

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

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2021 MAY 20 P 1:44

ZBA 2021-33
Petition of David Coletta
39 Atwood Street

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, May 6, 2021 at 7:30 pm, on the petition of David Coletta requesting a Variance pursuant to the provisions of Section 19 and Section 24 of the Zoning Bylaw for installation of an air conditioning condenser with less than required left side yard setbacks, at 39 Atwood Street, in a 10,000 square foot Single Residence District.

On February 24, 2021, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

April 1, 2021

The Board opened the public hearing and voted unanimously to continue the petition to May 6, 2021.

May 6, 2021

Present on behalf of the petition was David Coletta, who said that the property is 50 feet wide and the house is 22 feet wide, with 11 foot side yard setbacks. He said that the request is to put an HVAC condenser under the deck on the left side.

The Chairman discussed the criteria for granting a variance. He said that this is a narrow lot with a narrow setback on the left side of the house. He said that the bylaw that prohibits ac condensers in the setback was essentially a noise control bylaw. He said that newer condensers are less noisy. He asked if any sound proofing or landscaping to mitigate noise from the equipment was proposed. Mr. Coletta said that he could put something there.

The Chairman confirmed that Mr. Coletta discussed the plans with the neighbors. Mr. Coletta said that the neighbors had no objections.

There was no member of the public who wished to speak to the petition.

Statement of Facts

The subject property is located at 39 Atwood Street, in a 10,000 square foot Single Residence District, with a minimum left side yard and right side yard setback of 11.7 feet where 20 feet is required, and 50 feet of frontage where 60 feet is required.

The Petitioner is requesting a Variance pursuant to the provisions of Section 19 and Section 24 of the Zoning Bylaw for installation of an air conditioning condenser with less than required left side yard setbacks.

A Plot Plan, dated 10/31/19, stamped by John D. Bremser, Mitsubishi Manufacturer's Specification Sheets for M-Series, MXZ-5C42NAHZ2 Multi-Zone Inverter Heat-Pump System, and photographs were submitted.

On May 6, 2021, the Planning Board reviewed the petition and recommended that action be delayed on the petition.

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 of such land, 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, the requested Variance from the terms of Section 19 and pursuant to the provisions of Section 24 of the Zoning Bylaw is granted for a Variance pursuant to the provisions of Section 19 and Section 24 of the Zoning Bylaw for installation of an air conditioning condenser with less than required left side yard setbacks, subject to the following condition:

- Lattice fencing shall be installed between the two columns under the deck to screen the ac condenser.

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

2021 MAY 20 P 1:40
ZONING BYLAW
CITY OF WOOLSTON

ZBA 2021-33
Petition of David Coletta
39 Atwood Street

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.

Robert W. Levy (l.m.)
Robert W. Levy, Acting Chairman

Richard L. Seegel (l.m.)
Richard L. Seegel

Derek B. Redgate (l.m.)
Derek B. Redgate

ZBA 2021-33
Applicant David Coletta
Address 39 Atwood Street

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

2021 MAY 20 P 1:35
TOWN CLERK OF WELLESLEY MASSACHUSETTS

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

RECORD OWNER:

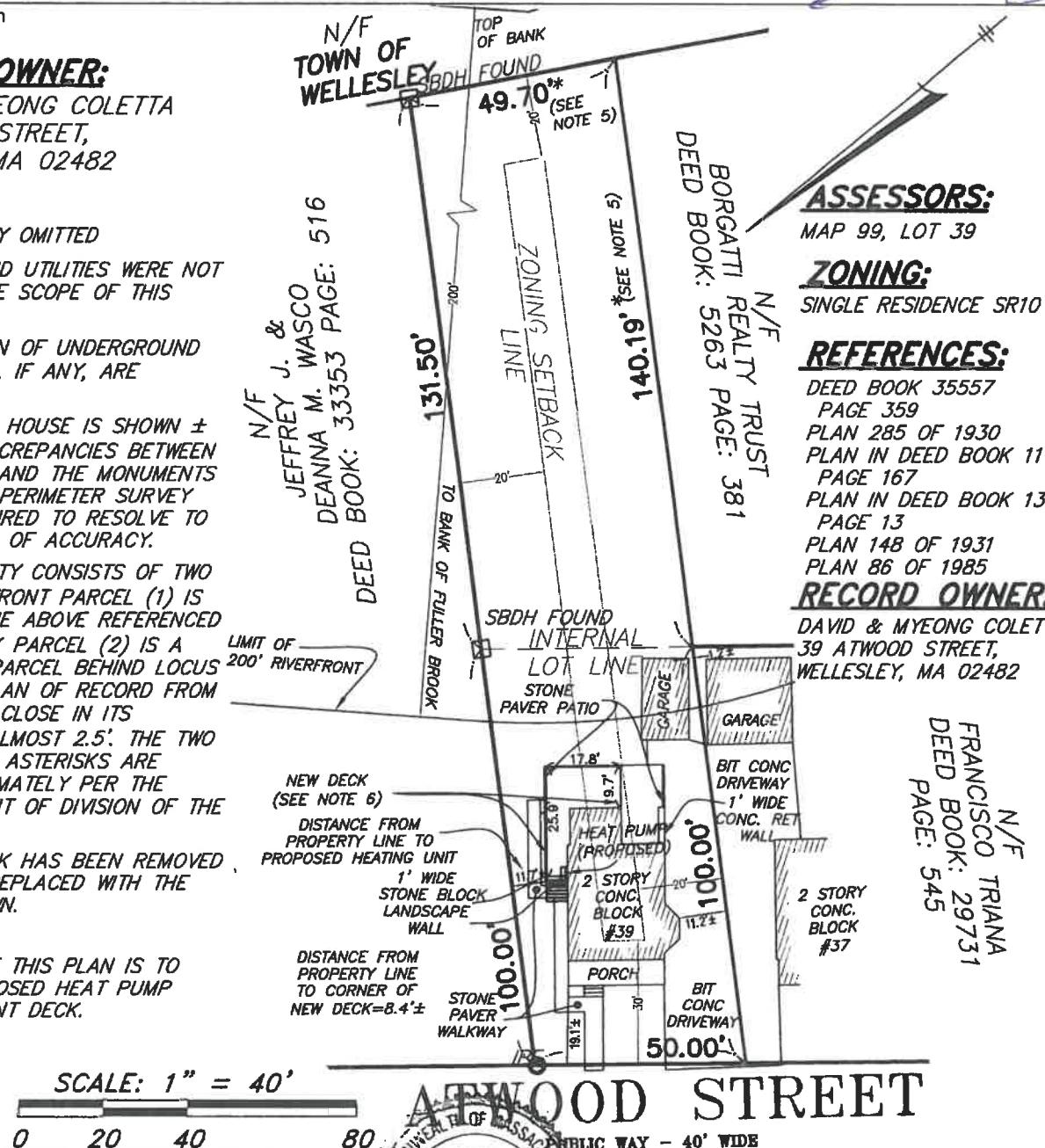
DAVID & MYEONG COLETTA
39 ATWOOD STREET,
WELLESLEY, MA 02482

NOTES:

- 1) INTENTIONALLY OMITTED
- 2) UNDERGROUND UTILITIES WERE NOT INCLUDED IN THE SCOPE OF THIS SURVEY.
- 3) THE LOCATION OF UNDERGROUND STORAGE TANKS, IF ANY, ARE UNKNOWN.
- 4) LOCATION OF HOUSE IS SHOWN \pm 0.5' DUE TO DISCREPANCIES BETWEEN RECORD PLANS AND THE MONUMENTS FOUND. A FULL PERIMETER SURVEY WOULD BE REQUIRED TO RESOLVE TO A HIGHER LEVEL OF ACCURACY.
- 5) THIS PROPERTY CONSISTS OF TWO PARCELS. THE FRONT PARCEL (1) IS DEPICTED ON THE ABOVE REFERENCED PLAN. THE BACK PARCEL (2) IS A PORTION OF A PARCEL BEHIND LOCUS AND OTHERS. PLAN OF RECORD FROM 1909 DOES NOT CLOSE IN ITS PERIMETER BY ALMOST 2.5'. THE TWO DISTANCES WITH ASTERisks ARE SHOWN APPROXIMATELY PER THE APPARENT INTENT OF DIVISION OF THE BACK PARCEL.
- 6) EXISTING DECK HAS BEEN REMOVED AND IS TO BE REPLACED WITH THE NEW DECK SHOWN.

PURPOSE:

THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED HEAT PUMP AND REPLACEMENT DECK.



PER SURVEYOR

PER ARCHITECT