



TOWN OF WELLESLEY

MASSACHUSETTS

BOARD OF APPEAL

RICHARD O. ALDRICH
F. LESTER FRASER
WILLIAM O. HEWETT

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Petition of Richard L. Pickett, William H. McKenna and Roger A. Phaneuf

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 8:30 p.m. on June 21, 1973, on the petition of Richard L. Pickett, William H. McKenna and Roger A. Phaneuf, requesting permission to construct a building on the site of the present dwelling house located at 486 Washington Street, for the purpose of providing a medical institution. Said petition was made pursuant to the provisions of Section IV and Section II 8. (d) of the Zoning By-law and Chapter 40A, Section 15, of the General Laws.

On May 30, 1973, the petitioners filed their request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Henry D. White, attorney, represented the petitioners at the hearing.

Mrs. Thomas Mix, 24 Atwood Street, stated that she felt the proposed medical building would increase traffic in the neighborhood; she further felt that if it is allowed, there should be screening provided along the abutting property lines, as the present medical building on the adjacent lot does not have screening and it has proved detrimental to her property.

Dr. Robert G. Burns, owner of the adjacent medical building, and a practicing dentist in the building, stated that he was concerned about the number of cars which might be parked in connection with the proposed building and that he was particularly concerned about the possible damage which might result to his trees from the hot top on the parking lot.

A letter was received from Ronald Despres, General Foreman, Park Division, Town of Wellesley, in which he stated in part that, in his opinion, the existing trees, on the Burns' property, have been neglected with much damage resulting from the initial paving of both drives. He opined that an additional layer of pavement would not add to the decline already present.

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The Planning Board in its report stated that it questioned whether the proposed use comprises a "medical institution" within the meaning of the By-law, and felt that it should be directed to Town Meeting as a rezoning request.

Statement of Facts

The property involved, which contains 19,300 square feet, is located within a General Residence District, requiring that there shall be provided for each dwelling hereafter constructed or placed therein a lot containing not less than 5,000 square feet for each family for whose habitation such building is designed or adapted or the minimum area required for lots in the area regulation

William H. McKenna andRoger A. Phaneuf

district in which the building is located, whichever is greater. There is a three-story, wood-frame dwelling located on the lot which is approximately seventy-five years old and now occupied as a two-family dwelling.

The petitioners desire to raze the existing building and seek permission to construct in its place a two-story medical office building 40' x 62', designed for four medical offices, three of which will be occupied by the petitioners with one additional office to be rented. The building will face Washington Street with driveways entering from both Washington Street and Morton Street. The plan makes provision for parking 21 cars on the premises which petitioners contend is more than adequate for the proposed four offices and should obviate the necessity for parking on either street.

Mr. White pointed out that in 1957, a medical building, similar to the one involved, was built on the adjacent lot, under a special permit granted by the Board of Appeal to Dr. Burns. That building provided offices for three doctors rather than four as here requested. In the Board's decision in the Burns' case, dated June 14, 1957, it stated that in its opinion, the use proposed by the petitioner is a "medical institution," within the meaning of Section 2 B 7 (d) (effective section at that time) of the Zoning By-law; therefore stated Mr. White, this proposed building is likewise a medical institution within the meaning of the Zoning By-law. He further pointed out that the Board in its decision also stated that in any event that request could be granted as a variance pursuant to the provisions of Section 15, (3) of Chapter 40A, of the General Laws of Massachusetts. He argued that the uniqueness necessary to be found under said section of the General Laws can be found in the present case. There is a house on the lot presently which before many years should be replaced, he said. He stated also that, in his opinion, although the property is located within a General Residence District, the best and most practical use of it would not be for another dwelling to be built upon it. It is on a busy street, near a railroad with nothing but business establishments of different sorts across the street; a medical building adjacent to it and a church and convent within a short distance. Although there are residential dwellings in the rear, in his opinion, the proposed use of the property would not reduce the value of properties in the neighborhood or prove harmful to the public good.

A site plan was submitted, together with elevations of the proposed building and floor plans, all were designed by C. Joseph Grignaffini, 177 Worcester Street, Wellesley, dated April 1973. Said plan also showed provision for 21 cars.

At the request of this Board, the petitioners submitted the following revised plans: a plan showing the rear elevation of the building with the elimination of the outside staircase, new larger windows added to the rear as well as other minor changes. A new site plan was also submitted, drawn by Alexander Crucoli, Registered Engineer, dated July 28, 1973, which showed the location of the proposed building on the lot as well as a new parking plan designed for 24 cars rather than 21 as previously submitted. A revised landscape plan, drawn by G. Joseph Grignaffini, dated August 28, 1973, revised September 28, 1973, was also submitted which showed the existing as well as the proposed landscaping.

Decision

The Board has made a careful study of all the facts, has examined the plans submitted and has taken several views of the locus.

It appears to be well settled that the word, "institution" both in legal and colloquial use, has application not only to a particular type of corporation, society or association, but also to the physical place or establishment where activities of a designated character are to be carried on.

The Board is, therefore, unanimously of the opinion that the use proposed by the petitioners is a "medical institution" within the meaning of Section II 8 (d) of the Zoning By-law and will not reduce the value of any property within the district, or otherwise be injurious, obnoxious or offensive to the neighborhood. The Board is also of the opinion that there is a definite need for a medical institution of this kind in this part of the Town not only for the convenient accommodation of the general populace but also to meet the requirements of the growing and now substantial group of our senior citizens residing across Washington Street in the new elderly housing complex.

Petitioners have also sought a determination that they are entitled to the relief requested as a hardship variance under Chapter 40A, Section 15 of the General Laws. While the Board is of the view that the Burns' case is factually distinguishable from the present case, it feels that it need not and therefore will not adjudicate that issue at this time.

Accordingly, the requested permission is granted and the Building Inspector is authorized to issue a building permit for the proposed building in accordance with the plans submitted and subject to the following conditions:

1. That all work shall be performed in accordance with the plans filed with and approved by this Board and in compliance with all other requirements of local and State laws.
2. That the landscaping shall be maintained on the premises to the satisfaction of this Board for the life of the building and subject to such changes as the Board may by regulation from time to time prescribe.
3. That adequate provision for sewage, drainage and other utilities shall be provided at no expense to the Town of Wellesley.
4. That the owner of subject premises shall make such additional provisions and shall conform to such regulations in respect to off-street parking, the use and the screening thereof as the Board may from time to time prescribe, including without limitation, the erecting of a screen fence satisfactory to the Board along the rear lot line.
5. That the building and improvements shall be and continue to be used exclusively for professional offices of not more than four medical doctors.

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6. 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 at least ten days prior to occupancy of the building.
7. That a surety performance bond running to the Town shall be provided in the amount of \$20,000. 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 the work. Said bond shall be conditioned on the completion of the work in accordance herewith and signed by a party or parties satisfactory to Town Counsel and this Board.

Richard O. Aldrich
Richard O. Aldrich

F. Lester Fraser
F. Lester Fraser

William O. Hewett
William O. Hewett

Filed with Town Clerk _____

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Plan of Land
in

WELLESLEY — MASS.

Scale: 1" = 30'

June 18, 1973.

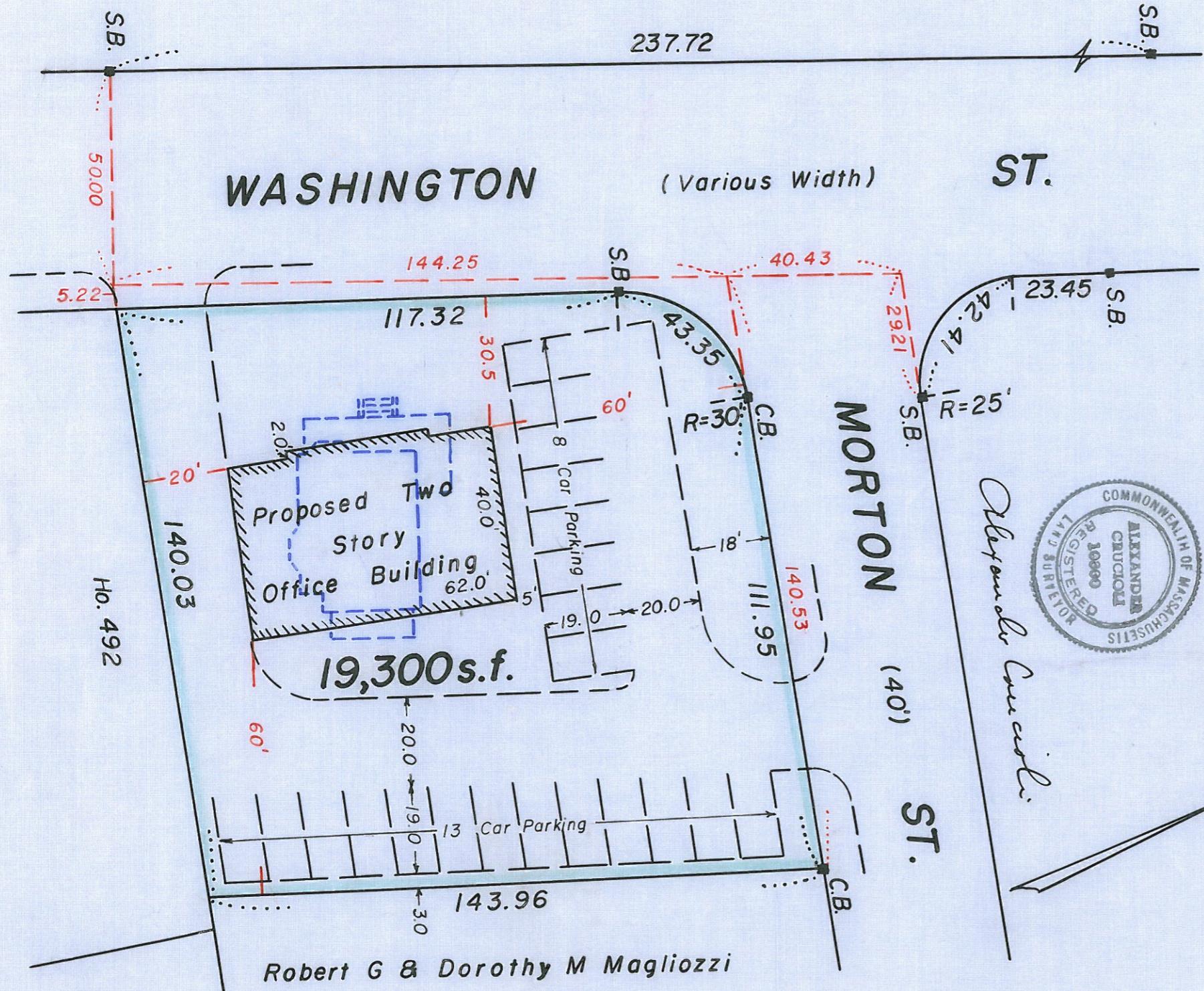
Alex. Crucioili

57 Winthrop Rd.

Chelsea, Mass.



Alexander Crucioili



Robert G & Dorothy M Magliozzi

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