



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 89-69
Petition of Wellesley Office Park Associates
55 Willilam Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 30, 1989 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 WELLESLEY OFFICE PARK ASSOCIATES requesting a Special Permit pursuant to the provisions of Section IX and Section XXV of the Zoning Bylaw to allow a portion of the premises at 55 WILLIAM STREET, in an Administrative and Professional District, to be used for a cafeteria/restaurant approximately 5,500 square feet, to replace the existing restaurant at 45 William Street; and an exercise/shower area approximately 1,000 square feet. Said uses are not allowed by right in an Administrative and Professional District.

On November 14, 1989, the petitioner requested a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing were Andrew J. Newman of Rubin and Rudman, attorney for the petitioner; Karen Kisty, Property Manager of Wellesley Office Park; Jane Williams of Beacon Management Company; and Jane Gladstone, representing the owner of the property.

Mr. Newman said that a Special Permit is requested as the use of the property for a restaurant is not allowed by right in an Administrative and Professional District. Permission had been previously granted by the Board of Appeals in 1977 for a restaurant to be located in the 45 William Street building. The present request is to transfer the previously allowed use from 45 to 55 William Street. The new restaurant will be upgraded to a full service restaurant for use by the tenants. The existing restaurant at 45 William Street will be closed and remodeled as office space. The exercise/fitness area has been requested by the tenants.

In response to a question by the Board, Mr. Newman stated that the restaurant would be open from 7 a.m. to 4 p.m. and the exercise area from 7 a.m. to 7 p.m.

The Board also questioned the discrepancy between the restaurant seating capacity of 175 stated in the cover letter submitted and the 156 seats shown in the submitted plan. Ms. Gladstone responded that 175 seats was the correct number.

Richard Seegel, 9 Lanark Road, stated that as a private citizen and as a tenant of the office park, he supported the need for a fitness area and a full service restaurant.

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Statement of Facts

The property involved is located at 55 William Street, one of eight buildings in the Wellesley Office Park in an Administrative and Professional District.

The petitioners are requesting a Special Permit to use 5,500 square feet of the building for a full service restaurant/cafeteria with seating capacity for 175 and 1,000 square feet for an exercise/shower area. The restaurant would be for the use of the 2,300 tenants of the office park and their guests, while the exercise area would have secured access restricted to tenants. The restaurant will be open from 7 a.m. to 4 p.m.; the exercise area will be open from 7 a.m. to 7 p.m.

In 1977 the Board of Appeals granted a Special Permit (ZBA 77-14) to Wellesley Six Company Trust and Wellesley Six Company for a proposed cafeteria/restaurant of approximately 4,000 square feet with seating capacity for 165 at 45 William Street. The petitioner is requesting to transfer the previously allowed use to 55 William Street. The existing restaurant would be closed.

Eighteen letters of support were submitted from tenants located in seven of the eight office park buildings.

An unsigned Ground Floor Plan dated September 5, 1989 and an unsigned Plan of Restaurant in Wellesley Office Park dated November 2, 1989, both drawn by Jung/Brannen Associates, Inc. were submitted.

The Planning Board on November 28, 1989 voted to offer no objection to the special permit request.

Decision

This Authority has made a careful study of the evidence presented. The requested use is not one permitted within an Administrative and Professional District unless this Authority finds that the proposed use is similar to one or more of the uses specifically authorized in Section IX of the Zoning Bylaw.

It is the opinion of this Board that the requested use is accessory to the allowable uses within the building and that the proposed use is in harmony with the general intent and purpose of the Zoning Bylaw.

Therefore, a Special Permit is granted to allow a cafeteria/restaurant approximately 5,500 square feet with seating capacity for 175 and an exercise/shower facility approximately 1,000 square feet to be installed at 55 William Street subject to the following conditions:

1. That a revised plan for the restaurant showing the seating capacity for 175 be submitted to the office of the Board of Appeals prior to the issuance of a Building Permit.
2. That said cafeteria/restaurant shall not be enlarged in size or capacity without further approval of the Board of Appeals.

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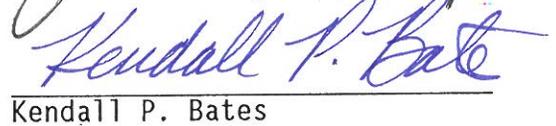
3. That the existing cafeteria/restaurant at 45 William Street be closed prior to the opening of the cafeteria/restaurant and exercise facility at 55 William Street.
4. That all necessary permits and licenses shall be obtained, copies of which shall be submitted to the office of the Board of Appeals prior to occupancy of the cafeteria/restaurant.

The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans and in accordance with the foregoing conditions.

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


John A. Donovan, Jr., Chairman


Kendall P. Bates


Robert R. Cunningham

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