



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 91-16
Petition of Wellesley College
Davis Art Museum and Cultural Center
Wellesley College Campus

Pursuant to due notice, the Permit Granting Authority and the Special Permit Granting Authority held a Public Hearing on Thursday, March 28, 1991 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 COLLEGE requesting a Special Permit for Site Plan Approval pursuant to Section XVIA, Section XIVE, Section VII and Section XXV of the Zoning Bylaw to construct the DAVIS ART MUSEUM AND CULTURAL CENTER, a 14,288 square foot building with 61,800 square feet of usable floor area, at a height of 79 feet, with associated landscaping and parking. Said building is to be constructed on the WELLESLEY COLLEGE CAMPUS in an Educational District and a Water Supply Protection District.

A Special Permit is requested pursuant to the provisions of Section XIVE and Section XXV of the Zoning Bylaw to allow more than 10,000 square feet of the lot located in a Water Supply Protection District to be rendered impervious.

A variance is requested from the terms of Section XX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to exceed the maximum height limitation of 45 feet or three stories by construction of a building 79 feet in height.

On March 1, 1991, 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 the following: Robert St. John, Landscape Engineer from Andrews Survey & Engineering, Inc.; Adel Rida, Director of Physical Plant of Wellesley College; Susan Taylor; Wellesley College Museum Director; George Marsh, architect from Payette Associates; and Victoria Kiechel, architectural representative for Raphael Moneo, architect for the project.

In response to the Board's concern about the height of the building, Ms. Kiechel stated that the museum would be below the height of the clock tower, but 20 feet higher than the Jewett Art Museum to which it would be attached. The proposed building includes a cinema, as the college has no place to show films, and may expand the curriculum in the future to include a film studies program. The cinema will probably be open to the public, as are other college facilities and programs.

The Board was concerned about the availability of parking in relation to the proposed museum. Ms. Kiechel said that parking would be in the lots past the existing power plant.

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Discussion about on-site recharge followed. Mr. St. John stated that MacPhail Associates, the firm responsible for designing the drainage system, had determined that the soils in the area were not capable of accepting the recharge. All of the water will be caught on site in catchbasins, which will be fitted with gas traps. Due to the myriad of subsurface facilities and the steepness of the grade, installation of a galley system would be difficult.

The Board noted that the level of the water table was similar to that of Lake Waban. The period when use of the sump pumps might be necessary will correspond to the time when the level of the lake is high. Mr. Rida stated that he did not believe the sump pumps would have to be used. The Board noted that the foundation is only 2 feet above the water table, and that the testing had occurred in November when the water table is at a lower point than in spring or summer.

The Board asked if work had begun on preparing the required sewer easement. Mr. St. John said that documents are in the process of being prepared for recording at the Registry of Deeds, and that the college understands the easement is part of the project.

No other person present had any comment on the petition

Statement of Facts

The property in question is located on an interior portion of the Wellesley College Campus adjacent to the Jewett Art Museum in an Educational District and a Water Supply Protection District.

The petitioner is requesting a Special Permit for Site Plan Approval to allow construction of the Davis Art Museum and Cultural Center. The proposed building will have a total footprint of 14,288 square feet, a floor area of 61,800 square feet, and a height of 79 feet with associated landscaping. Two of the existing 25 parking spaces will be removed in the process of construction.

As the proposed construction involves an aggregate total floor area of more than 10,000 square feet, the project is classified as a Project of Significant Impact, requiring a Special Permit from the Planning Board, prior to consideration by the Board of Appeals for Site Plan Approval. This Special Permit, granted with conditions by the Planning Board, was filed with the Town Clerk on March 20, 1991.

The following plans were submitted: Existing Conditions (C-1), drawn by John R. Andrews, Registered Land Surveyor; Proposed Layout (C-2), drawn by Robert W. St. John, Registered Landscape Architect; Proposed Grading (C-3), drawn by Charles E. Michaud, Registered Professional Civil Engineer; Proposed Utilities (C-4), drawn by Charles E. Michaud, Registered Professional Civil Engineer; and Proposed Landscape (C-5), drawn by Robert W. St. John, Registered Landscape Architect. The aforesaid plans were all dated February 27, 1991, except the Proposed Landscape which was revised March 22, 1991.

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The following architectural plans were submitted: Sub-Basement/Basement Plans (A2.1); Entry Level Plan (A2.2); Level One Plan (A2.3); Level Two Plan (A2.4); Level Three Plan (A2.5); Level Four Plan (A2.6); and Roof Plan (A2.7); all dated February 22, 1991 and signed by George E. Marsh, Registered Architect. West Elevation (A3.1); North Elevation (A3.3); East Elevation (A3.4); South Elevation (also A3.4); and North/South Sections Looking East (A3.6); all dated March 1, 1991 and signed by George E. Marsh, Registered Architect. An Official Development Prospectus, a Foundation Engineering Report by MacPhail Associates, Inc., and photographs were also submitted.

The Design Review Board held a Preliminary Review on January 10, 1991, a second Review on March 7, 1991, and a Final Review on March 21, 1991, at which time the Board voted to approve the plans, which contained revisions recommended by said Board at previous meetings.

Site plans and other submission materials noted above were also sent to the Planning Board, Wetlands Protection Committee, Town Engineer, Board of Health and the Fire Chief as required by Section XVIA of the Zoning Bylaw. Written responses from each of the above were received and are on file in the ZBA office. The Planning Board, on March 26, 1991, voted to recommend approval of the petition.

The Town Engineer noted that building construction would necessitate relocation of an existing 24 inch trunk sewer, presently constructed on a 15 foot wide Town sewer easement, and that a new easement would have to be obtained along the relocated route.

On March 20, 1991, the Wetlands Protection Committee reviewed the petition for Site Plan Approval and the request for a Special Permit to render impervious more than 10,000 square feet in a Water Supply Protection District. Based on information supplied by MacPhail Associates, Inc. regarding soil conditions, the Committee agreed that due to the low permeability of the silty soil, the required on-site recharge system would be unfeasible. The Committee approved the system of catchbasins equipped with oil/grease traps which will connect to the existing storm drain system discharging into Lake Waban. The Committee was satisfied that the finished exterior grades will be more than 5 feet above the maximum groundwater elevations as required in a Water Supply Protection District.

Decision

This Authority has made a careful study of the evidence presented. The petitioner's proposed construction of a 14,288 square foot building with 61,800 square feet of floor area on the Wellesley College campus constitutes a major construction project under Section XVIA of the Zoning Bylaw as it proposes construction of more than 2,500 square feet of gross floor area, and is pursuant to Section XVIIE of the Zoning Bylaw as the proposed location lies in a Water Supply Protection District.

It is the opinion of this Authority that with the exception of the height of the building for which a variance is requested, the proposed construction, as shown on the plans detailed in the foregoing Statement of Facts, complies with Section XVIA, Section XIVE, Section XII and Section XXII of the Zoning Bylaw, protects the safety,

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convenience and welfare of the public, minimizes additional congestion in public and private ways, and insures adequate protection for water, sewerage and drainage. A Special Permit is hereby granted and Site Plan Approval is given by this Authority pursuant to Section XVIA, Section XIVB and Section XIV of the Zoning Bylaw, subject to conditions attached hereto as Addendum A.

A Special Permit to render more than 10,000 square feet of land impervious in a Water Supply Protection District has also been requested. It is the opinion of this Authority that provision of an on-site recharge system for storm water is unfeasible in this area due to soil composition, and that the proposed system of storm water collection in catchbasins which drain into the storm drainage system emptying into Lake Waban will be effective and can be allowed. This Authority is of the further opinion that the finished exterior grade will be at least 5 feet above maximum groundwater elevation, although the foundation of the building will be only two feet above groundwater table. This Authority is satisfied that the design and operation standards of Section XIVE have been met.

A Special Permit pursuant to Section XIVE of the Zoning Bylaw is hereby granted to render more than 10,000 square feet of area impervious in a Water Supply Protection District.

A variance from the terms of Section XX of the Zoning Bylaw to exceed the maximum height of 45 feet by construction at a height of 79 feet is also requested. This Authority is of the opinion that due to the proposed use of the building for display purposes requiring very high ceilings, and due to the constraints imposed by soil conditions as to depth of foundation, a literal enforcement of the provisions of Section XX of the Zoning Bylaw would involve a substantial hardship to the petitioner and that desirable relife may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

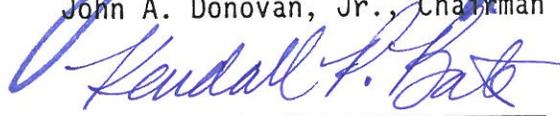
Therefore, the requested variance is granted for the proposed construction to exceed the height of 45 feet, but only to a height of no more than 79 feet, as shown on the plans submitted and noted in the foregoing Statement of Facts.

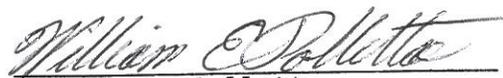
The Inspector of Buildings is hereby authorized to issue a permit for construction upon his receipt and approval of a building application and construction plans and subject to the conditions attached hereto as Addendum A.

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
Wetlands Protection Committee
Town Engineer
Inspector of Buildings

edg


John A. Donovan, Jr., Chairman

Kendall P. Bates


William E. Polletta

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ADDENDUM A

- ✓1. Prior to foundation construction, the proposed relocation of the existing 24 inch cast iron trunk sewer must be completed, subject to approval of the Board of Public Works.
2. Prior to issuance of a Certificate of Occupancy from the Inspector of Buildings, a new sewer easement shall be given to the Town by Wellesley College along the relocated route of the new sewer. said easment shall be approved by the Board of Public Works prior to recording at the Norfolk Registry of Deed. Said easement shall be filed with the Norfolk Registry of Deeds, and a copy of said recording be submitted to the office of the Board of Appeals.
3. All rights and privileges as provided by the original order of taking shall be in effect until such time as Wellesley college provides a similar easement to the Town for the relocated sewer.
4. Regardless of the filing date of said easement at the Norfolk Registry of Deeds, there shall be a guarantee period of one (1) year from the date of installation of the relocated sewer; said date to be mutually agreed upon by Wellesley College and the Board of Public Works.
5. All construction and administrative costs relative to the relocation of the sewer and the filing of said sewer easement shall be borne by Wellesley College.
6. All work shall be performed in accordance with plans submitted and on file with this Authority.
7. All design and construction must comply with all applicable state and local codes.
8. All requirements of the Town of Wellesley Fire Department shall be complied with.
9. 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.
10. Site utility plans shall be submitted to the Department of Public Works.
11. A copy of the Occupancy Permit issued by the Inspector of Buildings shall be submitted to this Authority at the time of issuance.
12. Inspection and maintenance of catchbasins shall be done on an annual basis and certification of inspection shall be submitted to the Wetlands Protection Committee by July 1st of every year.