



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman
ROBERT R. CUNNINGHAM
KENDALL P. BATES

ELLEN D. GORDON
Executive Secretary
Telephone
431-1019 X208

WILLIAM E. POLLETTA
FRANKLIN P. PARKER
SUMNER H. BABCOCK

ZBA 94-67

Petition of Babson College
Babson College Campus

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 20, 1994 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 BABSON COLLEGE requesting Site Plan Approval pursuant to the provisions of Section XVIA and Section XXV of the Zoning Bylaw to construct a four level, three-story building with a footprint of 23,750 square feet and a floor area of 75,900 square feet to be used as a Graduate Center, on the BABSON COLLEGE CAMPUS in an Educational District and a Water Supply Protection District. The building will be sited between Wellesley Avenue and Campus Drive, adjacent to Knight Auditorium and Lyon Hall. The project includes a reconfiguration of the existing parking lot with an expansion of two parking spaces, and associated landscaping.

A Special Permit pursuant to the provisions of Section XIVE and Section XXV of the Zoning Bylaw is also requested for the construction of a Major Construction Project within a Water Supply Protection District.

On September 16, 1994, the petitioner filed a request for a hearing before this Authority, and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was David Carson, Director of Planning for Babson College. Mr. Carson was accompanied by Joan Goody and Roger Goldstein of Goody, Clancy & Associates, project architects; Carol Johnson, Landscape Designer; Rob St. John, Site Developer Consultant; and attorneys Carl King and Jonathan Moll of the firm of Goldstein and Manello.

Mr. Carson gave a short history of the building development at Babson, and submitted copies of a 1923 plan of Babson College and of the 1986 Babson College Physical Master Plan, which showed that academic expansion was planned at that time for the site of the proposed Graduate Center. The Graduate Center will contain offices and classrooms for the graduate population, which currently has no building of its own.

Mr. Carson also presented a summary of the future construction planned by the college, which includes a two-story, 52,000 square foot Campus Center on the east side of the

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campus, and two small 50-60 car parking lots; one lot to be located near the main entrance and the other between the Grave and Athletic Lot #2. At that point, Babson will be near a "built-up" condition, and will have achieved its primary building goals.

Joan Goody explained that the Graduate Center has been sited in a triangle of graduate activities, with Knight Auditorium on one side, the library on the second side and Lyon Hall on the third side. Although the required setback from the front property line is 30 feet, the building has been set back 90 feet. The Graduate Center is composed of a series of wings around a central court. The main entrance and focus of the building is away from Wellesley Avenue.

Ms. Goody continued that, in response to neighborhood concern about the height of the building, the clerestory had been removed and the building lowered to an average height of 43 feet. The height of the Graduate Center will be about the same as Knight Auditorium. There are many existing tall trees, and additional lower trees will be planted to screen the building in response to neighborhood requests.

Robert Ryan, 2 Hewins Farm Road, presented a letter dated October 20, 1994 from the Coalition to Protect the Residential Character of Wellesley. Mr. Ryan objected to the lack of opportunity given the neighborhood to comment on the site plan or building design. He asked a series of questions that dealt with a construction plan report, potential changes to the water table, the landscaping plan, tree removal, the use of the proposed cafe and multi-purpose area, and the possibility of blasting. He was particularly opposed to the size and location of the building.

Mr. Carson responded that Babson has said that materials deliveries would be scheduled to take alternate routes, and as many trucks as possible would enter through the main gate. "Daugherty" gate may have to be used for concrete trucks for limited periods. All construction vehicles will park in campus lots. Neighbors will be notified as to the hours of operation during which construction will take place.

Mr. Carson continued that the cafe will be used by people in the building. No request has been made to the Board of Selectmen for a liquor license for the cafe. The multi-purpose area will be used for academic purposes, luncheons, panel discussions, etc. and will contain a theater.

Mr. Goldstein stated that there is no expectation of hitting ledge within the building envelope. There will be no piles under the building. Any rock that it found could be broken up using an impact device, rather than blasting.

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Mr. Carson explained that all the academic buildings are grouped in one general area, so the siting of the graduate center in the midst of the grouping was a natural location. The graduate students will continue to use the existing library and Computer Center, as the Graduate Center will contain only classrooms and offices. Babson has one faculty, which teaches three student levels, and must move among the Executive Center, undergraduate and graduate classrooms.

Rob St. John explained that two key items in the Special Permit are the ground water table and storm drainage. The water table appears to be below the excavation level and will not be impacted. All storm water will be captured in catch basins fitted with hooded outlets, which will connect to 6,825 square feet of infiltrator basins to be located underneath the parking area. The water will be stored in these large, open chambers and then metered out through one pipe into the Town storm drainage system. The existing peak runoff, which is 4.1 cfs will be reduced to 2.9 cfs. Both the Town Engineer and the Wetlands Committee have approved the drainage plan.

Mark Steiner, 7 Hewins Farm Road, was opposed to the massive nature of the building, its design and location. He submitted a petition in opposition to the project signed by 120 Wellesley residents.

Rosemarie Richardson, 65 Windsor Road, gave a history of her problems with storm drainage, flooding of Academy Brook and erosion of the brook banks. She expressed concern that the new construction would increase the potential of flooding.

Naomi McCracken, 1 Hewins Farm Road, expressed concern for her privacy.

Mary Ellen McCann, 5 Hewins Farm Road, expressed concern that the project could have a negative impact on the water table on her property.

Michael Perez, 173 Forest Street, expressed opposition as to the size and siting of the building, as did Barry Drayer, 4 Hewins Farm Road.

Carl King, Babson attorney, explained that the State Zoning Act states that the Board can impose "reasonable restrictions" on construction by nonprofit educational institutions, which means the "reasonable restrictions" in the dimensional table of the Zoning Bylaw in regard to height and setbacks. Babson is in compliance with these restrictions, and the Zoning Board is not at liberty to decide that something else is "more reasonable".

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Statement of Facts

The subject property is a 3.3 acre parcel located on the Babson College Campus between Wellesley Avenue and College Drive, and between Knight Auditorium and Lyon Hall, in an Educational District and a Water Supply Protection District.

The petitioner is requesting Site Plan Approval to allow the construction of a Graduate Center, a four level, three story building, which will have a footprint of 23,750 square feet, a floor area of 75,900 square feet at an average height of 43 feet. Reconfiguration of the adjacent parking lot with an expansion of two spaces and associated landscaping are included in the project.

A Special Permit for construction of a Major Construction Project in a Water Supply Protection District is also requested.

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 issued by the Planning Board, prior to consideration by the Board of Appeals for Site Plan Approval. This Special Permit with conditions, granted by the Planning Board, was filed with the Town Clerk on August 19, 1994.

The following plans were submitted: Existing Site Feature Plan (Z1) stamped by Joan Goody, Registered Architect; Site Development Plan (Z2) stamped by Joan Goody, Registered Architect and Carol Johnson, Registered Landscape Architect; Plot Plan (Z3) stamped by John Andrews, Registered Land Surveyor; Grading & Drainage (Z4) dated September 13, 1994, and Proposed Utilities (Z5) dated September 13, 1994, both stamped by Gregory Valiton, Registered Professional Engineer; Landscaping Plan (Z6) and Plant List (Z6A) stamped by Carol Johnson, Registered Landscape Architect.

The following architectural plans were submitted: Floor Plans/Ground Floor (Z7); First Floor (Z8); Second Floor (Z9); Third Floor (Z10); Roof Plan (Z11); Exterior Elevations/North & South (Z12); East & West (Z13); Partial Elevations (Z14); Building Sections (Z15); Exterior Details/Wall Sections (Z16); Exterior Details/Wall Sections (Z17); Exterior Plan Details (Z18); and Wall Sections/First & Second/Exterior Details. All architectural plans were stamped by Joan Goody, Registered Architect for ZBA Submission/ September 14, 1994.

Additional information submitted included a plan of Water Supply Details; Traffic Impact and Access Study prepared by HSA Corporation dated January, 1994; Supplementary Subsurface Investigation Report prepared by McPhail Associates, Inc. dated January, 1994,

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with attached Subsurface Exploration Plan, dated January 13, 1994; and an Official Development Prospectus.

The Design Review Board held two introductory review sessions on January 11 and May 12, 1994, and a Preliminary Design Review on September 22, 1994 at which the Board voted to approve the design of the Graduate Center building and to waive Final Review of the project.

Copies of all submission materials noted above were also sent to the Planning Board, the Wetlands Protection Committee, the Town Engineer, the Board of Health and the Fire Department 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. On October 11, 1994, the Planning Board reviewed the project and voted to offer no comment.

The Wetlands Protection Committee conducted reviews of the project on April 21, May 12, and June 23, 1994 in regard to drainage, on-site recharge and grading plans. The Committee was satisfied that the drainage and on-site recharge systems met the Design and Operation Standards of Section XIVE and that grade reduction was not a concern for the project.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The petitioner's proposed construction of a Graduate Center with a footprint of 23,750 square feet and a floor area of 75,900 square feet constitutes a Major Construction Project pursuant to Section XVIA of the Zoning Bylaw as it involves construction of more than 2,500 square feet of gross floor area. A Special Permit for a Major Construction Project pursuant to Section XIVE of the Zoning Bylaw is also required as the project will be built in a Water Supply Protection District.

This Authority is cognizant of the neighborhood objections to the size, location and design of the proposed building. However, the Board of Appeals is constrained by MGL Chapter 40A, Section 3 and the Wellesley Zoning Bylaw, Sections XVIA, Section VII and Section II as to its jurisdiction over construction by a non-profit educational institution on its own property. Section XVIA requires Site Plan Approval for a Major Construction Project; Section VII specifies uses allowed in an Educational District, which include those allowed in a Single Residence District; and Section II describes the "reasonable regulations" concerning dimensional criteria to be applied in regard to lots, structures and uses. These dimensional criteria include height, frontage, setbacks, lot size, open space and off-street parking. They do not include size, location, design or construction materials.

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This Authority has determined that there are other existing buildings on the Babson Campus that have footprints as large or larger than that of the proposed Graduate Center; and that there will be no increase in the traffic or in the student population due to the existence of the Graduate Center.

It is the opinion of this Authority that all height, frontage, setback, lot size, open space, parking and use requirements pursuant to Section II and Section VII of the Zoning Bylaw have been met, and that the project is in compliance with all requirements pertaining to on-site recharge and grade reduction pursuant to Section XIVE of the Zoning Bylaw. The proposed construction is also in compliance with Section XVI, Section XVII and Section XXII of the Zoning Bylaw

This Authority is of the opinion that the project, as shown on the submitted plans listed in the foregoing Statement of Facts, protects the safety, convenience and welfare of the public, minimizes additional congestion in public and private ways, and insures adequate protection for water, sewerage and drainage. Site Plan Approval to construct the proposed Graduate Center, to reconfigure the adjacent parking lot with an expansion of two parking spaces, and associated landscaping is hereby granted by this Authority pursuant to Section XVII and Section XXV of the Zoning Bylaw, subject to conditions enumerated in Addendum A of this decision.

This Authority is satisfied that the Design and Operation Standards in regard to on-site recharge and grade reduction pursuant to Section XIVE of the Zoning Bylaw have been met. A Special Permit pursuant to Section XIVE of the Zoning Bylaw is hereby granted for a Major Construction Project in a Water Supply Protection District.

The Inspector of Buildings is hereby authorized to issue a permit upon his receipt and approval of a building application and detailed 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
Inspector of Buildings
Wetlands Protection Committee
edg

Kendall P. Bates, Acting Chairman

Robert R. Cunningham

William E. Polletta

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ADDENDUM A

1. All work shall be performed in accordance with plans submitted and on file with this Authority.
2. All design and construction must comply with all applicable state and local codes.
3. All requirements of the Wellesley Fire Department shall be complied with.
4. 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. A complete set of site utility plans shall be submitted to the Department of Public Works.
6. All conditions enumerated in the Special Permit for a Project of Significant Impact, issued by the Planning Board on August 19, 1994, are hereby incorporated into this decision.
7. Babson College shall notify all affected parties as to the schedule of construction activities, including the date and time of any potential blasting.
8. There will be no on-street parking of any construction vehicles related to this project.
9. Babson College will ensure that flag men are present to control traffic involving construction vehicles entering or exiting any campus gate which accesses Wellesley Avenue.
10. All access through the "Daugherty" gate shall be limited to construction vehicles.
11. Inspection and maintenance of the catchbasins shall be done on an annual basis; and certification of inspection shall be submitted to the Wetlands Protection Committee by July first of every year.
12. A copy of the Occupancy Permit issued by the Inspector of Buildings shall be submitted to this Authority at the time of issuance.