani said that would make a rear lot with a 10 foot setback for 307 Washington Street. He said that the proposed location of the air conditioners is 18 feet. The Board said that combining the lots would run afoul of two structures on one lot. The Board said that the Assessor's Office shows it as a separate lot. The Board said that the surveyor showed it as one combined lot. Mr. Trubiani said that Michael Grant determined them as two lots.

The Board if they had looked at the other side near the roofed porch. Mr. Trubiani said that would require a 20 foot side yard setback.

The Board said that the Planning Board noted that at some time in history there had been a right of way taking for widening Route 9.

The Board said that there will be a lot less impact having the air conditioning units on the side that is opposite from the park.

The Board said that there is criteria for a variance due to lot shape and the topography, given the distance from Route 9 and a six to seven foot retaining wall. Mr. Trubiani said that the retaining wall is more than eight feet. The Board said that the purpose of the bylaw was noise emission. The Board said that approval of the variance will not detract from the bylaw. Mr. Trubiani said that you only see the roof of the garage from Route 9.

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 307 Washington Street, in a General Residence District, with no frontage on Washington Street, less than required left side yard setbacks, and less than required front yard setbacks to Worcester Street.

The Petitioner is requesting a Variance pursuant to the provisions of Section XIX and Section XXIV-D of the Zoning Bylaw for installation of two air conditioning condensers with less than required front yard setbacks from Worcester Street (Route 9).

A Plot Plan, dated 9/8/15, stamped by David W. Humphrey, Professional Land Surveyor, Project Narrative from Marlene Allen, Building Committee Chair, Renewal Project, UUSWH, and Exterior Elevations and Photos, dated 9/8/15, prepared by Kraus Associates Architects were submitted.

On October 7, 2015, the Planning Board reviewed the petition and recommended that the variance be granted.

Decision

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.

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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 topography, given the grade difference between Route 9 and the lot and the shape of such land, which does not generally affect the zoning district that it is in, the hardship is not 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 XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw is granted for installation of two air conditioning condensers with less than required front yard setbacks from Worcester Street (Route 9).

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

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

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ZBA 2015-78
Petition of Unitarian Universalist Society of Wellesley Hills
307 Washington Street

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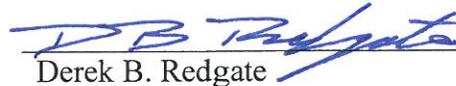
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



David G. Sheffield, Acting Chairman



Robert W. Levy



Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm

NOTES

1. SEE WELLESLEY ASSESSORS PARCELS 74-13 & 74-51.
2. PARCEL FALLS WITHIN ZONING DISTRICT GENERAL RESIDENCE.
3. THE SITE DETAILS AND SIGNIFICANT IMPROVEMENTS DEPICTED HEREON WERE OBTAINED FROM A FIELD SURVEY CONDUCTED BY SCHOFIELD BROTHERS LLC. CONDITIONS SHOWN HEREON ARE AS OF MAY 11, 2015.

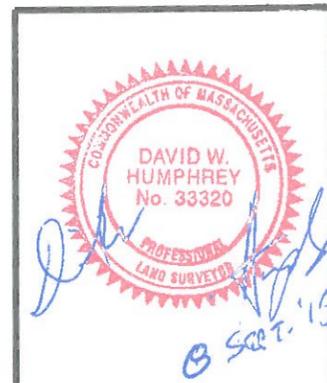
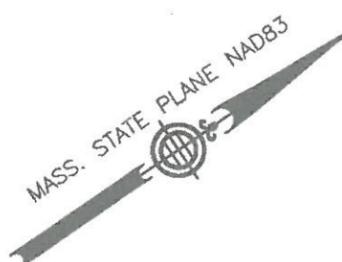
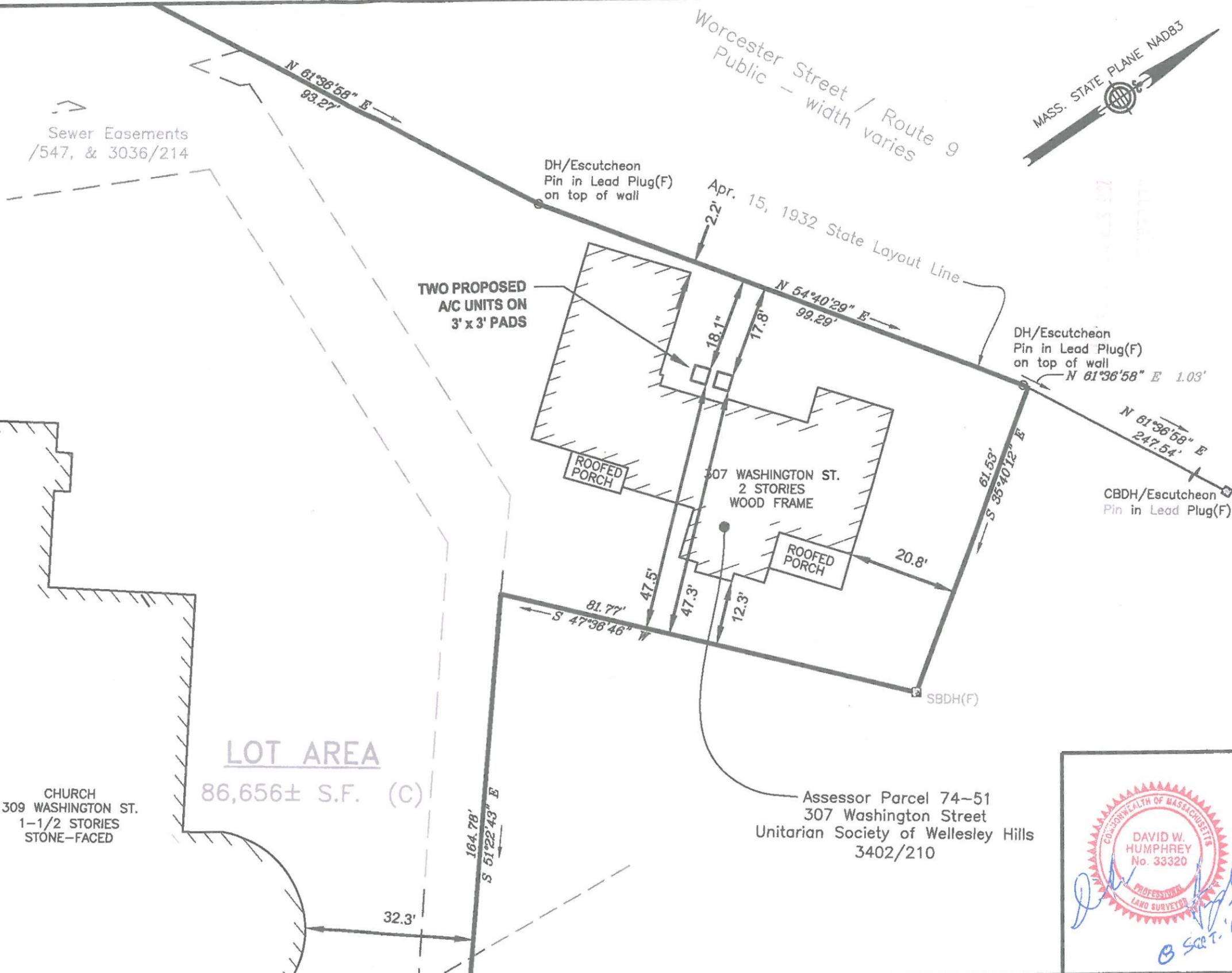
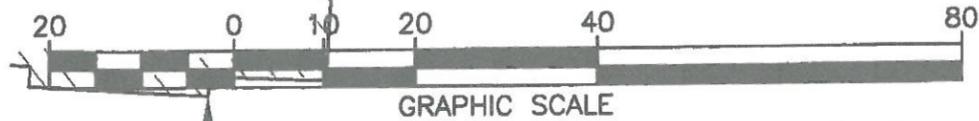
IN MY PROFESSIONAL OPINION, I CERTIFY TO UNITARIAN UNIVERSALIST SOCIETY OF WELLESLEY HILLS AND THE TOWN OF WELLESLEY BUILDING INSPECTOR THAT, AS A RESULT OF A SURVEY MADE ON THE GROUND TO THE NORMAL STANDARD OF CARE OF PROFESSIONAL LAND SURVEYORS PRACTICING IN MASSACHUSETTS, I FIND THAT THE STRUCTURES FALL WITHIN FLOOD ZONE "X" UNSHADED AS SHOWN ON THE F.I.R.M. MAP FOR WELLESLEY MASSACHUSETTS, PANEL #25021-C0017E DATED: 7/17/2012 AND THAT THE LOCATION OF THE EXISTING BUILDINGS AND PROPOSED AIR CONDITIONING UNITS ARE AS SHOWN HEREON.

David W. Humphrey
 PROFESSIONAL LAND SURVEYOR

DATE: 8 Sept. 2015

LEGEND

- | | |
|------|---------------------------|
| W/ | WITH |
| (F) | FOUND |
| SBND | STONE BOUND |
| CBDH | CONCRETE BOUND DRILL HOLE |
| DH | DRILL HOLE |
| SSM | STEEL SURVEY MARKER |



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 508-879-0080
 www.schofieldbros.com
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PLOT PLAN
 AT
307 WASHINGTON STREET
 (RICE HOUSE)
 IN
WELLESLEY, MA 02418

DATE: **SEPT. 8, 2015**
 DRAWN BY: **JAL**
 SCALE: **1" = 20'**

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