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WELLESLEY, MA 02181**ZONING BOARD OF APPEALS**

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Wall Street Development Corporation
700 Worcester Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 19, 1998 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) in the Town Hall, 525 Washington Street, Wellesley, on the petition of WALL STREET DEVELOPMENT CORPORATION requesting an amendment to Site Plan Approval (ZBA 98-37) granted by the Board of Appeals to allow construction of a conforming two and one-half story dwelling with a footprint of 1,464 square feet and a 36 inch culvert for diversion of an existing ditch on the property at 700 WORCESTER STREET, in a Single Residence District and a Watershed Protection District.

Said amendment, pursuant to the provisions of Section XVIA and Section XXV of the Zoning Bylaw, is to alter and increase the footprint of the proposed dwelling by reconfiguration of and an increase of 85 square feet to the footprint.

On October 19, 1998, 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 Louis Petrozzi, Project Manager for Wall Street Development Corporation. Mr. Petrozzi said that since the Board granted Site Plan Approval, an architect has been retained to design the proposed house. The architect has recommended changes in the footprint requiring an additional 85 square feet to improve the design.

Mr. Petrozzi submitted plans showing the original footprint and the proposed footprint. The driveway has been relocated further away from the Worcester/School Street intersection to improve sight distance to the driveway. He also submitted floor plans and elevations of the proposed dwelling, which will front School Street, and have a School Street address.

Mr. Petrozzi stated that, other than the reconfiguration of the footprint and relocation of the driveway, the application and site plan remain the same. They have complied with the conditions of the Site Plan Approval in that the easement to the DPW has been drawn and will be signed on November 24th, and the deed restriction has been drawn.

Mr. Petrozzi explained that the additional space will be used to add a dining room and increase kitchen space on the first floor, and provide an additional bedroom on the second

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floor. The living space has been shifted from the Route 9 side to the interior side of the house.

Joseph Grieco, 411 School Street, expressed two concerns. First, he was concerned about the brook and potential blockage. He wants to make sure that the piping will be done correctly. His second concern was the removal of most of the trees on the lot.

Mr. Petrozzi said that due to the disruption on the site to install the culvert, to comply with the Order of Conditions, and the need to have space to stock materials and equipment, the trees have to be removed. They have a plan filed with the Wetlands Protection Committee to place either an evergreen or a fence buffer on the Route 9 side of the lot.

Mr. Grieco said that the sight distance at the intersection might be limited if a fence was installed, particularly in light of increased traffic due to the new school at the Sprague site.

Mr. Petrozzi said that, as far as the maintenance of the culvert, a deed restriction requiring the home owner to be responsible for the maintenance, has been drawn.

Paul Cremonini, 396 School Street, said he was concerned originally about protection to the brook. He would also prefer that at least some of the trees to be removed will be replaced. The neighborhood would like a natural buffer from Route 9 in place. He wanted to make certain that the original conditions in the Site Plan Approval would be included in the amendment. The relocation of the driveway makes sense from a safety perspective.

The Board asked what landscaping will be provided on the lot. Mr. Petrozzi said that the Order of Conditions requires a buffer along the conservation area. From a marketing standpoint, they will have to provide an attractive lot with either a fence or evergreen buffer from Route 9. The yard space remaining, after the house and culvert are installed, is not large.

The Board discussed making the landscaping a condition, but decided to leave the issue to be resolved by the developer and future buyer.

Statement of Facts

The subject property is located at 700 Worcester Street, in a Single Residence District and a Watershed Protection District, and contains 9,500 square feet. A drainage ditch, which carries the Cold Stream Brook, an intermittent stream, runs diagonally across the property.

Following Public Hearings on May 21st and June 25, 1998, the Board granted Site Plan Approval (ZBA 98-37) with conditions to allow construction of a two and one-half story dwelling with a footprint of 1,464 square feet, and diversion of the drainage ditch by means of a 36 inch culvert. The petitioner is now requesting an amendment to the site plan, which

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will alter and increase the footprint of the dwelling by reconfiguration and an increase of 85 square feet, bringing the total footprint to 1,549 square feet. The dwelling will comply with all required setbacks, and there will be no change in the configuration of the culvert.

A Plot Plan with Sections, dated January 8, 1998, revised 1/27/98, revised 5/18/98, revised 6/4/98, revised 10/13/98, drawn by Cheney Engineering and stamped by Carmelo Frazetti, Registered Land Surveyor, and H.L. Millard, Registered Professional Engineer; and Floor Plans and Elevations dated 10/14/98, drawn by HPA Design, were submitted.

All submitted materials were sent to the Planning Board, Wetlands Protection Committee, Town Engineer, Board of Health and the 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 office of the Board of Appeals.

On November 10, 1998, the Planning Board reviewed the petition and had no objection to granting the amendment.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The proposed construction of a two and one-half story dwelling and diversion of a drainage ditch carrying the Cold Stream Brook by means of a 36 inch culvert constitute a Major Construction Project pursuant to Section XVIA of the Zoning Bylaw, as the project is an activity regulated or restricted pursuant to Section XIVB Flood Plain or Watershed Protection Districts.

It is the opinion of this Authority that the requested amendment to reconfigure the footprint to encompass an additional 85 square feet and the southeasterly relocation of the proposed driveway, as shown on the October 13, 1998 Plot Plan revision, 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, compliance with Section XVI of the Zoning Bylaw is insured.

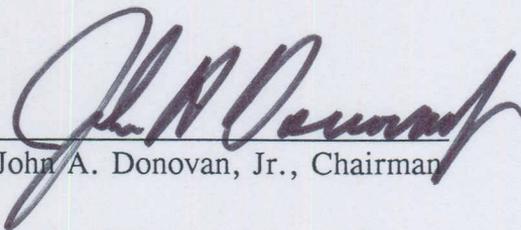
Therefore, the Amendment to Site Plan Approval (ZBA 98-37) is hereby granted by this Authority, as voted unanimously at the Public Hearing, subject to Section XVIA, Section XIVB and Section II of the Zoning Bylaw, and further subject to the conditions attached hereto as Addendum A.

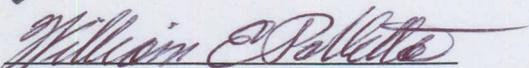
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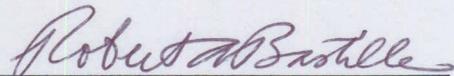
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APPEALS FROM THIS DECISION,
IF ANY, SHALL MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.

cc: Planning Board
Wetlands Protection Committee
Town Engineer
Town Counsel
Inspector of Buildings
edg


John A. Donovan, Jr., Chairman


William E. Polletta


Robert A. Bastille

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ADDENDUM A

1. All work shall be performed in accordance with the revised 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 must be complied with.
4. The developer shall notify the Department of Engineering at least 48 hours prior to the installation of the culvert to arrange an inspection of the culvert with a staff engineer.
5. The Order of Conditions (DEP 324-257) issued by the Wetlands Protection Committee on March 2, 1998, is hereby incorporated into this decision.
6. The revised Drainage and Utility Easement running to the Town of Wellesley, Department of Public Works, authorizing, but not requiring, the Town to operate and maintain the storm drainage system shown on the Plot Plan revision dated October 13, 1998, shall be signed by the developer, approved by Town Counsel, and submitted to the Department of Public Works prior to the issuance of any building permit. A copy of said executed Easement shall be filed with the office of the Board of Appeals.
7. The current owner and all subsequent owners shall maintain and keep clear of all debris the drainage system, property line to property line. The following language shall be written into the original deed and included in all subsequent property transfers:

"The premises are conveyed subject to the conditions set forth in the Site Plan Approval (ZBA 98-37) dated July 2, 1998, and the Amended Site Plan Approval (ZBA 98-94), dated _____, and recorded with the Norfolk Registry of Deeds in Book ___ and Page ___, including the condition that the landowner, (the grantee hereof), their successors and assigns, in perpetuity, shall maintain and keep clear of debris, the drainage culvert and sedimentation pit from property line to property line, as shown on the plan described in said decision, dated January 8, 1998, revised January 27, 1998, revised May 18, 1998, revised June 4, 1998, revised October 13, 1998, drawn by Cheney Engineering and stamped by Carmelo Frazetti, Registered Land Surveyor, and H.L. Millard, Registered Professional Engineer. Said condition to benefit the owners from time to time downstream of the culvert, and the Town of Wellesley, by its Department of Public Works, any one or more of whom are authorized to enforce said condition and to record renewals hereof according to the law."

This condition, as written above, shall be recited in the deed out from the current owner to bind all successors and assigns in perpetuity.

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8. The Easement document and deed language referenced in the preceding two conditions shall be approved by Town Counsel as to form prior to recording.
9. 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.
10. A complete set of site drainage and utility plans shall be submitted to the Department of Public Works upon completion of this project.
11. A copy of the Occupancy Permit issued by the Inspector of Buildings shall be submitted to the office of the Board of Appeals at the time of issuance.

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