

TOWN OF WELLESLEY



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BOARD OF APPEAL

1970 DEC 22 PM 2:01

RICHARD O. ALDRICH
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KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Petition of Joseph G. Nason, Norman L.
Kasparson, Trustees, under a
Declaration of Trust

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 8:40 p.m. on June 25, 1970, on the petition of Joseph G. Nason, Norman L. Kasparson, Trustees under a Declaration of Trust, requiring approval of plans pertaining to the proposed construction of a building to be located on the South side of William Street No. 26, within an Administrative and Professional District in accordance with the requirements of Section IX of the Zoning By-law with the following exceptions: The petitioner requested a special exception to Section IX 2 (f) (i) to permit the proposed building to be erected to a height in excess of that permitted under Section XX. The petitioner further requested under Section IX, a special exception to Section IX 2 (e) to permit the parking of motor vehicles other than transient motor vehicles between the building and principal street line.

On May 23, 1970, the petitioner filed its request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

The petitioner was represented at the hearing by Norman B. Leventhal.

Robert Brannen, Architect, spoke in support of the petition.

The Planning Board in its report stated that the petitioner's requests involve departures of considerable magnitude from the requirement of the Zoning By-law, and suggests that such departures should not be approved.

Statement of Facts

The lot involved is part of a parcel of land located within an Administrative and Professional District and contains 224,040 square feet. It is proposed to construct a building to be used for purposes allowed within the District. There are four existing buildings within the area and the proposed building is to be similar to those already erected. The building, if built, will cover 14.93% of the lot with facilities for parking of motor vehicles containing an area of 126,699 square feet, which will provide space for 405 cars.

Plans showing the location and elevations of the proposed building, the proposed exterior materials, provision for off-street parking facilities, interior roads and driveways, water, sewage disposal, drainage and landscaping were submitted.

In addition to the submittal of plans for approval, the petitioner seeks an exception from the terms of Section XX of the Zoning By-law which will permit the erection of a building which exceeds the limitation of forty-five feet or three stories. It is proposed to construct a building which will be 45' from the top of the foundation wall to the roof line with a two foot three inch parapet added. The service core containing toilet rooms, elevators and mechanical equipment rises to a height of sixty-one feet eight inches (61'8"). It was pointed out that the exception would not cause congestion of traffic or population or interruption of light and air or result in a detriment to the owners or occupants of nearby land. The owners and architects feel that the mechanical system proposed for this building is superior to that of their prior buildings where the mechanical equipment has been placed on the roof and for which previous exceptions have been made by this Board. The bulk of the building will be three stories and 45' in height. If the building must be re-designed so as to accommodate all of the mechanical equipment within the 45' limitation, in order to avoid economic hardship, the ground coverage of the building will have to be increased, the parking area will have to be increased with a resulting loss of landscaped green area.

The petitioner further seeks an exception to permit other than transient parking in the area between the building and William Street on the North, that portion of William Street which is the principal street line.

It is felt by the petitioner that a literal enforcement would cause a substantial hardship in that green areas would have to be invaded for parking or the building area would have to be decreased which would make its construction economically marginal. It was pointed out that the lot fronts on streets on three sides and substantial amounts of space have been used on the West to terrace the parking for esthetic effects. There is a substantial rise in the grade from West to East. Parking on a slope could be provided but it would derogate from the landscape plan and the general attractiveness of the development.

It was further pointed out that the sub-basement will be used only for storage and mechanical equipment. No space will be rented for human habitation and its existence will not increase the number of persons in the building or the number of automobiles driven to the area. It is felt that the sub-basement is not "floor area" within the meaning of the Zoning By-law which refers only to basements. If it is, the petitioner requests an exception to permit the reduced parking area.

Decision

The Board has examined the various plans submitted, and finds that they show compliance with the provisions of subparagraphs (a), (b), (d), and (e) of Section IX 2 of the Zoning By-law and that adequate provision has been made by the petitioners for the matters of public interest referred to in subparagraph (f) with the exception of (f) (i) and IX 2 (e).

The Board finds that an exception can properly be granted from the terms of Section XX, Heights of Buildings, thus satisfying the requirements of subparagraph (f) (i) as in its opinion the proposed equipment enclosure will not cause undue congestion or traffic or population, or interruption of light and air, or result in a detriment to the owner or occupants of nearby land, and that a literal enforcement of Section XX of the Zoning By-law would cause a substantial hardship to the petitioner and is impractical considering

the need to develop a plan which is economic while at the same time complying substantially with the height restriction of the Zoning By-law and with lot coverage, parking and other applicable requirements. The bulk of the building is within the limitation of 45' and if the building were to be designed so as to accommodate all the mechanical equipment within the forty-five foot limitation, the ground coverage of the building would have to be increased, the parking area also increased with a resulting loss in landscaped green areas. Although the Board is of the opinion that the floor area of the sub-basement should properly be included in the formula for determining required parking facilities, it feels that an exception may appropriately be granted from the literal requirement of Section IX 2 (d) for any additional parking. The sub-basement area is to be used only for equipment and storage and should not result in any need for additional parking.

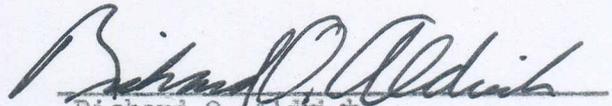
The Board further finds that an exception can be granted to the requirements of Section IX 2 (e) which will permit the parking of motor vehicles other than transient motor vehicles between the building and the principal street line. It is the feeling of this Board that literal enforcement would cause a substantial hardship to the petitioner if this were not granted. As the lot fronts on streets on three sides, it leaves a limited amount of allowable parking area for the petitioner to utilize, and would require parking on a slope which would derogate from the landscape plan.

Accordingly, the plans submitted and on file with this Board's identification: Plans L-1 and L-2, drawn by Homer T. Dodge, Professional Engineer, dated April 28, 1970, and P 6 and P 7, drawn by Pietro Belluschi and Jung/Brannen Associates, Architects, dated May 29, 1970, respectively are approved as submitted and the Inspector of Buildings is hereby directed to issue a permit for the proposed office building subject to compliance with the Building Code and the following conditions:

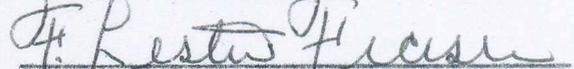
1. That all work shall be performed in accordance with the plans hereby approved.
2. That the landscaping shall be maintained to the satisfaction of this Board for the life of the building.
3. That upon completion of the building a complete set of architectural plans, including a complete set of mechanical plans, shall be submitted to this Board showing exactly how the building was constructed. Said plans shall be submitted to this Board at least ten business days prior to occupancy of the building.
4. Copy of occupancy permit issued by the Building Inspector shall be submitted to this Board.
5. That all work shall be in compliance with the requirements of the Department of Public Works of the Town.
6. The sub-basement area shall be used solely for mechanical equipment and storage.

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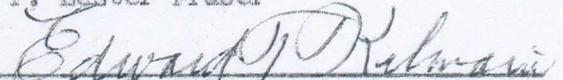
7. That approval shall be obtained from the Metropolitan District Commission, authorizing the building to drain surface drainage, if any, into the Charles River. Petitioner by proceeding with construction of the proposed building and improvements shall be deemed to have agreed to provide, at no cost to the Town, for any different or supplemental facilities for surface drainage from public premises as may be required by applicable provisions of law.
8. That a surety performance bond running to the Town shall be provided in the amount of \$50,000. in form satisfactory to Town Counsel and the Board of Appeal which shall be posted with the Treasurer of the Town of Wellesley before commencement of work. Said bond shall be conditioned on the completion of the work in accordance herewith and the performance of all conditions hereof, and shall be signed by party or parties satisfactory to Town Counsel.



Richard O. Aldrich



F. Lester Fraser



Edward T. Kilmain

Filed with Town Clerk _____

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