



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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ZBA 87-7  
Petition of Lee Imported Cars, Inc./Howard Bolles  
962 Worcester Street

Pursuant to due notice, the Permit Granting Authority and the Special Permit Granting Authority held a Public Hearing on Thursday, February 5, 1987 and a continued Public Hearing on Thursday, March 26, 1987 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B), Town Hall, 525 Washington Street, Wellesley, on the petition of LEE IMPORTED CARS, INC./HOWARD BOLLES requesting a Special Permit for Site Plan Approval pursuant to Section XVIA, Section XII, Section XIVB, and Section XXV of the Zoning Bylaw to allow the construction of a second floor to an existing building at 962 WORCESTER STREET in a Business A District and in a Flood Plain District and associated landscaping and parking. Said addition would contain 17,094 square feet of floor area and be used for automobile sales and service. Said lot contains 99,348 square feet of land.

On January 6, 1987 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 Public Hearing on February 5, 1987 was Edward Donlon, Attorney for the petitioner, who introduced Chris Lee of Lee Motors, Joseph Grignaffini, contractor, Howard Bolles, owner of the property. Mr. Donlon presented plans indicating the 100 year Flood Plain line. He stated that the outside stairs are included in the plans but that they would be willing to place them inside the building if Natural Resources Commission wants them there. He said they will be working with NRC and other boards in the next week or 10 days to develop a plan acceptable to all. He stated that at a later date an application will be submitted to the Wetlands Protection Committee requesting an Order of Conditions. Eighteen piers for the ramp would be constructed displacing 12 cubic yards of fill. He stated that the ZBA cannot deny the request for Site Plan Approval and presented a 1980 decision by Judge O'Neill for Burger King vs. Action to support his claim.

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Discussion followed about the parking requirements. Mr. Grignaffini stated that they preferred to leave the gravel area unpaved but would work with NRC to accommodate their requirements. Mr. Porter stated that any substantive changes in plans to satisfy bylaw requirements would involve a new public hearing.

No others were present at the February 5 Public Hearing expressing favor or opposition to the request.

New plans were presented which required the scheduling of the Public Hearing on March 26, 1987. Present to represent the petitioner: Chris Lee, owner of Lee Imported Cars, Inc., Edward C. Donlon, attorney, John Staniunas, Wellesley Design, architect; Joseph Grignaffini of Grignaffini Construction Co., Joseph R. Sullivan, MacCarthy and Sullivan, engineers, Mark Braiewa, Rizzo Associates. Mr. Porter began the hearing by asking what plan the petitioner wanted the ZBA to consider as two plans had recently been submitted. Mr. Staniunas replied that Plan A was the plan that they had decided upon. He stated that all parking would be on the existing asphalt area. No parking would be on the gravel area. No application has been filed with the Wetlands Protection Committee. No percolation tests have been done on the site, according to Mr. Sullivan, because presumably it won't perc because Morse's Pond is 1.8 feet below the parking lot. He stated that they are trying to improve the site in every way possible with the existing constraints. Trucks do turn around and unload new cars in the gravel area. The Town uses it to conduct weed harvesting on Morse's Pond but no formal agreement exists with the Town for use of the land. Chris Lee stated that they would apply to the Wetlands Protection Committee when the plans are ready. Mr. Donlon added that the Wellesley Zoning Bylaw does not require filing with the Wetlands Protection Committee prior to or at the same time as the ZBA filing if a property is in the Flood Plain District.

Robert Lubker, Vice Chairman, Wetlands Protection Committee, and John Bolduc, WPC Administrator, discussed the situation and referred to John Bolduc's letter of March 26, 1987. Mr. Lubker stated that he has reservations about the effectiveness of the trench, wants to know more about the proposed filter cloth, wants more information re: the grading of the parking lot. An additional 1/2 foot contour plan is needed. He is concerned about pollution. The WPC cannot issue an Order of Conditions on the site until the petitioner files a request. He asked where the new underground storage tanks would be located. Mr. Staniunas said that would have to be coordinated with the Fire Department. Three tanks are located under the ramp and would have to be removed. A fourth tank can stay in place.

Repaving of the entire lot was discussed in length and the advantages and disadvantages of it were discussed.

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

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Statement of Facts

The property in question is located at 962 Worcester Street (Route 9) containing 99,348 square feet of land, in a Business District and in a Flood Plain District. The property abuts Town of Wellesley land and Morses Pond. Eighty per cent of the lot and building is within a 100 year flood area, 60% of the lot and 30% of the building is in a 25 year flood area. Per Town Meeting vote of March 31, 1987 the property is in a Water Supply Protection District. The property is owned by Howard Bolles and leased by Lee Imported Cars, Inc. A 17,094 square foot building exists on the property which is used as an auto sales and service establishment.

The applicant proposes to add a second floor of approximately 17,300 square feet to the existing building. A 9 foot by 19 foot stairwell would be constructed at the rear of the building and a ramp with 20 columns would be constructed leading to the second floor. Parking spaces would be provided as follows: 163 outside spaces, 50 inside spaces, making a total of 213 spaces. Seventy-seven of the outside parking spaces would be stacked. Landscaping would be provided.

The applicant proposes to retain the existing parking lot, a portion of which is paved and a portion of which is a gravel area. A filter trench is proposed at the edge of the gravel area. Three 1,000 gallon gas tanks would be relocated to accommodate the ramp footings.

The following plans were presented prior to the hearing on February 5, 1987: L-1, Landscape Plan, MacCarthy & Sullivan, 1/2/87; S-1, Site Plan of Land, Joseph R. Sullivan, Registered Professional Land Surveyor, 1/2/87; S-2 Topographic Plan of Land, R.E. Cameron & Assoc., 6/20/86; G-1, Existing Parking Layout, Wellesley Design Architectural Services, 10/9/85; A-1 Existing Floor Plan, A-2, Mezzanine Floor Plan, A-3, Second Floor Plan, A-4, Sections, A-5, Elevations, 1/4/87, Wellesley Design. A Site Plan of Land was presented at the Public Hearing on February 5, Dwg. No. 36,075 by MacCarthy and Sullivan. The following revised plans were received on 3/12/87: Site Plan of Land, Plan "A" and Plan "B", MacCarthy & Sullivan, 2/2/87 revised 3/10/87; Landscape Plan L-1, 1/2/87, revised 3/10/87 and 3/12/87; Informational Plan, MacCarthy & Sullivan, Dwg.36,075, 1/2/87 revised 3/10/87. The following plan was submitted at the Public Hearing on March 26, 1987 and claimed by the applicant to be the final plan: Plan "A", Dwg. 36,075 MacCarthy & Sullivan 1/2/87 and 3/10/87. Landscape Plan (L-1), MacCarthy & Sullivan was revised again on 3/27/87.

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Site plans and other submission materials were 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 were received from the Planning Board, Wetlands Protection Committee, Fire Chief, Town Engineer, and Board of Health and are on file at the ZBA office.

The Design Review Board reviewed preliminary plans on January 8, 1987 and reviewed and approved plans on January 29, 1987. In response to the continued Public Hearing on March 26, the Design Review Board reviewed revised site plans on March 26 and in a letter of March 27 stated it concurred with a letter from Len Phillips, Supt., Division of Park and Trees, concerning proposed plant materials.

Because the applicant had failed to file a Notice of Intent with the Wetlands Protection Committee (WPC), the ZBA asked the WPC to review the site plans presented. On February 2 the WPC recommended that Site Plan Approval not be granted for reasons as stated in a letter of February 2 on file at the ZBA office. Memos of January 30 and March 26 addressed concerns of the WPC concerning the project and repeated their need for a Notice of Intent from the applicant.

The Natural Resources Commission, in a letter of February 5, 1987, expressed concern about intensification of use at the north end of Morse's Pond and suggested that, if a Special Permit should be issued, it could be adequately conditioned to protect the Pond's recreational values and public health and safety. They noted that enforcement action had been taken on Lee Imported Cars activities in the past.

The Planning Board, on January 27, 1987, voted to recommend strongly that the request for Site Plan Approval be denied. On March 17, 1987 they again reviewed the site plans and voted to recommend denial for reasons cited in a letter of March 23, 1987.

A perimeter plan was filed with the Planning Board, dated March 19, 1987 by Lee Imported Cars Inc. under the provisions of Chapter 81P of Ch. 41 of M.G.L. The Planning Board voted unanimously on April 9, 1987 to refuse to endorse the plan as not requiring approval under the Subdivision Control Law based on the fact that there is a similar plan on file at the Registry of Deeds.

The Wetlands Protection Committee, in a memo of April 24, 1987, offered comments and recommendations concerning the petition with regards to the storm water collection and separation system, parking lot regrading, perimeter berm, gasoline storage tanks, groundwater monitoring wells.

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John Bezanson, Town Engineer, reviewed the Wetlands Protection Committee memo of April 24, 1987 and commented favorably on the recommendations.

Stephen A. Black, Fire Chief, reviewed the Wetlands Protection Committee memo of 4/24/87 and stated in a memo of 4/28/87 that above ground tanks are not acceptable and that he would require tanks with a secondary containment.

Decision

This Authority has made a careful study of the evidence presented. The petitioner's proposed addition of a second story containing 17,094 square feet to the existing building at 962 Worcester Street for the sales and service of autos constitutes a major construction project under Section XVIA of the Zoning Bylaw and is subject to the provisions of Section XIVB of the Zoning Bylaw dealing with Flood Plain Districts. The property also lies in the Water Supply Protection District established by Wellesley Town Meeting on March 31, 1987 (Section XIVE of the Zoning Bylaw).

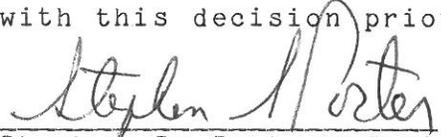
A major portion of the property lies in the Flood Plain District. A 9 foot by 19 foot stairwell and footings to a ramp leading to the second floor addition are proposed on the ground level in the Flood Plain District. The applicant has not filed a Notice of Intent application with the Wetlands Protection Committee.

As a result of the applicants' decision not to apply for an Order of Conditions with the Wetlands Protection Committee at this time, this Board sought the recommendations of the Wetlands Protection Committee and the Town Engineer on the project and this Authority is incorporating their recommendations into this decision.

A Special Permit for Site Plan Approval is hereby granted to Lee Imported Cars Inc. pursuant to Sections XVIA, XIVB and XXV of the Zoning Bylaws to allow the construction of a second story at 962 Worcester Street to be used for automobile sales and service, said building, stairway and ramp as shown in Plan A, Site Plan of Land by Joseph R. Sullivan, MacCarthy & Sullivan Engineering, Inc., Natick, dated 1/2/87, revised 3/10/87, subject to the conditions listed in Addendum A of this decision.

A building permit can not be issued for this project until a Certified Plot Plan has been submitted to the Building Inspector incorporating the recommendations of the Wetlands Protection Committee and the Town Engineer as noted in Addendum A of this decision. The Town Engineer must approve the plan submitted prior to the issuance of a building permit. A copy of this

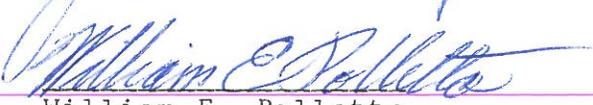
Certified Plot Plan must be submitted to this Board to be filed with this decision prior to the issuance of a building permit.



Stephen S. Porter, Chairman



John A. Donovan, Jr.



William E. Polletta

cc: Planning Board  
Building Inspector  
mam

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: WPC  
John Bezanson  
Town Counsel

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ADDENDUM A

1. That the project must conform to all requirements of the Wetlands Protection Committee and that any Order of Conditions by the Wetlands Protection Committee will become part of this decision.
2. That all design and construction must comply with all applicable state and local codes.
3. That all requirements of the Town Engineer and the Department of Public Works shall be complied with.
- ~~4. That all requirements of the Fire Department shall be complied with, including but not limited to underground fuel storage tanks.~~
5. That all requirements of the Board of Selectmen regarding underground fuel storage tanks shall be met.
6. That all requirements of the Board of Health shall be met.
7. That all landscaping shall be completed as shown on landscape Plan L-1 by MacCarthy & Sullivan Engineering, dated 1/2/87, revised 3/10/87, 3/12/87 and 3/27/87 per recommendations of the Design Review Board and L. E. Phillips, Park & Tree Division of the Department of Public Works.
8. That the following recommendations of the Wetlands Protection Committee in a memo of 4/24/87 be incorporated into the plans:
  - A. Construction of a storm drainage system based on an alternative design described as follows; (1) a stormwater collection system consisting of drain inlets and piping, or a rock-filled trench lined with impermeable geomembrane, or a combination of the two; and (2) a separation system, which shall include baffles suitable to retain stormwater runoff contaminants to receive discharges from the collection system.
  - B. Regular maintenance of the drainage system to be specified in the Wetlands Protection Committee Order of Conditions.
  - C. A revised site plan showing half-foot contours shall be submitted to demonstrate satisfactory direction of flow toward the stormwater collection system as per Town Engineer's directive.
  - D. Groundwater monitoring wells to be determined by the Wetlands Protection Committee Order of Conditions.

E. That provision be made for containment of surface releases of gasoline due to accidents, overfilling and/or structural failure of tanks or appurtenant piping and hosing.

9. 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.

10. That a copy of the Occupancy Permit issued by the Inspector of Buildings shall be submitted to this Authority at the time of issuance.

cc:

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