TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

STEPHEN S. PORTER, Chairman
JOHN A. DONOVAN, JR.
ROBERT R. CUNNINGHAM

MARY ANN McDOUGALL
Executive Secretary
Telephone
~~235-1664~~
431-1019

WILLIAM E. POLLETTA
FRANKLIN P. PARKER
SUMNER H. BABCOCK

85-67
Petition of Haynes Trust Townhouses
133 Weston Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 14, 1985 at 8 p.m. in Room 17 of the Town Offices at the Phillips Building, 12 Seaward Road, Wellesley Hills, on the petition of HAYNES TRUST TOWNHOUSES requesting a Special Permit and Site Plan Approval pursuant to Section XVIA and a Density Bonus under Sections XVIII-D and III A 2 (k) of the Zoning Bylaws to allow the construction of five additional townhouses in addition to the ten existing townhouses at 133 WESTON ROAD at the corner of Weston Road and Linden Street, and associated landscaping and parking, said lot containing 62,297 square feet of land and located in a General Residence District. Said request is pursuant to Sections IV and XXV of the Zoning Bylaw.

On October 2, 1985, the petitioner requested a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing were Jonathan Haynes, Mark Schmid, architect and Edward Donlon, attorney. Mr. Schmid presented renderings of the site and the proposed townhouses. He stated that the project complies fully with the existing zoning bylaws, that no variances are required, that all construction would be in the General Residence District section of the lot. He stated that extensive review has been done by the Design Review Board at three meetings. All Design Review Board recommendations have been incorporated into the plans. He stated that ten units exist on the lot, constructed 20 years ago, that the bylaw would allow 12 units on the site, but that a density bonus could allow a total of 15 units on the site. The present request is for five more units or a total of 15 units. Access to the site would be from Weston Road (per requirement of the Fire Chief) and Linden Street. A driveway would connect the existing parking area and the new units. He stated that the lot coverage would be 17%, the actual open space would be 74.5%, 10 parking spaces would be provided (6 interior and 4 surface). The existing ten units have a total of 22 surface parking spaces. Visitors to the new units could park in the spaces provided for the original units or in front of the garages of the new units.

Present at the hearing and opposed to the petition: Alan Golden, 23 Howe St., Michael Cave, 144 Weston Road, Ruth Sullivan, 148 Weston Road. In favor was Frank Selner, 24 Linden Street. Sara Harper, 138 Weston Road, prefers an entrance on Curve St or Linden Street or the use of Weston Road entrance for emergency pruposes only. Judith Gregory, 23 Howe St, had questions about the project. A letter in support written by Leo J. Hession, abutter, of 10 Curve Street, was received by the Board. The petitioner has the property under purchase and sale with Mr. Hession.

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MASS.
JAN 3 9 15 AM '86

Statement of Facts

The property in question is located at 133 Weston Road, at the corner of Weston Road, Linden Street and Curve Street, containing 66,038 square feet of land, 62,297 square feet of which are in a General Residence District and 3,741 square feet of which are in a Single Residence District.

Haynes Trust constructed tne townhouses on the site in 1965 in two separate buildings with a parking area and entrance to the site from Linden Street. The site address was listed as 2 - 20 Linden Street. A single family dwelling existed on the site, known as 133 Weston Road, and was demolished in 1984.

Haynes Trust Townhouses is now requesting a Special Permit for a Density Bonus to allow five more units to be constructed on the lot which was formerly 133 Weston Road. Access to the site would be from Weston Road and Linden Street through a driveway which would connect the existing parking area to the new units. Lot coverage and open space would meet the requirements of the Zoning Bylaws, although by letter dated November 29, 1985 on file, the petitioner indicates that by adding 180 square feet to each of the 26 parking spaces (22 existing and 4 proposed new) as maneuvering room, the open space would be 67% instead of 74.5%. Six interior and four surface parking spaces are proposed.

The following plans were submitted: Plan of Land, showing utilities, grading and drainage, by M. Schiavone, Registered Professional Engineer of Apex Associates, Newton Highlands, dated August 6, 1985, revised September 23, 1985; Landscape Plan; Site plans, floor plans, elevations (A-1 through A-9) by Dewing & Schmid, Architects, 127 Mt. Auburn St., Cambridge, dated September 1985.

The Design Review Board discussed the property at a meeting of August 15, 1985, held a preliminary review on September 19, 1985 and reviewed final plans on October 3, 1985 at which time the plans were accepted with minor suggestions. Letters of August 16, September 23 and October 7, 1985 are on file at the Zoning Board of Appeals office.

Site plans and other submission materials were sent to the Planning Board, Wetlands Protection Committee, Town Engineer, Board of Health and Fire Chief as required by Section XVIA of the Zoning Bylaw. Written responses were received and are on file at the Board of Appeals office.

Decision

This Authority has made a careful study of the evidence presented on this Petition by Haynes Trust Townhouses pursuant to Section III A 2 (k) and Section XVIA of the Zoning Bylaws for five (5) new townhouses to be constructed on the site formerly known as 133 Weston Road which has been combined to form one lot with the site presently containing the existing townhouses known as 2-20 Linden Street.

The orientation of the existing ten (10) townhouses built by the Petitioner in 1965 is toward the twenty-two (22) space parking area bounded by Weston Road and Linden Street. The existing entrance to the parking lot is on Linden Street over one-hundred (100) feet from the intersection of Linden Street and Weston Road.

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MASS.
JAN 3 9 15 AM '86

The intersection of Linden Street and Weston Road is one of the busiest and most congested in the Town of Wellesley, especially at commuting hours and during shopping hours on Saturdays. At these times vehicular traffic backs up on Weston Road from the lights at Route 135 and Weston Road well beyond 133 Weston Road and well beyond the existing Townhouse entrance on Linden Street from the intersection with Weston Road.

While the Petitioner has attempted to meet the guidelines necessary for the Density Bonus by placing some of the new parking under the proposed Townhouse units and by maintaining maximum open space, this Board is not convinced that the project for five (5) additional townhouses is wise or in the best interests of the Town under the circumstances prevailing at and about the proposed site.

It is clear that two new townhouses could be constructed on the area formerly containing a single house, now demolished and removed, at 133 Weston Road behind the existing townhouses facing Linden Street.

The land available for the new construction appears to be around 15,000 ± 18,000 square feet. The Board feels the size of this area does not warrant five (5) additional units and the plans relied upon by the Petitioner are designed for this maximum Density Bonus.

The new units do not relate to the existing building and the proposed buildings do not make a cohesive unit when combined with the existing buildings. The proposed units are essentially being sought based upon open space primarily contiguous to the existing buildings. Were the Petitioner planning to build 15 new townhouses on the site (undeveloped), this Board believes there might be more flexibility for a good total design but the cramming of five units on a lot formerly occupied by one small house does not make good sense.

In order to try to meet the open space requirements for the Density Bonus and create six interior garages which appears to be one of the intents of the Density Bonus by-law, the Petitioner found it necessary to construct six buildings, one of which does not come within a townhouse structure or have a roof usable as a patio or other open usable area.

The increased traffic from vehicles caused by five new units is likely to increase the traffic congestion and safety problems on Weston Road and Linden Street, expecially as conceived with an entrance directly onto Weston Road. This Board is not unmindful that the Fire Department prefers additional access to the Townhouses as proposed to be from Weston Road which could be by way of access limited to emergency vehicles. This Authority notes the Planning Board's concern made in its letter of November 6, 1985 that the planned driveway connecting the entrance to 133 Weston Road and the existing parking lot might provide an unwanted cut-through for cars seeking to avoid jams at Linden Street and Weston Road.

This Authority is not convinced of the need for the Weston Road entrance other than for emergency vehicles nor of the impracticability of a second entrance on Curve Street if two entrances must be had, especially if fewer newer units were planned.

JAN 3 9 15 AM '86
RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MASS.

It is the opinion of the Board that the entrance onto Weston Road would likely create serious traffic problems in an area that is already heavily congested and dangerous. The density created by five additional dwellings in that area of Wellesley would be too intense and not in keeping with the intent of the Bylaws. Thus the project as presently conceived would not protect the safety,convenience and welfare of the public even were the Weston Road entrance deleted from the project.

The requested Special Permit for a Density Bonus and Site Plan Approval to construct five additional units at 133 Weston Road is hereby denied and the Petition is dismissed.

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.

Stephen S. Porter, Chairman

Robert R. Cunningham

John A. Donovan, Jr.

cc: Planning Board
Building Inspector

mam

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MASS.
JAN 3 9 15 AM '86

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MASS.
JAN 33 99 15 AM '86