

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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

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ZBA 2019-73  
Petition of Sal Insogna  
95 Russell Road

2019 OCT 24  
TOWN CLERK'S OFFICE  
WELLESLEY MASS.

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 12, 2019 at 7:30 pm in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Sal Insogna requesting Modification of a Variance and/or a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII, Section XIX, Section XXIV and Section XXV of the Zoning Bylaw that installation of an air conditioning condenser with less than required left side yard setbacks, on a 5,148 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with less than required frontage, with an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, in a Water Supply Protection District, at 95 Russell Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On August 14, 2019, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Present at the public hearing was Sal Insogna, the Petitioner. He said that the request is for a special permit to install a compressor for a ductless air conditioning system.

Mr. Insogna said that he went before the Wetlands Protection Committee (WPC) a couple of years ago with plans for a ductless system. He said that the WPC said that the system should not be on the side of the property and recommended that it be located under the porch. He said that at the same time he submitted plans to the Zoning Board that showed the location of the utility pad. He said that the ductless system was removed from the building plans. He said that he subsequently decided to go ahead with the ductless system because his contractor thought that it made sense to have it since they were installing a hot water system. He said that the Building Inspector said that they would need a special permit for that.

A Board member said that the compressor will be less than 20 feet from the side lot line. He said that there was a variance granted for all of the construction that surrounds the compressor. He said that the lot area, frontage, and side yard setbacks are too small. Mr. Insogna said the approved project was to raise the third floor.

A Board member said that in a photo that was submitted, it looks like the left front foot of the compressor is on a step. Mr. Insogna is saying that it is actually located above the step and is supported from behind, back to the structure of the house.

A Board member said that the installation manual that was submitted did not have any information about noise levels. He discussed concerns about noise, particularly on a water site. He said that sound will go

ZBA 2019-73  
Petition of Sal Insogna  
95 Russell Road

across the pond and even distant neighbors will hear it if it is too noisy. Mr. Insogna said that the compressor is quiet and low frequency. The Board said that it will need to see specifications for noise, including what the decibels are at certain distances.

**October 10, 2019**

The Chairman said that the Applicant submitted information from his contractor that shows that the heating and cooling sound pressure levels which, if compared to typical stand-alone compressors, are somewhat lower.

A Board member said that the number of decibels that this unit produces is quite low. He said that it may be that if the Applicant receives complaints after installation, he may need to put a sound baffle on the pond side.

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 95 Russell Road, on a 5,148 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 a minimum front yard setback of 24.1 feet where 30 feet is required, a minimum left side yard setback of 3 feet and a minimum right side yard setback of 5.8 feet where 20 feet is required, and 37.5 feet of frontage where 60 feet is required.

The Petitioner is requesting Modification of a Variance and/or a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII, Section XIX, Section XXIV and Section XXV of the Zoning Bylaw that installation of an air conditioning condenser with less than required left side yard setbacks, on a 5,148 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with less than required frontage, with an existing nonconforming structure with less than required front yard, left side yard and right 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 7/8/19, stamped by Dennis B. O'Brien, Professional Land Surveyor, Manufacturer's Specification Sheets, M-Series High Performance Systems, MXZ H2i High Efficiency Heat Pumps/12,6000-48,000 Btu/h Capacity Range/2-8- Zones, MXZ H2i Outdoor Units/Heat Pump Specifications Sheet, and a photograph were submitted.

On September 11, 2019, the Planning Board reviewed the petition and recommended that the special permit be approved.

**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.

ZBA 2019-73  
Petition of Sal Insogna  
95 Russell Road

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The Board found that the Design and Operation Standards in Part F are adequately satisfied and not otherwise prohibited in Part D.1, of Section XIVE of the Zoning Bylaw in a Water Supply Protection Districts.

It is the opinion of this Authority that installation of an air conditioning condenser with less than required left side yard setbacks will not 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, as voted unanimously by this Authority at the Public Hearing, for that installation of an air conditioning condenser with less than required left side yard setbacks, in accordance with the submitted plans.

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

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02481  
1 2019 OCT 24 P 2:46

ZBA 2019-73  
Petition of Sal Insogna  
95 Russell 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*  
J. Randolph Becker, Chairman

*Richard L. Seegel*  
Richard L. Seegel

*David G. Sheffield*  
David G. Sheffield

ZBA 2019-73  
Applicant Sal Insogna  
Address 95 Russell Road

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

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY, MA 02482  
2019 OCT 24 PM 2:16

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:

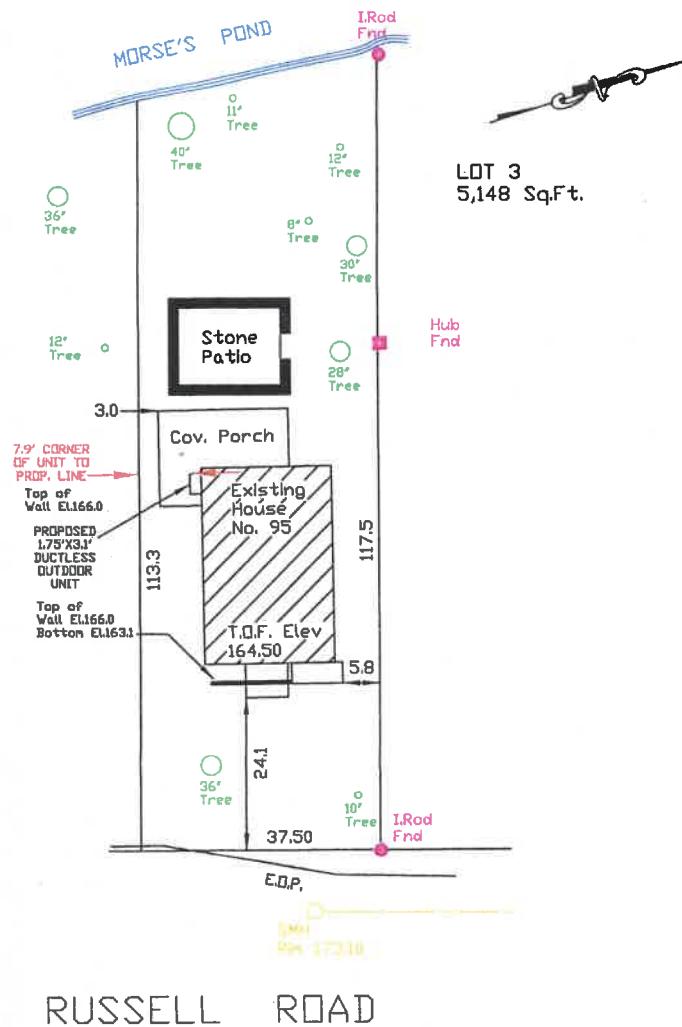
Attest:

Cathryn Jane Kato  
Town Clerk

cc: Planning Board  
Inspector of Buildings  
lrm

## Section 5 Zoning Compliance/ Certified Plot Plan

## 5.1 Certified Plot Plan


**RESIDENTIAL  
BUILDING PERMIT**

Application #

Property Address:

Date Permit Granted:

Reviewed By:

FOR ALL BUILDINGS ON THE PROPERTY

## 5.2 Lot Area / Coverage

Lot Area (SF)

Proposed Lot Coverage (SF)

Proposed Lot Coverage (%)

FOR THE BUILDING TO BE CONSTRUCTED OR  
ALTERED UNDER THIS PERMIT

## 5.3 Building Height &amp; Area

Footprint New Construction (SF)

Proposed Total Footprint (SF.)

Height of Building (FT)

## 5.4 Living Area Gross (SF)

Finished

Unfinished

## 5.5 Rooms

Total # Rooms

# Bedrooms

# Full Bathrooms

# Half Bathrooms

**Fees Collected:**

Permit

Microfilming

Advertising

Cert. of Occup.

TOTAL \$