

69-57

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 Fuller Brook Corp.

The Board of Appeal held a public hearing in the hearing room on the second floor of the Town Hall at 8:25 p.m. on September 18, 1969, on the petition of Fuller Brook Corp. requesting the approval of plans for the construction of apartment buildings to be located at Eastman Circle on Grove Street, within a Limited Apartment District, in accordance with the requirements of Section VI. 2 (1) and Section VI. A. of the Zoning By-law.

On August 11, 1969, the petitioner filed its request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

William H. Gleason, member of the Corporation, represented the petitioner at the hearing.

The following abutting property owners appeared at the hearing and expressed individual concern over alleged changes in the plans presented at the Board meeting from those presented at the Town Meeting held in March 1969: Felecia J. Peltier, 24 Denton Road and Renee Bennett O'Sullivan, M. D., 14 Denton Road. They further expressed their concern over the relocation of the proposed apartment buildings, in particular the closeness of building A to the property of Renee Bennett O'Sullivan, and stressed the desire that all possible existing trees remain and adequate screening be provided.

Paul F. Rutledge, 30 Ingraham Road and Marshall I. Goldman, 17 Midland Road, both stated their view that the petitioner should adhere to the plans submitted at the Town Meeting, and that the plans before the Board were institutional in appearance and represented a substantial departure from those submitted at the Town Meeting.

Warren M. McNamara, member of the Corporation, answered questions relative to the proposed development.

F. Lester Fraser, Jr., 5 Richland Road, explained that some change in building design was necessitated because of the change from individual heating and air conditioning units to a central system.

The Planning Board submitted a report on the plans in which it offered comments relative to additional screening, more detail relative to lighting, adequacy of fire safety factors and further certification by a registered professional engineer as to the accuracy of several numerical quantities relevant to this project.

Subsequent to the hearing, the Board requested the Planning Board to submit their comments relative to whether the plans have made adequate provision for minimizing additional congestion in public and private ways, also possible additional traffic which might be generated by the development.

On November 24, 1969, the Planning Board responded to this request indicating their concurrence in the view expressed by cognizant Town departments that any congestion or traffic caused by the proposed apartments could be satisfactorily handled by existing or projected Town facilities. It stated that it felt that because of the proximity of the retail area, persons would be encouraged to walk rather than ride to shop and persons working in Boston would probably walk to the train; also because of the age group, many would be retirees and semi-retirees who may not be subject to a rigid work schedule and would not necessarily contribute to peak hour traffic. It also called attention to the fact that the Town voted in 1969 to participate in the so-called "Topics Program" which will install channelization and upgrade signalization in Wellesley Square which should increase the traffic carrying capacity of the Wellesley Square intersection.

A report was received from Everett R. Kennedy, Superintendent of the Board of Public Works in which he advised that the Department of Public Works can furnish the necessary utilities for the proposed development of the apartment housing complex.

Statement of Facts

At the Town Meeting held in March 1969, the property involved was rezoned from an Educational District to a Limited Apartment District. The parcel of land contains 7.045 acres and it is proposed to construct four brick buildings of four levels not exceeding forty-five feet in height. The buildings will cover 66,870 square feet of the parcel in question, with a two-level underground garage in the center of the lot providing space for 224 cars, and surface parking for 31 cars. The building will contain 170 one-bedroom and two-bedroom apartments.

The petitioner submitted plans for approval showing the location of the proposed buildings, their exterior materials, provision for off-street parking facilities, interior roads and driveways, water, sewage disposal, drainage and landscaping. In addition to the plans submitted, the Board requested that an architect's rendering of the complex be submitted and that minor revisions and additions be made to the plans and specifications. Said rendering was submitted on November 20, 1969, and the plans were revised and specifications were filed as requested.

It was explained at the hearing that following Town Meeting, a new architect was engaged and plans were drawn. The complex as expressed in the architect's rendering and layout presented to the Town Meeting, was laid out with five buildings and garages under each building, but upon further study of the development, it appeared more feasible to construct a two-level underground garage in the center of the lot. It therefore became necessary to relocate the buildings slightly and to have only four buildings. The petitioner expressed the view that the revised layout and the overall appearance of the projected buildings are substantially the same in all essential details as the layout and rendering presented to the Town Meeting and that any changes are actually improvements.

Decision

The Board has examined the plans submitted, including the revisions subsequently submitted as referred to above, and has taken several view of the locus. It has also made a careful study of the architect's rendering and has compared it in detail with the brochure shown at the Town Meeting and distributed to Town Meeting members and others. In its opinion, while the plans differ in some respects from the layout and rendering before

NOV 27 1969
RECEIVED

the Town Meeting, the changes are not significant and the plans are substantially consistent therewith. While the buildings are located in a slightly different position and there are four rather than five, the exterior surface materials are generally similar to those apparently contemplated by the original plans and the overall appearance of the group of apartments should be substantially as contemplated. In the Board's opinion the plans substantially implement the concepts which were presented to the Town Meeting and might actually be regarded by many as aesthetically and practically superior in so far as they may be said to depart from the earlier layout and rendering.

The Board has also made a diligent study of public safety measures, especially relative to fire protection, possible traffic safety and protection of adjacent properties. It is the opinion of this Board that in accordance with the plans submitted and the conditions herein imposed, the requirements have been met.

The Board, therefore, finds that the plans submitted show compliance with the provisions of Section VI. A. 3 (a) through (g) and that adequate provisions have been made by the petitioner for matters of public interest referred to in Section VI. 2 (i) of the Zoning By-law and of the succeeding paragraphs of said Section. The Board further finds that the plans submitted and the conditions herein imposed have made adequate provision for landscaping, parking, drainage, maneuverability of vehicles and lighting as well as adequate relation to traffic and safety and protection of adjacent properties.

According to the plans, the height of buildings B and C from grade in the immediate areas of the entrances to basement and garage respectively may exceed forty-five feet depending upon final grading. To the extent that this should occur, the Board is of the view that literal compliance with the height restriction is impractical because of the grade of the lot and other factors peculiar to these buildings and not generally affecting the zoning district. Accordingly, the Board hereby makes a special exception for any such discrepancy.

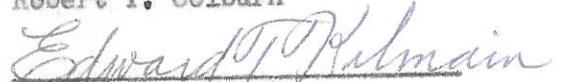
Accordingly, the plans submitted by the petitioner and on file with this Board, including the revisions requested by this Board, are approved, and the Inspector of Buildings is authorized to issue a permit for the proposed four buildings subject to compliance with the applicable provisions of the Building Code, the requirements of the Town of Wellesley, the Department of Public Safety, Department of Public Works and the conditions imposed by this Board which are as follows:

1. That all work shall be performed in accordance with the plans submitted and hereby approved, and the Zoning By-law.
2. Petitioner shall provide such additional screening, not presently shown on the plans, as the Board shall prescribe for parking and service areas, of cooling towers, along the westerly lot line and of any portions of buildings or appurtenant walls where the height from grade exceeds forty-five feet.
3. That the landscaping and other screening, if any, provided for the premises shall be maintained to the satisfaction of this Board for the life of the buildings.

4. That all existing trees shall remain while healthy and shall be replaced by young healthy trees if and when they have to be removed.
5. That two water hydrants, a walkway and standpipes in stairwells shall be installed as designated by the Chief Engineer of the Fire Department.
6. That upon completion of the buildings, a complete set of architectural plans, including a complete set of mechanical plans, accurately portraying the proposed buildings as built, shall be submitted to this Board at least ten business days prior to occupancy of the buildings. Within eight months following completion of the buildings, a revised landscape plan shall be submitted.
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. This bond shall be conditioned on the completion of the work in accordance with this decision and the performance of all conditions hereof, and shall be signed by a party or parties satisfactory to Town Counsel.


Richard O. Aldrich


Robert T. Colburn


Edward T. Kilmain

Filed with Town Clerk _____

1850 JAN 53 AM 11:48

MEETINGS WA22
TOWN CLERK'S OFFICE
RECEIVED