

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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ZBA 2014-71

Petition of Permanent Building Committee
27 Cedar Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 21, 2014, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of PERMANENT BUILDING COMMITTEE requesting a Variance pursuant to the provisions of Section XXI, Subpart 3. DESIGN a. and Section XXIV D of the Zoning Bylaw to widen an existing drive aisle between a row of perpendicular parking spaces and a row of parallel parking spaces to 21 feet where a width of 24 feet is required. The property is located at 27 CEDAR STREET, in a Single Residence & a Water Supply Protection District.

On July 22, 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 were Matt King, Chairman, Permanent Building Committee, Joel Seeley, SMMA, Mike Burton, Dore & Whittier, Steven Agostini, Agostini Construction Co. Inc., Christopher Racine, Civil Engineer, John Hart, Senior Civil Engineer, and Jennifer Soucy, Project Architect.

Mr. Seeley said that the project will include parking lot and access drive reconstruction. He said that there will be queuing improvements with respect to parent morning drop off and afternoon pickup by means of geometric changes to the roadway and parking layout.

Mr. Racine said that the existing driveway and the parking area south of the building have a 21 foot drive aisle between the parallel and perpendicular parking. He said that the request is for a variance to maintain that at 21 feet, primarily due to the existing slope at the curb line. He said that there is a steep upgradient beyond the parking area.

Mr. King said that, in their discussions with DRB, they determined that this is for the most part fixed parking for staff. He said that there is no high turnover or pedestrian access. He said that creating more impervious space and cutting into the slope to build a retaining was considered to not be optimal. The Board asked if that was based on environmental or cost concerns. Mr. King said that it was an environmental concern. He said that Permanent Building Committee's (PBC) mission is to decrease impact or footprint. He said that there is a cost component with regards to maintenance. He said that once they build a retaining wall, it will be there for quite a while. He said that there would be costs associated with construction and maintenance.

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The Board asked about reducing the drive aisle to 20 feet and having a three foot sidewalk. Mr. Racine said that three feet would not be a compliant walkway. The Board said that there is no option where everything will comply.

The Board voted unanimously to continue the hearing to September 16, 2014.

September 16, 2014

Mr. Racine said that there had been a question about the parallel parking spaces south of the building. He said that the 7 foot wide dimension is for compact parking spaces. He said that they have decided to keep that as compact with designated compact parking signage. He said that, in doing so, they will keep the proposed 21 foot drive aisle and the request for a variance to not meet the 24 foot requirement in the bylaw.

The Chairman read questions from an email from Jan and Dick Hyson, 31 Cedar Street. The Board read point number 4 regarding a variance for nonconforming parking behind the school building causing concern since those spaces are not exclusively used by staff. The Hysons questioned how much parking could be generated by creating a retaining wall south of the school and developing that space into an important multi-use parking facility for the property. Mr. King said that they have looked intensely at the area at the rear of the building. He said that, given the slope of the land there, a retaining wall would need to be monumental to pick up the need. He said that there would be financial and maintenance considerations associated with the retaining wall. He said that they found that would not be a viable solution.

The Board discussed parking at the southerly side of the gym. The Board said that there are 13 regular parking spaces, then a 21 foot aisle and then 7 foot parallel parking at the edge of the pavement. The Board confirmed that that is the only maneuvering aisle that is less than the required 24 feet.

Statement of Facts

The subject property is located at The subject property is located at 27 Cedar Street, on an 12.58 acre lot in a 10,000 square foot Single Residence District and a Water Supply Protection District.

The Petitioner is requesting a Variance pursuant to the provisions of Section XXI, Subpart 3. DESIGN a. and Section XXIV D of the Zoning Bylaw to widen an existing drive aisle between a row of perpendicular parking spaces and a row of parallel parking spaces to 21 feet where a width of 24 feet is required.

Plot Plan, dated 7/14/14, Existing Conditions Plan and Parking Plan, dated 7/14/14, revised 9/9/14, stamped by John C. Hart, Professional Civil Engineer were submitted.

On August 19, 2014, the Planning Board reviewed the petition and recommended that the Variance be granted with conditions.

Decision

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This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that granting a Variance from the Zoning Bylaw to widen an existing drive aisle between a row of perpendicular parking spaces and a row of parallel parking spaces to 21 feet where a width of 24 feet is required is appropriate as the literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner, owing to circumstances relating to the shape of the lot and topography, especially affecting such land or structures but not generally affecting the zoning district in which it is located; and the hardship is not self-created. Desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested Variance from the terms of Section XXI, Subpart 3. DESIGN a. is granted to widen an existing drive aisle between a row of perpendicular parking spaces and a row of parallel parking spaces to 21 feet where a width of 24 feet is required.

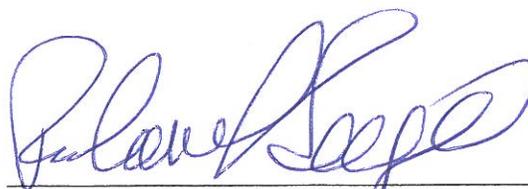
If construction has not commenced, except for good cause, this Variance shall expire one year after the date time stamped on this decision.

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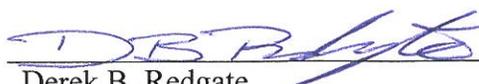
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



Richard L. Seegel, Chairman



J. Randolph Becker



Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm