



BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK  
TELEPHONE  
235-1664

Petition of Trustees of Developers Trust and  
Trustees of Town Line Trust

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 September 27, 1973, on the petition of Trustees of Developers Trust and Trustees of Town Line Trust, requesting approval of plans pertaining to the construction of an office building and related parking facilities, to be located at 100 Worcester Street on the southwesterly corner of the intersection of the private way lying between Route 128 and Dearborn Street, within a Limited Business District.

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Said request was made in accordance with the requirements of Section X of the Zoning By-law. The petitioners requested a special exception from the terms of Section X. 3 (c), which prohibits the location of any building within fifty feet of any property line abutting a private way; a further exception was requested from the terms of Section XX, Heights of Buildings, which will allow the proposed building to be erected in excess of 45 feet which is the maximum allowable height and an exception from the terms of Section XXI, Off Street Parking, D. Subpart 3. Landscaping b. which requires provision for landscaped open space within the parking area involved. A variance was also requested from the terms of Section XXII, Yard Regulations, which requires a side yard of at least 30 feet where the property line abuts a way. Said request was made under the provisions of Chapter 40A, Section 15, of the General Laws.

On August 28, 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.

Richard W. Spaulding, Executive Vice-president of Spaulding and Slye Corporation, stated at the hearing that the first building on the locus for which permission was granted by this Board a year ago, is just being completed. It is the desire of the petitioners to obtain approval of plans for the second building as well as several exceptions.

Mr. Spaulding introduced the following persons who have been affiliated with the development of the project and the preparation of the plans for the proposed building. Charles B. Twigg, Richard Thyng and Michael A. Manzo, all associated with the Spaulding & Slye Corporation, John D. Hamilton, Esquire, member of Hale & Dorr, law firm representing the Corporation, David S. Simpson with H. W. Moore Associates, and Herbert L. Hamilton, Jr. with Architects Design Group. All spoke in support of the petition during the discussion of the project and plans.

The following persons spoke in opposition to the granting of the request: Atlanta McIntosh, 255 Commonwealth Avenue, Chestnut Hill, owner of land abutting the property involved; Mrs. Donald Leamy, 41 Kingsbury Street, and Thomas B. Shea, Esquire, representing Rose Cioppa, 114 Worcester Street. Mr. Shea stated that he felt the proposed building would not be good for the neighborhood; if the request is denied, he felt that the petitioners may not

go ahead with the second and third buildings; however, if the proposed building is constructed, in his opinion, it will interfere with the light and air his client now enjoys in that area. He further stated that the petitioner had not shown a hardship as required.

Thomas W. Wildman, Jr., 3 Park Place, stated that he felt that the petitioners are doing a good job in the development of the property and his only "complaint" was whether there could be a sidewalk as it appears that there will not be one.

Joseph Webster, 13 Dearborn Street, likewise felt that the new building is an improvement to the area.

Patricia H. Rogers, member of the Town Park and Tree Board, offered no objection to the proposed planting plan.

The Planning Board, in its report, offered no objection to the proposed plans nor to the exceptions requested. They did recommend that a sidewalk be constructed along the petitioners property where it abuts Worcester Street.

Statement of Facts

The property involved which contains approximately ten acres in all, is located within a Limited Business District. It is proposed to construct a total of three office buildings in this area. The first one has just been completed in accordance with plans approved by this Board in October 1972.

The petitioners now seek permission to construct the second building, and are requesting approval of plans as required under the provisions of Section X. of the Zoning By-law, as well as four exceptions from said section. It is proposed to construct a multi-story building, on approximately two acres, with three stories above ground level plus a pent house to house mechanical equipment. The building is to be used as an office building, a use allowed within the District involved.

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

The petitioners also seek an exception from the terms of Section X 3. (c) of the Zoning By-law which will permit the northeasterly corner of the proposed building to be located 14.10 feet from a private way to be constructed adjoining the premises rather than fifty feet as required and a further exception from the provisions of Section XIX, Yard Regulations, which requires a thirty-foot setback where the property line abuts a way.

A further request is made which will allow the proposed building to exceed the 45-foot maximum height limitation by approximately 4.5 feet. The middle portion of the building will contain the cooling tower which will be the portion to exceed the height limitation. This has been the method to accommodate the cooling systems in other buildings in the Town, it was stated, and it appears to be the most practical and economical manner in which to take care of these facilities.

A further request is also made relative to the landscaping of the parking area. The parking area has one continuous row of sixteen parking

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spaces which violates the requirement that there be no more than fifteen parking spaces in a continuous row. It was pointed out, however, that the petitioners have added substantially more trees than required by the by-law and these will be placed on the periphery of the parking lot, and in their opinion, will carry out the intent and purpose of the by-law. The petitioners feel that the granting of the requested exceptions and variance, would not cause undue congestion of traffic or population, or interruption of light and air, and that literal enforcement of the by-law involved, would cause a substantial hardship.

#### Decision

The Board has made a careful study of the plans submitted and has taken a view of the locus. In its opinion, said plans with the conditions herein imposed, make adequate provision for the matters of public interest referred to in Section IIIA 2 (d) (1) (1) through (VII) of said Section.

It is the opinion of the Board that the requested exceptions from the terms of the Zoning By-law can properly be granted. The Board finds that an exception from Section XX, Heights of Buildings, which will allow the petitioners to have the cooling tower on the roof of the building, will not cause undue congestion of traffic or population, or interruption of light and air, or result in any detriment to the owners of occupants of nearby land, and that a literal enforcement of said section would cause a substantial hardship to the petitioners and would be 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. 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 and the parking area extended with a resulting loss of landscaped green areas, and a possible detrimental affect on the proposed development of the remaining property. The equipment will be screened from view and should not detract from the design of the building.

It is the further finding of the Board that the proposed cluster landscaping and the location of the northeasterly corner of the proposed building only 14.10 feet from a private way rather than fifty feet as required, will not prove detrimental; that a literal enforcement would cause substantial hardship, and that literal compliance is impractical because of the size, width, depth, shape and grade of the lot. It is the belief of this Board that the landscaping to be provided will be more attractive as placed on the plan than it would be within the parking space, in this instance, and that the location of the building in relation to the private way will be more advantageous than if it were to be located back a greater distance in compliance with the Zoning By-law. The private way involved is an entrance and exit to the property involved and will be used exclusively by those entering and leaving the property, therefore, it is the opinion of this Board that the location of the proposed building will not prove detrimental to the public good.

Accordingly, the plans submitted and on file with this Board, identified as follows: Plan C-1, C-2, and C-3, dated 6/29/73, all drawn by Harold William Moore, Professional Engineer; L-1, dated 6/29/73, drawn by Herbert L. Hamilton, Registered Architect, and A-1, A-2, A-3, A-4, A-5, all dated 6/29/73, and drawn by Herbert L. Hamilton, Registered Architect, respectively are approved as submitted and the requested exceptions are hereby granted and the Inspector of Buildings is authorized to issue a permit for the proposed construction subject to compliance with the applicable provisions of the Building Code, the requirements of the Town of Wellesley (including the Department of Public Works and Fire Department), the rules and regulations of the Massachusetts Department of Public Safety,

the Massachusetts Department of Natural Resources and the Office of Environmental Affairs, the Town of Wellesley Conservation Commission and any other applicable provisions of law and the following conditions imposed by this Board which shall be binding upon Petitioners, their successors and assigns:

1. That all work shall be performed in accordance with the plans hereby approved, the exceptions herein authorized and the Zoning By-law.
2. Petitioners shall provide such additional screening not presently shown on the plans, as the Board in its discretion may from time to time require.
3. The landscaping and other screening provided for the premises shall be maintained to the satisfaction of the Board for the life of the building.
4. All existing trees shall be retained as indicated in the landscape plan and remain while healthy and shall be replaced by young healthy trees if and when they have to be removed.
5. Area lighting, if any, shall be shaded or directed away from abutting property owners.
6. All easements, if any, taken by the Town of Wellesley, to carry out the petitioners' plan shall be at the expense of the developers.
7. All utilities are to be installed and maintained at no expense to the Town of Wellesley.
8. 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 together with satisfactory evidence of compliance with conditions herein mentioned, shall be submitted to this Board at least ten business days prior to occupancy of the building.
9. Approval shall be obtained from the Metropolitan District Commission, authorizing the proposed project area to drain surface drainage, if any, into the Charles River. Petitioners by proceeding with construction of the proposed building and improvements shall be deemed to have agreed to provide at no cost to the Town of Wellesley, for any different or supplemental facilities for surface drainage from the premises as may at any time be required by applicable provisions of law.
10. A surety performance bond or letter of credit running to the Town of Wellesley shall be provided in the amount of \$50,000. which shall be in all respects satisfactory to Town Counsel and the Board of Appeal and shall be posted with the Treasurer of the Town of Wellesley before commencement of work. Said bond or

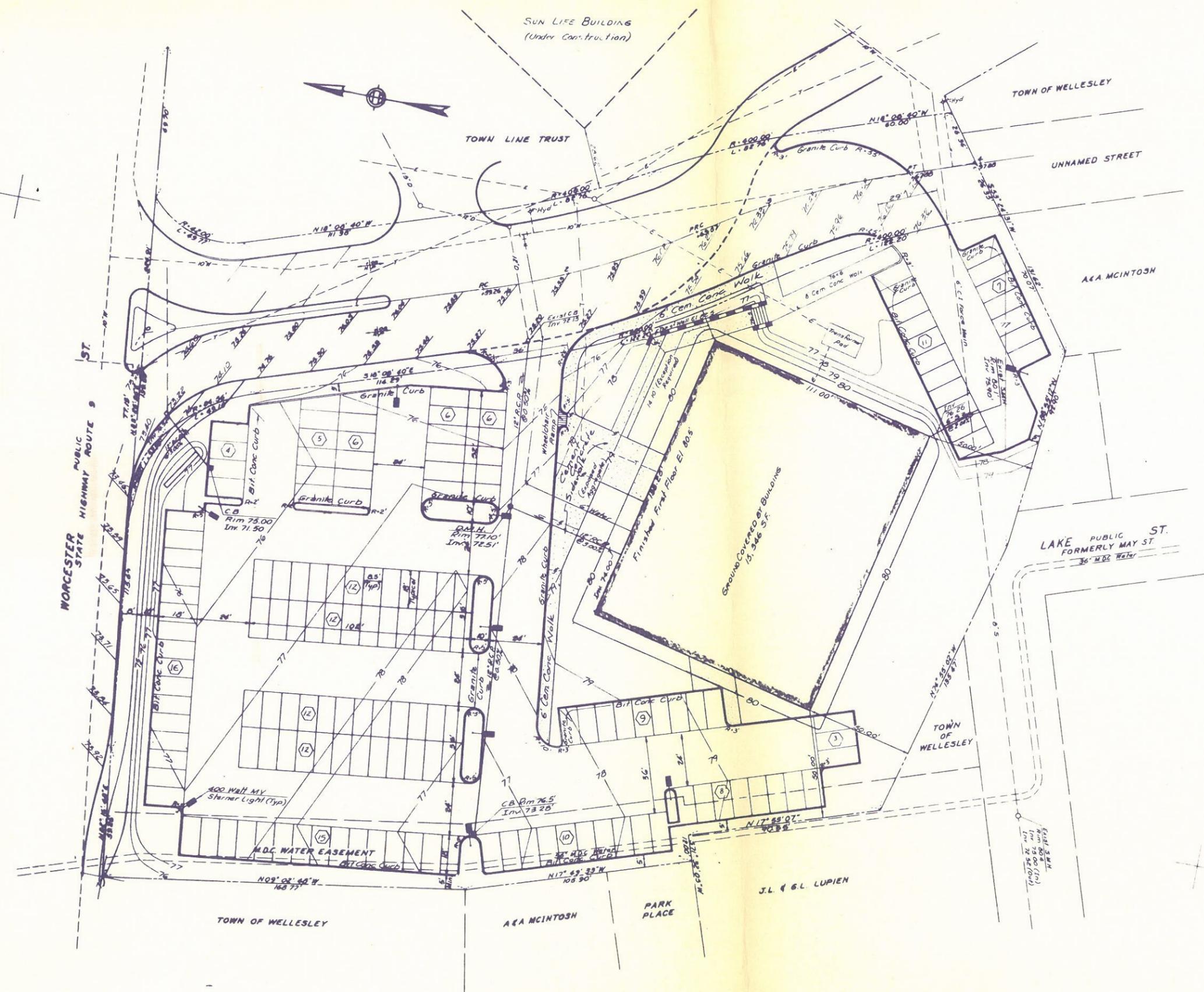
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10. Cont. Letter of credit shall be conditioned on the completion of the work in accordance herewith and the performance of all conditions hereof, shall be signed by a party or parties satisfactory to Town Counsel, and shall be released after completion of the project, provided that provision satisfactory to the Board of Appeal has been made for performance of any conditions which are of continuing nature.

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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- Notes**
- 1 Total Building Area 46037 SF
  - 2 Parking 15,346 SF x 10.0/1000 SF = 153.46 Parking Spaces.
  - 3 Total Number of Parking Spaces provided is 154.
  - 4 Area of Lot 9 = 98,619 SF or 226d Area.
  - 5 The proposed Bldg. on Lot 9 will be in conformance with the Town of Wellesley Zoning By-laws for Lot Coverage. The Building will cover only 16.56% of the Lot.
  - 6 Storm drainage, sanitary sewer, water mains & underground electric system shall be constructed in accordance with Town of Wellesley standards & specifications currently in effect.
  - 7 For outside Building Lighting See Electrical Plans.

**BUILDING TWO**  
**WELLESLEY HILLS EXECUTIVE PARK**  
**WELLESLEY, MASSACHUSETTS**

**ARCHITECTS**  
 ARCHITECTS DESIGN GROUP, INC.  
 675 Massachusetts Avenue  
 Cambridge, Massachusetts 02139

**STRUCTURAL ENGINEERS**  
 RATTI ASSOCIATES, INC.  
 2464 Massachusetts Avenue  
 Cambridge, Massachusetts 02140

**SITE ENGINEERS**  
 H. W. MOORE ASSOCIATES, INC.  
 112 Shawmut Avenue  
 Boston, Massachusetts 02118

**MECHANICAL AND ELECTRICAL ENGINEERS**  
 C. A. CROWLEY ENGINEERING, INC.  
 11 Westgate Drive  
 Brockton, Massachusetts 02401

SHEET TITLE: **SITE PLAN** SCALE: 1" = 20'

DRAWN BY: K.K.G., W.T.J. DATE: 6-29-75  
 CHECKED BY: D.S.S.

MAHOLD WILLIAM MOORE  
 REGISTERED PROFESSIONAL ENGINEER  
 STATE OF MASSACHUSETTS

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