



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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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, April 14, 1983, on the petition of the Town of Wellesley, Department of Public Works, requesting approval of plans for a drainage improvement project at ELMWOOD ROAD AND KELLY MEMORIAL PARK within a Flood Plain or Watershed Protection District. Said request is made pursuant to Section XIVB and Section XXV of the Zoning Bylaw.

On March 28, 1983, 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 was John Bezanson, Town Engineer, and Stephen S. Fader, Senior Civil Engineer. Mr. Bezanson gave a brief outline of the project, stating that it was part of a townwide drainage improvement system, part of the recommendations of the "Surface Drainage Master Plan" prepared in 1981 by consultants Camp, Dresser, and McKee, and would serve to eliminate flood problems and provide improved skating at Kelly Memorial Park. The new stone masonry dam and relocation of Boulder Brook would not be required had the Town not decided to support a winter ice skating program at Kelly Park. He stated that the project had been reviewed by the Wetlands Protection Committee, and that an Order of Conditions has been issued on the project by that committee. He stated that there will be minimal damage, inconvenience or disruption to the neighborhood, and that the project site will be regraded and seeded in accordance with the contract plans and the Order of Conditions. The engineering plans for the project were displayed by Mr. Bezanson and discussed. Mr. Bezanson stated that the DPW had no plans for parking as it was not a part of the project.

The following neighbors were present with questions and concerns about the project: Ann Muzyka, 19 Wingate Road, Margaret Raylor, 56 Pilgrim Road, Marsha Welburn, 61 Elmwood Road.

Opposed to the petition was Richard Plouffe, a resident of Framingham, speaking for his mother, Gerda I. Plouffe, 53 Elmwood Road. He stated that his mother had not been informed about the extent of the project, that he objected to many facets of the project, and he questioned the role of the Board of Appeals in the process. Mr. Fader of the DPW explained that official notice of the Wetlands Protection Committee Public Hearing on the DPW project had been hand delivered to Mrs. Plouffe. She did not attend the Wetlands hearing nor comment in any manner to the Wetlands Protection Committee. Mrs. Plouffe did call Mr. Fader after legal notification and prior to the Wetlands hearing, at which time Mr. Fader extended an invitation to her to come in to the DPW to look at the plans. He stated that she declined.

Statement of Facts

The property involved is located on Elmwood Road at Kelly Memorial Park, within a Watershed Protection District at Boulder Brook.

The scope of the project is two-fold. The first aspect is to provide adequate storm drainage facilities, in an effort to eliminate past flooding problems, by replacement of the culvert and storm drains at Elmwood Road. The second phase would be construction of a stone masonry dam at Boulder Brook, regrading of Kelly Field and relocation of Boulder Brook to improve the ice skating facility at Kelly Field.

John Bezanson, Town Engineer and petitioner for the project, submitted a Project Description and presented plans for the project, dated February 14, 1982, developed and prepared by the Wellesley Engineering Division as follows:

- Sheet 1 of 4: Elmwood Road/Kelly Memorial Park Drainage Improvements - Plan and Profile.
- Sheet 2 of 4: Elmwood Road/Kelly Memorial Park Drainage Improvements- Details of Proposed Dam and Culvert
- Sheet 3 of 4: Elmwood Road/Kelly Memorial Park Drainage Improvements - Proposed Grading
- Sheet 4 of 4: Elmwood Road/Kelly Memorial Park Drainage Improvements - Cross Section of Kelly Field

The Wetlands Protection Committee held a Public Hearing on March 14, 1983 on the project and an Order of Conditions, DEQE File Number 324-93, was issued on March 30, 1983.

Notices of the petition were sent to the Wellesley Board of Health, Fire Department, Natural Resources Commission, Department of Public Works, Planning Board, and Design Review Board.

The Design Review Board, in a letter dated March 17, 1983, stated the following:

"At the Design Review Board's March 16, 1983 meeting, the Board conducted a preliminary review of an application for a special permit for a Department of Public Works Drainage Improvement Project at Elmwood Road and Kelly Memorial Park. The Board moved, seconded, and voted unanimously that the project be approved as submitted, and it strongly urged that Town boards with jurisdiction over Kelly Park's landscaping and beautification protect the area from being over-used once the work is completed and the area dries out. The Board agreed that a second and final review would not be necessary."

The Planning Board, in a letter dated April 6, 1983, stated the following: "The Planning Board is aware that this project has been carefully reviewed by the Wetlands Protection Committee and the Design Review Board. The Planning Board supports the recommendations of these two committees regarding this project. The application materials emphasize that the principal reason for the construction of the dam is to improve the skating facility, which goal is consistent with the recommendations of the Town Comprehensive Plan. It seems, however, that one aspect of this portion of the project is missing. That is construction of adequate off-street parking and lighting. The Planning Board suggests that this should be considered as a second phase of the project which needs further study and input from interested Town agencies."

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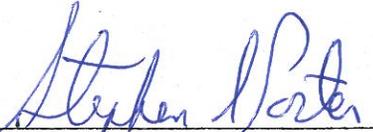
Decision

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

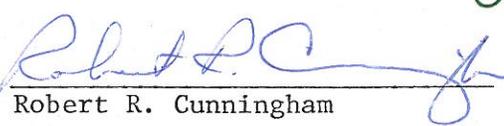
The property in question, at Elmwood Road and Kelly Memorial Park, falls within a Watershed Protection District. Section XIVB, Part E of the Zoning Bylaw states that a Special Permit Granting Authority may give permission for a project such as that proposed by the Department of Public Works.

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 Condition, DEQE #324-93, dated March 30, 1983.

  
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Stephen S. Porter, Chairman

  
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John A. Donovan, Jr.

  
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Robert R. Cunningham

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