



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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

ELLEN D. GORDON  
Executive Secretary  
Telephone  
431-1019

WILLIAM E. POLLETTA  
FRANKLIN P. PARKER  
SUMNER H. BABCOCK

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ZBA 87-77

Petition of the Estate of Emma Collari  
25 Brook Street

Pursuant to due notice the Permit Granting Authority and the Special Permit Granting Authority held a Public Hearing on Thursday, September 17, 1987 at 8 p.m. in the Selectment's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley on the petition of the ESTATE OF EMMA COLLARI requesting a Special Permit for Site Plan Approval pursuant to Section XIVA, Section XIVB, Section IV and Section XXV of the Zoning Bylaw to allow construction of 2 three-story condominium units, associated landscaping and remodeling of an existing dwelling for condominium use on a lot consisting of 22,122 square feet located at 25 BROOK STREET in a General Residence District. Said new construction is to be connected to the existing dwelling by a two-car garage. Said property is located within the 100 foot Buffer Zone of and storm drainage outlet on the bank of Cold Stream Brook.

On August 12, 1987 the petitioner requested 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 Anthony Corbusiero, developer, Joseph Sullivan, Registered Land Surveyor and Robert Margolis, architect. Mr. Margolis described the site and proposed construction. All recommendations of the Design Review Board had been incorporated into the plans. Each unit would contain 2,700 square feet of finished space, and there would be seven enclosed parking spaces. No fill would be necessary. Mr. Bezanson, the Town Engineer, had made recommendations on changing the storm drainage system which had been incorporated into the new set of plans. These plans were submitted at the hearing.

The issue of the two visitor parking spaces with access onto Brook Street were a concern of the Planning Board, which felt that the spaces might create a possible traffic hazard. Mr. Corbusiero explained that the spaces were not required but had been included at the front of the property as a convenience to visitors. Mr. Polletta stated that a curb cut would be required that would need the approval of the Board of Selectmen. If approval were not granted, there would be no parking spaces.

Brook  
Mr. and Mrs. Hoelker, 29 Street expressed concern with the possible traffic congestion.

Brook  
Jeffrey Stonberg, 31 Street expressed opposition to the parking spaces, while his wife, Naomi was concerned with cars backing onto the street in an area where children walk to school.

No others were present expressing favor or opposition to the request.

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The property in question is located at 25 Brook Street, in a General Residence District and a Watershed Protection District, containing 22,122 square feet. Town owned property and the Fuller Brook abut the property on the easterly side while the rear of the property abuts Cold Stream Brook.

The Petitioner is requesting a Special Permit for Site Plan Approval to build two three-story condominium units with associated landscaping and remodel an existing dwelling as a condominium unit. Seven covered parking spaces and two open visitor parking spaces are also proposed.

The following plans were submitted: Site Plan of Land, dated July 31, 1987 and revised September 9 and September 17, 1987, drawn by Joseph R. Sullivan, Registered Land Surveyor; Site Plan (L1), Floor Plans Unit A (A1), Floor Plan and Sections-Unit A (A2), Floor Plans-Units B & C (A3), Floor Plans-Units B & C (A4), Sections-Units B & C (A5), South Elevation (A6), West Elevation (A7), North Elevation (A8), Bathroom & Kitchen Details-Unit A (A9), Bathroom & Kitchen Details-Units B & C (A10), Window Schedule (A11), Door Schedule (A12), Foundation Plan (S1), Floor Plans-Units B & C (E1), Floor Plans-Units B & C (E2) all drawn by Margolis & Fishman, Inc. and dated August 3, 1987 and revised September 15, 1987. Also submitted were Framing Plans-Unit A (S2), Framing Plans-Units B & C (S3) and Floor Framing-Units B & C (S4), drawn by Margolis & Fishman, Inc. and dated September 15, 1987.

A Notice of Intent was filed with the Wetlands Protection Committee and an Order of Conditions was issued on September 22, 1987.

The Design Review Board conducted a final review of the project and voted to approve the construction plans as amended. 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 each of the above were received and are on file at the ZBA office. The Planning Board voted to offer no objection to granting of the Special Permit, but recommended that the two visitor parking spaces be relocated to avoid a possible traffic hazard. The Town Engineer approved the revised surface drainage plan providing a leaching basin submitted to him on September 11, 1987.

At a Public Hearing on July 30, 1987, the Permit Granting Authority granted a variance requested by the Estate of Emma Collari (ZBA 87-58) to allow the existing dwelling at 25 Brook Street to be brought into conformance with the current Zoning Bylaw with less than the required front setback from Brook Street.

#### Decision

This Authority has made a careful study of the evidence presented. The petitioner's proposed construction of two condominium units at 25 Brook Street constitute a major construction project because it involves construction of 2,500 square feet or more of gross floor area and because it is pursuant to Section XIVB of the Zoning Bylaw as part of it lies in a Watershed Protection District.

It is the opinion of this Authority that the proposed plans for construction and remodeling, as listed above, comply with the Zoning Bylaws, protect the safety, convenience and welfare of the public, minimize additional congestion in public and private ways, insure adequate protection for water, sewerage and drainage. Furthermore, it insures

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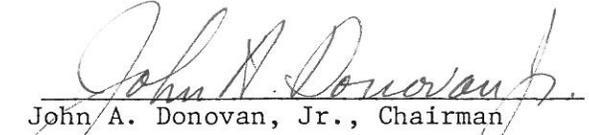
compliance with Section XVI, Section XXI and Section XXII of the Zoning Bylaw.

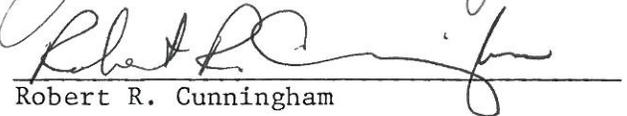
A Special Permit is hereby granted and Site Plan Approval is given by this Authority pursuant to Section XVIA, Section XVIB and Section IV of the Zoning Bylaw, subject to the conditions attached hereto as Addendum A.

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

edg

  
John A. Donovan, Jr., 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 shall be complied with.
4. That all requirements of the Department of Public Works shall be met, including but not limited to, the requirement that water, sewer and electric connections together with drainage connections be made in accordance with DPW standards and installed and maintained at no cost to the Town of Wellesley.
5. That, upon completion of the 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.
6. That all requirements of the Wetlands Protection Committee shall be complied with, including the Order of Conditions issued September 22, 1987.
7. 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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