



BOARD OF APPEAL

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 235-1664

Appeal of the Wellesley Housing Authority

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 8:05 p.m. on December 28, 1971, on the appeal of the Wellesley Housing Authority from the refusal of the Inspector of Buildings to issue a permit to construct an addition to its Community Building at the housing project for the elderly, 503 Washington Street, adjacent to the Wellesley Police Station. The reason for such refusal was that said addition would violate the requirements of the BOCA Basic Building Code of Wellesley, Table 5, "Fire Resistance Ratings of Structural Elements in Hours," which requires a 3/4 hour rating for Exterior Walls, Less than 6' from Interior Lot Lines, and Section 305.0, Paragraph 305.1, which requires that an exterior wall erected less than six (6) feet from its adjacent lot line shall be of three-quarter (3/4) hour fireresistive construction, including opening protectives. Said addition would also violate Section XIX, of the Zoning By-law which requires a side yard at least twenty (20') feet in width. Said appeal was made under the provisions of Section 127.2 of the BOCA Basic Building Code and Chapter 40A, Sections 13 and 15, of the General Laws.

On November 20, 1971, the Inspector of Buildings notified the appellant that a permit for the proposed construction could not be granted for the above-mentioned reasons, and on November 29, 1971, an appeal was taken from such refusal. Thereafter due notice of the hearing was given by mailing and publication.

Robert A. Bastille, Architect, represented the appellant at the hearing.

Robert C. Dean, member of the Wellesley Housing Authority, stated that the Authority tried not to take any more of Norton Field than necessary and tried to locate the buildings to the best advantage on the land it had acquired from the Town. He also stated that the proposed addition increases the size of the Community Building as required by the State Housing Authority.

William H. Cruickshank, Jr., Chairman, of the Wellesley Housing Authority, also spoke in support of the request.

Statement of Facts

The property involved is a parcel of land containing approximately 49,830 square feet, located within a Business "A" District. There are five housing units on the property in addition to the Community Building involved. The appellant has acquired additional land from the Town of Wellesley adjacent to the property involved and has under construction five additional housing units designed to provide housing for the elderly.

At the hearing Robert A. Bastille, Architect for the appellant, stated that the Wellesley Housing Authority is presently building forty units for the elderly under a separate permit. In connection with this housing complex, the State Housing Authority requires that the Community Building be doubled in size and its recreation facilities be increased. Therefore, the appellant seeks permission to construct an addition 21.7' x 25.4' to the front of the existing Community Building. The proposed addition, if built, will lie 3.80' from the easterly side lot line and 4.80' from the westerly side lot line. It was pointed out that although the proposed addition will encroach into the side yard, there is ample open space on both sides. On the easterly side it abuts the Town of Wellesley Police Department property on which the Police Station stands, and on the westerly side it abuts other land owned by the Wellesley Housing Authority which is vacant. It was stressed at the hearing that the proposed additional recreational space is required by the State and the designed location appears to be the only feasible place for it.

A plot plan was submitted, drawn by Alexander Crucoli, Land Surveyor, dated November 20, 1971, which showed the existing buildings on the property as well as the proposed addition.

A further variance was also sought from the requirements of the BOCA Basic Building Code Table 5, "Fire Resistance Ratings of Structural Elements in Houses," which requires that an exterior wall erected less than six (6) feet from its adjacent lot line shall be of three-quarter (3/4) hour fireresistive construction, including opening protectives. A sample of the proposed wall board was submitted as well as a sample of the required wall board. The proposed board, it was stated, probably did not have any fire rating.

It was pointed out that the additional cost would be approximately \$500.00 if the appellant was required to comply with the requirements of the BOCA Code and it was the feeling of the appellant that undue hardship would result because of the extra expenditure.

Just prior to the conclusion of the hearing, the appellant requested leave to withdraw the request for a variance from the BOCA Basic Building Code relative to the required wall board.

Decision

It is the opinion of this Board that a real need exists for the proposed addition to the Community Building and upon examination of the plans and the locus, the proposed location appears to be the most practical place for it. The Board has taken into consideration the requirement of the State Housing Authority to provide additional recreational facilities and feels this is a reasonable request.

The property involved, however, was a part of a large tract of land owned by the Town of Wellesley on April 1, 1940, and was not held under separate and distinct ownership from adjacent lots at that time, a finding this Board must make to grant an exception under the terms of Section XIX of the Zoning By-Law. The Board, however, has considered the request under the terms of Section 15, Chapter 40A, of the General Laws and

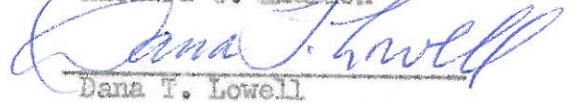
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finds that owing to conditions especially affecting such parcel but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship to the appellant and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.

Upon examination of the plan submitted and a view of the locus, it appears that the proposed addition, if built, will be approximately seventy feet from the Police Station at the nearest point on the easterly side and will abut a parcel of land on the westerly side owned by the Wellesley Housing Authority upon which it is most unlikely that a building could ever be erected.

It is, therefore, the unanimous opinion of this Board that the facts in this case satisfy the conditions set forth in the General Laws, on which the Board's authority depends to grant a variance and that the requested variance will not injure the neighborhood. A variance, therefore, is granted for the proposed addition in accordance with the plan submitted and on file with this Board. However, no variance is granted for the use of a substitute wall board the request for which was withdrawn by appellant subject to the permission of the Board which permission is hereby granted.


Richard O. Aldrich


Dana T. Lowell


Robert T. Colburn

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