TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 91-3
Petition of Bernard Chiu
Lot 2A, Pond Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 24, 1991 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 BERNARD CHIU requesting a Special Permit pursuant to the provisions of Section XIVE-D2(d) and Section XXV of the Zoning Bylaw to allow construction of a single family dwelling, driveway, turnaround and parking area, patios, walkways, and a pool apron, which will result in more than 10,000 square feet of LOT 2A, POND ROAD, in a Single Residence District, being rendered impervious. Said lot is located in a Water Supply Protection District in which an area of more than 10,000 square feet may not be rendered impervious without a Special Permit.

On January 7, 1991, the petitioner requested 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 Don Neilson of Guerriere & Halnon, engineer for the project, who was accompanied by the petitioner, Bernard Chiu. Mr. Neilson stated that the subject property contained 1.98 acres in Wellesley and 1 acre in Natick. The intent is to build a single family house with a 6,100 square foot footprint, access driveway, turnaround, walkways, patios and a pool with a 1,700 apron totalling 19,696 square feet of impervious area on the Wellesley parcel. Due to the change in elevation from 180 to 240, the driveway must be sited across the lot, rather than coming straight in from the street.

Mr. Neilson said that they have complied with the applicable Design and Operation Standards required under Section XIVE. All of the test pits on site indicate that construction will be more than 5 feet above ground water; and more water will be recharged post-development than is recharged pre-development. The recharge will be accomplished by installing a series of leaching pits which will drain a portion of the site and the foundation area. There will be no sheet-flow run-off onto Pond Road. Mr. Neilson added that the plan had been approved by the Wetlands Protection Committee.

In response to a query from the Board, Mr. Neilson stated that there is additional recharge for the septic system, separate from the storm water recharge system mandated by the Zoning Bylaw. Further discussion regarding the septic system followed. Mr. Neilson said that the two catchbasins and the septic tank will be cleaned annually.

Elizabeth Hunnewell, 862 Washington Street, expressed concern with the protection of the aquifer.

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Statement of Facts

The subject property is located on Lot 2A, Pond Road, in a Single Residence District and a Water Supply Protection District. The property is comprised of a 1.02 acre parcel in Natick and a 1.98 parcel in Wellesley. Proposed construction on the Wellesley parcel includes a single family dwelling with a 6,100 square foot footprint, walkways and driveway totalling 9,779 square feet; pump house totalling 144 square feet; pool apron totalling 1,700 square feet; and patios and bulkhead totalling 1,973 square feet. The total impervious area in Wellesley will be 19,696 square feet.

The property is presently owned by Richard B. Miller Abrams, Trustee of the Pond Road Trust. A Purchase and Sale Agreement between the owner and Bernard Chiu was signed on June 22, 1990, amended December 17, 1990, with a stipulated closing date within 31 days from petitioner's receipt of a building permit.

The petitioner is requesting a Special Permit to render more than 10,000 square feet of subject property impervious in a Water Supply Protection District. The applicable Design and Operation Standards of Section XIVE of the Zoning Bylaw pertain to On-site Recharge and Grade Reduction. All storm water run-off from impervious surfaces must be recharged on site by surface infiltration through vegetated areas; and all leaching basins must be preceded by oil, grease and sediment traps. Soil overburden shall not be lowered to finished exterior grades less than 5 feet above maximum groundwater elevation.

On-site recharge will be accomplished through the installation of sub-surface galleys composed of eight connected leaching pits which connect to the roof run-off with an overflow provided. Drive-way run-off will be discharged through two catch basins fitted with oil and grease traps. Eight test pits were dug and monitored for ground water. Ground water was encountered at only 1 of the eight pits at a depth of 11.5 feet. Excavation will be in excess of 5 feet above maximum ground water elevation as required .

Information submitted by the petitioner included the following: Review of Zoning Requirements and Site Commentary; Soil Testing Data; Drainage Analysis and Narrative for Design, all of which were prepared by Guerriere & Halnon, Inc. The following plans were also submitted: Site and Landscaping Plan dated 8/28/90, revised 11/20/90, revised 12/21/90; Grading/Utility Plan dated 8/28/90, revised 11/21/90, revised 12/21/90; Sewage Disposal/Detail Plan dated 8/29/90, revised 12/21/90. All plans were signed by Louis L. Guerriere, Registered Professional Engineer.

The Wetlands Protection Committee reviewed the initial plans rendering 17,778 square feet of surface area impervious on September 18, 1990, and found that the plans met the On-Site Recharge and Grade Reduction standards required in Section XIVE of the Zoning Bylaw. The Committee recommended that the use of road salt on the driveway be prohibited and that the catch basins be cleaned or checked annually.

On January 10, 1991, the Wetlands Protection Committee reviewed the revised plans which included relocation of the driveway 5 feet northerly and an additional 1,700 square feet of impervious surface for the pool apron. The Committee found that the changes did not alter the on-site recharge or impact grade reduction.

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The Planning Board, on January 22, 1991, voted to recommend that the Zoning Board of Appeals should be assured that the interests of the Water Supply Protection District are protected.

Decision

This Authority has made a careful study of the evidence submitted. The petitioner is requesting a Special Permit to render 19,696 square feet of surface area impervious, which is greater than the 10,000 square feet allowed in a Water Supply Protection District.

It is the opinion of this Authority that the requirements of Section XIVE of the Zoning Bylaw in regard to On-Site Recharge and Grade Reduction have been satisfied and that the plan is in harmony with the general intent and purpose of the Zoning Bylaw.

Therefore, a Special Permit is granted to render 19,696 square feet of surface area impervious at Lot 2A, Pond Road, subject to the following conditions:

1. No more than 19,696 square feet of the Wellesley parcel may be rendered impervious.

2. All construction shall be in conformance with the plans submitted and noted in the foregoing Statement of Facts.

3. A copy of the deed transferring ownership from the current owner to the petitioner shall be submitted to the office of the Board of Appeals.

4. If, for any reason, the petitioner should not become the owner of Lot 2A, Pond Road, this Special Permit shall become null and void.

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.

John A. Donovan, Jr., Chairman

Robert R. Cunningham

William E. Pollitta

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cc: Planning Board
Wetlands Protection Committee
Inspector of Buildings

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