



TOWN OF WELLESLEY

MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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WELLESLEY, MASS.
FEB 19 30 AM '88

ZBA 87-100
Petition of Victor Realty Development Co.
62 Walnut Street

Pursuant to due notice, the Permit Granting Authority and the Special Permit Granting Authority held a Public Hearing on Thursday, December 17, 1987 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley, on the petition of VICTOR REALTY DEVELOPMENT CO. requesting: 1) a Special Permit for Site Plan Approval pursuant to Section XVIA and Section XXV of the Zoning Bylaw for the construction of a brick office building approximately 29,600 square feet and associated landscaping to be located at 62 WALNUT STREET (NEWTON WELLESLEY EXECUTIVE OFFICE PARK) in a Business District; 2) Special Permit pursuant to Section XXI-E, Subpart 2 and Section XXV of the Zoning Bylaw to allow parking associated with the proposed building on land within 600 feet of the building.

On November 17, 1987 the petitioner requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case was Carl Peterson, architect for Victor Realty Development Co. and Deborah O'Malley, attorney for the petitioner. Herb Everett, an architect with Peterson-Griffin Architects, Ltd. was also present. Mr. Peterson stated that the present footprint of the building was the same as that previously presented on the Victor Realty petition which had been withdrawn without prejudice on October 15, 1987 (ZBA 87-64). By removing one floor, the present building conformed to the required floor area ration of .50. The building would be the same height as in the previous plan to maintain uniformity with other buildings in the Office Park.

A lengthy discussion of the parking problem ensued. Mr. Peterson said that with the reduction of the floor area ratio, there were sufficient parking spaces to meet the requirements. However, fifty of the parking spaces associated with the proposed building at #62 would have an easement for the building at #60. The requirements would be met by including the parking spaces on the property now leased from Boston Gas Company. The Board questioned how the parking requirements would be met should Victor Realty ever lose the lease of the property from Boston Gas. Mr. Peterson said that Victor would build a recessed parking garage with two floors below grade and one above grade should the lease ever fail to be renegotiated. The Board felt that a verbal commitment was insufficient. A legal letter stating this committment was required to be submitted.

The Board also questioned the lack of a site plan showing a storm drainage system as requested by John Bezanson, Town Engineer, in August, in reviewing the first submission of plans by Victor Realty. Mr. Bezanson also questioned the precise location of curb cuts, curbing and planting islands, as different plans showed different placements of these items. Until the storm drainage and parking site plans have been submitted, the Board said that it would not make a decision on the

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granting of the Special Permits, as the application of Victor Realty, as presently submitted, is deemed to be incomplete. The Board stated that when the submission package was complete, it would review the material and render a decision regarding the Special Permits at that time.

On January 21, 1988, at 7:30 p.m., at a Business Meeting in Conference Room A of the Town Hall, the Board met to hear the completed submission of Victor Realty Development Co. Both Carl Peterson and Deborah O'Malley were present representing the petitioner. Mr. Peterson stated that the plans required by John Bezanson, Town Engineer, for storm drainage and parking had been submitted and approved by Mr. Bezanson. The Board had also received a notarized letter dated January 11, 1988, signed by Arthur H. Nelson, General Partner of Victor Realty Development Co. committing Victor Realty to the construction of a parking deck at the rear of the Office Park to replace the parking spaces provided by the use of the Boston Gas Company parcel, should the property become unavailable for parking in the future.

Having been previously informed of a possible change in the zoning relating to parking requirements, Mr. Peterson said that Victor Realty would use the crawl space beneath the proposed building for eight parking spaces which would then bring the petitioner into conformance with the proposed maximum requirements of five spaces per thousand square feet of floor area. A Traffic Study was submitted and a Municipal Systems Survey will be submitted in accordance with the proposed Zoning Bylaw Article 88 IMP SPA Municipal and Traffic Impact.

Statement of Facts

The property in question is located at 62 Walnut Street, in a Business A District, containing 58,761 square feet. The rear of the property abuts a parcel of land owned by Boston Gas Company which is leased by Victor Realty Development Co. and provides 89 parking spaces.

The petitioner is requesting two Special Permits: 1) Site Plan Approval to allow the construction of a 29,380 square foot steel framed, three story, brick office building and associated landscaping and 2) Special Permit to allow parking associated with the proposed building on land within 600 feet of the building. Although the legal notice stated that the building would contain approximately 29,600 square feet, the construction plans submitted on January 11, 1988 reduced the square footage to 29,380 square feet.

At present, 102 parking spaces are provided on the site, 89 spaces are leased from Boston Gas, 5 spaces are on land jointly owned by Victor Realty and Boston Gas Company and two spaces run through the property line between 62 and 60 Walnut Street. Eight additional spaces will be constructed on the ground floor of the building at 62 Walnut Street. An easement of 50 spaces for the benefit of 60 Walnut Street on the 62 Walnut Street property, leaves 156 spaces for the exclusive use of 62 Walnut Street, inclusive of the leased Boston Gas property.

On July 27, 1987 the petitioner requested a hearing before the Board and thereafter due notice of the hearing was given by mailing and publication (ZBA 87-64). At that time, Victor Realty Development Co. was requesting Special Permits for Site Plan Approval and Parking and a variance to exceed the floor area ratio of .50 at 62 Walnut Street. After a Public Hearing on August 27, 1987 at which Victor Realty

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Development Co. presented its request, the Board of Appeals, at a Public Hearing on October 15, 1987, allowed the petitioner to withdraw its petition without prejudice.

The following plans were submitted on November 17, 1987 in reference to the present petition: Unstamped and unsigned site plans (S1-2) dated November 9, 1987; Site Sections and Elevations (A1-4), November 9, 1987, Peterson-Griffin Architects, Ltd; Planting and Topographic Plans (C1-2), November 9, 1987, Peterson-Griffin Architects, Ltd; Grading and Utility Plan and Parking Site Plan (C3-4), June 30, 1987 revised November 9, 1987, Rizzo Associates, Inc. and an Electrical Plan (SE1), July 1, 1987 revised November 9, 1987, Peterson-Griffin Architects, Ltd.

On January 12, 1988 the following plans were submitted: Site Plans (S1-2) January 11, 1988, Craig E. Blake, Sanitary Engineer, Rizzo Associates, Inc.; Floor Plans, Site Sections, and Elevations (A1-4), January 8, 1988, Peterson-Griffin Architects, Ltd.; Planting Plan, Topographic Plan (C1-2), January 8, 1988, Peterson-Griffin Architects, Ltd.; Grading and Utility Site Plan, Parking Site Plan (C3-4) June 30, 1987, revised November 9, 1987; Craig E. Blake, Sanitary Engineer, Rizzo Associates, Inc.; Drainage Site Plan (C5), January 6, 1988, Craig E. Blake, Sanitary Engineer, Rizzo Associates; Electrical Site Plan (SE1), July 1, 1987, redated January 8, 1988, Peterson-Griffin Architects, Ltd. A notarized letter was submitted, signed by Arthur H. Nelson, General Partner, Victor Realty Development Co., dated January 11, 1988, stating:

"...However, if at any point in the future said land is no longer available to us for parking we will undertake construction of a parking deck at the rear of the Office Park to replace the spaces provided by the use of the Boston Gas Company parcel...."

A Traffic Impact & Access Study, prepared by Vanasse Hangen Brustlin, Inc., dated July, 1987, was submitted on January 21, 1988.

The Design Review Board waived Preliminary Review on the site plan as they had previously had two preliminary reviews on May 27, 1987 and July 23, 1987 on the site plan submitted and withdrawn without prejudice (ZBA 87-64), and were familiar with the general plan. A final review was held on December 10, 1987, at which time the Design Review Board voted to approve the proposed project with the recommendation that landscaping be extended down the hill in the island on the north side elevation.

Site plans and other submission materials were also sent to the Planning Board, Wetlands Protection Committee, Town Engineer, Board of Health and Fire Chief as required by Section XVII A of the Zoning Bylaw. Written responses from each of the above were received and are on file at the ZBA office. The Planning Board voted to oppose the granting of approval of site plans as submitted, but would not object to conditional approval of plans which complied with the Floor Area Ratio Requirement; provided compact car spaces in compliance with the 30% maximum allowance; provided curb openings in accordance with the Town Engineer's recommendations; and provided that none of the four lots within the office park should ever be sold separately as a zoning violation would result due to the shared parking arrangement and the use of Boston Gas Land for parking.

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The Town Engineer, in a letter dated January 13, 1988, stated that the revised plans submitted on January 12, 1988, properly addressed the concerns raised in the review of the plans previously submitted.

The Wetlands Protection Committee reviewed the site plans and stated in a letter dated December 14, 1987, that as the plans were essentially the same as those previously submitted, the recommendations of August 19, 1987 would remain the same. At that time, the Wetlands Protection Committee recommended that the applicant be required to submit an annual maintenance report to the Committee by July 1st of every year to verify that cleaning of the catchbasins equipped with oil traps has been performed. The report could take the form of a letter stating the details of the work and attachment of a copy of the maintenance firm's receipt. The project does not require an Order of Conditions, nor is it subject to the provisions of Section XIVB, Floodplain or Watershed Protection Districts.

Decision

This Authority has made a careful study of the evidence presented. The petitioner's proposed 29,380 square foot addition at 62 Walnut Street constitutes a major construction project under Section XVIIA of the Zoning Bylaw because it includes construction of 2,500 or more square feet of gross floor area and is pursuant to Section XXI-E, Subpart 2 of the Zoning Bylaw as parking spaces are to be maintained on a lot other than the same lot with the building accessible to and within a walking distance of 600 feet of the building.

It is the opinion of this Authority that the proposed plans for the construction at 62 Walnut Street as shown on the plans submitted January 12, 1988 listed above comply with the Zoning Bylaws of the Town, protect the safety, convenience and welfare of the public, minimize additional congestion in public and private ways, insures adequate protection for water, sewerage and drainage. Furthermore, it insures compliance with Section XVI, Section XXI, and Section XXII of the Zoning Bylaw.

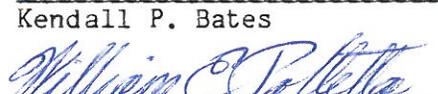
A Special Permit is hereby granted and Site Approval is given by this Authority pursuant to Section XVIIA, Section XVIB and Section XII of the Zoning Bylaw, subject to the conditions attached hereto as Addendum A.

A Special Permit is hereby also granted by this Authority pursuant to Section XXIE, Subpart 2 of the Zoning Bylaw to allow parking spaces to be maintained on a lot other than the same lot with the building, provided the spaces are available on another lot accessible to and within a walking distance of 600 feet of the building, subject to the condition attached hereto as Addendum B.

APPEALS FROM THIS DECISION, IF ANY, SHALL BE MADE PURSUANT TO GENERAL LAWS, CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK.

cc: Planning Board
Inspector of Buildings


Robert R. Cunningham

Kendall P. Bates

William E. Polletta

Addendum A

1. That all work shall be performed in accordance with plans submitted on January 12, 1988 and on file with this Authority.
2. That all design and construction must comply with all applicable state and local codes.
3. That all requirements of the Town of Wellesley Fire Department shall be complied with.
4. That all requirements of the Department of Public Works shall be met, including but not limited to, the requirement that water, sewer and electric connections together with drainage connections be made in accordance with DPW standards and installed and maintained at no cost to the Town of Wellesley.
5. That, upon completion of the project, a complete set of "As Built" plans, including a complete set of mechanical plans, shall be submitted to the Inspector of Buildings. Site utility plans shall be submitted to the Department of Public Works.
6. That a copy of the Occupancy Permit issued by the Inspector of Buildings shall be submitted to this Authority at the time of issuance.
7. That all requirements of the Wetlands Protection Committee shall be complied with including the submission of an annual maintenance report on the cleaning of the catchbasins equipped with oil traps by July 1st of every year.

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Addendum B

1. That should the parking lease on the property designated as the Boston Gas parcel ever fail to be renegotiated, a recessed parking structure shall be built to provide parking spaces sufficient for the property at 62 Walnut Street to be in conformance with the Zoning Bylaw in effect at that time.

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