



## ZONING BOARD OF APPEALS

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

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ZBA 2015-85  
 Petition of Scott Bock  
 21 Stonecleve Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 5, 2015, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Scott Bock requesting a Variance pursuant to the provisions of Section XIVE, Section XIX and Section XXIV-D of the Zoning Bylaw for installation of a wall mounted air conditioning unit that will project 0.65 feet across the left side lot line, on a 3,360 square foot lot in a Water Supply Protection District and a Single Residence District in which the minimum lot size is 10,000 square feet, at 21 Stonecleve Road. The existing structure has less than required front yard, left side yard and right side yard setbacks and has less than required frontage.

On October 20, 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 Scott Bock, the Petitioner. He said that it is an odd situation with a house on a tiny lot that fronts Morses Pond. He said that the house only has electric heat. He said that the request is to place a small Fujitsu heat, air conditioning and dehumidification system on one side of the house. He said that everything is nonconforming. He said that the system will supplement the heat so that he will not have frozen pipes. He said that it is a 53 decibel unit which is approximately the sound of a refrigerator. He said that he currently has a giant antique air conditioner hanging out of the back of the house that makes a lot more noise than the proposed system. He said that this will not stick out very much. He said that it will not displace a lot of water.

The Chairman said that if the Board votes to grant a variance, it will only be for the Petitioner's property. He said that the proposal is for the unit to go beyond the property line. He asked who owns that property. Mr. Bock said that he met with the Department of Public Works (DPW). He said that theoretically DPW maintains it, although it is covered with trash. He said that DPW was not concerned. He said that DPW told him that technically that land is owned by everyone in the neighborhood. He said that it is a leftover piece of property. He said that DPW did not care what he did with it as long as nothing was permanently placed on the ground that would cause problems moving through it. He said that the unit will be ten feet in the air. He said that it is not a paper street. He said that it is a small piece of dirt.

A Board member said that he did not have an issue with granting a variance because of the shape of the lot or the topography. He said that his concern was about granting air rights in the other space. The Board said that it could not grant a variance for that space.

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The Chairman said that variances are very difficult to obtain in Massachusetts. He said that this is one of few properties in town that would qualify for a variance. A Board member said that it is close to being the smallest lot in town.

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 21 Stonecleve Road, on a 3,360 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, with less than required front yard setbacks, a minimum left side yard setback of 0.5 feet, a minimum right side yard setback of 0.7 feet, and 45 feet of frontage.

The Petitioner is requesting a Variance pursuant to the provisions of Section XIVE, Section XIX and Section XXIV-D of the Zoning Bylaw for installation of a wall mounted air conditioning unit that will project 0.5 to the left side lot line and 0.65 feet across the left side lot line, on a 3,360 square foot lot in a Water Supply Protection District and a Single Residence District in which the minimum lot size is 10,000 square feet.

Memorandum in support of a Variance, A Plot Plan, dated 7/24/15, revised 9/22/15, stamped by Douglas Andrysick, Professional Land Surveyor, Service Manual, Fujitsu Inverter Multi Air Conditioner, and photographs were submitted.

On September 23, 2015, Brandon Schmitt, Director, Natural Resources Commission, reviewed the project and stated that as long as there will be no disturbance of a wetland and no increase in impervious surface, there will be no review required by the Wetlands Protection Committee.

On November 5, 2015, the Planning Board reviewed the petition and recommended that the Board approve the Variance.

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.

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 the shape and topography of such land, which does not generally affect the zoning district that it is located in, the hardship has not been 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. This Board is in no way granting permission to utilize land outside of this property.

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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 a wall mounted air conditioning unit that will project 0.5 feet to the left side lot line and 0.65 feet across the left side lot line, on a 3,360 square foot lot in a Water Supply Protection District and a Single Residence District in which the minimum lot size is 10,000 square feet, in accordance with the submitted plot plan and construction drawings.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction 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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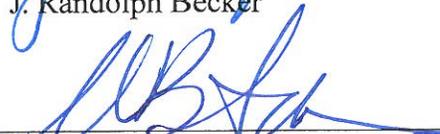
APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.



Richard L. Seegel, Chairman



J. Randolph Becker



Walter B. Adams

cc: Planning Board  
Inspector of Buildings  
lrm

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2015 OCT 20 P 2:07

FLOOD ZONE AE PER  
FIRM MAP 25021C0012E  
DATED 7-17-12

BM MAG NAIL  
ELEV=107.75'

SMH  
RIM=109.26'

MORSE'S  
POND  
4.7' ± BY HIGH WATER LINE  
OF MORSE POND

OWNER OF RECORD:  
SCOTT BOCK  
21 STONECLEVE ROAD  
WELLESLEY, MA 02482

ASSESSOR'S MAP 183-21  
BOOK 33292 PG 200  
PLAN BK 78 OF PLAN 3771  
LOT 8 AND LOT 9

ZONING DISTRICT: RESIDENCE DISTRICT A  
HOUSE WAS BUILT IN 1930 ACCORDING TO  
ASSESSOR'S RECORDS

\*PROPOSED DECK WILL REPLACE EXISTING  
DECK IN EXACT LOCATION.  
\*PATIO WILL BE REBUILT WITHIN THE  
EXISTING FOOTPRINT

I REPORT TO THE BUILDING COMMISSIONER OF THE TOWN  
OF WELLESLEY THAT THE EXISTING HOUSE IS LOCATED  
ON THE LOT AS SHOWN. THE EXISTING HOUSE DOES NOT  
LIE WITHIN A SPECIAL FLOOD HAZARD ZONE PER FIRM  
MAP 25021C012E DATED JULY 17, 2012



*Douglas W. Andrysick*  
2/29/15

S28°30'45"E 81'±

RETAINING WALLS  
6" SPRUCE

CARPORIT

LOTS 8 & 9  
3,360 SQ.FT.

45.00'

STONECLEVE ROAD

4.5'

CONC BLOCK WALL

3.9'

PATIO STEPS

\*DECK ABOVE PATIO

CONC PAD

15" MAPLE

\*FLAGSTONE PATIO AT GROUND LEVEL

HOUSE #21

PROPOSED CONDENSER  
0.65' ACROSS LOTLINE

24" PINE

CONC PAD

BM MAG NAIL  
ELEV=100.00'

N28°30'45"W

66'±

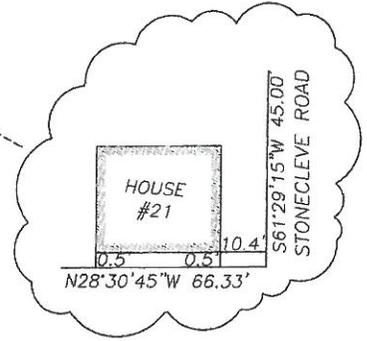
U.P. #6

SMH  
RIM=104.76'

RETAINING WALL

BAY ROAD

EDGE OF PAVEMENT



REVISED: ADD CONDENSER 9/22/15

**CERTIFIED PLOT PLAN**

21 STONECLEVE ROAD  
WELLESLEY, MA 02482



Acton Survey &  
Engineering

A DIVISION OF  
HANCOCK ASSOCIATES

97 GREAT ROAD  
P.O. BOX 666  
ACTON, MA 01720  
PH. (978) 263-3666  
FAX (978) 635-0218

DATE:	7/24/15	SHEET	1 OF 1
LAYOUT:	CPP	JOB NO.	19386
DESIGN:	PMC		
DRAWN:	PMC		
SCALE:	1"=10'		
DWG:	19386-base.dwg		