



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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ZBA 88-13  
Petition of Haymac Trust  
34 Washington Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 3, 1988 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of HAYMAC TRUST requesting a Special Permit for Site Plan Approval pursuant to Section XVIA, Section XIV, Section II and Section XXV of the Zoning Bylaw to allow the construction of an addition to an existing office building, said addition to be approximately 14,844 square feet, and associated landscaping, to be located at 34 WASHINGTON STREET. Said addition is to be used for recreational purposes. Said lot contains 136,311 square feet; 134,776 square feet are in an Industrial A District and 1,835 square feet are in a Single Residence District.

On January 5, 1988, the petitioner requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing were Jonathan Haynes, owner of the property, John Kahn, attorney for Mr. Haynes, Anthony D'Onofrio, architect and Douglas Miller, an engineer with the BSC Group, which was responsible for the Plot Plan and engineering plans.

The Board asked the Executive Secretary if there were a technical problem with the application. Mrs. Gordon explained that the original Plot Plan submitted did not show the actual existing property lines, nor did it show the area which is zoned Single Residence. Therefore, the lot size was incorrect, the Plot Plan was inaccurate, and the legal advertising was incorrect as it did not mention the Single Residence District. Mrs. Gordon discovered the inaccuracy of the Plot Plan when she found a revised Plot Plan had been submitted to the Planning Board for Approval Not Required to remove the property line. The Planning Board refused to sign the Plot Plan as the submission did not show the existence of a Single Residence District. Mr. Haynes has submitted a revised Plot Plan to the Planning Board, which has not yet been signed.

Mr. Kahn said that the requirements of the statute were amply satisfied by the legal notice that had been published as there is no requirement to describe the zoning district. As for the Plot Plan, the lots were consolidated years ago, but no perimeter plan was filed with the Planning Board until recently. The lots have been under common ownership for a long time. The revised Plot Plan is accurate and will be considered by the Planning Board on March 11, 1988. The Board said that the approval of the Planning Board would be a condition of the granting of the Special Permit.

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Mr. Miller proceeded to make the site development presentation. The proposed addition will be located at the side of a hill, screening the view from most sides. The existing building is used for office and recreational purposes. The top of the addition will be approximately 12 feet above ground level at the highest point. The building will be built into the side of a hill, will be three stories and be used for office and recreational purposes. The building is not located in a Wetlands area.

A traffic study was done by the BSC Group which shows that the increase to traffic generated by the addition will be 1% at peak times. There is adequate sight distance from the driveway onto Washington Street. The Board raised the question of left turns. Mr. Miller said that the driveway opening was sufficient for cars making left and right turns onto Washington Street at the same time. The recreational use would be generally at off-peak hours.

In response to the Board's question as to the allocation of space for office use, Mr. Miller stated that about 6,100 square feet of the addition would be used for office space.

Mr. Miller also stated that the water, sewer, and storm drainage system were all adequate. An additional drainage study was being done to address the concerns of the Town Engineer. There is sufficient parking for the uses of the building.

#### Statement of Facts

The property in question is located at 34 Washington Street, 134,776 square feet of which is in an Industrial A District and 1,835 square feet in a Single Residence District. Presently, the property is divided into two lots of 124,530 square feet and 11,780 square feet, both of which are owned by Haymac Trust. The left side of the property abuts a Business A Zone, an Industrial A Zone and a Limited Residence Zone. The right side of the property abuts a Business A Zone, an Industrial A Zone and a Single Residence Zone.

The petitioner is requesting a Special Permit for Site Plan Approval to allow the construction of a 14,844 square foot addition, 8,744 square feet to be used for recreational purposes and 6,100 square feet for office space and associated landscaping. Thirty-nine new parking spaces are required (31 for office use and 8 for recreational use). The existing parking area contains 137 spaces, although only 116 are required. Thirty-five new parking spaces will be provided in addition to the existing 137 spaces, making a total of 172 spaces, or 17 spaces more than are required for the mixed property use.

The following plans were submitted: Sketch of Land, dated July 20, 1983, revised December 16, 1987 drawn by Francis DiPietro, Civil Engineer; Topographic Plan, dated December 16, 1987, drawn by Donald J. Forand, Registered Land Surveyor; Site Plan dated December 16, 1987, revised January 7, 1988, revised February 29, 1988, drawn by Francis DiPietro, Civil Engineer; Details, dated December 16, 1987, drawn by Francis DiPietro, Civil Engineer, Cross Section dated December 16, 1987, and a Compiled Plan of Land dated December 7, 1987, revised February 11, 1988, revised February 17, 1988, drawn by Donald J. Forand, Registered Land Surveyor. Said engineers are part of the BSC Group, Bedford, MA.

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A Site Narrative and Drainage Calculations prepared by The BSC Group, Bedford, MA were also submitted.

Construction and elevation plans (A1-A3), dated December 30, 1987 and Elevation Plan (A-4), dated December 30, 1987, revised January 6, 1988, drawn by Anthony D'Onofrio were also submitted along with photographs of the existing property.

The Design Review Board, following two preliminary reviews, held its final review of the proposed addition on February 11, 1988 at which approval of the plan was granted with recommendations. 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 XVIA of the Zoning Bylaw. Written responses from each of the above were received and are on file at the ZBA office. On February 16, 1988, the Planning Board voted to offer no objection to the approval of the site plans and endorsed the comments of the Design Review Board.

The Planning Board, on February 16, 1988, rejected PBC 88-3, filed by Haymac Trust, as the plan as submitted was incomplete and had inaccurate information. At a Special Meeting on March 11, 1988, the Planning Board again rejected a revised plan filed by Haymac Trust on the grounds that the plan as submitted did not accurately show the zoning district boundary lines and refused to endorse the plan as not requiring approval under the Subdivision Control Law based on the provisions of M.G.L. Chapter 41, Section 81X. Therefore, to date, an accurate perimeter plan is neither signed by the Planning Board, nor on file with the Norfolk Registry of Deeds.

#### Decision

This Authority has made a careful study of the evidence presented. The petitioner's proposed 14,844 square foot addition constitute a major construction project under Section XVIA of the Zoning Bylaw because it includes the construction of 2,500 or more square feet of gross floor area. It is also pursuant to Section XIV and Section II as portions of the property are in Industrial A and Single Residence Districts.

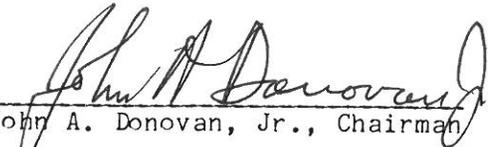
It is the opinion of this Authority that the proposed plans for the addition at 34 Washington Street as shown on both the engineering plans drawn by The BSC Group and the Construction and Elevation plans drawn by Anthony D'Onofrio, as enumerated in the foregoing Statement of Facts comply with the Zoning Bylaws of the Town, protect the safety, convenience and welfare of the public, minimize additional congestion in public and private ways, insure adequate protection for water, sewerage, and drainage. Furthermore, it insures compliance with Section XVI, Section XXI and Section XXII of the Zoning Bylaw.

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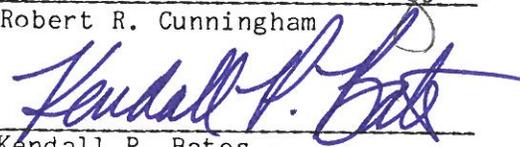
A Special Permit is hereby granted and Site Plan Approval is given by this Authority pursuant to Section XVIA, Section XIV and Section II of the Zoning Bylaw, subject to the conditions attached hereto as Addendum A.

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  
edg

  
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John A. Donovan, Jr., Chairman

  
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Robert R. Cunningham

  
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Kendall P. Bates

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Addendum A

1. That a perimeter plan depicting accurate zoning district boundary lines be filed with the Norfolk Registry of Deeds and certification of said filing be submitted to this Authority.
2. That all work shall be performed in accordance with plans submitted and on file with this Authority.
3. That all design and construction must comply with all applicable state and local codes.
4. That all requirements of the Town of Wellesley Fire Department shall be complied with.
5. 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.
6. That an Erosion and Sedimentation Control Plan, additional information as to run-off from roof drains and additional calculations regarding ability of existing drain to handle additional flow from project be submitted to the Town Engineer.
7. That an annual report be submitted to the Wetlands Protection Committee by July 1st of every year verifying performance of maintenance of storm drainage catch basins.
8. That all access sidewalk curbing and new additions be provided with handicapped access.
9. That all fill material removed or brought on site comply with Town Zoning Bylaw.
10. 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.
11. That a copy of the Occupancy Permit issued by the Inspector of Buildings shall be submitted to this Authority at the time of issuance.
12. That the portion of land indicated as Single Residence District never be used for other than residential purposes.

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