

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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ZBA 2019-54 - Modify
Petition of Hyman Feldman Family Trust and
Daniel Karp, MD
170-184 Worcester Street & 7 Burke Lane

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, October 1, 2020 at 7:30 pm on the petition of Hyman Feldman Family Trust & Daniel Karp, MD requesting to reopen the public hearing to approve changes to the drainage system that was approved under Site Plan Approval pursuant to the provisions of Sections 3, 11, 16A, 16C, 21, 22, & 25 of the Zoning Bylaw on October 19, 2019. The property is located at 170-184 Worcester Street, in a Business District and at 7 Burke Lane, in a Single Residence A District.

On August 3, 2020, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication. In accordance with Chapter 53 of the Acts of 2020, the hearing was scheduled for October 1, 2020.

Present at the public hearing representing the Petitioner were Dan Hazen, Guerriere & Halnon, and Dennis DiSchino, Equity Partners. Mr. Hazen said that the Petitioner came before the Board in July, 2020 to discuss elimination of the pervious pavement and adding subsurface chambers with catch basins. He said that the change was due to the cost of asphalt. He said that the Board asked DPW to review and comment on the calculations and the plans. He said that DPW reviewed the plans and had some minor questions and comments which have been responded to. He said that DPW wanted some labels added to some of the manholes explaining the inverts, had some questions about drainage issues at Worcester Street and had some comments about the Operation and Maintenance Plan. He said that the comments were addressed and DPW is satisfied.

The Chairman asked about the requested relief. Mr. DiSchino said that they made a change to the Site Plan Approval which the Board determined to be significant and required that it come back for a public hearing. The Chairman confirmed that it is a material modification. Mr. Hazen said that the layout of the parking lot or configurations did not change, just the subsurface utilities.

A Board member said that the proposed change seems to be an improvement. He said that the Board received an email from Gary Miller, who is a neighbor. He said that Mr. Miller's concerns have been addressed by DPW.

A Board member said that the Board thought that the switch from porous paving to a more conventional drainage system was not a minor change and needed to be looked at. He said that DPW did look at it and there are no remaining issues with the drainage system. He said that the permeable pavement was never installed. A Board member said that this seems to be a better solution.

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There was no member of the public who wished to speak to the petition.

Submittals from the Applicant

- Letter to Zoning Board of Appeals, dated July 31, 2020, from John Federico, Project Engineer, re: Request for Reopening the Public Hearing
- Revised Appendix 5 – Long Term Operation & Maintenance Plan
- Revised Appendix 7 – Illicit Discharge Statement
- Stormwater Report, dated February 25, 2019, revised March 31, 2019 and July 6, 2020, prepared by Guerriere & Halnon

Plan Number	Drawing Title	Date of Issue	Prepared By	Date of Revision
	Cover Sheet	2/25/19	Guerriere & Halnon	Last revision 7/23/20
Sheet 2 of 8	Existing Site Features Plan	7/2/19	Guerriere & Halnon	5/15/19, 5/29/19, 7/2/19
Sheet 3 of 8	Site Development & Layout Plan	8/20/19	Guerriere & Halnon	5/15/19, 5/29/19, 6/7/29, 6/11/19, 7/2/19, 7/30/19, 8/20/19, 5/26/20 & 7/6/20
Sheet 4 of 8	Utility Grading	8/20/19	Guerriere & Halnon	5/15/19, 5/29/19, 6/7/19, 6/11/19, 7/2/19, 7/29/19, 8/23/19, 5/26/20, 7/6/20 & 7/23/20
Sheet 5 of 8	Detail Plan	7/2/19	Guerriere & Halnon	5/15/19, 5/29/19, 7/2/19, 7/6/20
Sheet 6 of 8	Details Plan	5/26/20	Guerriere & Halnon	
Sheet 7 of 8	Site Plan	8/20/18	Guerriere & Halnon	5/16/19, 8/20/19
Sheet 8 of 8	Site Plan	8/20/18	Guerriere & Halnon	5/16/19

On August 31, 2020, George Saraceno, Town Engineer stated that the Applicant's Engineer has addressed DPW's comments which are appropriately show on the revised plans and Long Term O & M Plan.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing.

Therefore, the requested changes to the drainage system that was approved under Site Plan Approval pursuant to the provisions of Sections 3, 11, 16A, 16C, 21, 22, & 25 of the Zoning Bylaw on October 19, 2019 are approved, in accordance with the submitted plans and documents.

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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.

Robert W. Levy (L.M.)
Robert W. Levy, Acting Chairman

David G. Sheffield (L.M.)
David G. Sheffield

Derek B. Redgate (L.M.)
Derek B. Redgate

ZBA 2019-54
Applicant Hyman Feldman Family Trust & Daniel Karp, MD
Address 170-184 Worcester Street and 7 Burke Lane

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Date:

Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm