

**ZONING BOARD OF APPEALS**

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02181-5992

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ZBA 97-60

Petition of Unitarian Universalist Society of Wellesley Hills
313 Washington Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 24, 1997 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of the UNITARIAN UNIVERSALIST SOCIETY OF WELLESLEY HILLS requesting a Special Permit for Site Plan Approval pursuant to the provisions of Section XVIA and Section XXV of the Zoning Bylaw to grade or regrade over 5,000 square feet in order to construct a 10,500 square foot parking lot for 20 vehicles, in addition to the existing parking for 49 vehicles, with additional landscaping, at their premises at 313 WASHINGTON STREET, in a General Residence District.

On July 7, 1997, 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 was John Patillo, representing the Unitarian Church, who was accompanied by Charles Samiotis, project Engineer; Andrew Truman, Assistant Project Engineer; and Andrew Pearson, project architect.

Prior to the project presentation, the Board expressed its displeasure that revised plans, submitted the day before to the Engineering Department in response to its concerns, were not before the Board of Appeals. The Board also questioned if the petitioner had made any attempt to resolve the legal issue of discharge of storm water onto the property owned by the MBTA, as suggested by the Planning Board staff in early June.

Mr. Samiotis said that the basic difference in the plans was in the entrance drive, which has been changed to prevent cars exiting through the entrance. Other changes include the addition of a leaching trench and the replacement of solid pipe with PVC pipe.

The Board asked what the soil composition was below the leaching trench, and if a percolation test had been done. Mr. Samiotis explained the leaching trench would be made of stone, and that the soil beneath it is glacial till. No percolation tests have been done. The diameter of the pipe had been discussed with the Engineering Department, and although the plans show an 8 inch pipe, he had no problem replacing it with a 12 inch pipe.

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Mr. Samiotis said that the drainage plan still included discharging onto the railroad tracks, and that he was not aware of any permission or easement allowing this to be done.

The Board voted unanimously to allow the petitioner to continue the hearing on its request to the Public Hearing on August 21, 1997, and requested that the petitioner submit the following information at least two weeks prior to the hearing: 1. Seven copies of all new plans and materials; 2. Results of a percolation test taken in the leaching trench area; 3. Approximate elevation of bedrock or ledge encountered in the leaching trench area; 4. A letter of approval from the Engineering Department regarding the final plan and the size of the pipe to be installed; 5. A letter of authorization from the MBTA allowing discharge of stormwater onto its property.

On August 7, 1997, the continued request was again noticed by mailing and publication.

At the Public Hearing held on August 21, 1997, the case was presented by Paul Gallese, counsel for the Unitarian Church, who was accompanied by the same group that had appeared at the July 24, 1997 Public Hearing.

Mr. Gallese said that there were several matters that the Board had wanted addressed at the last Public Hearing. The engineering concerns have been resolved. The remaining issue is the request for a letter from the MBTA allowing discharge of stormwater onto its property.

Mr. Gallese explained that the title search done back to 1793 showed no easements regarding the right to discharge. The MBTA has been contacted and informed him that all easements are handled by an entity called Transit Realty, Inc. Submissions for the easement have been made. The easement cannot be granted until the fall, when the entire Board of the MBTA will meet. The MBTA was willing to grant a temporary license, but discovered that under the Trackage Agreement with ConRail, the MBTA has the exclusive right to grant easements, but only ConRail can grant licenses. Repeated calls to ConRail have been fruitless.

Mr. Gallese stated that the discharge pipe was installed some time between 1934 and 1958. The new pipe will be located in the same place and will discharge the same amount of water. There has never been a problem with the discharge.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 313 Washington Street on an 86,373 square foot lot in the General Residence District with frontage on both Washington Street and Worcester Street. The rear of the property abuts land owned by the MBTA. The premises contain the Unitarian Church building, its Sanctuary and a building containing the Church Offices.

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There is presently parking for 49 cars at the rear of the property.

The petitioner is requesting a Special Permit for Site Plan Approval to allow construction of a 10,500 square foot parking lot with 20 vehicle spaces and associated landscaping on the premises of the Unitarian Church.

The following plans were submitted: Existing Conditions (XE-1.1), dated 3/7/97; Existing Conditions (XE 1.1) dated 8/6/97; Site Demolition Plan (CE 1.1) dated 3/7/97; Layout & Material Plan (CE-2.1) dated 3/7/97; Site Utilities & Grading Plan (CE-3.1) dated 3/7/97, revised 8/6/97; Site Details (CE-4.1) dated 3/7/97; Site Details (CE-4.2) dated 8/6/97; all signed by Charles G. Samiotis, Registered Professional Engineer; and Landscaping Plan (L1.1) dated 3/7/97, signed by Richard C. Burck, Jr., Registered Landscape Architect.

The following information was submitted: Official Development Prospectus; Deep Observation Hole Log dated 7/30/97; Percolation Test, dated 7/30/97; Revisions at Dumpster Area (CSK-11) dated 7/30/97; Revised Planting at Parking Lot (CSK-13) dated 8/5/97; and revised Planting at West Entrance (CSK-12) dated 8/5/97.

On June 5, 1997, the Design Review Board reviewed the parking lot expansion and voted to approve the proposal as submitted.

All submitted plans and information 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 in the ZBA Office.

On July 22, 1997, the Planning Board reviewed the petition and recommended that landscaping and screening along Washington Street be of sufficient density and opacity to attempt to minimize the urbanizing effect of the additional black-top. The Planning Board also expressed concern as to the legal status of the discharge of stormwater onto adjacent MBTA property, which the applicant had been made aware of at a meeting in the Planning Board office in early June.

Decision

This Authority has made a careful study of the materials submitted and the information presented at both Public Hearings. The proposed 10,500 square foot parking lot at 313 Washington Street constitutes a major construction project under Section XVIA of the Zoning Bylaw because it includes grading and regrading over an area of more than 5,000 square feet.

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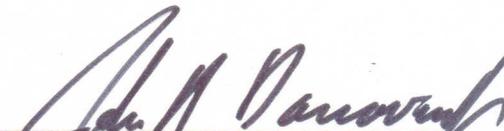
It is the opinion of this Authority that the proposed submitted plans listed in the foregoing Statement of Facts comply with the Zoning Bylaws of the Town, protect the safety, convenience and welfare of the public, minimize additional congestion in public and private ways, and insure adequate protection for water, sewerage and drainage. Furthermore, they insure compliance with Section XVI, Section XXI, and Section XXII of the Zoning Bylaw.

It is the further opinion of this Authority that construction of this parking lot should not be contingent on the easement to be granted by the MBTA, as this is a civil matter. However, when the easement is granted by the MBTA to the Church, the Board requests that a copy of the recorded easment be submitted to the office of the Board of Appeals.

A Special Permit is hereby granted and Site Approval given by this Authority pursuant to Section XVIA 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



Kendall P. Bates



Robert A. Bastille

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Addendum A

1. All work shall be performed in accordance with the plans submitted and on file with this Authority
2. All design and construction must comply with all applicable state and local codes.
3. All requirements of the Town of Wellesley Fire Department shall be met.
4. All requirements of the Department of Public Works shall be met, including but not limited to the requirement that all 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. Upon completion of the project, site utility plans shall be submitted to the Department of Public Works.
6. Subsequent to the grant of easement from the MBTA to the Unitarian Church for discharge of stormwater onto MBTA property, a copy of the recorded easement shall be submitted to the office of the Board of Appeals.

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