



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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82-48

Petition of the Town of Wellesley (Department of Public Works)

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall at 8 p.m. on Thursday, November 18, 1982 on the petition of the Town of Wellesley, Department of Public Works, requesting approval of plans for a channel erosion protection project at Cold Stream Brook, 31 Ledyard Street, located in a Flood Plain or Watershed Protection District. Said request is made pursuant to Section XIVB of the Zoning Bylaw.

On October 29, 1982, 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 John Bezanson, Assistant Director of the Department of Public Works and Town Engineer, who stated that the Town has an easement on the property involved, that the Wetlands Protection Committee has reviewed the project and issued an Order of Conditions, that work in that area was started in 1965 and the town wishes to complete the project.

Other than the petitioner, no one was present favoring or opposing the petition.

Mary Nugent, 31 Ledyard Street, submitted a letter dated November 15, 1982 supporting the channel erosion project.

Statement of Facts

The property involved is located at Cold Stream Brook behind 31 Ledyard Road, owned by Mary Nugent, in a Watershed Protection District. Bank erosion along a section of Cold Stream Brook between Ledyard Street and the Charles River necessitates new control measures. The Department of Public Works is petitioning this Board for approval of plans for the construction of a channel erosion protection project.

John Bezanson, Town Engineer, has presented plans for the project to the Wetlands Protection Committee and an Order of Conditions, DEQE 324-87, was issued on September 27, 1982.

A Site Plan, Plan #1, was submitted, drawn by John E. Bezanson, dated September 2, 1982. Plan #2, drawn also by John E. Benznsnson, dated September 17, 1982, was submitted showing the proposed channel erosion protection project.

The Design Review Board, in a letter dated October 22, 1982, stated: " The Board moved, seconded and voted that the project be approved as submitted. The Board felt

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TOWN ENGINEER'S OFFICE  
DEPARTMENT OF PUBLIC WORKS  
TOWN OF WELLESLEY, MASS.

that since the non-design nature of this project was beyond the Board's expertise and has been reviewed by other appropriate boards, it should not pass judgement on the plan. The Board agreed that a second and final review would not be necessary."

The Planning Board, at its regular meeting of November 9, 1982, voted to offer no comment on the petition.

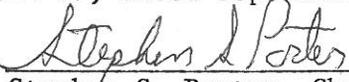
Decision

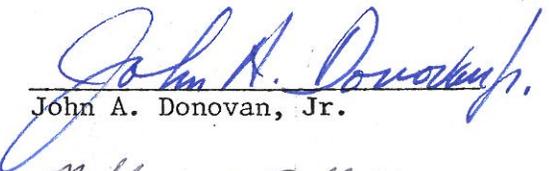
This Authority has made a careful study of the evidence submitted.

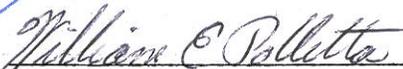
The property in question falls within a Watershed Protection District. Section XIVB, Part E-2 of the Zoning Bylaw states that the Special Permit Granting Authority may give permission for a project such as that proposed by the Department of Public Works.

This Authority is of the opinion that the Wetlands Protection Committee has reviewed the proposal thoroughly and that the Order of Conditions issued by the Wetlands Protection Committee will protect the Watershed Protection District.

Therefore, this Authority grants the requested Special Permit, subject to the Wetlands Protection Committee Order of Conditions, DEQE 324-87, dated September 27, 1982.

  
Stephen S. Porter, Chairman

  
John A. Donovan, Jr.

  
William E. Polletta

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