



## ZONING BOARD OF APPEALS

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

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ZBA 2016-61  
 Petition of John Hancock Financial  
 55 William Street

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 2016 SEP 22 P 12:18

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 8, 2016, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of John Hancock Financial requesting renewal of a Special Permit that was previously granted on June 19, 2014 (ZBA 2014-43) pursuant to the provisions of Section IX A.2, Section XIVB 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 and a Flood Plain 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 July 26, 2016, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

A Board member said that for matters of disclosure, he is a tenant in Wellesley Office Park at 80 William Street. He said that he did not feel that he has a conflict sitting for this petition.

Presenting the case at the hearing was Patrick O'Toole, Project Manager, John Hancock Financial. He said that they have successfully built the patio and the Building Inspector has signed off on it. He displayed photographs of the patio to the Board (retained by Proponent).

A Board member said that this has been good for the Office Park. He said that an existing condition is that there shall not be any outdoor cooking. He said that people have been asking for barbecue. Mr. O'Toole said that the Fire Department does not want any propane out there.

The Board said that the previous approval was for two years but this time it can be granted for three years.

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

#### Statement of Facts

On June 19, 2014, the Zoning Board of Appeals granted a Special Permit for accessory use for an existing restaurant that will consist of 12 tables and 48 chairs for general seating outdoors.

The Petitioner is requesting renewal of a Special Permit that was previously granted pursuant to the provisions of Section IX A.2, Section XIVB 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, which is a use not allowed by right in an Administrative and Professional District and a Flood Plain 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 September 7, 2016, the Planning Board reviewed the petition and recommended that the Special Permit be granted.

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 and a Flood Plain 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 and Section XIVB 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 three years from the date time stamped on this decision.

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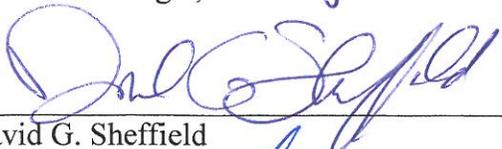
ZBA 2016-61  
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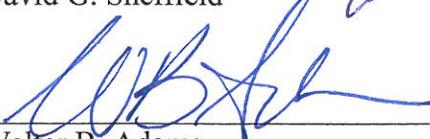
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APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.

  
Richard L. Seegel, Chairman

  
David G. Sheffield

  
Walter B. Adams

cc: Planning Board  
Inspector of Buildings  
lrm