



ZONING BOARD OF APPEALS

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

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TELEPHONE
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2017 MAY 18 P 2:29

ZBA 2017-47

Petition of Ray & Carolyn Cardin
17 Clifton 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 Ray & Carolyn Cardin requesting a Variance and/or a Special Permit/Finding pursuant to the provisions of Section XVII, Section XIX, Section XXIV-D and Section XXV of the Zoning Bylaw that installation of two air conditioning condensers with less than required left side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The existing structure has less than required left side yard setbacks, at 17 Clifton Road, in a 10,000 square foot Single Residence District.

On April 7, 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 Ray Wiese, representing Ray and Carolyn Cardin, the Petitioner. He said that he was present at the public hearing last month seeking relief for a variance. He said that the air conditioning condensers were not shown on the original drawing, so they added them to the plans. He said that at the last meeting the Chairman asked that Mr. Wiese get some clarification on specifications for the decibel levels for the units. He said that they submitted the specifications. He said that he looked at different manufacturers and they all seem to list the same levels.

A Board member said that the Board has seen a sufficient number of applications that have air conditioners within the setbacks. He said that he looked at acoustical fences and acoustical covers that can be applied to reduce the decibels. Mr. Wiese said that his client is open to that but they believe that they have a good case to not do that. He said that there is a 67 decibel rating, standing at the end of Clifton Road, which is downhill from Route 9. He said that the consistent noise level is very close to the air conditioner in this case. He said that this lot has a fence. He said that at the end of Clifton Road it is like a cul de sac that has an alley way behind the houses on Route 9. He said that they submitted a letter from one abutter when they submitted last time. He said that the abutter's garage faces the alley way. He said that in this particular instance, he did not see that there would be a lot of benefit by adding an acoustical fence. The Chairman said that he did not think that there would be benefit because the units are behind the house already.

Statement of Facts

The subject property is located at 17 Clifton Road, in a 10,000 square foot Single Residence District, with a minimum left side yard setback of 16.7 feet.

The Petitioner is requesting a Variance and/or a Special Permit/Finding pursuant to the provisions of Section XVII, Section XIX, Section XXIV-D and Section XXV of the Zoning Bylaw for installation of two air conditioning condensers with less than required left side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The existing structure has less than required left side yard setbacks, at 17 Clifton Road, in a 10,000 square foot Single Residence District.

A Plot Plan, dated 2/17/17, prepared by Dennis O'Brien, Professional Land Surveyor, Existing & Proposed Floors and photographs, prepared by The Wiese Company, Specifications for 24ABB3 Puron Air Conditioner – 1 and 3 Phase, and Comfort 13 Central Air Conditioner 24ABB3 were submitted.

On May 2, 2017, the Planning Board reviewed the petition and recommended that the special permit 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 although installation of two air conditioning condensers with less than required left side yard setbacks, where the existing structure has less than required left side yard setbacks is increasing a nonconformity, such increase shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for installation of two air conditioning condensers with less than required left side yard setbacks, in accordance with the submitted plot plan and construction drawings.

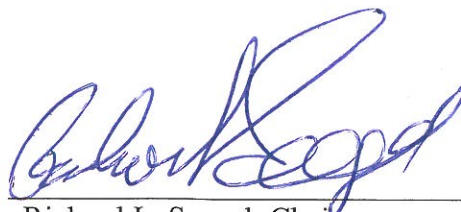
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed constructions plans.

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

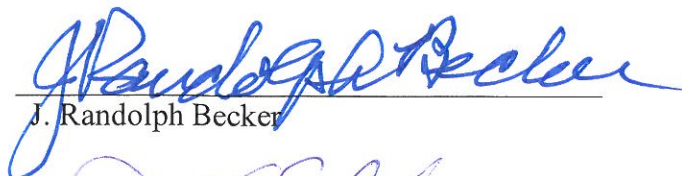
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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



Richard L. Seegel, Chairman




J. Randolph Becker



David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm

 <p>D. O'BRIEN LAND SURVEYING EST. 1995 31 HAYWARD STREET UNIT 3-C FRANKLIN, MA 02038 508-541-0048</p>	<p>PLAN SHOWING PROPOSED ADDITION 17 CLIFTON ROAD WELLESLEY, MA NORFOLK COUNTY</p>				
	<p>SCALE: 1:20</p>	<p>DATE: 2/17/15</p>	<p>REVISED: 1/31/2017</p>	<p>DRAWN BY: W.M.N.</p>	<p>CHECKED BY: D.O.</p>