

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

STEPHEN S. PORTER, Chairman  
JOHN A. DONOVAN, JR.  
ROBERT R. CUNNINGHAM

MARY ANN McDOUGALL  
Executive Secretary

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ZBA 86-62  
Petition of John R. Boulger  
26, 28, 34 Pleasant Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, December 4, 1986 at 8 pm in the Great Hall of the Town Hall at 525 Washington Street, Wellesley on the petition of JOHN R. BOULGER requesting a Special Permit for Site Plan Approval pursuant to Section XVIA, Section IV and Section XXV of the Zoning Bylaw to allow the construction of eleven townhouse condominium units and associated landscaping and parking on Pleasant Street on property known as 26, 28 and 34 PLEASANT STREET, the existing structures being incorporated into the final design. Said parcel contains 57,329 square feet of land and is located in a General Residence District.

On November 13, 1986 the petitioner filed a request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing were John Boulger and his attorney, Larry Bowers. The plans for the project were explained. Twenty-two parking spaces would be provided, 11 interior spaces and 11 outside spaces. A new landscaping plan was presented by Mr. Boulger. Discussion followed about the existence of a dump on the property. Neighbors had stated that portions of the site had been used as a Town of Wellesley dump prior to the dump being relocated to land behind Diehls on Linden Street. The site had originally been a quarry and then became the town dump. Mr. Boulger stated that he had done soil tests in two areas and that geotech and environmental tests would be conducted at the site as a requirement for financing. He suggested that the ZBA make provisions in the decision regarding the necessary testing and safety requirements that they feel would be warranted for the site. Mr. Boulger stated that the Town Engineer and the Board of Health had no information about the dump. Mr. Bowers stated that any problems associated with the dump would be uncovered and corrected.

Present at the hearing and opposed to the petition: Antonio Pini, 36 Pleasant Street, abutter, who had concerns about the old dump being disrupted or exposed. He said it would be 30 to 40 feet deep. He was concerned about visibility and safety on the street, about privacy and noise, particularly from heat pumps which would be near his house. Mary Zinck and Lorraine Zinck, 19 Pleasant Street, had concerns about increased traffic. Larry Elswit, 7 Crown Ridge Road, Ralph Rich, 11 Crown Ridge Road, Charles Stewart, 9 Crown Ridge Road, were concerned about the height of the houses and the view of roofs from their properties. Others expressing concerns and with questions: Michael Leary, 41-43 Pleasant Street, Nicholas Polletta, 40 Pleasant Street. Joseph Grignaffini asked if proposed warrant articles by the Planning Board requiring 2 interior parking spaces per unit would affect the project at Pleasant Street.

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Statement of Facts

The property in question is located at 26, 28 and 34 Pleasant Street. Said parcel contains 57,329 square feet of land located in a General Residence District. The property consists of three separate lots, each containing an existing single family dwelling.

The applicant is requesting a Special Permit for Site Plan Approval under Section XVIA to construct 11 town house condominium units on the site. The three existing structures would be incorporated into the final design. The proposal consists of a five and six unit grouping. The existing homes numbered 26 Pleasant St. and 28 Pleasant Street would anchor the five unit construction with two new residences being built between them and 26 Pleasant St. being added on to and subdivided into two dwelling units. The second grouping would be added on to 34 Pleasant Street and would consist of five new units. On site parking would be provided for 22 cars, 11 interior spaces and 11 exterior spaces. Landscaping would be provided in accordance with the Zoning Bylaws.

A portion of the site is an alleged pre-existing waste disposal site. Neighbors have claimed that a portion of the property at 34 Pleasant Street was once a stone quarry and then used as a town dump. No town records were available to the ZBA indicating such use.

The following plans were submitted to the ZBA: Grading Site Plan, October 29, 1986, Arthur R. Giangrande, Registered Land Surveyor, Design State Survey Inc., Somerville, Ma.; Landscape Plan L-1, Lane Associates, Dedham, Ma., 11/10/86, superceded by L-1 presented at the Public Hearing on 12/4/86; S-2, elevations, floor plans, Lane Associates, Dedham, Ma. 9/18/86; Existing Building Locations, 11/6/86, Lane Associates; Utility Site Plan, Design State Survey, Inc., October 29, 1986.

The Design Review Board held preliminary site plan reviews on September 11, 1986 and September 25, 1986. Final plans were reviewed on November 13, 1986 at which time the plans were approved subject to recommendations as noted in a letter of November 17, 1986. A revised landscape plan was reviewed on December 11, 1986 and the plan was approved subject to the comments as noted in a letter of December 12, 1986.

Site plans and other submission materials were also sent to the Planning Board, Wetlands Protection Committee, Town Engineer, Board of Health, and Fire Chief as required by Section XVIA of the Zoning Bylaw. Written responses from the Planning Board, Board of Health, Town Engineer and Fire Chief were received and are on file at the ZBA office.

Decision

This Authority has made a careful study of the evidence presented. The petitioner's proposed project at 26, 28 and 34 Pleasant Street constitutes a major construction project under Section XVIA of the Zoning Bylaw because it includes the construction of 2,500 or more square feet of gross floor area.

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It is the opinion of this Authority that the proposed condominium project as shown on the plans submitted, drawn by Design State Survey, Somerville, dated October 29, 1986 and Lane Associates, Dedham, dated 11/10/86, revised 12/4/86, complies with the Zoning Bylaw of the Town, protects the safety, convenience and welfare of the public, minimizes additional congestion in public and private ways, insures adequate provision for water, sewerage and drainage. Furthermore, it insures compliance with Sections XVI, XXI and XXII of the Zoning Bylaw.

A Special Permit is hereby granted and Site Plan Approval is given by this Authority pursuant to Sections XVIA, IV and XXV of the Zoning Bylaws, subject to the conditions attached hereto as Addendum A.

~~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.

cc: Planning Board  
Inspector of Buildings  
DEQE, Richard J. Chalpin,  
DEQE, 5 Commonwealth  
Woburn, Ma. 01801  
mam

  
Stephen S. Porter, Chairman

  
Robert R. Cunningham

  
William E. Polletta

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Addendum A.

1. That all work shall be performed in accordance with plans submitted and on file with this Authority.
2. That all design and construction must comply with all applicable state and local codes.
3. That all requirements of the Town of Wellesley Fire Department, Department of Public Works and Board of Health shall be complied with.
4. That all requirements shall be complied with to eliminate any current health and safety hazards on the site.
5. That a continuous line of shrubbery shall be planted and maintained on the property line between 34 and 36 Pleasant St. extending until the change of grade at the rear of the property.
6. That the heat pumps on the north side of the property be moved to the interior courtyard if possible to reduce noise to the abutters at 36 Pleasant St. If they cannot be moved, plants should be planted around them to absorb some of the noise.
7. That upon completion of the entire project, a complete set of "As Built" plans including a complete set of mechanical plans, shall be submitted to the Inspector of Buildings. Site utility plans shall be submitted to the Department of Public Works.
8. That a copy of the Occupancy Permit issued by the Inspector of Buildings shall be submitted to this Authority at the time of issuance.

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