



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman
ROBERT R. CUNNINGHAM
KENDALL P. BATES

ELLEN D. GORDON
Executive Secretary
Telephone
431-1019 X208

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ZBA 92-45

Petition of Wellesley Gridiron Club/Natural Resources Commission
Hunnewell Field-Football Stadium Area

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 27, 1992 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 the WELLESLEY GRIDIRON CLUB/NATURAL RESOURCES COMMISSION requesting a Special Permit pursuant to the provisions of Section II A 8 (b) and Section XXV of the Zoning Bylaw to allow the premises at HUNNEWELL FIELD/FOOTBALL STADIUM AREA to be used as the site for construction of a refreshment stand as an accessory building to an educational purpose. Said stand will be approximately 15 feet by 20 feet and will be used in conjunction with athletic programs of the Wellesley School system. Said premises are located in a Single Residence District in which the above requested use is not allowed by right.

On August 10, 1992, 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 were Dennis Sax, President of the Wellesley Gridiron Club, and Ted Tripp, Athletic Director at Wellesley High School. Mr. Sax said that for years the Gridiron Club has provided refreshments, particularly during the football season, for spectators on a temporary basis. All equipment has been moved to and from the premises. All revenues collected have been donated to the athletic program and to the Key Club.

Mr. Sax stated that the Gridiron Club is requesting permission to construct a permanent refreshment stand on the grounds of the football field to professionally administer refreshment service, particularly in inclement weather. At present, the stand will be open only during football games. However, in the future, it may be used for other school athletic events.

Mr. Sax stated that the Gridiron Club will construct the stand and gift it to the town and the high school. The Athletic Director will be the custodian and the person responsible for determining the validity of requests for use by other groups.

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Mr. Tripp stated that the stand will not be a food preparation area, but a food service area. The stand will be built of concrete blocks in the design of clapboard siding on a concrete slab with an asphalt roof.

A discussion regarding installation of the sewer line ensued. Mr. Sax said a cold water line will be run into the stand, but a decision has not been made as to the sewer connection. The contractor has suggested installation of a sewer sleeve so that if and when the sewer connection is made, the building foundation will not have to be disturbed.

The Board stated that a decision must be made regarding the sewer connection as the site plan and floor plan must depict what is actually going to be installed. At present, the floor plan does not show the location of the water connection or the sewer sleeve. The sewer connection shown on the site plan must be labelled either "future" or "proposed" in order to receive approval. The Board also recommended further consultation with Dr. Katz at the Board of Health to make certain that construction of plumbing facilities and connections would meet all Board of Health requirements.

The Board noted that the decision would contain conditions which would have to be met, and was concerned that all permits be in place prior to construction. Conditions to ensure that the stand would not be a burden to the town even if the donor group were not in existence, would also be in place.

The Board also stated that any construction, even below ground, would be at the risk of the petitioner until the decision had been signed and recorded.

Al Indresano, 51 Smith Street, asked who would assume responsibility for maintenance of the stand if revenues collected by the Gridiron Club were not sufficient, or if the Gridiron Club were not in existence. Mr. Sax said that the Gridiron Club has been in existence for 25 years and would be in the future.

Beatrice Dube, 55 Atwood Street, expressed concern about the litter left in her yard by high school students, particularly after football games. She also expressed opposition to any expansion of use of the stand in the future. Mr. Tripp said that if she had a litter problem after a football game, she should contact his office, and he would take care of it.

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In response to a question by the Board as to liability for an accident in regard to operation of the stand, Mr. Sax said he did not know who would be liable.

Statement of Facts

The subject site is located on Hunnewell Field east of the bleachers at the Wellesley High School football field, in a Single Residence District. The property is owned by the Town of Wellesley and is under the jurisdiction of the Natural Resources Commission, which is the co-petitioner. The proposed site is within 100 feet of Fuller Brook and is in a Floodplain District.

The petitioner is requesting a Special Permit which will allow said premises to be used as a site for construction of a refreshment stand, approximately 15 feet by 20 feet, as an accessory use to an educational purpose in conjunction with the athletic programs of the Wellesley School system.

The refreshment stand will be constructed by the Gridiron Club and given to the Town of Wellesley for use during Wellesley High School or Town sponsored events with the approval of the Director of Athletics. Building maintenance and litter clean-up of the site will be the responsibility of the Athletic Director.

An unsigned site plan dated July 16, 1992, revised July 22, 1992; and elevation and construction sketches, dated June 5, 1992, were submitted.

In a letter to the Board of Appeals dated July 28, 1992, the Natural Resources Commission expressed approval of the construction of the refreshment stand on parkland adjacent to the east end of the football field bleachers. Acceptance of this gift on behalf of the Town is contingent on receipt by the Gridiron Club of all required state and local permits and licenses, and with the understanding that all maintenance will be performed by the Athletic Department, students and volunteers.

On June 11, 1992, the Design Review Board reviewed the proposal as a Minor Construction Project, and expressed concern about maintenance of the building in light of potential vandalism and graffiti.

In a Memorandum dated July 7, 1992, Robert Katz, Director of Public Health, approved the structure for limited food service, with a license to be issued after construction, and continued use to be contingent upon compliance with standards of food sanitation.

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On August 13, 1992, the Wetlands Protection Committee voted to issue an Order of Conditions (DEP File #324-187) for the construction of the proposed refreshment stand.

On August 11, 1992, the Planning Board reviewed the petition and voted to offer no opposition to the requested special permit.

Decision

This Authority has made a careful study of all materials submitted and the information presented at the hearing. The use of a site located in a Single Residence District for the construction of a refreshment stand as an accessory use to an educational purpose requires a Special Permit pursuant to Section II A 8 (b) of the Zoning Bylaw.

It is the opinion of this Authority that the provisions under which this Special Permit may be granted have been met; namely that sufficient off-street parking has been provided so that no vehicle will be required to park on any street; that there will be no sign identifying the refreshment stand; and that there shall be no disturbance or disruption to any residential neighborhood caused by or as a result of this use.

It is the opinion of this Authority that the additional Special Permit Standards enumerated in Section XXV-D of the Zoning Bylaw have also been met. There will be no vehicular circulation, construction of new driveways, or vehicle queuing lanes in conjunction with the proposed construction. The proposed construction will be compatible with the surrounding premises, and pedestrian and bicycle circulation have been provided to the satisfaction of the Wellesley School Department and the Natural Resources Commission.

Therefore, the Special Permit, pursuant to Section II A 8 (b) of the Zoning Bylaw, is hereby granted to the Wellesley Gridiron Club/Natural Resources Commission to use the area at the eastern end of the bleachers at the Wellesley Football Stadium at Hunnewell Field for the construction of a refreshment stand approximately 15 feet by 20 feet in accordance with the revised Site Plan and floor plan, and subject to the conditions attached hereto in Addendum A.

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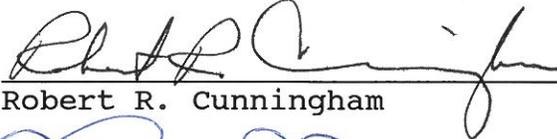
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APPEALS FROM THIS DECISION
IF ANY, SHALL BE MADE
PURSUANT TO GENERAL LAWS
CHAPTER 40A, SECTION 17, AND
SHALL BE FILED WITHIN 20 DAYS
AFTER THE DATE OF FILING OF
THIS DECISION IN THE OFFICE
OF THE TOWN CLERK.



Kendall P. Bates, Acting Chairman



Robert R. Cunningham



Franklin P. Parker

cc: Planning Board
Natural Resources Commission
Wetlands Protection Committee
Board of Health
Superintendent of Schools
Inspector of Buildings
Director of Athletics

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ADDENDUM A

1. A revised site plan is to be submitted on which the proposed sewer sleeve location is to be shown.
- ✓ 2. All references to the sewer line on the revised site plan are to be labelled "future", unless the sewer line is to be installed at the time of construction of the refreshment stand, in which case, the sewer line must be labelled "proposed"
3. A revised floor plan must be submitted on which specific locations for the sewer sleeve, electrical and water connections must be shown.
4. Provision for and location of facilities for discharge of waste water must be shown on both the revised site and floor plans.
- ✓ 5. If connection is not made to the sewer at the time of construction, a Disposal Works Construction Permit must be obtained from the Board of Health and a copy filed with the office of the Board of Appeals prior to the issuance of a Building Permit.
- ✓ 6. If toilet facilities are to be installed at the time of construction of the refreshment stand, a handwashing sink and a hot water line must also be installed; and a new floor plan showing the location of the new installations must be submitted. Approval for said installation must be obtained from the Board of Health prior to the issuance of a Building Permit.
7. If said toilet facilities are added at any future time, an application for a Special Permit requesting said expansion must be submitted.
- ✓ 8. Both the site plan and the floor plan, revised to show the aforementioned specifics, must include identification of the Natural Resources Commission as representative of the owner.
9. The revised site plan and floor plan shall be submitted to the office of the Board of Appeals prior to the issuance of a Building Permit.
10. All conditions listed in the Order of Conditions (DEP 324-187) are hereby incorporated into this decision.

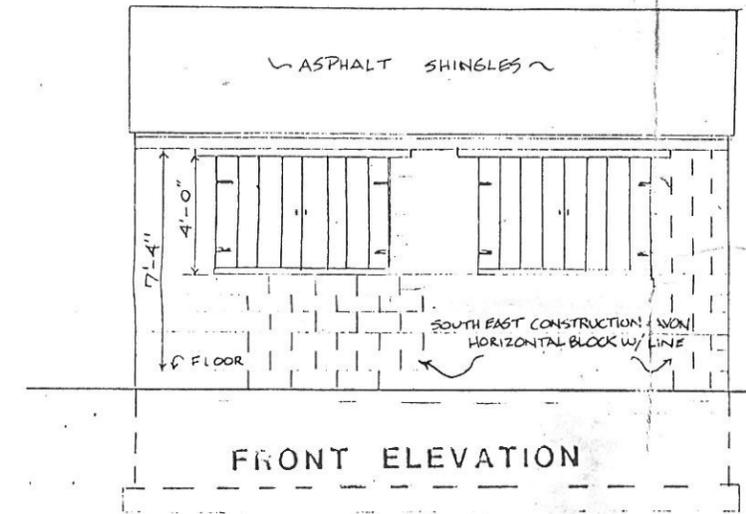
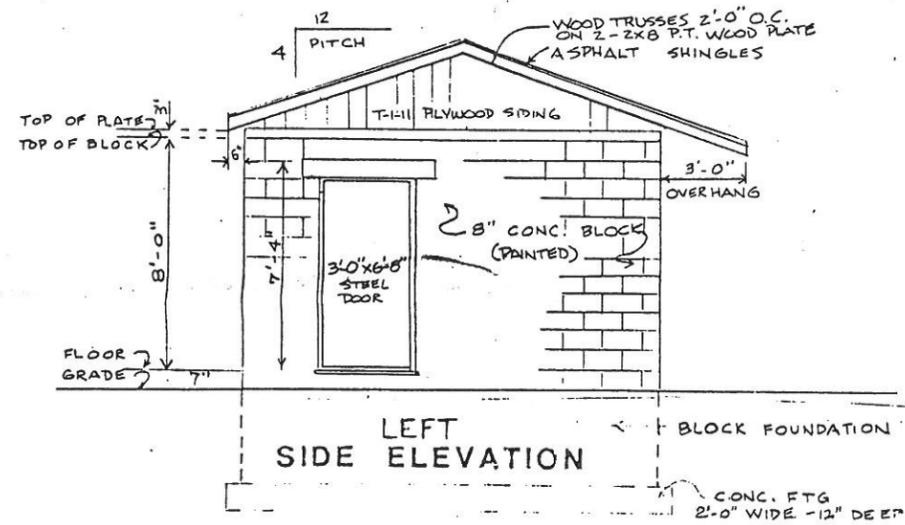
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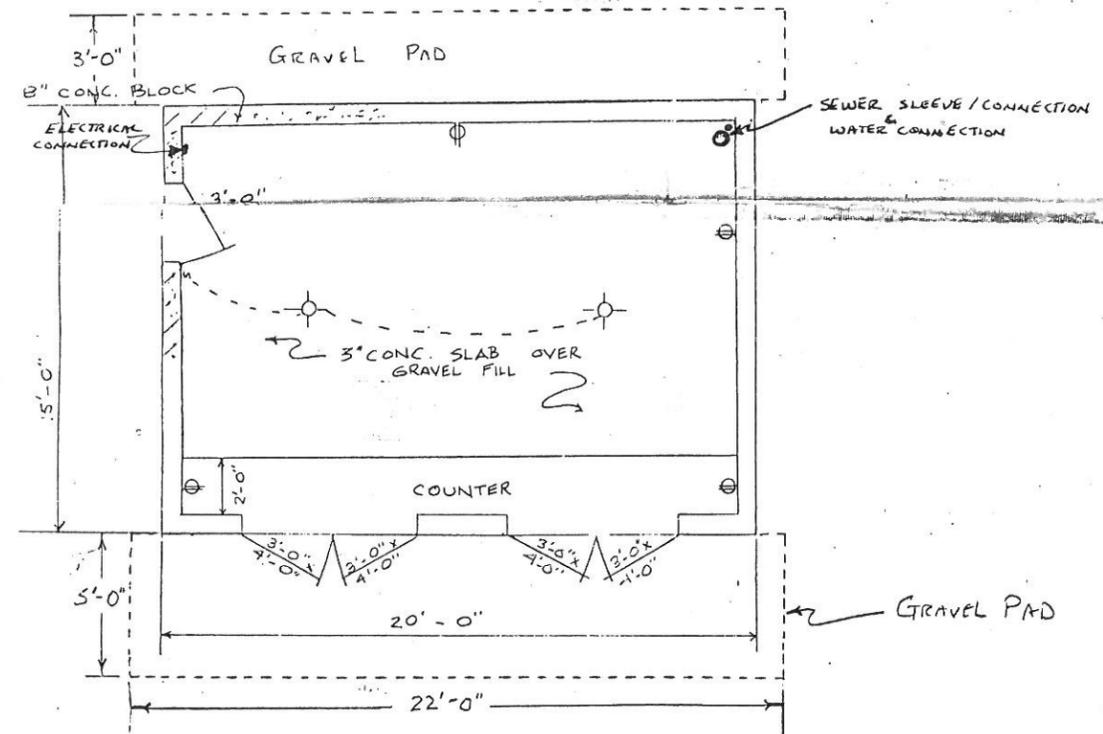
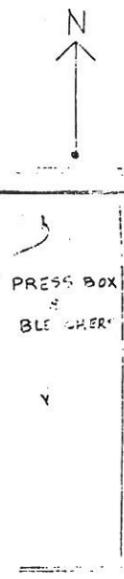
11. No food preparation or sale of food other than pre-packaged items, hot drinks and hotdogs will be allowed; and all containers for food and/or drinks must be non-reusable.
12. Prior to the issuance of a Certificate of Occupancy, a Food Service Permit must be issued by the Board of Health, a copy of which must be filed with the office of the Board of Appeals.
13. Installation of all utility connections shall be the complete responsibility of the Wellesley Gridiron Club.
14. A letter from the Superintendent of Schools, confirming that the Director of Athletics shall be the responsible agent for the management and use of the refreshment stand, the maintenance of said stand and the payment of all utility bills in connection with its operation, shall be received in the office of the Board of Appeals prior to the issuance of a Building Permit.
15. The use of this facility shall be limited to athletic events sponsored by the Wellesley School system or those having the written approval of the Director of Athletics

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WELLESLEY GRID IRON CLUB
REFRESHMENT STAND

PROPOSED LOCATION
TO BE AT
W.H.S. FOOTBALL FIELD



Wellesley High School ARCHITECTURAL SERVICE		DATE: 5-1-07
SCALE: 1/4" = 1'-0"	DIVISION OF COMMUNITY SERVICES	DRAWN BY: [Signature]
PROPOSED REFRESHMENT STAND		
OWNERS: Wellesley High School	NATURAL Resources Commission	DRAWING NUMBER: