76-35

TOWN OF WELLESLEY MASSACHUSETTS

BOARD OF APPEAL

F. LESTER FRASER
STANLEY J. GLOD
WILLIAM O. HEWETT
FRANKLIN P. PARKER
FRANCIS L. SWIFT
HENRY H. THAYER

KATHARINE E. TOY
Administrative Secretary
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 8:15 p.m. on June 17, 1976, on the petition of Richard L. Pickett, William H. McKenna and Roger A. Phaneuf, requesting a modification of the plans approved by the Board of Appeal on November 20, 1973, with respect to the property at 486 Washington Street. The original plans provided for four doctors' offices and the approval was requested for accommodations for six doctors. Said request was made under 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 18, 1976, 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.

Dr. Robert G. Burns, owner of the adjacent medical building at 490 Washington Street, and practicing dentist in the building, opposed the requested increase in number of doctors from four to six. In his opinion, the parking area with provision for twenty-four cars would not be adequate to take care of six doctors, their assistants and patients. He felt that a minimum of six or seven spaces for each doctor should be provided. He further stated his concern about the row of maple trees along the adjacent lot and felt that these trees would be killed if the parking area as now planned, is hot-topped along the line. He suggested that the parking area be moved to another location.

John J. Walsh, 7 Morton Street and Thomas N. Brown, 33 Atwood Street, expressed their concern about the safety of small children in the neighborhood as a result of increased traffic which they felt will be generated by the building being used by six doctors.

Mrs. Thomas Mix, 24 Atwood Street, expressed her concern about the limited parking to be provided for the increased number of doctors.

The Planning Board opposed the request in its report.

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 district in which the building is located, whichever is greater.

The petitioners request a modification of a permit granted to them in 1973, by the Board of Appeal, which will allow them to erect a medical building on the site involved for six doctors rather than four as previously approved.

It was stated that following the approval by the Board of Appeal, to construct the building involved, financing was very difficult to obtain. However, now times are more favorable providing the petitioners can get approval for six doctors instead of four. The building will remain the same on the exterior, but the interior has been designed to accommodate six offices, it was stated, by changing the layout and size of the rooms. The parking area will remain the same with accommodations for twenty-four cars which will allow four spaces for each doctor rather than six as previouly provided.

Decision

The Board has made a careful study of the evidence submitted and has reviewed the plans which were submitted with the petitioners' original request as well as the revised floor plans which were submitted showing the proposed layout to provide accommodations for six doctors.

The Board is of the view that it would not be in the best interest of the Town to grant the request as it feels that any more than four doctors occupying the building would generate an increase in traffic which would be dangerous to the public and detrimental to the neighborhood. The Board has also made a careful study of the parking layout originally submitted and in its opinion, it would not be possible to provide additional spaces to accommode the increased number of cars which might be expected if six doctors and their adsistants were to occupy the building.

The Board is of the unanimous opinion that to allow the request would be contrary to the intent and purpose of the Zoning By-law which is designed to restrict the use of property so that the use will not become detrimental to the neighborhood or dangerous to the public. The proposed increase in the number of doctors to occupy the building, it is felt, would be a more intensive use of the property and not desirable to the neighborhood or the Town.

Accordingly, the petition is dismissed.

Francis L. Swift

F. Lester Fraser

William O. Hewett

Filed with Town Clerk _____

OCT 20 11 32 AM '57
DEFICE

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS:

SUPERIOR COURT
NO. 119940

RICHARD L. PICKETT, WILLIAM H. McKENNA and ROGER A. PHANEUF, Plaintiffs v. F. LESTER FRASER, et als., Defendants	STIPULATION

The parties to this action hereby stipulate and agree as follows:

1. On or about November 20, 1973, the then members of the Board of Appeal of the Town of Wellesley granted the Plaintiffs a special permit authorizing use of their property located at 486 Washington Street in said Town for purposes of a medical office building containing offices for four medical doctors.

2. On June 17, 1976, the present Board of Appeal of the Town of Wellesley held a public hearing with respect to the Plaintiffs' application to amend the special permit described in the immediately preceding paragraph so as to amend said special permit to provide for facilities for six doctor's offices, rather than the four offices contemplated by the original special permit.

3. The Norfolk Superior Court's judgment entered June 13, 1977 is the subject of the appeal in this action to the Appeals Court.

4. It is hereby stipulated and agreed that the aforesaid application for an amendment to the original special permit shall be deemed to have been approved to provide for a medical office building containing offices for six medical doctors, rather than four, and except for said change, including such interior modifications as are necessary to accomplish it, the original special permit granted by decision of the Board of Appeal of the Town of Wellesley on or about November 20, 1973 shall, and the same hereby does, remain in full force and effect.

5. The parties agree that in view of the premises, the appeal in the Appeals Court may be dismissed.

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