



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 88-24

Petition of Massachusetts Water Resources Authority
158-166 Winding River Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 24, 1988 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley, on the petition of MASSACHUSETTS WATER RESOURCES AUTHORITY requesting a Special Permit for Site Plan Approval pursuant to Section XIVB, Section XVIIA and Section XXV of the Zoning Bylaw to allow construction of a 60 inch interceptor sewer and appurtenant structures from 158-166 WINDING RIVER ROAD. The area of construction lies within a Flood Plain in a Single Residence District.

On February 29, 1988, 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 Michael Collins of SEA Consultants, Inc. and Nitin Choksi, Project Engineer at MWRA. Mr. Collins stated that the project area would begin at the Needham/Wellesley Town line at the existing Wellesley connection to the Wellesley Extension Sewer Replacement and Relief Sewer. The 60 inch interceptor will extend through the Winding River Road area, ending with construction of a three-barrel siphon under the Charles River to the Elm Bank side in Dover. The Wellesley Extension Relief Sewer will remain and the new interceptor will have a cross-connection. The primary reason for the project is that the existing interceptor sewers are under capacity and have questionable structural capabilities as far as living over the next 40 years.

Mr. Collins explained that the permanent easements will be changed. The new easements created will be under the authority of MWRA for maintenance crews and access to the new sewer. Landscaping and tree screening will be provided as part of the new easements. The existing easements will revert back to the property owner. Temporary easements will be utilized during the construction period.

Mr. Collins said that construction will proceed at 30 to 50 feet per day. Total construction is estimated at one to one and one-half months. The contractor will be allowed to work only during specific times of the year so as to minimize effect on the propagation of fish. Work will be done only during low flow periods of the river to prevent flooding upstream. There will be no impact from possible flooding to local homes. The site will be kept graded and clean and any waste materials will be disposed of off-site.

The work in the residential area should be accomplished within a week or less. The contractor will refill the trench at the end of each work day, and provide a surface which will enable access to the area. Prior to any disturbance to the street, the contractor will check with the Fire Department and the Department of Public Works.

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The contractor must maintain one lane of access on Winding River Road at all times. Police details will be present at all times. No change in grade is planned. Construction will be limited to between the hours of 7 a.m. and 7 p.m. weekdays. These project specifications are incorporated in "Contract Documents and Specifications for Construction of Wellesley Extension Sewer Replacement/Contract #3" prepared by SEA Consultants, Inc. to be signed by the prospective contractor.

Carol Powers, attorney for Mr. and Mrs. Wrightson, 166 Winding River Road, presented a letter to the Board expressing concerns of the Wrightsons. The work hours, noise and dust, possible basement flooding as a result of construction and liability and insurance were issues raised in the letter. Mr. Collins responded that the contractor would follow the HUD guidelines for noise and use a wetting procedure to reduce dust. Insurance and liability would be written into the new easement. There will be no change in the Flood Plain area or in the grade, so flooding will not be a problem. Due to the absence of ledge, blasting will be unnecessary.

Mr. Collins said that construction is planned to begin in two to three years. The Wellesley portion is the last of the three contracts to be constructed. The Board reminded Mr. Collins that the Zoning Bylaw allows a Special Permit for a two year period, and that construction in Wellesley on the Site Plan must begin before the two year period elapses.

No other persons had any comment on the petition.

Statement of Fact

The property in question is located in the Winding River Road area between 158 and 166 Winding River Road in a Flood Plain District and a Single Residence District. The total Wellesley contract will begin at the Needham/Wellesley town line, extend through the Winding River Road area, ending at the Elm Bank area in Dover. Although the sewer interceptor will be 600 feet in length, only 160 feet of the project is subject to the Wetlands Protection Act.

The petitioner is requesting a Special Permit for Site Plan Approval to allow construction of a 60 inch sewer interceptor and appurtenant structures. A Special Permit for Site Plan Approval is necessitated because the construction is within a Flood Plain District.

The following plans were presented: Locus Plan; Key Map, Access and Staging Areas (A); Legend and General Notes (B); Interceptor Sta. 181+50 to Sta. 190+50 (17); Interceptor Sta. 191+50 to Sta. 197+32 (18); Flow Splitting Chamber Sta. 190+00 (21); Charles River Siphon Crossing Structural Plans Sta. 195+32 to Sta. 196+70 (22); Charles River Siphon Crossing Structural Sections Sta. 195+32 to Stat. 196+70 (23); Structural Details (25); Geotechnical General Information (26); Trench and Pipe Installation Details (27); Environmental Details (30); Miscellaneous Details (31); all prepared by SEA Consultants Inc. and dated July 1, 1987.

A Notice of Intent dated October, 1987 was filed with the Wetlands Protection Committee on October 26, 1987. An Order of Conditions, DEQE File No. 324-140, was issued by said Committee on December 7, 1987.

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The Design Review Board, on March 10, 1988 reviewed the application and voted to make no comment. 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 Wetlands Protection Committee suggested limiting the hours of operation and maintenance of access through Winding River Road, and recommended that the ZBA require compliance with the Order of Conditions (DEQE 324-140). The Planning Board, on March 15, 1988, voted to offer no objection to the request.

Decision

This Authority has made a careful study of the evidence presented. The petitioner's proposed 60 inch sewer interceptor and appurtenant structures involve construction of water control devices and include temporary alteration of the water level pursuant to Section XIVB and require a Special Permit. As the property involved lies in a Flood Plain District, the provisions of Section XVIA, Site Plan Approval, in the Zoning Bylaw shall apply.

It is the opinion of this Authority that the proposed construction plans for the sewer interceptor from 158-166 Winding River Road, as listed in the Statement of Facts, comply with the Zoning Bylaw of the Town, 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 compliance with Section XIVB, Section XVI and Section XXI of the Zoning Bylaw.

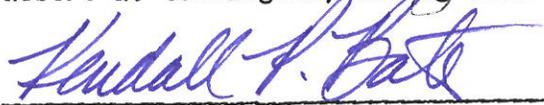
A Special Permit is hereby granted and Site Plan Approval is given by this Authority pursuant to Section XVIA and Section XIVB of the Zoning Bylaw, subject to the conditions attached hereto as Addendum A.

A Special Permit shall lapse within 2 years of the effective date of grant of such special permit, if a substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause.

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
Wetlands Protection Committee
Inspector of Buildings


Robert R. Cunningham, Acting Chairman


Kendall P. Bates


William E. Polletta

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Petition of Massachusetts Water Resources Authority
158 - 166 Winding River Road

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 and those of the Army Corps of Engineers.
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, 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 the Order of Conditions (DEQE 324-140) issued by the Wetlands Protection Committee be complied with.
7. That the hours of operation be limited to 7 a.m. to 7 p.m. weekdays.
8. That at least one-lane access be maintained on Winding River Road at all times.

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