



## ZONING BOARD OF APPEALS

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

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ZBA 2020-54  
Petition of Brian & Charlotte Menna  
30 Cottage Street

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Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, October 1, 2020 at 7:30 pm on the petition of Brian & Charlotte Menna requesting a Variance pursuant to the provisions of Section 14D, Section 19 and Section 24 of the Zoning Bylaw for installation of two air conditioning condensers with less than required left side yard setbacks, on an existing nonconforming lot of 5,169 square feet in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Historic District, at 30 Cottage Street.

On July 31, 2020, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication. In accordance with Chapter 53 of the Acts of 2020, the hearing was scheduled for October 1, 2020.

Present at the public hearing was Brian Menna, the Petitioner, who said that the request is for a variance for two air conditioning condensers (AC) on the northern side of the building abutting the bulkhead. He said that 30 Cottage Street is a nonconforming lot. He said that the condensers will be within 9 feet to the lot line.

The Chairman asked if the Petitioner looked at placing the AC in other locations. Mr. Menna said that the units cannot be placed in the shared driveway on the southern side and cannot be placed in the front yard. He said that placing them in the back yard would be closer to the neighbor's house, right outside of her kitchen window.

The Chairman said that the house at 28 Cottage Street is set back further on the lot.

The Chairman asked about the decibel level of the proposed units. Mr. Menna said that it is 56 to 76 decibels. The Chairman asked about sound mitigation. Mr. Menna said that because the property is located in a Historic District, any enclosure would have to match the existing characteristics of the house. He said that he had a previous meeting with the Historic District Commission (HDC) and they recommended vegetation or plants. He said that there is an old rhododendron that he does not want to take down. He said that they are limited for space to put the units. He said that most of the condensers on the street are bare. He said that 12 and 27 Cottage Street have condensers that are close to the lot line.

The Chairman said that the shape of the lot is narrow.

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

Statement of Facts

The subject property is located at 30 Cottage Street, on an existing nonconforming lot of 5,169 square feet in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Historic District, with a minimum front yard setback of 19.1 feet where 30 feet is required, a minimum left side yard setback of 2.3 feet and a minimum right side yard setback of 8.5 feet where 20 feet is required, with 39 feet of frontage where 60 is required.

The Petitioner is requesting a Variance pursuant to the provisions of Section 14D, Section 19 and Section 24 of the Zoning Bylaw for installation of two air conditioning condensers with less than required left side yard setbacks, on an existing nonconforming lot of 5,169 square feet in a Single Residence District in which the minimum lot size is 10,000 square feet.

A Plot Plan, dated 7/10/20, stamped by Clifford E. Rober, Professional Land Surveyor and Lennox Installation Instruction Elite Series XC13 Units were submitted.

On September 23, 2020 the Planning Board reviewed the petition and recommended that a variance 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.

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-D of the Zoning Bylaw is granted for installation of two air conditioning condensers with less than required left side yard setbacks, on an existing nonconforming lot of 5,169 square feet in a Single Residence District in which the minimum lot size is 10,000 square feet, 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 Variance shall expire one year 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.

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Robert W. Levy, Acting Chairman

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David G. Sheffield

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Derek B. Redgate

ZBA            2020-54  
Applicant     Brian & Charlotte Menna  
Address       30 Cottage Street

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:

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Cathryn Jane Kato  
Town Clerk

cc: Planning Board  
Inspector of Buildings  
lrm