

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

RICHARD O. ALDRICH
DANA T. LOWELL
F. LESTER FRASER

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Petition of Joseph G. Nason and
Norman L. Kasparson, Trustees

Pursuant to due notice the Board of Appeal held a public hearing in the hearing room on the second floor of the Town Hall at 8:55 p.m. on March 20, 1969, on the petition of Joseph G. Nason and Norman K. Kasparson, Trustees under a Declaration of Trust, requesting the approval of plans pertaining to the proposed construction of a building on the south side of William Street No. 38, within an Administrative and Professional District in accordance with the requirements of Section IX of the Zoning By-law with the following exceptions:

The petitioners requested an exception from the terms of Section IX 2 (f) (i) to permit the proposed building to be erected to a height in excess of that permitted under Section XX. The petitioners also requested permission, under the provisions of Section IX 2, for an additional use involving the processing, storage and distribution of microfilm and an emergency parts stockroom. The petitioners further requested, pursuant to the provisions of the last paragraph of Section IX, a special exception to the requirements of Section IX 2 (c) in order to permit the northeast corner of the proposed building to be less than fifty feet from the side lot line.

On February 13, 1969, the petitioners filed their request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Milton Bordwin, attorney, represented the petitioners at the hearing. No one appeared in opposition to any of the petitioners'

The Planning Board in its report offered comments regarding the plans submitted. It felt that vertical projections above the main roof elevation should not occupy more than 15% of the total ground coverage of the building and should not extend more than fifteen feet above the main roof. It questioned the petitioners showing the proposed building straddling Glenwood Avenue although the Town Meeting had not voted on its discontinuance. It felt that there was an inconsistency on the plans submitted with respect to the easterly boundary line, and while a parking area has been provided in accordance with the Zoning By-law requirements, the Planning Board would have preferred that the petitioners provide space which had not been used previously as supplemental parking for another building.

Everett R. Kennedy, Superintendent of the Board of Public Works, approved the proposed plans in his report; he had discussed the construction of the building with the petitioners, who agreed to meet all current requirements of the Department of Public Works.

A letter of approval was received from Stanley B. Billings, Secretary and General Counsel for Massachusetts Indemnity and Life Insurance Company, 100 William Street.

Subsequent to the public hearing the petitioners asked leave to withdraw the request contained in their petition which sought approval of an additional use, and leave was given.

In addition, the petitioners subsequently asked leave to submit amended plans for the proposed building, which plans covered minor changes in the exterior dimensions of the building, including the height of the mechanical penthouse as well as some changes in grading, landscaping and in parking area set-up, all being represented as improvements. The Board

was of opinion that the substitute plans showing these modifications might be submitted and accepted for filing.

The requisite approvals for the acquisition of Glenwood Avenue by the petitioners from the town have all been obtained.

Statement of Facts

The lot involved is part of a parcel of land located within an Administrative and Professional District and contains 125,819 square feet. There are three existing buildings in the area operated by Wellesley Office Park Associates and the proposed building is to be similar to those already erected. The building, as now proposed, will cover 18,927 square feet of the parcel in question, with facilities for parking of motor vehicles containing an area of 81,125 square feet, which will provide space for 240 cars.

Plans showing the location and elevations of the proposed building, the proposed exterior materials, provision for off-street parking facilities, interior roads and driveways, water, sewerage disposal drainage and landscaping were submitted with the petition, and amended plans were thereafter submitted, as referred to above.

In addition to the submittal of plans for approval, the petitioners sought a special exception to Section IX 2 (f) (i) to permit the proposed building to be erected to a height in excess of forty-five feet which is the limitation under Section XX of the Zoning By-law. They proposed to construct a building which would be 45 feet to the top of the built-up roofing and a "penthouse" approximately 16 feet above the roof which would serve only to house the mechanical equipment necessary for the proper operation of a modern office building.

Under the provisions of Section IX 2, the petitioners requested permission for an additional use involving the processing, storage and distribution of microfilm and an emergency parts stockroom. As referred to above, this request was later withdrawn.

Under the provisions of the last paragraph of Section IX, the petitioners further requested a special exception to Section IX 2 (c) to permit the northeast corner of the proposed building to be less than fifty feet from the side lot line, on the ground that literal enforcement would cause a substantial hardship and that literal compliance is impractical because of the use to which the lot is to be put.

Decision

The Board has examined the various plans submitted, including the modified plans subsequently submitted as referred to above, and finds that they show compliance with the provisions of subparagraphs (a), (b), (d) and (e) of Section IX 2 of the Zoning By-law and that adequate provision has been made by the petitioners for the matters of public interest referred to in subparagraph (f) with the exception of (f) (i).

The Board finds that a special exception may be granted to the provisions of Section IX 2 (c) permitting the proposed building to be located within 50 feet of a way, especially in view of the fact that "Grove Avenue" appears to be a "paper street". To enforce literal compliance with the provisions of Section IX 2 (c) in this respect is impractical and would occasion substantial hardship to the petitioners.

The Board further finds that an exception can properly be granted from the terms of Section XX, Heights of Buildings, thus satisfying the requirements of subparagraph (f) (i) as in its opinion the proposed

mechanical penthouse will not cause undue congestion of traffic or population, or interruption of light and air, or result in a detriment to the owner or occupants of nearby land, and that a literal enforcement of Section XX of the Zoning By-law would cause a substantial hardship to the petitioners and is impractical considering the need to develop a plan which is economic while at the same time complying substantially with the height restriction of the Zoning By-law and with lot coverage, parking and other applicable requirements.

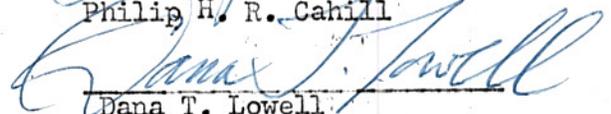
Accordingly, the petitioners' modified plans, as now submitted and on file with this Board's identification, are approved as so submitted, and the requested permission is granted subject to the following conditions:

1. That all work shall be performed in accordance with the plan hereby approved.
2. That the landscaping shall be maintained to the satisfaction of this Board for the life of the building.
3. That upon completion of the building a complete set of architectural plans, including a complete set of mechanical plans, shall be submitted to this Board showing exactly how the building was constructed. Said plans shall be submitted to this Board at least ten business days prior to occupancy of the building.
4. That area lighting, if any, shall be shaded or directed away from Route 128 and Quinobequin Road.
5. That approval shall be obtained from the Metropolitan District Commission, authorizing the building to drain surface drainage, if any, into the Charles River. Petitioners by proceeding with construction of the proposed building and improvements shall be deemed to have agreed to provide, at no cost to the Town, for any different or supplemental facilities for surface drainage from public premises as may be required by applicable provisions of law.

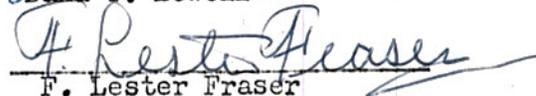
6. That all work shall be in compliance with the requirements of the Department of Public Works of the Town.
7. That a surety performance bond running to the Town shall be provided in the amount of \$50,000. in form satisfactory to Town Counsel and the Board of Appeal which shall be posted with the Treasurer of the Town of Wellesley before commencement of the work. Said bond shall be conditioned on the completion of the work in accordance herewith and the performance of all conditions hereof, and shall be signed by party or parties satisfactory to Town Counsel.



Philip H. R. Cahill



Dana T. Lowell



F. Lester Fraser

Filed with Town Clerk _____