

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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

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ZBA 2019-57

Petition of Gerardo & Tara Ventura  
14 Wilde Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 6, 2019 7:30 pm in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Gerardo & Tara Ventura requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that installation of two air conditioning condensers with less than required left side yard setbacks, behind an existing nonconforming structure with less than required left side yard setbacks, at 14 Wilde Road, in a 10,000 square foot Single Residence District, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Present at the public hearing was Tara Ventura, who said that the request is for a special permit for the location of ac condensers. She said that they were previously before the Board for a permit to reconstruct the garage and the ac pads were not included in the plans. She said that the property falls within the wetlands, and as part of the renovations, the Wetlands Protection Committee is requiring them to build a stormwater management system in the back yard. She said that they are proposing to tuck the ac condensers at the back where they will have the least impact to the wetlands. She said that they also want to locate the condensers far away from the excavation site for the stormwater drainage pit.

Ms. Ventura said that she spoke with her neighbor and she had no concerns.

The Chairman said that the Planning Board recommendation stated that the request should be for a variance. The Chairman said that if the Board treats this petition in the same way as a previously approved petition that was argued under State case law, it has to make a finding that the proposed alteration shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

The Board discussed language in the Zoning Bylaw regarding ac condensers, noise and visual impact. A Board member said that some ac companies offer sound attenuation packages. The Chairman said that the Applicant chose the ac with the lowest decibel level for that particular model.

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 14 Wilde Road, in a 10,000 square foot Single Residence District, in a Water Supply Protection District, with a minimum left side yard setback of 14.2 feet where 20 feet is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that installation of two air conditioning condensers with less than required left side yard setbacks, behind an existing nonconforming structure with less than required left side yard setbacks, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 4/25/19, stamped by John R. Hamel, Professional Land Surveyor, Existing and Proposed Condenser Locations and Exterior Elevation, dated 4/25/19, prepared by Michael Hally Design, Inc., and Manufacturer's specifications for Goodman GSX13 Energy-Efficient Split System Air Conditioner 13 SEER/1 ½ to 5 Tons were submitted.

On November 15, 2018, the Wetlands Protection Committee issued an Order of Conditions, MassDEP File #:324-0889.

On May 24, 2019, the Planning Board reviewed the petition and recommended that a variance be denied.

#### 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 installation of two air conditioning condensers with less than required left side yard setbacks, behind an existing nonconforming structure with less than required left side yard setbacks will result in the intensification of existing nonconformities, will not result in additional nonconformities, and will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, a Special Permit is granted for installation of two air conditioning condensers with less than required left side yard setbacks, behind an existing nonconforming structure with less than required left side yard setbacks, subject to the following conditions:

1. The Goodman GSX13 Energy-Efficient Split System Air Conditioner 13 SEER/1 ½ to 5 Tons is the model that shall be installed.
2. An upgrade for sound attenuation, if available from the manufacturer, shall be installed.

A Special Permit is granted for installation of two air conditioning condensers with less than required left side yard setbacks, behind an existing nonconforming structure with less than required left side yard setbacks, in a Water Supply Protection District.

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, the Special Permits shall expire two years after the date time stamped on this decision.



ZBA 2019-57  
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14 Wilde Road

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.

  
J. Randolph Becker, Chairman

  
David G. Sheffield

  
Walter B. Adams

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02482  
2019 JUN 20 P 3:40

ZBA 2019-57  
Applicant Gerardo & Tara Ventura  
Address 14 Wilde Road

**NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK**

In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Date:

Attest:

\_\_\_\_\_  
Cathryn Jane Kato  
Town Clerk

cc: Planning Board  
Inspector of Buildings  
lrm

AC PERMIT PLAN  
14 WILDE ROAD  
**WELLESLEY, MASSACHUSETTS**

1 INCH = 20 FEET APRIL 25, 2019

SNELLING & HAMEL ASSOCIATES, INC.  
PROFESSIONAL LAND SURVEYORS & ENGINEERS  
10 LEWIS STREET P.O. BOX 102  
LINCOLN, MASSACHUSETTS 01773  
(781) 259-0071

OWNERS OF RECORD:

GERARDO T. VENTURA  
&  
TARA VENTURA  
BK.29687 PG.87

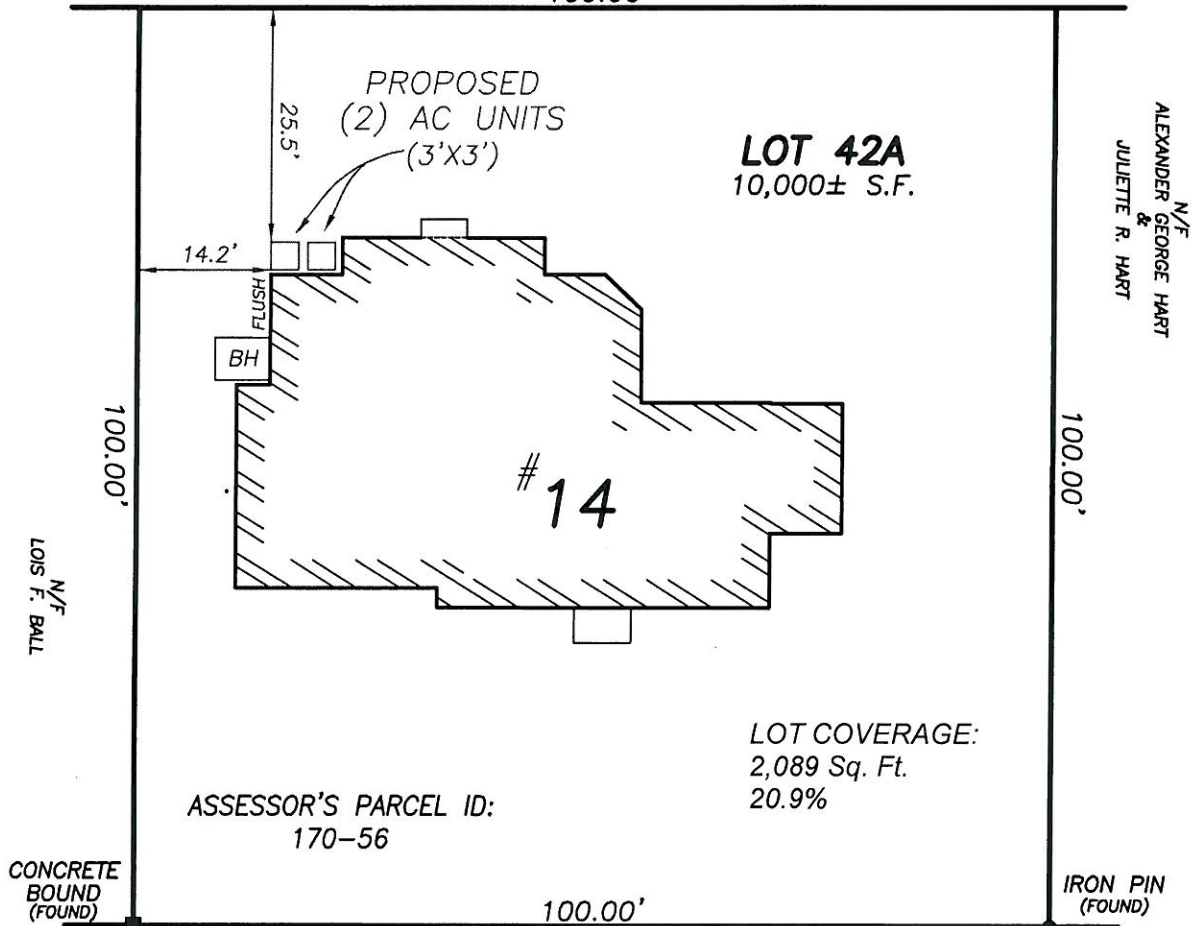
NORTH FROM PLAN 610 OF 1995

1 INCH = 20 FEET

0 10 20 40

N/F  
DANIEL GARRISON  
&  
JILL C. GARRISON

100.00'

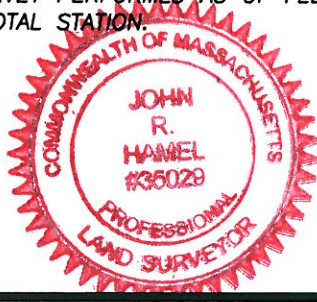


**WILDE ROAD**

I HEREBY STATE THAT THE LOCATION OF THE FEATURES SHOWN HEREON  
IS THE RESULT OF A FIELD SURVEY PERFORMED AS OF FEBRUARY 13, 2019,  
WITH THE USE OF A TOPCON TOTAL STATION.

*John R. Hamel*

JOHN R. HAMEL  
PROFESSIONAL  
LAND SURVEYOR



DATE:

*4-25-2019*

16342.DWG  
APRIL 25, 2019