



ZONING BOARD OF APPEALS

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ZBA 2014-423 L.M.
 Petition of Paul Crowley
 55 William Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 5, 2014, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of PAUL CROWLEY requesting a Special Permit pursuant to the provisions of Section IX A. 2 and Section XXV of the Zoning Bylaw for accessory use for an existing restaurant that will consist of 12 tables and 48 chairs for general seating outdoors, at 55 WILLIAM STREET, which is a use not allowed by right in an Administrative and Professional District but may be authorized after determination by the Special Permit Granting Authority that the proposed use is similar to one or more of the uses specifically authorized in the bylaw.

On May 19, 2014, 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 Patrick O'Toole, representing John Hancock and Paul Crowley, (the "Petitioner").

Mr. O'Toole said that the request is for a rear patio at 55 William Street for the Unidine Café that services the Wellesley Office Park.

Mr. O'Toole said that there are ten Unidine employees and approximately 600 customers daily. He said that there is no exterior signage to let the public know that the restaurant is there.

Mr. O'Toole said that the patio will be 76 feet long by 23.9 feet wide including a 4 foot planting bed adjacent to the parking lot. He said that they will be adding a couple of electric vehicle charging stations.

The Board asked if Unidine only draws from 55 William Street. Mr. O'Toole said that it draws from the entire park.

The Board said that the hours of operation are listed as 8 am to 3:30 pm, Monday through Friday. The Board asked about operating hours for 55 William Street itself. Mr. O'Toole said that there is a fitness center and café the on the ground floor with business offices on the upper floors. He said that there is a roll down screen so that the café cannot be accessed after 4 pm. He said that the customers are from the park and most of them leave at 5 pm.

The Board asked about onsite circulation to the outdoor dining. Mr. O'Toole said that there are two entrances, one on the east side and one on the west side of the café. He said that there is a door from the café that leads out to the patio.

The Board asked if any outdoor cooking is anticipated. Mr. O'Toole said that there is not. He said that it will just be a seating area. He said that the use will be seasonal.

The Board confirmed that the drainage from the patio will be collected and reinjected underneath the slab.

The Board said that in other cases that came before the Board for patios, the patios have been located in the Linden Square District or the downtown Commercial District, both of which specifically identify restaurants as eligible for a special permit. The Board said that the bylaw for Administrative/Professional Districts is silent on the use as a restaurant. The Board said that any action that the Board takes would be concluding that one of the accessory uses under a Single Family District, which is the first thing that the Board can issue a permit for in an Administrative/Professional District, allows this use.

Michael Zehner, Planning Director, said that under the Single Family Residential District, which is included under the Administrative/Professional Districts, it does indicate that such accessory uses as are customary in connection with the uses enumerated in clauses 1,2,3,4,5, or 6, are incidental thereto. He said that the accessory use clause does not carry over to Administrative/Professional use. He said that this application is based on Section IX A.2, Administrative and Professional District, for any additional use for which a special permit may be obtained in accordance with Section XXV after the determination by the Special Permit Granting Authority that the proposed use is similar to one or more of the uses specifically authorized by this Section. He said that the bylaw is silent on accessory uses to offices. He said that there is a provision that allows the Board to determine whether a canteen or cafeteria, but not a restaurant, is close enough to the office use. The Board said that the café is not open to the public or drawing people to the park.

The Board said that the café is a pedestrian accessed point of service, which is why there is no site plan for vehicle circulation.

Mr. O'Toole said that service is cafeteria style.

There was no one present at the Public Hearing who wished to speak to the petition.

Statement of Facts

The Petitioner is requesting a Special Permit pursuant to the provisions of Section IX A. 2 and Section XXV of the Zoning Bylaw for accessory use for an existing restaurant that will consist of 12 tables and 48 chairs for general seating outdoors, at 55 William Street, which is a use not allowed by right in an Administrative and Professional District but may be authorized after determination by the Special Permit Granting Authority that the proposed use is similar to one or more of the uses specifically authorized in the bylaw.

Architectural A-01-01, Landscape L-01-01 & L-01-02, Construction, Finishes, and Dimension Plan, dated 5/7/14, Proposed Exterior Patio, dated 5/5/14, Existing Conditions, dated 1/28/14, & Master Plan, dated

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5/6/14, prepared by DBW-W Architects, Proposed Planting on perimeter, Plantings, 2008 Building Permit, and photographs were submitted.

On May 30, 2014, the Planning Department Staff reviewed the petition and recommended that granting the request be deferred until additional information is presented.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. Accessory use for an existing restaurant that will consist of 12 tables and 48 chairs for general seating outdoors, at 55 William Street, is a use not allowed by right in an Administrative and Professional District but may be authorized after determination by the Special Permit Granting Authority that the proposed use is similar to one or more of the uses specifically authorized in the bylaw.

It is the opinion of this Authority that accessory use for an existing restaurant that will consist of 12 tables and 48 chairs for general seating outdoors is similar to one or more of the uses specifically authorized by Section IX of the Zoning Bylaw.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for accessory use for an existing restaurant that will consist of 12 tables and 48 chairs for general seating outdoors, subject to the following conditions:

1. There shall be no outdoor cooking.
2. This Special Permit shall expire two years from the date time stamped on this decision.

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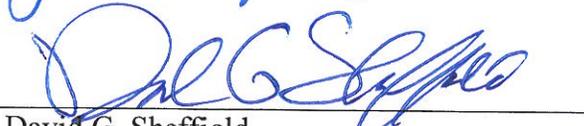
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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



J. Randolph Becker, Acting Chairman



David G. Sheffield



Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm