



## ZONING BOARD OF APPEALS

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ZBA 97-34

Petition of The Maugus Corporation  
40 Abbott Road (The Maugus Club)

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 22, 1997 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, on the petition of THE MAUGUS CORPORATION requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the expansion of its nonconforming structure, with a pre-existing nonconforming lot coverage of 18.7%, through the construction of one new squash court, expansion of an existing squash court and a corridor totalling 1,610 square feet, which will result in a conconforming lot coverage of 21%, at its premises at 40 ABBOTT ROAD, on a 68,427.9 square foot lot, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The allowed lot coverage for lots exceeding 40,000 square feet is 15%.

On May 5, 1997, 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 Donald Tucker, a member of the Maugus Club, and Vincent Codispoti, a club member and the project architect. Mr. Tucker said that the Maugus Club, a social and athletic club, has existed for over 100 years. In the past few years, there has been a drastic decline in membership. During this same period, the size of international squash courts has been increased. As the Maugus Club's courts do not meet the new international standards, they have lost membership to other facilities. They cannot add courts internally, and must expand. They would like to add one new court and expand one existing court to international size, which has the same length, but a width of 21 feet rather than the current 18.5 feet.

Mr. Tucker explained that prior to the passage of the recent change in the Zoning Bylaw, their lot coverage complied with zoning at 18.7%, as 25% lot coverage was allowed. The Zoning Bylaw now allows lot coverage of no more than 15% on their property. With the addition, the lot coverage would be 21%. They are requesting a Special Permit to allow the construction.

The Board commented that the Planning Board had recommended denial of the request. The Board asked if, without the change, the club would become obsolete. Mr. Tucker said that the squash players are the mainstay of the club, and they are very concerned about the future.

The following homeowners in the neighborhood expressed their concerns: Reza Espahbodi, 41 Seaward Road; Gail Kingsley, 16 Abbott Road; Rick Killigrew, 34 Seaward Road; and Joseph Lottman, 42 Seaward Road. The neighborhood concerns focused on the lack of maintenance of the building and grounds for the past ten years. Other issues such as the dumpster and the drop-off of children on Seaward Road involved the day care center, the sole tenant in the building. In their opinion, the petitioner was financially dependent on the day care center, and therefore, reluctant to force any issues relative to the center. They felt that the Maugus Club had not been a good neighbor and had only begun to respond to their concerns when the club was planning to apply for a Special Permit.

The neighbors wanted a guarantee that the building and grounds would be properly maintained and that the roof structure visible from Seaward Road, which is now white, would be painted beige to blend in with the rest of the facade. They were concerned that with the present economic difficulties facing the club, and the cost of the proposed construction, there would not be sufficient funds to maintain the property in the future.

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Mr. Tucker admitted that the club has not been a good neighbor in the past. He agreed to paint the roof structure beige, that the stucco on the Seaward side would be painted beige, new landscaping would be installed, the chain link fence at the dumpster area would be replaced with a stockage fence and an outside person hired to mow the lawn. Painting of the rest of the building will be done in the future.

Mr. Tucker said that they have done a market survey and project a substantial increase in membership if they could offer two international size courts.

The Board stated that the neighborhood complaints involve the present and future upkeep of the building and grounds, the drop-off of the day care children, and the dumpster. The only issue relating to the addition appears to be the color of the 10 square foot roof structure, but not the addition itself. Although the Board could not condition relief in regard to the neighborhood present or future concerns, it would strongly recommend that immediate action be taken by the club in addressing these issues.

Statement of Facts

The subject property is located at 40 Abbott Road, in a Single Residence District, on a 68,427.9 square foot lot. The property fronts both Seaward Road and Abbott Road. The property contains a two-story brick, wood and stucco building, which houses the Maugus Club and its tenant, a children's day care facility. The existing lot coverage is 18.7%.

The petitioner is requesting a Special Permit/Finding that the increase in lot coverage from a pre-existing nonconforming 18.7% to 21% due to the construction of one squash court,

expansion of an existing court, and a corridor totalling 1,610 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure and lot coverage.

The following plans were submitted: Plan of land dated 3/31/97, drawn by James J. Abely, Professional Land Surveyor; Proposed Basement Plan (A-1) dated 3/27/97; Proposed Exterior Elevations (A-3) dated 3/27/97, revised 4/14/97, revised 4/15/97, revised 5/7/97, revised 5/12/97; all drawn by Vincent Codispoti, Architect; Landscape Plan drawn by Weston Landscape & Tree Company; Existing Conditions Plan/Basement Floor Plan (A-1) dated 4/15/97, revised 4/28/97; Existing Conditions Plan/First Floor (MD-1) dated 9/19/94; and Existing Condition Plan/Third Floor (MD-2) dated 4/29/97, all drawn by Vincent Codispoti, Architect. Photographs were also submitted.

The Design Review Board reviewed the project as a Minor Construction Project on March 27, 1997, on April 24, 1997 and on May 8, 1997. At the last meeting, the DRB supported the planting plan, but recommended changes to the grading which included placement of small retaining walls on each side of the building, and repaving the parking lot in the future. The Design Review Board voted to approve the proposal as modified.

On May 20, 1997, the Planning Board reviewed the petition and recommended that the request be denied, as it would not adhere to the recently adopted lot coverage limitations.

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Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject premises do not conform to the current Zoning Bylaw as the percentage of lot coverage presently exceeds the allowed 15% for lots over 40,000 square feet. The petitioner is requesting a Special Permit/Finding that the increase in lot coverage from 18.7% to 21%, due to the proposed construction of one squash court, expansion of a second court and a corridor totalling 1,610 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

It is the opinion of this Authority that the concerns expressed by the neighborhood involve the present lack of maintenance of the building and grounds, the future maintenance of the property, and issues relating to the day care center. There does not appear to be opposition to the project per se.

This Authority strongly recommends that the Maugus Club and its parent organization, The Maugus Corporation, immediately address the present maintenance and day care issues, paint the roof structure the requested color, maintain the condition of the grounds and building in the future, and make every effort to paint the portions of the building that will not be painted in conjunction with this project.

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It is the opinion of this Authority that without the two international sized squash courts, the economic future of the Maugus Club will be seriously compromised.

It is the finding of this Authority that although the construction will intensify the existing nonconformance and will create additional nonconformity, said nonconformity will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the increase in the lot coverage and the construction of one new squash court, expansion of one court and a corridor totalling 1,610 square feet, subject to construction in accordance with the submitted plans.

The Inspector of Buildings is hereby authorized to issue a permit for the construction upon receipt and approval of a building application and detailed construction plans.

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.

cc: Planning Board  
Inspector of Buildings  
edg



John A. Donovan, Jr., Chairman



Kendall P. Bates



William E. Polletta

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