

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

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Petition of Luster Delany
(Angelo DiGiando)

Pursuant to due notice the Board of Appeal held a public hearing in the hearing room on the second floor of the Town Hall at 8:00 p.m. on September 26, 1968, on the petition of Luster Delany, requesting permission to construct, on the premises located at 722 Worcester Street and now owned by Angelo DiGiando, a medical institution, specifically a convalescent or nursing home, as provided under Section II 8 (d) of the Zoning By-law.

On July 24, 1968, the petitioner requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Luster Delany and Louis Rubenstein spoke in support of the petition and outlined their proposed development of the property involved.

Angelo DiGiando, owner of the property, also spoke in favor of the request.

The Planning Board favored the proposed use of the land in its report provided that certain conditions were met as to capacity of the facility, setback, available parking, landscaping and architectural characteristics.

Donald Babson, Chairman of the Planning Board stated that the Planning Board favored the use of the land for a nursing home and that the proposal is consistent with the comprehensive plan prepared for the Town several years ago. He expressed the view that single-family residential development of the area was unlikely. He suggested that the number of patients be limited to no more than one hundred and that the rear of the building should have a 50' setback rather than a 20' setback as required for a single residence.

Edward Walper, attorney represented Dr. and Mrs. Minkin, owners of the property at 694 Worcester Street, opposed the granting of the special permit. The Minkins obtained permission from the Board of Appeal to conduct a nursing home closeby and it is their position that placing another nursing home practically next door to the one to be constructed would substantially reduce the value of their property and would create problems for both and the Town in general, and create an overcrowding of nursing homes in one area.

Letters of objection were submitted from seventeen nearby property owners.

John P. McMahon, 98 Oak Street, spoke for himself and on behalf of a number of nearby property owners. In his opinion and those he represented, the proposed construction of a convalescent or nursing home on the premises involved, would have two immediate and long-term serious effects for the owners of adjoining residential property. First, an inevitable damaging result on the

values of any residential property from the introduction of a business in the neighborhood, and secondly, all the owners of the present attractive and well-kept residences adjoining the premises involved would suffer diminution of present and future enjoyment of their home ownership, not only for themselves but for their children as well. He contended that this was something the Town of Wellesley assured to them when it developed its present Zoning requirements, and something a Town does not take away from any of the owners of residential property by granting a variance for a purely business venture. He pointed out the close proximity of the proposed structure to many of the adjoining residential properties and explained that the proposed structure will have an elevation of about 165 to 170 feet above sea level and that many of the adjoining properties are on land at lower than 156 feet. Therefore, most of the property owners will have an unobstructed view of the proposed structure.

He further pointed out that the adjoining property owners would have to contend daily and to some extent nightly with the activities and conditions of the service area in the rear of the building and in addition, there would be a possibility of the continued noise of air conditioning equipment during the hotter seasons of the year. It was further pointed out that there would be traffic problems as only 35 parking spaces were being provided and there will be days when visiting patients is at a high level which will cause an overflow, and these cars may well park on Oak, Ivy and School Streets, and will aggravate the undesirable volume of traffic at present within the area. The many cars (ambulances, visitors, business callers and hearses) which would approach the nursing home on Route 9, would create a problem making a left turn in the west-bound lane. He stated that a similar variance has already been granted for a nursing home closeby and to allow another would be, in his opinion and others, a detriment to the residential character of the neighborhood and thus to the Town of Wellesley.

Several other nearby neighbors spoke in opposition to the granting of the request.

Statement of Facts

The property involved which contains 71,990 square feet, is located on Worcester Street (Route 9) within a Single-residence District requiring a minimum lot area of 10,000 square feet.

The petitioner has a purchase and sale agreement to purchase the property involved conditioned on obtaining from this Board the required permission to construct a nursing home. Petitioner proposes to build a nursing home which will accommodate 120 patients with forty-six beds on the first floor and seventy-four beds on the second floor. It is to be a two and one-half story brick building with the half story in the rear where the land slopes down. The area of the building will be 15,100 square feet and parking space will be provided for thirty-four cars, with additional facilities to be provided if necessary. A staff will consist of six registered nurses and about twelve other people will be in attendance.

It was pointed out that the land involved is swampy with a large depression and a brook running through it which makes it unrealistic to develop it into house lots. It was stated that if the land were bought for \$1.00 per lot, the cost of filling, etc. would be more than the lot of land would sell for. As a result the proposed nursing home would be an economic use of the land. It is proposed to clean out the brook, and install a culvert,

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which will greatly improve the present condition of the brook.

It was the petitioner's further contention that the proposed use of the property would not substantially reduce the value of any property within the district and would not be otherwise injurious, obnoxious or offensive to the neighborhood.

Plans were submitted showing the elevations of the building as well as the first and second floor layouts. A plot plan was also submitted, drawn by John F. Hennessy, dated July 23, 1968, which showed the location of the proposed building on the lot as well as the proposed parking spaces to be provided. A landscape plan, drawn by M. E. Hennessy Co., Brookline, was also submitted which showed the proposed planting list and the proposed location of the plantings.

Decision

The Board has examined the plans submitted and the locus and has carefully considered the evidence introduced as well as the arguments submitted by those who appeared in opposition.

The Board feels that there is substantial evidence that single-family residential development would not be the best use of the locus and that such use might not be in the best interest of the Town. Moreover, it appears that substantial and perhaps prohibitive expense would be involved in preparing the land for single-family residential development.

However, the Board feels that the plan submitted would prove detrimental to the neighborhood as well as to the Town. The unusual shape and shallow depth of much of the lot make for a very difficult set-back problem. The proposed building, in the opinion of this Board, is too close to the single-family dwellings in the rear and the parking is too close to the surrounding residential area, both of which could prove to be disturbing to the abutters. Petitioner stated that financing and other considerations precluded any curtailment of the proposed capacity of the facility or any increase in the setback of the building from the rear of the lot.

For these and other reasons, the Board feels that the proposed use of the property as submitted to the Board would substantially reduce the value of properties within the district, and would be injurious, obnoxious and offensive to the neighborhood.

Accordingly, the request is denied and the petition dismissed.


Richard O. Aldrich


Dana T. Lowell


F. Lester Fraser

Filed with Town Clerk _____