

**ZONING BOARD OF APPEALS**

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

RICHARD L. SEEGEL, CHAIRMAN  
CYNTHIA S. HIBBARD  
DAVID G. SHEFFIELDLENORE R. MAHONEY  
EXECUTIVE SECRETARY  
TELEPHONE  
(781) 431-1019 EXT. 2208  
web: [www.wellesleyma.gov](http://www.wellesleyma.gov)J. RANDOLPH BECKER, VICE CHAIRMAN  
ROBERT W. LEVY  
DAVID L. GRISSINO

ZBA 2011-46

Petition of Northern Construction Service LLC

8 Rockland Street

---

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 7, 2011 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of NORTHERN CONSTRUCTION SERVICE, LLC requesting a Special Permit pursuant to the provisions of Section II A 8 (j) and Section XXV of the Zoning Bylaw for 7,150 square feet of fenced and gated non-accessory parking for construction worker vehicles and a tool storage trailer in association with the Massachusetts Department of Transportation project known as Contract 66333, Bridge Replacement Br. No. W-13-007 (Concrete) Rockland Street over the MBTA and CSX Railroads in the Town of Wellesley. The parking lot is located at 8 ROCKLAND STREET, in a 10,000 square foot Single Residence District.

Record Owner of Property: The First Church of Christ, Scientist

On June 22, 2011 the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Robert Herlinger, representative of The First Church of Christ, Scientist (the "Record Owner of Property"). Northern Construction Service, LLC (the "Petitioner") was not present at the hearing.

Mr. Herlinger said that Northern Construction is planning to rebuild the Rockland Street Bridge. He said that Northern Construction contacted the Church to see if it was possible for Northern Construction to use a portion of the Church site for employee parking and a tool trailer. He said that there will be no heavy equipment located there.

Mr. Herlinger said that the site plan shows the upper portion of the site fenced off. He said that area is not used very much by the Church. He said that the fenced off area will be entered from Rockland Street.

The Board said that the description of work hours were 7:00 a.m. to 4:00 p.m. and 8:00 p.m. to 5:00 a.m. Mr. Herlinger said that it was his understanding that schedule is not for everyday. He said that there will times when evening work will be required. He said that Northern Construction will let the Church know when that will happen. He said that there have been no agreements signed yet.

The Board asked when the project is scheduled to begin. Mr. Herlinger said that Verizon has a couple of lines going across the railroad tracks. He said that until Verizon does it work, Northern Construction cannot proceed with their work. He said that they anticipate working on the project within the next year or year and a half.

The Board said that one requirement for the Special Permit is that it be shown that the accessory parking will not affect the primary parking. Mr. Herlinger said that the Church hardly ever uses the upper portion of the site. The Board asked if the Church is used for anything beyond Church services. Mr. Herlinger said that it is also used as a reading room.

Jeffrey Goldberg, 415 Linden Street, said that he is a primary abutter. He said that he was told that the Verizon project will begin on July 25<sup>th</sup>. He said that CSX is controlling the project and demanding that the majority of the work be done at night, not occasionally from 8:00 p.m. to 5:00 a.m. The Board said it has no jurisdiction over that. Mr. Goldberg asked if the Board could limit the hours that the parking lot can be used. The Board said that it would hesitate to do that without having any instruction or advice from the Board of Selectmen. The Board said that it did not want to interfere with the bridge construction project.

Mr. Goldberg said that CXS control the tracks and they only want the work done at night. He said that Verizon's temporary pedestrian bridge has to be built first. He said that the existing bridge will then be closed.

The Board said that the issue before it was for non-accessory parking. Mr. Goldberg confirmed that there will be no construction equipment in the parking area shown on the plans.

The Board said that the Special Permit will be subject to annual review.

#### Statement of Facts

The subject parking lot is located at 8 Rockland Street, in a 10,000 square foot Single Residence District.

The Petitioner is requesting a Special Permit for 7,150 square feet of fenced and gated non-accessory parking for construction worker vehicles and a tool storage trailer in association with the Massachusetts Department of Transportation project known as Contract 66333, Bridge Replacement Br. No. W-13-007 (Concrete) Rockland Street over the MBTA and CSX Railroads in the Town of Wellesley.

Letter of Authorization, dated 6/3/11, signed by Judith A. Gilmore, Board Chairman, The First Church of Christ, Scientist, Requirements for Special Permit Applications, prepared by Northern Construction Service, LLC, Site Plan, dated 1/31/11, revised 5/13/11, Photo Views, dated 1/31/11, revised 5/13/11, and photographs were submitted.

On July 5, 2011, the Planning Department reviewed the petition and recommended that the Special Permit be granted, subject to the following conditions:

1. Privacy fence fabric shall be used along all 4 sides of the fencing.
2. No gas/diesel powered construction vehicles or equipment stored/parked in the subject area shall be operated within the area.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. A Special Permit is required pursuant to Section II A 8 (j) of the Zoning Bylaw, as the requested use for 7,150 square feet of fenced and gated non-accessory parking for construction worker vehicles and a tool storage trailer is not a use allowed by right in a Single Residence District.

It is the opinion of this Authority that the non-accessory use parking shall not cause significant disturbance or disruption of any residential neighborhood, shall not detract from the use of the parking lot for the accessory use, or reduce landscaping or screening areas.

Therefore, a Special Permit is granted, subject to the following conditions:

1. The Special Permit shall be subject to the conditions of the Planning Board recommendation.
2. The Special Permit shall expire one year from the date time-stamped on this decision.

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, Chairman

---

Cynthia S. Hibbard

---

Robert W. Levy

cc: Planning Board  
Inspector of Buildings  
lrm

