



BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Petition of Property Capital 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 8:45 p.m. on November 29, 1973, on the petition of Property Capital Trust to amend the plans previously approved by the Board of Appeal for Building III, 55 William Street. The petitioner requests approval of an agreement made between the petitioner and Wellesley Office Park Associates Two, to make an equal exchange which will permit the dividing line between Building III and proposed Building VI to run at a right angle from William Street in a northerly direction. The exchange will require a new parking area and landscaping for Building III and approval is requested of the revised plans, relief from the provisions of Section XXI, Part D, Subpart 3, Landscaping b. of the Zoning By-law. Said petition was made under the provisions of Section IX, Administrative and Professional Districts of the Zoning By-law.

Statement of Facts

The land involved is located within an Administrative and Professional District.

The petitioner seeks permission to amend the plans approved by this Board for Building III, by effecting an even exchange of areas between Building III lot and the proposed Building VI lot.

Plans showing the proposed change have been submitted, and are identified as follows: Wellesley Office Park Buildings III and VI by Homer K. Dodge, Registered Professional Engineer, dated October 18, 1973, being Plan PL-2.

It was stated that the lot size is unaffected by the equal exchange. With respect to the matter of parking spaces, the exact number of spaces lost by the area being relinquished is made up by the number of spaces being added in the area being acquired.

The proposed landscaping to the area added to the Building III parcel, it was stated, would conform to the requirements in effect at the time the original Building III Plans were submitted to the Board for approval; they do not, however, conform to the newly enacted parking area landscape requirements of Section XXI, Part D., Subpart 3 (Landscaping). The petitioner, therefore, seeks relief under the provisions of Section XXI, Part D, Landscaping b. or Section IX, 2 (e).

It is the feeling of the petitioner that since the request is dealing with only a relatively small portion of an already developed parcel which complied with requirements in effect at the time of original construction, it would be impractical and impose substantial hardship upon it to require literal compliance.

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Decision

The Board has examined the plans submitted and has taken a view of the locus. Building VI will complete the development of the Park, if it is built, and the purpose of the proposed lot line change is to locate the proposed Building VI, within an area away from the possible wetlands.

It is the opinion of this Board, that a special exception can be made to the provisions of Section XXI, Part D. Subpart 3, Landscaping b. of the Zoning By-law, and that desired changes can be made to the plans submitted and approved by this Board for Building III. The Board feels that with the additional landscaping to be provided, the purpose and intent of the by-law will be complied with, as an amount of landscaped open space equal in area to the provision of the by-law will be substituted by the petitioner.

Accordingly, the petitioner's request is granted and the decision of this Board approving plans for Building III, filed with the Town Clerk on October 4, 1967, with an amendment filed with the Town Clerk on December 6, 1967, is hereby amended by changing condition No. 1 to read:

"That all work shall be performed in accordance with the plan hereby approved and amended by Revised drawing PL-2, dated October 18, 1973, drawn by Homer K. Dodge, Registered Professional Engineer."

Filed with Town Clerk _____

Theodore C. Merlo
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F. Lester Fraser
 F. Lester Fraser
William O. Hewett
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