

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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ZBA 2006-49

Petition of Unitarian Universalist Society of Wellesley Hills
311 Washington Street

Petition of UNITARIAN UNIVERSALIST SOCIETY OF WELLESLEY HILLS requesting a Special Permit pursuant to the provisions of Section II A 8 (j) and Section XXV of the Zoning Bylaw for non-accessory use of off-street parking spaces in its existing parking lot at 311 WASHINGTON STREET, in a General Residence District, which is a use not allowed by right.

On May 22, 2006, the petitioners 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 Craig Latham, who said that he was representing the Church. He said that they are requesting a Special Permit to allow for paid parking in their existing parking lot. Mr. Latham distributed a parking plan that showed three areas outlined in different colors. The pink area, located at the west side of the property, abuts the residential property at 323 Washington Street, and contains 11 parking spaces. The green area is located in the middle of the parking lot and contains 11 parking spaces. The blue area is located at the back of the lot, away from Washington Street, abuts the proposed Play Area, and contains 5 parking spaces.

Mr. Latham said that the green area is the one that they discussed with their neighbor and they agreed that would probably be the best place for the paid parking. The cars would be furthest away and would face away from Mr. Zuretti's property. Mr. Latham said that paid parking would not be allowed in the area that is outlined in pink. There would be additional paid parking in the blue area at the back of the lot if the green area was filled.

The Board asked what type of vehicles are anticipated to park there. Mr. Latham said that they anticipate that it will be day parkers from professional buildings across the street. It would be people who come to work in the morning, park their car, and then leave at the end of the day. Mr. Latham said that they hope to have long-term arrangements with the businesses across the street.

The Board asked if they would contract with individuals. Mr. Latham said that if individuals contacted them, they would be willing to do business with them.

The Board confirmed that commercial vehicles will not be parking there.

The Board asked about overnight parking. Mr. Latham said that they would control that to the best of their ability.

The Board asked about lighting. Mr. Latham said that there is lighting that goes off on a timer between 11 p.m. and midnight.

The Board asked if the parking spaces will be assigned on a monthly basis. Mr. Latham said that they will be.

The Board asked about controlling access to the spaces by people who have not paid for them. Mr. Latham said that it has not been a problem. There is a lot of activity going on the east side of the parking lot with people dropping off for the daycare and seniors coming in for programs. He said that people do not typically leave their cars on the west side.

The Board asked about the total number of parking spaces. Mr. Latham said that there are approximately 65 spaces. He said that they are asking for the Special Permit for 15 spaces. He said that they have never had more than eight people ask them for spaces.

The Board asked about accessibility if there was a Church activity that required the use of more than 50 spaces. Mr. Latham said that the understanding that they had in the past was that the renters would be asked to find other parking if there was a funeral or a wedding.

The Board asked how often there are evening events during the week. Mr. Latham said that they frequently have evening events. The Board said that it would limit the hours to 8 a.m. to 7 p.m., Monday through Friday for the non-accessory parking.

David Zuretti, 323 Washington Street, said that he is an abutter to the Church. He said that there is 193 feet of joint border between the properties. He said that the current parking begins about 20 feet from the street and continues back about 90 feet. There are three rows of cars. The red area is 25 feet from his house. The green area is approximately 45 feet away.

Mr. Zuretti said that he has lived in the house for 2 ½ years and has never been bothered by the parking. He said that he is supportive of the 8 a.m. to 7 p.m., Monday through Friday limitation.

Mr. Zuretti said that he spoke with Church representatives. He said that the least invasive parking to him would be in the blue area. He said that he cannot see those spaces from his house.

Mr. Zuretti said that the normal flow is not offensive. Senior activities between 9 a.m. and noon are not a problem. There are two nights a week when the whole parking lot is full. He said that he has three bedrooms at that side of the lot. He would prefer that the Church use the back lot as much as possible.

Mr. Zuretti said that to look out at ten cars parked in the middle bay all day will have the appearance of a commercial parking lot to him. He said that the Church installed an 11-foot buffer to the asphalt when they created the lot in 1997. They were only required to leave five feet. There are some tall trees but he would like to have more screening there.

Mr. Zuretti said that the distance from the front of his house to the street is 60 feet. The Board said that it is reasonable to require that the blue spaces be used first. The spaces closest to the street in the green area should be used so that cars are not parked in the setback area where the house is.

Virginia Murray, 114 Forest Street, asked if commuter train parking would be allowed. Mr. Latham said that they are looking to have people who come and go at reasonable hours. He said that they do not have any specific objection to commuter train parking.

The Board asked about enforcement of the designated hours. Mr. Latham said that they could have a written agreement in place. The Church Administrator has the authority to revoke parking permits.

The Board asked about the history of paid parking in the lot. Mr. Latham said that they had paid parking for a few years but stopped it when the bylaws changed. They previously had six or seven cars parked there.

The Board said that the Special Permit, under the bylaw, is subject to annual review.

The Board said that spaces shall be assigned to monthly parkers only. There shall be no overnight parking and lights shall be out by 10 p.m. The hours of operation shall be between 8 a.m. and 7 p.m., on Mondays through Fridays. Parking shall take place in the blue area at the back of the lot. When the blue parking area is full, parking shall be in the spaces closest to Washington Street in the green area. There shall be no parking in the pink area.

The Board said that the Planning Board had no objection to granting the request.

Statement of Facts

The subject parking lot is located at 311 Washington Street, in a General Residence District. The petitioner is requesting a Special Permit to allow for non-accessory use of 15 off-street parking spaces in its existing parking lot, which is a use not allowed by right.

The designated parking spaces are intended for daytime use by business professionals.

A parking plan, taken from a Landscape Plan, dated 7/20/99, drawn by Richard Burck Associates, Inc., and an aerial photograph were submitted.

On June 6, 2006, the Planning Board reviewed the petition and had no objection to granting the request. The Planning Board said that hours should be limited.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. A Special Permit is required pursuant to Section II A 8 (j) of the Zoning Bylaw, as the requested use of the parking lot for non-accessory off-street parking for 15 vehicles in the existing parking lot is not a use allowed by right in a General Residence District.

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It is the opinion of this Authority that the non-accessory use parking shall not cause significant disturbance or disruption of any residential neighborhood, shall not detract from the use of the parking lot for the accessory use, or reduce landscaping or screening areas, subject to the following conditions:

1. Hours of operation shall be from 8 a.m. to 7 p.m., Monday through Friday.
2. Parking spaces shall be assigned on a monthly basis only.
3. There shall be no overnight parking.
4. Parking shall be assigned to the blue area at the back of the lot. Parking shall be assigned to the spaces closest to Washington Street in the green area when the blue parking area is full. There shall be no parking in the pink area.
5. Lighting shall be turned off by 10 p.m.
6. The Special Permit shall expire one year from the date time-stamped on this decision.

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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.

Richard L. Seegel, Chairman

J. Randolph Becker

Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm