



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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Petition of Sun Life of Canada

On June 11, 1981, the petitioner, Sun Life of Canada, filed a petition with this Board for site plan approval, Special Permit and Variances which will allow it to construct a third office building and six level parking garage at the Sun Life Executive Park. The premises lie between Routes 9 and 128 and Dearborn Street within a Limited Business District.

Pursuant to due notice, the Zoning Board of Appeals held a public hearing in the second floor of the Town Hall on Wednesday, July 1, 1981 at 8 p.m. on the above petition.

The petitioners seek either special exceptions or variances from the following: the terms of Section X 3 (c) which prohibits the location of any building within fifty feet of any property line abutting a public way; a further exception was requested from the terms of Section XX, height of buildings, which allow the proposed building and garage to be erected in excess of 45' which is the maximum allowable height; an exception from Section X 3 (b) which states a 20% maximum allowable building coverage of the lot for this Zoning District. Further, Section XIVB, Part E, 2 (b) 1, 2 and 4, which state a Special Permit is required for any use and ancillary drives/walks which are otherwise permitted in the underlying zoning district and for any water control devices/dams. Said requests were made pursuant to Sections X, Section IIIA 2 (k) and Section XXV of the Zoning Bylaw.

Present at the hearing and speaking on behalf of this request were: Paul Grayson, the architect, George Meltzer, Senior Executive Officer of Sun Life, Arthur Locke, Senior Administrative Officer of Sun Life, John Crowe, the landscape architect, Haley and Aldridge, soil experts, and Norman Abend, traffic consultant. The legal counsel was Robert Davis.

Present at the hearing and speaking as concerned citizens were: Mary Snyder, member of the Natural Resources Commission, and Paul Aldridge of 134 Dearborn Street. Mr. Aldridge expressed concerns about the effects of lighting of the site on his property, stated that he felt that the proposed nature walk would further encourage employees to walk through his yard.

Statement of Facts

The petitioners property contains 13.16 acres of which 2.33 acres lie in Needham. The property in Wellesley lies within a Limited Business District. The petitioner presently has two detached office buildings on the premises located wholly within Wellesley. This Board's decision of March 14, 1974 allowed construction of the existing buildings and accessory parking areas. The proposed third building will be 52' in height, matching the existing buildings. It will be faced with the same color and materials as the present buildings.

The petitioner intends to use the third or new building and the easternmost existing building to house the Sun Life operations. These buildings will be connected by a glass atrium which will be the main entrance of both buildings. The petitioner intends to rent out the first building when #3 is built and represents that Sun Life intends to expand into the third building over the next twenty (20) years.

In addition to the new office building, a large, six level parking garage would be constructed to accommodate 827 cars. At present there are 548 parking spaces on the Sun Life premises and one hundred cars are parked in neighboring Needham where a shuttle bus ferries employees to the Sun Life Executive Park and back again. The anticipated number of cars and parking spaces is 1,097. The total percentage of the area covered by the three buildings and parking garage would be 22.5%.

At the present time, Sun Life employees coming to work along Route 9 from the east or from Route 128 generally use the so-called "jug-handle" or drive entrance to the Massachusetts Department of Public Works in order to be able to get onto the eastbound lane of Route 9 and to reach the entrance to Sun Life. No left turn or U-turn is allowed from Route 9 westbound onto the eastbound lane. Traffic coming to Sun Life north and south on Cedar Street, Wellesley, turns onto Route 9 at the Cedar Street onramp and also cuts through secondary roads to Dearborn Street which runs through residential areas and ends on Route 9 east, just west of the Sun Life entrance and the stop lights located at the entrance to the Massachusetts Department of Public Works.

Sun Life anticipates the continued use of the jug-handle although no written permission or lease from the Massachusetts Department of Public Works exists.

Appropriate approvals have been received by the Board of Appeals concerning the building on the floodplain and establishing a dam and waterway.

Decision

This Board has made a careful review of the evidence presented at the hearing, including subsequent submittals by the petitioner on file, plans, other board approvals, and this Board's prior decision. The members of this Authority have viewed the premises, the Department of Public Works jug-handle, Cedar Street, Route 9 and Dearborn Street, during business hours.

The Board grants the following Variances:

1. For the construction of the proposed third building and six-level garage which would otherwise be prohibited by Section XX of the Zoning Bylaw.
2. For the construction of the proposed third building and six-level garage covering 22.5% of the area which would otherwise be prohibited by Section X 3 (b) of the Zoning Bylaw.
3. For the construction of the six-level garage within 50 feet of a public way or private way that would otherwise be prohibited by Section X of the Zoning Bylaw.

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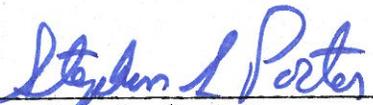
The Board finds that literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship due to the unique soil conditions, shape and topography of the land. No substantial detriment to the public good or nullification or substantial derogation from the intent or purpose of the Zoning Bylaw will take place.

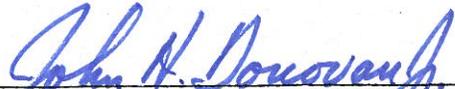
Furthermore, approval of the site plan review and granting of a Special Permit under Section XIV B utilizing the procedure outlined under Section IIIA, Paragraph 2, Sub-paragraph (k) is made. All of the above are subject to conditions attached hereto as Addendum A.

The proposed buildings, parking lots and waterways and water controls were presented to this Board in great detail. They indicate that the structures to be built will conform to the existing buildings. Except for Mr. Aldridge's concerns, no opposition to this petition was expressed in oral or written form. The Board is satisfied that the considerations attendant to building on the flood plain and controlling the running water have been abundantly provided for. The fact that the proposed buildings will not extend higher than the existing buildings and will match them asthetically are of considerable importance. The excess coverage of 2.5% over the allowable 20% should be allowed as being minimal especially in light of the absence of neighboring structures except for a few houses in the direction of Dearborn Street. The Board is mindful that the garage accommodating 827 cars affords more protection to the flood-plains and utilizes less land area than alternative parking plans. The retention of areas for nature walks to the south of the property has definite positive aspects that might otherwise not be feasible.

The Board relies in part, in making its decision, upon Sun Life's representations that the continued use of Massachusetts Department of Public Works jug-handle will create no undue traffic increase and congestion.

This Board is concerned about the effect the loss of the jug-handle would have on traffic congestion and safety, not only along Route 9, but on the secondary roads connecting or leading to Route 9. The loss of the use of the jug-handle would at present probably create serious congestion at Cedar Street, Dearborn Street, and along Route 9. A substantial future increase in the number of vehicles at Sun Life would magnify the traffic problems. Also worrisome is the fact that Sun Life will have little control over the employees of its proposed tenants in Building #1. This means it will be more difficult for the town to remedy any future traffic problems. To date no plan satisfactory to this Board has been devised and presented that would adequately deal with the traffic problem should the jug-handle be eliminated from use.

  
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Stephen S. Porter

  
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John A. Donovan, Jr.

  
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Decision - Addendum A

1. That all work shall be performed in accordance with plans submitted and on file with this Authority or as modified by this Special Permit.
2. That upon completion of the entire project, a complete set of "As Built" plans, including a complete set of mechanical plans, shall be submitted to the Inspector of Buildings.
3. That a copy of the Occupancy Permit issued by the Inspector of Buildings shall be submitted to this Authority at the time of issuance.
4. At the expense of the Petitioner, all water, sewer, and electrical connections shall be made and shall be installed in accordance with the DPW Rules and Regulations.
5. That all requirements of the Town of Wellesley Fire Department be complied with.
6. That the Town of Wellesley be held harmless for any damages caused to the property from possible future flooding.
7. That all design and construction must comply with all applicable state and local codes.
8. See Wetlands Protection Committee Order of Conditions, DEQE File No. 324-78.
9. A surety performance bond or letter of credit running to the Town of Wellesley shall be provided in the amount of \$150,000. which shall be in all respects satisfactory to Town Counsel and the Board of Appeal and shall be posted with the Treasurer of the Town of Wellesley before commencement of work. Said bond or letter of credit shall be conditioned on the completion of the work in accordance herewith and the performance of all conditions hereof, shall be signed by a party or parties satisfactory to Town Counsel, and shall be released after completion of the project, provided that provision satisfactory to the Board of Appeal has been made for performance of any conditions which are of continuing nature.

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