



ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5918

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MAY 20 P 1:30
 SECRETARY MAHONEY

ZBA 2021-43
Petition of Jeff Goldman
28 Bancroft Road

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 Jeff Goldman requesting a Variance or a Special Permit/Finding pursuant to the provisions of Section 17, Section 19, Section 24 and Section 25 of the Zoning Bylaw that installation of an air conditioning system with less than required side yard setbacks, adjacent to a nonconforming structure with less than required side yard setbacks, on a corner lot at 28 Bancroft Road, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On March 23, 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 on behalf of the petition was Jeff Goldman, who said that the request is to put a mini split ac compressor next to the house, within a recess that is further away from the property line than the house. He said that the house is located within the setbacks on two sides. He said that the only abutter who will be close to where the unit will be placed submitted a letter of support. He said that trees and large shrubs on the property line between the two houses provide a visual and noise buffer. He said that the new unit will replace five existing window units, so it will be a lot quieter. The Chairman said that new ac units are much more efficient than they were in the past. He confirmed that other plantings are going in.

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

Statement of Facts

The subject property is located on a corner lot at 28 Bancroft Road, in a 10,000 square foot Single Residence District, with minimum side yard setbacks of 10.6 feet and 15.3 feet where 20 feet is required.

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

A Plot Plan, dated 2/21/21, stamped by Bradley J. Simonelli, Professional Land Surveyor, Manufacturer's Specification Sheets for LG LMU30CHV Multi F Inverter Pump Outdoor Unit, and photographs were submitted.

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On May 6, 2021, the Planning Board reviewed the petition and recommended 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 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 for installation of an air conditioning system with less than required side yard setbacks, 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.

2021 MAY 20 P 1:42
TOWN OF BOSTON
INSPECTOR OF BUILDINGS
LESLIE HA 02142

ZBA 2021-43
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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.

Robert W. Levy (A.M.)
Robert W. Levy, Acting Chairman

Richard L. Seegel (A.M.)
Richard L. Seegel

Derek B. Redgate (A.M.)
Derek B. Redgate

ZBA 2021-43
Applicant Jeff Goldman
Address 28 Bancroft Road

2021 MAY 20 P 1:37
RECEIVED
TOWN CLERK
WELLESLEY MA 024

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

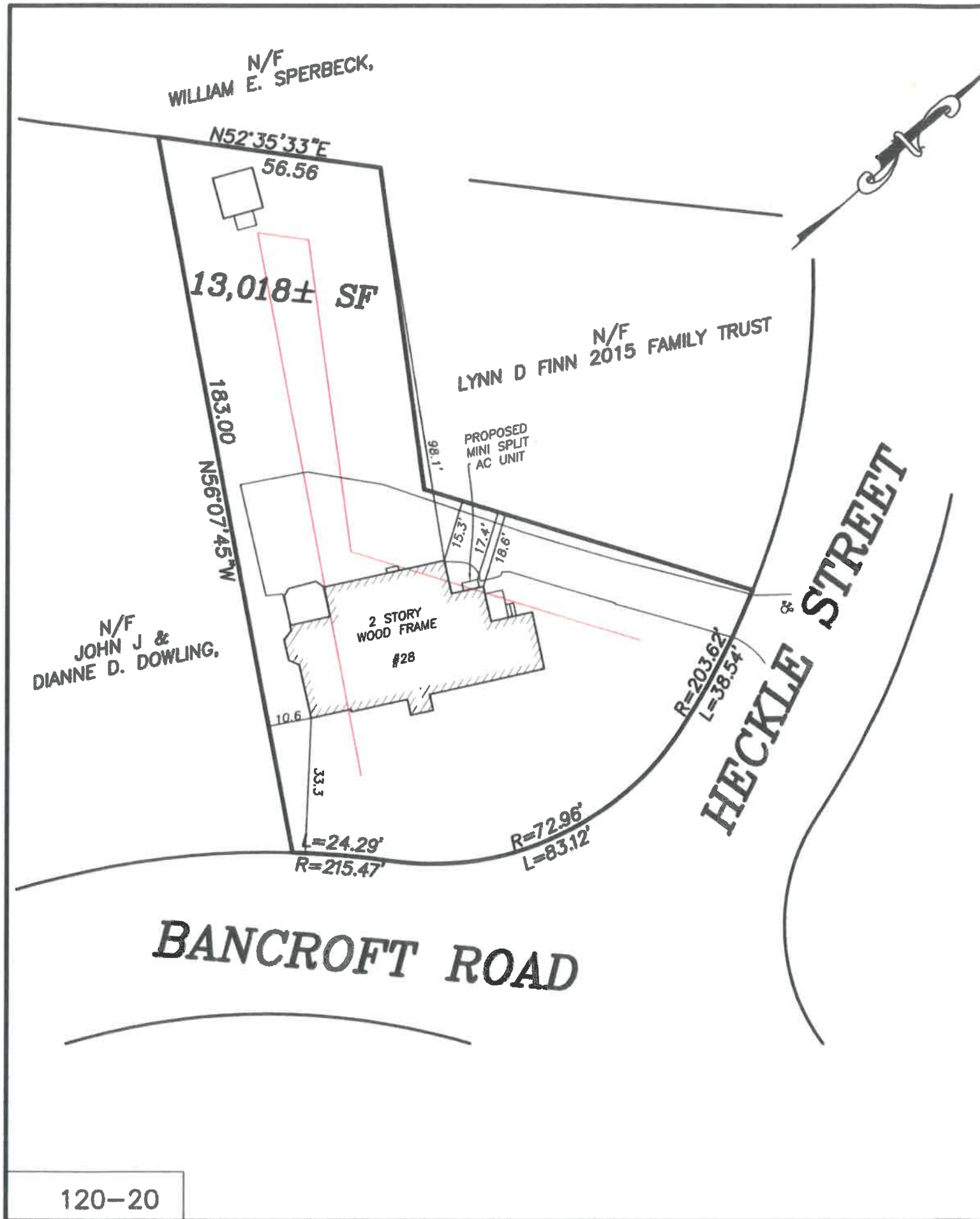
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed,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

Date:

Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm



ZONING INFORMATION: SINGLE RESIDENCE 10 (SR10)

	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA	10,000 SF	13,018 SF	13,018 SF
MINIMUM LOT FRONTAGE	60 FEET	145.95 FEET	145.95 FEET
MINIMUM FRONT SETBACK	30 FEET*	33.3 FEET	33.3 FEET
MINIMUM SIDE YARD	20 FEET	10.6 FEET	10.6 FEET
		15.3 FEET	15.3 FEET(17.4 TO AC)
MINIMUM REAR YARD	10 FEET	98.1 FEET	98.1 FEET
MAXIMUM BUILDING COVERAGE	20% (2603 SF)	12.9%(1686 SF)	12.9%(1686 SF)
MAXIMUM BUILDING HEIGHT	36 FEET	<36 FEET	<36 FEET
MAXIMUM BUILDING HEIGHT	2 1/2 STORIES	2 STORIES	2 STORIES

*FRONT SETBACK DETERMINED BY 500 FOOT RULE
 BUILDING HEIGHT DETERMINED FROM AVERAGE GRADE PLANE PER WELLESLEY ZONING BYLAW SECTION 20

ZONING BOARD OF APPEALS
 SHEET METAL BYLAW
 PLAN OF LAND
 28 BANCROFT ROAD
 WELLESLEY, MASS.



Field Resources, Inc.
 LAND SURVEYORS

FEBRUARY 21, 2021 SCALE 1"=30'
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 AUBURN, MA NEEDHAM, MA.
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