

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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

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2017 MAY 18 P.D.  
ZONING BOARD OF APPEALS  
TOWN OF WELLESLEY, MASSACHUSETTS

ZBA 2017-43

Petition of Amanda & John Rich  
54 Riverdale Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 4, 2017, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Amanda & John Rich 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 and side yard setbacks, on a 7,114 square foot corner lot in a Single Residence District in which the minimum lot size is 10,000 square feet, at 54 Riverdale Road.

On April 3, 2017, 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 Terrence Heinlein, Architect, representing John and Amanda Rich, the Petitioner.

The Board said that Mr. Heinlein had done a lovely job on the house.

Mr. Heinlein said that when they received approval from the Board a few years ago, he and the owners were unaware that they needed to show the air conditioning condensers on the plans. He said that the Building Department pointed out to them that they needed to return to the Zoning Board before receiving final occupancy. The Board said that the condensers are already there.

The Chairman said that this house has received previous variances. He said that this will be an amendment to the variance that allowed construction to begin with.

The Board asked about the adjacent property to the left. Mr. Heinlein said that it is owned by the town and is most often used by the neighbors for recreational use.

A Board member said that he did not see any other possible location for the air conditioning condensers. Mr. Heinlein said that with respect to visual and acoustical impact to the neighbors, this location is probably the best.

The Board said that the properties along Boulevard Road are unique.

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 54 Riverdale Road, on a 7,114 square foot corner lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with a minimum front yard setback of 16.4 feet to Riverdale Road, a minimum front yard setback of 25.9 to Boulevard Road, and a minimum side yard setback of 11.6 feet.

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 and side yard setbacks, on a 7,114 square foot corner lot in a Single Residence District in which the minimum lot size is 10,000 square feet.

A Plot Plan, dated 6/23/16, stamped by Bruce Bradford, Professional Land Surveyor, Letter to Zoning Board of Appeals, dated August, 2016, from Terrence G. Heinlein, AIA, American Standard Specification, 4A7A6036H-SPEC-1A, American Standard Specification, 4A7A6030H-SPEC-1B, and a photograph were submitted.

On February 17, 2016, the Wetlands Protection Committee issued an Order of Conditions, MA DEP #324-0736.

On May 2, 2017, 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.

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 soil conditions and shape of the lot, which does not generally affect the zoning district in which it is located, 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.

Therefore, an Amended Variance from the previously issued Variances that were subject to the terms of Section XIX and Section XXIV-D of the Zoning Bylaw is granted for installation of two air conditioning condensers with less than required front yard and side yard setbacks, on a 7,114 square foot corner lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in accordance with the submitted plot plan.

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 Amended Variance shall expire one year after the date time stamped on this decision.

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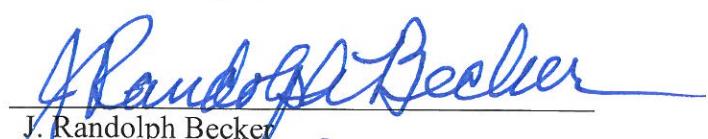
RE: OFFICE OF  
TOWN CLERK'S OFFICE  
WELLESLEY, MA 02482

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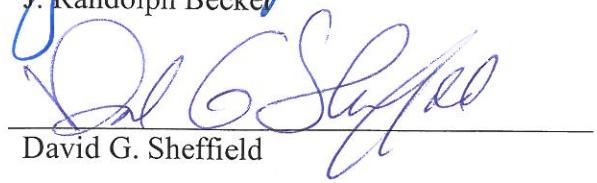
APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.



Richard L. Seigel, Chairman



J. Randolph Becker



David G. Sheffield

cc: Planning Board  
Inspector of Buildings  
lrm



DATA SHEET 4

# CHARLES RIVER RESERVATION

EDGE OF TAVEM  
**BOULEVARD  
ROAD**

PROPOSED  
CONDENSERS  
(2) 3.1'x2.9'

N/F  
TOWN OF WELLESLEY  
10 BOULEVARD RD

200' RIVERFRONT AREA

N/F  
LEE  
52 RIVERDALE

RIVERDALE ROAD

## ZONING INFORMATION

ZONE SR-10  
PARCEL ID: 51-22

EXISTING  
STRUCTURES: 1,459 S.F.  
LOT COVERAGE: 20.5%

PROPOSED  
STRUCTURES: 1,7780 S.F.  
LOT COVERAGE: 25.0%

DEED REFERENCE:  
BOOK 13542 PAGE 256

PLAN REFERENCES:  
L.C.C. 9211A  
BOOK 914 PAGE 321

PLAN OF LAND IN  
WELLESLEY, MA

54 RIVERDALE ROAD  
PROPOSED ADDITIONS  
PREPARED FOR: AMANDA RICH

SCALE: 1 IN.= 20 FT.  
DATE: JUNE 23, 2016  
PROJECT NO. 24114

EVERETT M. BROOKS CO.

**SURVEYORS & ENGINEERS**  
**49 LEXINGTON STREET**

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