



ZONING BOARD OF APPEALS

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ZBA 2013-39
Petition of First Church of Christ, Scientist
8 Rockland Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 6, 2013 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of FIRST CHURCH OF CHRIST, SCIENTIST 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 workers vehicles, storage and staging area for equipment and materials in association with a project with National Grid to install steel pipe for a natural gas line. The property is located at 8 ROCKLAND STREET, in a 10,000 square foot Single Residence District.

On May 20, 2013, 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 were Matthew Scafidi, Esq. Scafidi & Juliano, Attorneys at Law and Robert Herlinger, representative of First Church of Christ, Scientist, (the "Petitioner").

Mr. Scafidi said that the request is for a Special Permit for non accessory parking in the Church parking lot located at 8 Rockland Street. He said that the client is Feeney Brothers Excavation, which is a small family run business out of Boston. He said that the company typically does site preparation work, trenching and excavation.

Mr. Scafidi said that the property is located in a 10,000 square foot Single Residence District. He said that the Petitioner has entered into a license agreement with the Church to use a small portion of their parking lot, approximately 7,150 square feet.

Mr. Scafidi said that the Board granted an identical Special Permit in the past to Northern Construction. He said that Feeney brothers Excavation needs to use the lot to finish the project that Northern Construction had worked on. He said that the work that Feeney Brothers will do is limited to a few months to put some piping in. He said that they have a contract with National Grid for installation of approximately 100 feet of 12 inch steel piping for a natural gas line.

Mr. Scafidi said that Feeney Brothers will use the parking lot for staging materials and equipment, some vehicles such as a bobcat or backhoe, a compressor, a pipe stand and 100 feet of piping. He said that there will be no storage or gravel or similar materials there.

Mr. Scafidi said that the hours of operation will be from 8:30 am to 4 pm, Mondays through Saturdays. He said that there will be no more than eight employees working at the parking lot at one time.

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Mr. Scafidi said that Northern Construction's use of the property was more intense. He said that with one exception, there were no complaints about the use of the property. He said that this project will have fewer trucks and personnel. He said that Northern Construction's project lasted approximately a year and a half. He said that this project is expected to take three to four months.

Mr. Scafidi said that the project will not cause a significant disturbance to the neighborhood. He said that there are no safety concerns related to the neighborhood. He said that there will be very little noise or traffic. He said that, for the most part, vehicles will be parked at the lot all day long.

Mr. Scafidi said that vehicular circulation will be off of Rockland Street and onto Linden Street. He said that is the same circulation that Northern Construction and the Church used. He said that there are no vehicle queuing lanes. He said that there are no pedestrian safety concerns.

Mr. Scafidi said that there will be privacy fencing and screening. He said that there will be no construction materials outside of the fence.

Mr. Scafidi said that there will be no reduction in landscaped areas in the parking lot. He said that it will not detract from the Church's current parking needs.

Mr. Scafidi said that the backhoe and the bobcat will go back and forth but the compressor will remain in the parking lot.

The Board said that the compressor will be used in the parking area. The Board said that it was concerned about noise and other impacts. The Board said that it would add a condition to the decision that there be no equipment operation between 7 pm and 7 am.

Mr. Herlinger said that this project is a continuation of the Northern Construction project. He said that the Special Permit will allow the use of an area of the parking lot that the Church does not currently use. He said that the Church wanted to help facilitate getting the project done.

David Himmelberger, 387 Linden Street, said that he lives approximately eight houses down from the Church. He asked that the Board make it clear in the conditions that any construction vehicles associated with this project not use Linden Street from the exit from the parking lot down to Kingsbury Street. He said that during the Northern Construction project there were times when there were many heavy construction vehicles on a posted "No Commercial" stretch on Linden Street during peak school commuting hours. He said that it would be helpful to the neighborhood if the Board made it clear in its conditions that access for all vehicles is on the non-posted street.

The Board said that the employees can use the exit onto Linden Street but the commercial vehicles will have to use the bridge or go back up Rockland Street to access Route 9.

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 workers vehicles, storage and staging area for equipment and materials in association with a project with National Grid to install steel pipe for a natural gas line.

Letter to Zoning Board of Appeals, dated 5/14/13, signed by Matthew E. Scafidi, Esq., for Feeny Brothers Excavation, LLC, General Site, Specific Site Plan, and photographs were submitted.

On June 4, 2013, the Planning Department reviewed the petition and recommended that the Special Permit be granted with conditions.

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 workers vehicles, storage and staging area for equipment and materials in association with a project with National Grid to install steel pipe for a natural gas line 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. Vehicles associated with the project shall obey the posted traffic regulations.
2. Hours of operation shall be from 8:30 am to 4 pm, Mondays through Saturdays.
3. No employee parking shall be allowed on Rockland Street or Linden Street.
4. There shall be privacy fabric for the fencing on all four sides of the subject parking area.
5. No gas/diesel powered construction vehicles or equipment stored/parked in the subject area shall be operated within the area between the hours of 7 pm and 7 am.

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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.


Richard L. Seegel, Chairman


J. Randolph Becker


Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm