

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

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2021 DEC 16 P 12:07  
WALTER B. ADAMS  
DEREK B. REDGATE  
RICHARD L. SEEDEL

ZBA 2021-93  
Petition of Andrew Fagenholz  
26 Cavanagh Road

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, December 2, 2021 at 7:30 pm, in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Andrew Fagenholz requesting a Special Permit/Finding and or a Variance pursuant to the provisions of Section 14E, Section 17, Section 19, Section 24 and Section 25 of the Zoning Bylaw that installation of a second air conditioning condenser with less than required left side yard setbacks, on an 8,450 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, at 26 Cavanagh Road, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On October 19, 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.

Present at the public hearing was Rob Walker, FH Perry Builder, representing Andrew Fagenholz, the Petitioner. Mr. Walker said the request is to extend an existing nonconforming condenser by adding an additional condenser directly adjacent to it. He said that some large, overgrown arbor vitae are crowding the existing condenser. He said that the intent is to keep all but the one that faces the rear of the property and is in the preferred location for the condenser. He said that they may install a small section of fence there for screening.

Mr. Walker said that there will be two condensers, side by side. He said that the proposed condenser will be closer to the rear of the property. He said that it will be a newer model that is quieter. He said that the existing condenser will stay in its current location.

A Board member said that all of the neighboring properties seem to have fences around that area of the property. Mr. Walker said that this property has a fence that stops at the front of the house.

A Board member discussed possible use of a sound absorbent material that can be placed on the surface of the house.

No member of the public wished to speak to the petition.

Statement of Facts

The subject property is located at 26 Cavanagh Road, on an 8,450 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 left side yard setback of 13.02 feet and a minimum right side yard setback of 13.44 feet where 20 feet is required. The existing nonconforming garage has a minimum right side yard setback of 9.22 feet where 20 feet is required.

The Petitioner is requesting a Special Permit/Finding and or a Variance pursuant to the provisions of Section 14E, Section 17, Section 19, Section 24 and Section 25 of the Zoning Bylaw that installation of a second air conditioning condenser with less than required left side yard setbacks, on an 8,450 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, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 8/6/21, stamped by Damien J. Raffle, Professional Land Surveyor, Manufacturer's Specifications for 24ABB3 Comfort 13 Air Conditioner, and photographs were submitted.

On November 30, 2021, the Planning Board reviewed the petition and recommended that a special permit be approved.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing.

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 14E of the Zoning Bylaw for Water Supply Protection Districts.

It is the opinion of this Authority that installation of a second air conditioning condenser with less than required left side yard setbacks, on an 8,450 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet will result in the intensification of an existing nonconformity, 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 installation of a second 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 upon receipt and approval of a building application and detailed 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.

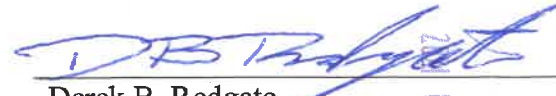
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APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.

  
Richard L. Seegel, Acting Chairman

  
David G. Sheffield

  
Derek B. Redgate

DEC 16 P 12:07

ZBA            2021-93  
Applicant     Andrew Fagenholz  
Address       26 Cavanagh 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

Now or Formerly  
KENNETH L. &  
MARGARET L. SIPE  
BOOK 32279, PAGE 20  
PARCEL ID 180-35

Now or Formerly  
WEIMIN LI, YING TONG AND  
CANDACE TONG-LI  
BOOK 36629, PAGE 407  
PARCEL ID 180-34

LOT AREA =  
8,450 SQ.FT.

Now or Formerly  
STEVEN M. WELLS  
BOOK 31496, PAGE 212  
PARCEL ID 180-26

Now or Formerly  
ROBERT & ANDREA B. REED  
BOOK 27959, PAGE 406  
PARCEL ID 180-28

Now or Formerly  
REBECCA H. JACKSON &  
ANDREW J. STOECKLE  
BOOK 8945, PAGE 151  
PARCEL ID 180-27

CAVANAGH (PUBLIC - 40' WIDE) ROAD

**LEGEND**

- [X.X'] ..... BUILDING DIMENSION
- BFA ..... BUILDING FOOTPRINT AREA
- COBB ..... COBBLESTONE
- ENT ..... ENTRANCE
- GD ..... GARAGE DOOR
- M&S ..... MULCH & SHRUBS
- STF ..... STOCKADE FENCE
- ⊙ ..... GAS GATE
- RD ..... ROOF DRAIN
- SPG ..... SPIGOT
- OV ..... OVER
- V ..... VENT
- GM ..... GAS METER
- EM ..... ELECTRIC METER
- AC ..... AIR CONDITIONING UNIT
- ⊕ ..... BASKETBALL GOAL
- GP ..... GATE POST
- ⊕ ..... UTILITY POLE
- SQ. FT. ..... SQUARE FEET
- OHW — ..... OVERHEAD WIRES

**NOTES:**

- 1) THIS PLAN HAS BEEN PREPARED TO SHOW THE LOCATION OF THE EXISTING AND PROPOSED AIR CONDITIONING CONDENSERS.
- 2) THIS DOCUMENT IS AN INSTRUMENT OF SERVICE OF FELDMAN LAND SURVEYORS ISSUED TO OUR CLIENT FOR PURPOSES RELATED DIRECTLY AND SOLELY TO FELDMAN LAND SURVEYORS' SCOPE OF SERVICES UNDER CONTRACT TO OUR CLIENT FOR THIS PROJECT. ANY USE OR REUSE OF THIS DOCUMENT FOR ANY REASON BY ANY PARTY FOR PURPOSES UNRELATED DIRECTLY AND SOLELY TO SAID CONTRACT SHALL BE AT THE USER'S SOLE AND EXCLUSIVE RISK AND LIABILITY, INCLUDING LIABILITY FOR VIOLATION OF COPYRIGHT LAWS, UNLESS WRITTEN CONSENT IS PROVIDED BY FELDMAN LAND SURVEYORS.

LOT COVERAGE	SQUARE FOOT	PERCENT
EXISTING:	1,790 SQ.FT.	21%
PROPOSED:	1,799 SQ.FT.	21%

I CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY AND THE LATEST PLANS AND DEEDS OF RECORD.

*D. Raffle*

DAMIEN J. RAFFLE, PLS (MA# 49629)  
DJR@FELDMANSURVEYORS.COM

8/12/2021

DATE



**PLOT PLAN**  
26 CAVANAUGH ROAD  
WELLESLEY, MASS.

FELDMAN LAND SURVEYORS  
152 HAMPDEN STREET  
BOSTON, MASS. 02119

AUGUST 6, 2021  
PHONE: (617)357-9740  
www.feldmansurveyors.com

**FELDMAN**  
LAND SURVEYORS

SCALE: 1"=20'



FIELD CHIEF JS CADD TS CHECKED DSP JOB NO. 18183  
FILENAME: S:\PROJECTS\18100\18183\DWG\18183-PP.dwg