

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

2001 MAY 17 A 9:29

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ZBA 2001-27

Petition of 490 Washington Street Nominee Trust
Andrew Toyias, Trustee
490/492 Washington Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 26, 2001 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 490 WASHINGTON STREET NOMINEE TRUST (ANDREW TOYIAS, TRUSTEE) requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the expansion of the existing structure allowed by Special Permit granted in 1957 (ZBA 57-4) to construct medical and/or dental offices to be used by no more than 3 doctors and/or dentists, according to the submitted plans at 490/492 WASHINGTON STREET, in a General Residence District shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The expansion shall consist of a conforming 8 foot by 7 foot vestibule and a 16.5 foot by 31.5 foot one-story conforming addition. The total number of professionals using the building does not exceed the allowed number of three.

On April 9, 2001, 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 Charles Crivo, of Over C Properties, Inc., who was accompanied by the owner, Dr. Andrew Toyias. Mr. Crivo said they are before the Board because they have a pre-existing nonconforming use that was granted in 1957. The permit that was granted was based on a plot plan attached to the permit. They would like to amend that plan by constructing two additions which conform to all zoning setback requirements. The permit for the use has already been issued and the use will remain the same. They are before the Board to expand the building.

The Executive Secretary explained that the petitioner is before the Board because originally the Special Permit was granted for a use not allowed by right in a General Residence District. One of the conditions of the Special Permit was that the building be constructed substantially in conformance with the existing plans. A second condition was that there be no more than three doctors and/or dentists occupying the premises. An affidavit has been submitted from Dr. Toyias stating that this is the present condition and shall continue in the future. The portion of the Zoning Bylaw under which the Special Permit was granted in 1957 is no longer in existence, which is the reason for the petition, because both the use and construction of the building were granted under that portion of the Zoning Bylaw. The only question is whether the additional space provides for additional employees and if so, where they will park.

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Dr. Toyias said he is not hiring any new staff. There are two ophthalmologists and he is a dentist. The expansion will include a sterilization area and a laboratory area which are required to meet OSHA standards.

The Board asked if the parking lot drains water into abutting back yards. Mr. Crivo said that it did depending on the amount of rainfall. It is believed that the existing drainage system has failed, and is probably surcharging, after which the water overflows to a height where it goes over the berm. If Dr. Toyias goes through with the building project, he will fix the drainage. The Board stated this would be a condition of the decision.

The Board asked how many employees there were besides the three practitioners. Dr. Toyias said only he and one other practitioner occupy the building at a time. He has two secretaries and a hygienist. The number of occupants will never exceed 6 at any one time.

The Board asked how many spaces were in the parking lot. Mr. Crivo said there are 14, but there would be 15 post construction. The Board stated that a condition stating that parking be provided on site for all practitioners, staff and patients, and no on street parking would be allowed.

Charles and Maureen Goheen, 26 Atwood Street, said they are rear yard abutters. Mr. Goheen said the parking lot covers about a third of the property. The dry well in the parking lot has never been maintained. They want to make sure that the Board puts teeth in the condition regarding the drainage.

Mr. Goheen said he is also concerned about the number of staff occupying parking spaces, which would limit access to patients, who would then park on Washington Street or adjacent streets.

Lynn Mix, 24 Atwood Street, seconded Mr. Goheen's remarks and requested strict enforcement of the drainage condition to be imposed by the Board.

Maureen Goheen submitted a picture of huge piles of snow at the rear property line. She said that the snow is consistently plowed toward their property.

Andrea Volente, 32 Atwood Street, asked if the proposed laboratory would require more employees. Dr. Toyias said the staff is not going to increase. There will be no extra employees on the premises.

The Board asked if any hazardous materials will be used in the laboratory. Dr. Toyias said that all hazardous materials are removed according to required procedures. The Board suggested that the Board of Health inspect the premises before an Occupancy Permit is issued.

Statement of Facts

The subject property is located at 490/492 Washington Street, in a General Residence District, on a 23,700 square foot lot.

In 1957, the Board of Appeals granted a Special Permit (ZBA 57-4) pursuant to the provisions of Section II B 7 (d) of the Zoning Bylaw to Robert G. Burns to construct a building on the lot of land adjacent to

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486 Washington Street for use as a medical institution. A plot plan showing the location of the building and the location of 14 parking spaces was submitted. The Board of Appeals granted the Special Permit with the following conditions:

- “1. The building and other improvements to be constructed upon the property in question shall be substantially in conformity with the plans and specifications prepared by Arthur H. Brooks, Jr., Architect, dated May 11, 1957 and attached hereto.
2. The building and improvements shall be and continue to be used exclusively for professional offices of not more than three dentists and/or medical doctors.
3. Construction of the proposed building and improvements must be commenced within one year from the date hereof and thereafter diligently pursuant to completion.”

The section of the Zoning Bylaw under which this Special Permit was granted was deleted many years ago, rendering the building and the use as pre-existing nonconforming.

The petitioner is requesting a Special Permit that the expansion of the building by adding a 7 foot by 8 foot vestibule and a 16.5 foot by 31.5 foot one-story addition, both of which conform to all current Zoning requirements, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated February 22, 2001, stamped by Todd P. Chapin, Registered Land Surveyor; Existing and Proposed Floor Plans and Elevations dated 3/27/01, drawn by Over C Properties; and photographs were submitted.

A affidavit signed by Andrew J. Toyias on April 10, 2001, stating that the building and improvements located at 490-492 Washington Street, Wellesley, MA. shall be and continue to be used exclusively for professional offices of not more than three dentists and/or medical doctors.

On April 24, 2001, the Planning Board reviewed the petition and offered no objection to the granting of the request, provided the off-street parking was adequate to provide for any increased parking need.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject premises and use of the premises are a pre-existing nonconforming structure and use.

It is the finding of this Authority that the proposed expansion of the pre-existing nonconforming building by the addition of a 7 foot by 8 foot vestibule and a 16.5 foot by 31.5 foot one-story addition shall not be substantially more detrimental to the neighborhood than the existing structure as both additions are in conformance with all current Zoning requirements and will neither intensify the existing nonconformance nor create new nonconformity.

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Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing for the construction in accordance with the submitted plot plan and construction drawings, subject to the following conditions:

1. Prior to the issuance of a building permit, at least two test pits shall be dug on the site, and calculations and a design of an on-site drainage system capable of handling a 25 year storm event shall be submitted to the Assistant Town Engineer for his approval. A letter of approval of the calculations and design plan shall be submitted to the office of the Board of Appeals.
2. Prior to the issuance of a Certificate of Occupancy, verification of the completion of the aforementioned drainage system by the Engineering Department shall be received in the office of the Board of Appeals.
3. The building and improvements shall be and continue to be used exclusively for professional offices of not more than three dentists and/or medical doctors.
4. All parking of vehicles belonging to practitioners, staff and patients shall be in the parking lot on the premises. No parking related to the use of the building shall be on Washington Street, or on any adjacent street.
5. No snow shall be piled within a distance of five feet from the rear property line at any time.

The Inspector of Building is hereby authorized to issue a building permit upon receipt and approval of a building application and detailed construction plans, and further subject to completion of Condition One in this decision.

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.

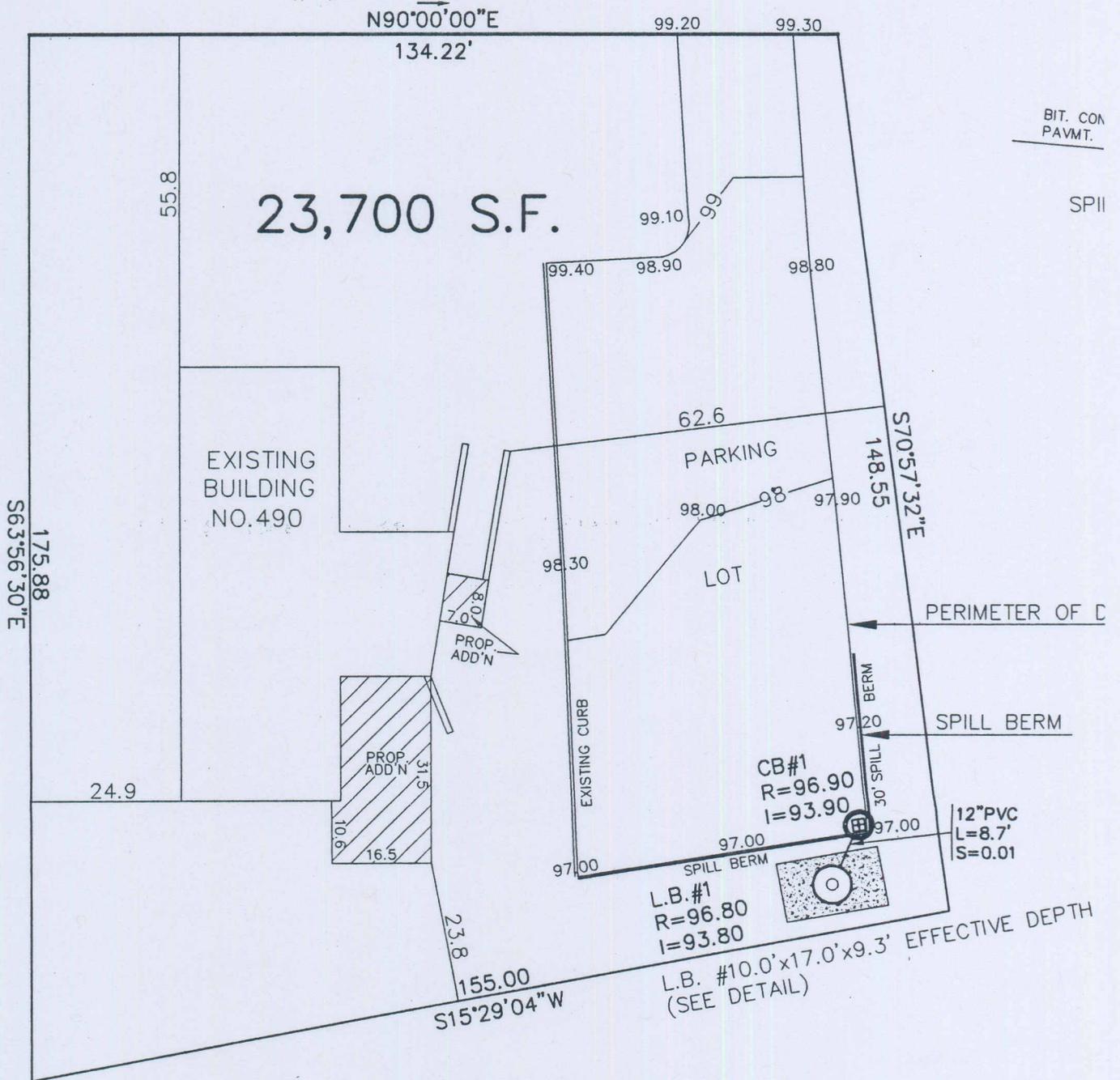
Cc: Planning Board
Inspector of Buildings
edg

Kendall P. Bates, Chairman

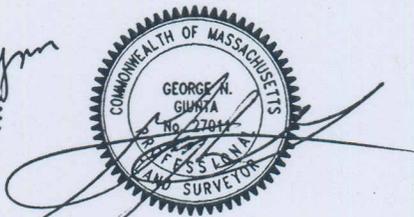
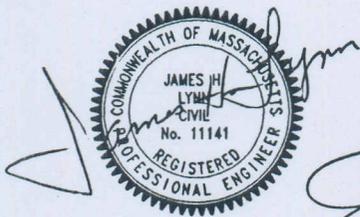
William E. Polletta

Robert W. Levy

WASHINGTON (PUBLIC 1950 LAYOUT) ST.



NOTE:
RUNOFF FROM THE 100 YEAR STORM
WILL BE RETAINED ON SITE



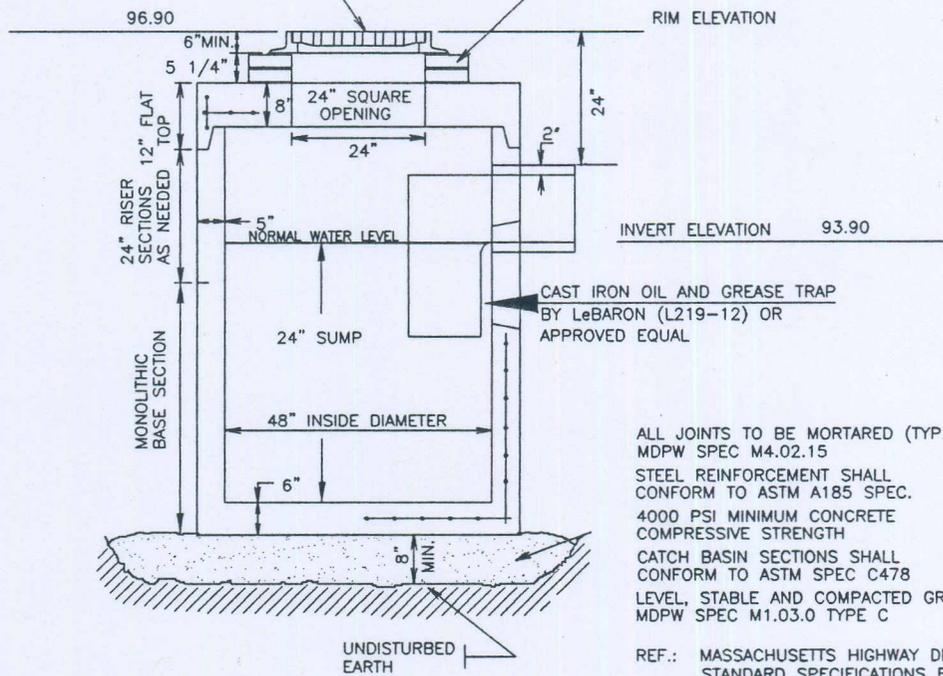
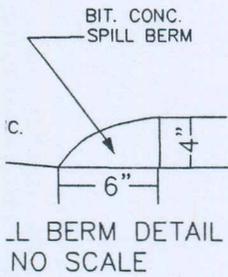
DRAINAGE PLAN OF PARKING LOT
FOR BUILDING NO. 490 WASHINGTON ST.

FOR
PLAN OF LAND
WELLESLEY, MASS.

FEB. 21, 2003 SCALE 1"=20'
NEEDHAM SURVEY ASSOCIATES, INC.
281 CHESTNUT ST.
NEEDHAM, MA. 02492

CATCH BASIN FRAME AND GRATE SHALL BE LEBARON LF248-2 3 FLANGE OR APPROVED EQUAL

ADJUST RIM TO MATCH GRADE SHOWN AND CROSS SLOPE WITH TWO (2) COURSES OF RADIALLY PLACED RED BRICK AND MORTAR MDPW SPEC M4.05.2 (RED BRICK) MDPW SPEC M4.02.15 (MORTAR)



ALL JOINTS TO BE MORTARED (TYP.) MDPW SPEC M4.02.15
 STEEL REINFORCEMENT SHALL CONFORM TO ASTM A185 SPEC.
 4000 PSI MINIMUM CONCRETE COMPRESSIVE STRENGTH
 CATCH BASIN SECTIONS SHALL CONFORM TO ASTM SPEC C478
 LEVEL, STABLE AND COMPACTED GRAVEL BASE MDPW SPEC M1.03.0 TYPE C

REF.: MASSACHUSETTS HIGHWAY DEPARTMENT (MDPW) STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES, 1988 EDITION

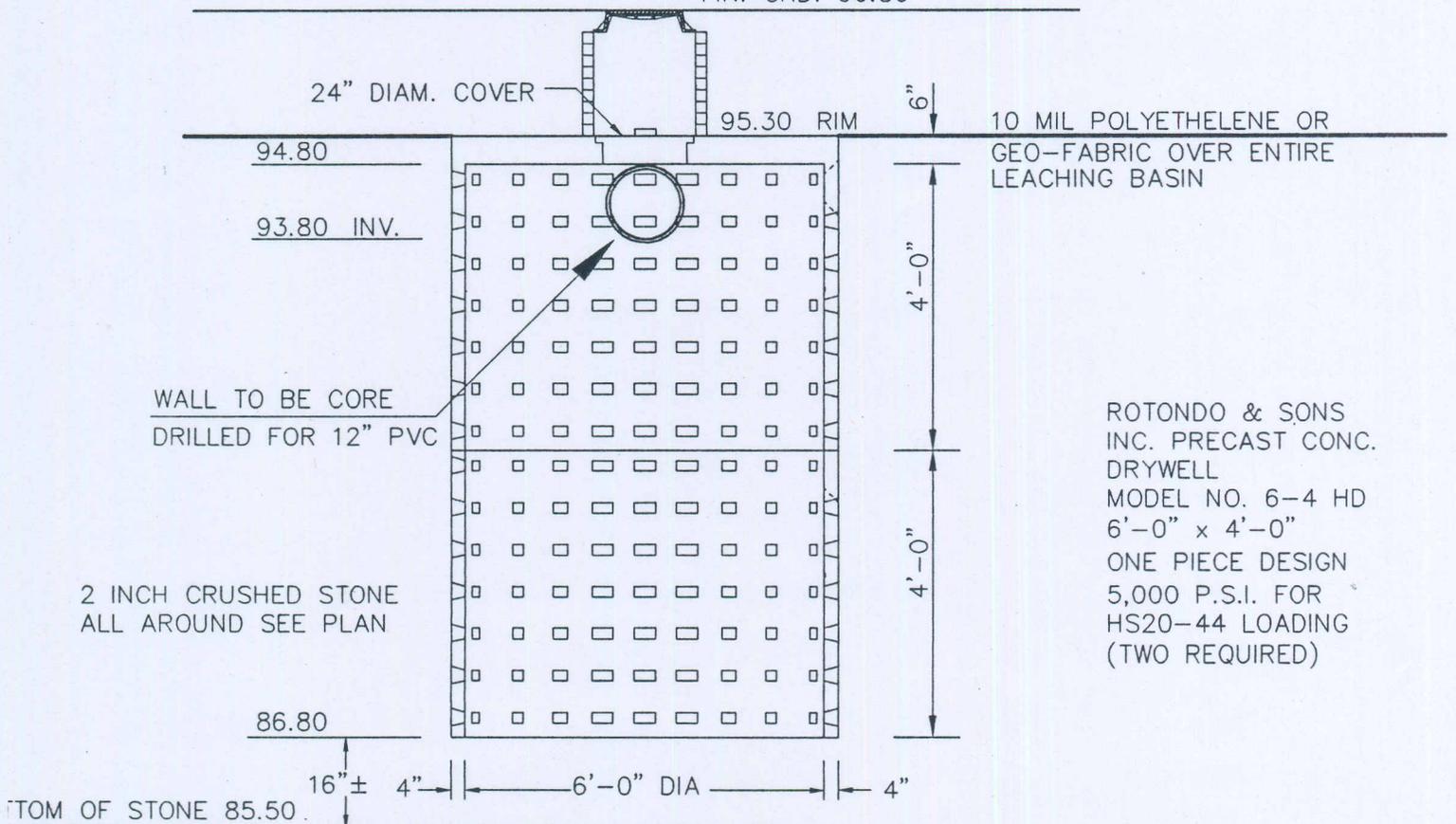
CATCH BASIN DETAIL

NOT TO SCALE

DRIVEWAY

CLEANOUT RISER WITH LEBARON L 101 FRAMES & COVERS

FIN. GRD. 96.80



ROTONDO & SONS INC. PRECAST CONC. DRYWELL MODEL NO. 6-4 HD 6'-0" x 4'-0" ONE PIECE DESIGN 5,000 P.S.I. FOR HS20-44 LOADING (TWO REQUIRED)

NESTED DRY WELLS FOR L.B.#1

NOT TO SCALE