



79-42

FRANCIS L. SWIFT, Chairman  
 WILLIAM O. HEWETT  
 WILLIAM E. POLLETTA  
 WILLIAM F. CULLINANE  
 FRANKLIN P. PARKER  
 JOHN A. DONOVAN, Jr.

## ZONING BOARD OF APPEALS

KATHARINE E. TOY  
 Administrative Secretary

Telephone  
 235-1664

Petition of Richard L. Pickett

Pursuant to due notice the Special Permit Granting Authority held a public hearing in the hearing room on the second floor of the Town Hall at 8:15 p.m. on September 27, 1979, on the petition of Richard L. Pickett, requesting a modification of the decision of the Board of Appeal, filed with the Town Clerk on November 20, 1973, approving plans for the construction of a building for the purpose of providing a medical institution to be erected at 486 Washington Street. The petitioner sought a modification of the plans approved for the building, landscaping and parking.

On September 11, 1979, the petitioner filed his request for a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

Richard L. Pickett spoke in support of the request at the hearing.

William G. Foley, builder for the petitioner, outlined in detail the modifications requested and the reasons for the request.

The following persons questioned the proposed changes and expressed their concern relative to the location of the exit onto Morton Street: John J. and Dorian L. Walsh, 7 Morton Street, Mrs. Tom Mix, 2 1/2 Atwood Street, Charles H. Welch, 6 Morton Street and Charles F. Doherty, 26 Atwood Street.

Statement of Facts

The property involved which contains 19,300 square feet, is located within a General Residence District, requiring that there shall be provided for each dwelling hereafter constructed or placed therein a lot containing not less than 5,000 square feet for each family for whose habitation such building is designed or adapted or the minimum area required for lots in the area regulation district in which the building is located, whichever is greater. The minimum lot area in this district is 10,000 square feet.

The petitioner requests a modification of the decision of the Board of Appeal, filed with the Town Clerk on November 20, 1973, approving plans for the construction of a building for the purpose of providing a medical institution to be erected at 486 Washington Street. The request is for a modification of the plans approved for the building, landscaping and parking.

It was stated that the request for a revision of the plans was made primarily because of the adoption of the Massachusetts Handicapped Code, effective March 3, 1977, which requires provision for wheelchair access to all areas, as well as larger passageways and handicapped toilets.

It was further stated that due to the excessive expense involved to meet the new Code requirements, it would not be feasible to redesign the colonial-style building approved by the Board of Appeal in 1973. The new requirements include elevators, wheelchair access to all areas, as well as larger passageways and handicapped toilets.

The proposed two-level building will contain six medical suites, three on each floor, with a common waiting area on each floor. It will be located at the rear of the lot, it was stated, with parking areas in front of the building and along the Morton Street side. Landscaping and fencing will be provided to shield the parking areas from view.

In designing the new building, it was stated, the institutional look has been eliminated in order to enhance the suburban setting, and traditional lines and residential style finishes have been used to resemble the look of a private home. At the same time, the latest mechanical and energy saving technology has been provided for a modern medical facility, which, it is felt, will meet the needs of the doctors, patients, the neighborhood, and the Town at large.

A set of preliminary plans were submitted showing the elevations of the building, the floor layouts, as well as a site plan. Said plans were drawn by Durrant Design, Harvard, Mass.

#### Decision

This Authority has reviewed the new evidence and has made a careful study of the plans submitted which show the requested modifications of the plans originally approved by the Board of Appeal on November 20, 1973.

The petitioner seeks a modification of the design of the proposed building, its location on the site and the redesign of the parking area and landscaping.

On November 20, 1973, the Board of Appeal granted permission to Richard L. Pickett et al to construct a "medical institution" within the meaning of Section II 8 (d) of the Zoning By-law. In its decision it stated..."The Board is also of the opinion that there is a definite need for a medical institution of this kind in this part of the Town not only for the convenient accommodation of the general populace but also to meet the requirements of the growing and now substantial group of our senior citizens residing across Washington Street in the new elderly housing complex."

Subsequently on March 3, 1977, the rules and regulations of the Architectural Barriers Board of Massachusetts became effective. These rules and regulations are designed to make public buildings accessible to, functional for and safe for use by the physically handicapped persons. In order to conform with these regulations the petitioner finds that the requested changes will have to be made to the original plans in order to obtain a building permit.

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Petition of Richard L. Pickett

In order to conform with these regulations, the proposed building has been designed to have two levels, with three suites and lavatories on the lower level and three suites and a handicapped lavatory on the upper level, with a waiting area on each floor. Access to entrance ways, waiting areas, restrooms and doctors' offices have been designed to accommodate wheelchairs, with ramps to gain access to both levels. The building will be located at the southwest corner of the lot, and will have a parking area in front of the building and along the easterly side of the building, to accommodate twenty-four cars.

It is the unanimous opinion of this Authority that the modification of the plans as requested will not reduce the value of any property within the district or otherwise be injurious, obnoxious or offensive to the neighborhood, and will be in harmony with the general purpose and intent of the Zoning By-law.

Accordingly, the requested permit is granted for the proposed modifications and the Building Inspector is authorized to issue a building permit for the proposed building in accordance with the plans submitted and approved by this Authority and subject to the following conditions:

1. A complete set of final construction plans shall be submitted, including building elevations, floor plans and framing detail, as well as drainage, water sewer and electrical service layouts.
2. A site plan shall be submitted, drawn by a registered engineer, showing the location of the building to be erected, the location of the parking spaces on the property, driveways, curb cuts for the entrance and exit, as well as other engineering detail.
3. A landscape plan shall be submitted showing all existing trees and shrubs which are to remain and all proposed landscaping and fencing to be added, giving size and species of the proposed plantings.
4. That all work shall be performed in accordance with the revised plans referred to in conditions #1, #2, and #3. Said plans shall be approved by this Authority prior to the issuance of the building permit.
5. That the landscaping shall be maintained on the premises to the satisfaction of this Authority for the life of the building and subject to such changes as this Authority may by regulation from time to time prescribe.
6. That if curb cuts are necessary, approval shall be obtained from the Board of Selectmen and the Board of Public Works. No curb cut on Merton Street shall be nearer than thirty (30) feet from the abutting property line.
7. That all utilities shall be provided at no expense to the Town of Wellesley.
8. That the owner of subject premises shall make such additional provisions and shall conform to such regulations in respect to off-street parking, the

- 8. Cont. the use and the screening thereof, as the Authority may from time to time prescribe, including without limitation, the erecting of a screen fence satisfactory to this Authority in addition to the parking area now provided.
- 9. That the building and improvements shall be and continue to be used exclusively for professional offices for not more than six medical doctors.
- 10. That upon completion of the building a complete set of architectural plans, including a complete set of mechanical plans, shall be submitted to this Authority at least ten days prior to occupancy of the building or issuance of an occupancy permit by the Building Inspector.
- 11. That a surety performance bond running to the Town shall be provided in the amount of \$20,000. in form satisfactory to Town Counsel and the Zoning Board of Appeals, which shall be posted with the Treasurer of the Town of Wellesley before commencement of the work, or issuance of the building permit. Said bond shall be conditioned on the completion of the work in accordance herewith and signed by a party or parties satisfactory to Town Counsel and the Zoning Board of Appeals.

*Francis L. Swift*

Francis L. Swift

*William O. Hewett*

William O. Hewett

*William F. Cullinane*

William F. Cullinane

Filed with Town Clerk \_\_\_\_\_

Copies of the decision and all plans referred to in the decision have been filed with the Planning Board and with the Town Clerk.

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