



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 90-89
Petition of Mario Sarni
445 Washington Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, December 20, 1990 at 8:15 p.m., in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, on the petition of MARIO SARNI requesting modification of Site Plan Approval (ZBA 83-60) pursuant to the provisions of Section XVIA and Section XXV of the Zoning Bylaw to allow the total removal of one landscaped island and partial removal of a second landscaped island by paving over said areas to remain in violation of the requirements of said Site Plan Approval at his premises at 445 WASHINGTON STREET, in a Business District.

On December 4, 1990, 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 was Mario Sarni, who said he had paved over the landscaped islands required by the Site Plan Approval to provide more manoeuvrability in his parking lot. The removal of the island parallel to Washington Street has provided 4 additional parking spaces. Mr. Sarni requested that he be allowed to maintain the present situation.

Statement of Facts

The subject property is located on a 21,787 square foot lot at 445 Washington Street, in a Business District. On December 13, 1983, Site Plan Approval was granted pursuant to Sections XVIA and Section XXV of the Zoning Bylaw for construction of a two-story commercial building, approximately 50 feet by 50 feet with associated landscaping and parking. (ZBA 83-60). A Site, Grading, Utility, Landscaping plan (SD-1) filed with the submission showed a landscaped island approximately 110 feet long and approximately 25 feet at its maximum width, which contained two ornamental trees and other shrubbery, located along the Washington Street frontage. The plan also showed a smaller landscaped island adjacent to the railroad property containing a single ornamental tree.

In September, 1990, the petitioner removed and paved over the island fronting Washington Street. Prior to this date, the smaller island had also been removed and paved.

On November 1, 1990, the Inspector of Buildings sent a zoning violation notice to the petitioner that the removal of said landscaped islands constituted a violation of the approved Site Plan.

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The petitioner is requesting a modification of Site Plan Approval (ZBA 83-60) to allow the removal and paving of the above referenced landscaped islands to remain.

A copy of the original landscaping plan dated October 5, 1983, signed by John Staniunas; a copy of the existing site plan dated November 15, 1990, drawn by John Staniunas; and photographs were submitted.

The Natural Resources Commission, in a letter dated December 10, 1990, requested as an Interested Party, denial of the petition and requirement of restoration of the original landscaping.

The Planning Board, on December 17, 1990, voted to strongly recommend denial of the petition and recommended that the approved landscaping plan be restored, that all of the landscaping islands and perimeter landscaping be replaced, and that the trees removed be replaced with trees of comparable type, maturity and size.

Decision

This Authority has made a careful study of the evidence submitted. The petitioner is in violation of the requirements of Site Plan Approval (ZBA 83-60) by removal of and paving over two landscaped island referenced in the foregoing Statement of Facts.

It is the opinion of this Authority that the petitioner's request for modification of said Site Plan would invalidate the Site Plan Approval process pursuant to Section XVIA of the Zoning Bylaw and that the addition of any parking spaces on the premises would increase, rather than lessen, the traffic congestion.

Therefore, it is the unanimous decision of this Authority that this petition be denied. Furthermore, the petitioner is required to restore the premises to the condition required in the Site Plan Approval, replacing the landscaped islands which were removed, replacing all shrubbery which was removed, and replacing the three trees which were removed with 12 to 15 foot trees of a comparable type. The required restoration shall be completed by June 1, 1991, and a new site plan showing the restoration shall be submitted to the office of the Board of Appeals on or before that date.

This petition is hereby dismissed.

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


Kendall P. Bates


Robert R. Cunningham