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ZONING BOARD OF APPEALS

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ZBA 2000-34
Petition of Sun Life Assurance Company of Canada (U.S.)
One Sun Life Executive Park

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 27, 2000 at 7:30 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of SUN LIFE ASSURANCE COMPANY OF CANADA (U.S.) requesting the following relief for projects at its premises at ONE SUN LIFE EXECUTIVE PARK, in an Administrative and Professional District and a Limited Business District:

1. Site Plan Approval pursuant to the provisions of Section XVIA and Section XXV of the Zoning Bylaw to construct the following on the 344,124 square foot parcel designated as "Lot 3" :

   A. "Building Four" – a three-story office building with garage space for 105 cars on the ground floor and office space on the additional two floors. The proposed footprint is 46,687 square feet and the proposed floor area is 94,000 square feet.

   B. A four-story garage addition with 235 parking spaces with a footprint of 18,190 square feet and a floor area of 72,760 square feet.

   C. Surface linkages between buildings totaling 3,533 square feet.
   The total new floor area of the project is 170,293 square feet with a Floor Area Ratio of .28.

2. A Special Permit pursuant to the provisions of Section XXI-E-2 and Section XXV of the Zoning Bylaw to allow provision of 28 parking spaces required for "Building Two" to be maintained on a lot other than the same lot with the building, provided the spaces are available on another lot accessible to and within a walking distance of 600 feet from the building. Said 28 spaces will be reserved in the parking lots provided for "Building One".

On March 23, 2000, 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 John Mulvihill, Property Investments Officer with Sun Life, who was accompanied by John McLean of Northland Development; Lawrence E. Kaplan, attorney with Goodwin, Proctor & Hoar; Richard G. Cutts, Vice President of Engineering of John G. Crowe Associates, Inc., and Al Spagnolo of Spagnolo, Gisness & Associates, Project Architect.

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Using an enlarged, colored site plan of the property to locate the proposed structures, Mr. Mulvihill said Sun Life is seeking Site Plan Approval for "Building Four". Sun Life now owns all of the property in what is known as "Lot Three", in an Administrative and Professional District. They are also proposing to add a four story garage expansion on the existing site. They have received a Special Permit from the Planning Board for a Project of Significant Impact.

Mr. Mulvihill explained that in regard to the Special Permit for parking provisions, "Building Two", located on "Lot Two" designated as 100 Worcester Street, requires 28 additional spaces. The 28 spaces that will serve the building are located in the front parking area adjacent to "Building One".

In response to the Board's question, Mr. Mulvihill stated that the land owned by Sun Life in Needham is zoned residential and has conservation restrictions in place, to which more will be added. In Wellesley, Sun Life will own only property to the east of Dearborn Street; west of Dearborn Street is committed to be a residential development.

The Board asked when the new entry road could be used. Mr. Mulvihill said that Mass Highway has allowed construction of the new driveway now, but it is limited to construction access. The existing entrance will remain open to employees and visitors until the building is completed. At that time, the existing drive will be closed and the new one open to everyone. They are not allowed to have both drives operating simultaneously for employees. They are projecting a completion date in July or August, 2001.

The Board commented on the unusual shape of the building. Mr. Mulvihill explained that the design is a direct product of working with the neighbors who wanted the building moved as far away as possible from the existing property line.

The Board noted that the Planning Board had no objection to the granting of site plan approval.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located on "Lot Three" at One Sun Life Executive Park, in an Administrative and Professional District, and a Limited Business District, and contains 344,124 square feet (7.9 acres). The property is bounded by Dearborn Street to the west, Worcester Street to the north, a residentially zoned portion of Needham to the south, and the Route 128 interchange to the east. West of Dearborn Street is zoned Single Residence.

The petitioner is requesting Site Plan Approval to construct a three-story office building, "Building Four", with garage space for 105 cars on the ground floor and office space on the additional two floors. The proposed footprint is 46,687 square feet with a floor area of 94,000 square feet. Said building will be located in the portion of "Lot Three" which is zoned Administrative and Professional.

In addition, a four-story garage addition containing 235 parking spaces with a footprint of 18,190 square feet with a floor area of 72,760 square feet, will be located on the portion of "Lot Three" which is zoned Limited Business. Surface linkages between building will total 3,533 square feet. The total floor area after the proposed construction will be 401,858 square feet with a floor area ratio of .28.

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The following plans were submitted for Site Plan Approval:

1. Existing site plans: Existing Site Features North (EX1.1), South (EX1.2), West (EX1.3), and Plot Plan (SPA2.1) all dated March 22, 2000, and drawn by Roger M. Corbin, Registered Professional Land Surveyor
2. Site Development Plans: North (SPA1.1), South (SPA1.2), West (SPA1.3) all dated March 22, 2000, drawn by John G. Crowe, Registered Landscape Architect
3. Site Grading and Drainage Plans: North (SPA3.1), South (SPA3.2), West (SPA3.3), all dated March 22, 2000, drawn by John G. Crowe, Registered Landscape Architect
4. Site Utilities Plans (Drainage, Sewer, Water & Gas): North (SPA4.1), South (SPA4.2), West (SPA4.3), all dated March 22, 2000, all revised 4/25/2000, drawn by Richard G. Cutts, Registered Professional Engineer
   Site Utilities Plan (Electrical & Communications)(E2.1) dated March 22, 2000, drawn by Anthony R. Champa, Registered Electrical Engineer.
5. Landscape Plan: North (SPA5.1), South (SPA5.2), West (SPA5.3), all dated March 22, 2000, drawn by John G. Crowe, Registered Landscape Architect.
6. Site Details: SPA6.1 through SPA6.3, all dated March 22, 2000, SPA 6.3 revised 4/25/2000, drawn by Richard G. Cutts, Registered Professional Engineer.
7. Site Details: SPA6.4 through 6.6, all dated March 22, 2000, drawn by John G. Crowe, Registered Landscape Architect.
8. Site Detail-Air Release Valve Assembly: (SPA6.7) prepared by MWRA, dated March 22, 2000.
9. Site Detail – Surface Link (SPA7.1), dated March 22, 2000, drawn by John G. Crowe, Registered Landscape Architect
10. Architectural Plans: First Floor Plan (A1.1), Second Floor Plan (A1.2), Third Floor Plan (A1.3), Elevations (A3.1), Elevations (A3.2), Wall Sections (A5.1), Wall Sections (A5.2), Link Details (LA2.1), Link Reflected Ceiling Plan (LA12.1) Surface Link Floor Plan (SLA2.1), Link Section & Details (SLA5.1), Reflected Ceiling Plan Elevation (SLA12.1), all dated March 22, 2000, drawn by Alfred J. Spagnolo, Registered Architect
11. Subsurface Exploration Location Plan: (GT1.1) dated March 22, 2000, prepared by Haley & Aldrich.

The following written materials were submitted: Official Development Prospectus and Site Hydrology and Hydrological Computations dated March 22, 2000, revised April 21, 2000, prepared by Richard G. Cutts, Registered Professional Engineer, and a copy of the Development Agreement, dated April 5, 1999, by Sun Life made in favor of the Town of Wellesley.

On December 9, 1999, the Wetlands Protection Committee issued the following Orders of Conditions for the project:

1. Order of Conditions, Building 4 and Parking, DEP #324-298
2. Order of Conditions, Standby Generator DEP #324-299
3. Order of Resource Area Delineation, Residential Area DEP #324-300

On March 3, 2000, the Planning Board issued a Special Permit for a Project of Significant Impact (PSI-99-3)

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The Design Review Board held Preliminary Reviews on January 28, 1999 and August 26, 1999, and a Final Review on December 9, 1999 at which the Board voted to approve the project with recommendations.

All plans and materials submitted for Site Plan Approval 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 from each of the above were received and are on file in the office of the Board of Appeals.

The following materials were submitted for the Special Permit to locate on "Lot One" 28 parking spaces required for the existing building on "Lot Two": Building Number Two Parking Plan, dated March 22, 2000, drawn by John G. Crowe, Registered Landscape Architect and a letter of explanation in regard to the requested use of "Lot One" to satisfy the parking requirements for "Building Two" , dated March 22, 2000, from John Mulvihill, Property Investments Officer for Sun Life. Mr. Mulvihill stated that:

"As part of the development of the new 94,000 square foot office building on Lot 3, changes to the access road, parking and landscaping layout on Lot 2 were made, thereby necessitating the Special Permit being requested. The new access, parking layout and landscaping were agreed to with the Town prior to the April, 1999 Town Meeting vote, which approved a zoning change of Lot 3 to the Administrative and Professional District."

On April 24, 2000, the Planning Board reviewed the petitions and had no objection to the granting of either request.

Decision

This Authority has made a careful study of the plans and materials submitted and the information presented at the hearing.

In regard to the request for Site Plan Approval, the petitioners proposed "Building Four" with a floor area of 94,000 square feet, the garage addition with a floor area of 72,760 square feet and the surface linkages with a floor area of 3,533 square feet, totaling 170,293 square feet of gross floor area, constitutes a Major Construction Project under Section XVIA of the Zoning Bylaw because it includes the construction of 2,500 or more square feet of gross floor area.

It is the opinion of this Authority that the proposed plans for the three story office building, the four story parking garage addition and the surface linkage, as shown on the plans listed in the foregoing Statement of Facts, comply with the Zoning Bylaws of the Town, protect the safety, convenience and welfare of the public, minimize additional congestion in public and private way, and insure adequate protection for water, sewerage, and drainage. Furthermore, compliance with Section XVI, Section XXI and Section XXII of the Zoning Bylaw are assured.

Site Plan Approval is therefore granted, as voted unanimously by this Authority at the Public Hearing, pursuant to Section XVIA, Section IX and Section X of the Zoning Bylaw, subject to the conditions attached hereto as Addendum A.

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In regard to the Special Permit requested pursuant to the provisions of Section XXI-E-2 to locate 28 spaces required for Building Two on the parking area provided for Building One, it is the opinion of this Authority that the required 28 spaces for Building Two are available in the parking area for Building One, which is accessible to and within a walking distance of 600 feet from Building Two.

It is the further opinion that the requested use of the Building One parking area to satisfy the parking requirements of Building Two is in harmony with the general intent and purpose of the Zoning Bylaw.

Therefore, a Special Permit is granted, as voted unanimously by this Authority, to use the parking area of Building One to provide the required 28 spaces for Building Two.

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.

Kendall P. Bates, Chairman

William E. Polletta

Richard L. Seegel

Cc: Planning Board
Design Review Board
Wetlands Protection Committee
Town Engineer
Inspector of Buildings

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ADDENDUM A

1. All work shall be performed in accordance with the plans submitted and on file with this Authority.

2. All design and construction must comply with all applicable state and local codes.

3. All requirements of the Town of Wellesley Fire Department shall be complied with.

4. All requirements of the Department of Public Works shall be met including, but not limited to the requirement that water, sewer and electric connections, together with drainage connections be made in accordance with DPW standards and installed and maintained at no cost to the Town of Wellesley.

5. Upon completion of the project, a complete set of site utility plans shall be submitted to the Department of Public Works.

6. A copy of the Occupancy Permit issued by the Inspector of Buildings shall be submitted to this Authority at the time of issuance.

7. All conditions in the Development Agreement dated April 5, 1999 are hereby incorporated into this decision.

8. All conditions contained in the Orders of Conditions (DEP324-298, DEP324-299, DEP324-300), issued by the Wetlands Protection Committee on December 9, 1999, are hereby incorporated into this decision.

9. All conditions contained in the Special Permit for a Project of Significant Impact (PSI 99-3) dated March 3, 2000, issued by the Planning Board, are hereby incorporated into this decision.

10. Compliance with all recommendations of the Design Review Board stated in its Record and Recommendations, dated February 29, 2000 is required.

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