



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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ZBA 95-22  
Petition of Babson Recreation Center  
150 Great Plain Avenue

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 30, 1995 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 RECREATION CENTER requesting renewal of a Special Permit for Site Plan Approval (ZBA 93-19), pursuant to the provisions of Section XVIA and Section XXV-C of the Zoning Bylaw. Said Special Permit was granted to the petitioner on April 16, 1993 for the following construction, which has not yet commenced, at 150 GREAT PLAIN AVENUE, in an Educational B. District:

- |   |                      |
|---|----------------------|
| 1. Enclosure of 4 outdoor tennis courts                                 | (28,800 square feet) |
| 2. Lobby/locker room/nursery expansion                                  | ( 8,000 square feet) |
| 3. Infill between proposed tennis courts<br>and existing covered courts | ( 8,650 square feet) |
| 4. Four outdoor tennis courts   | (28,800 square feet) |
| 5. Parking lot expansion - 82 paved spaces<br>31 landbanked spaces "    | ( 3,075 square feet) |

On March 13, 1995, 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 were Jonathan Moll, legal counsel; Rob St. John, site development consultant; and Jack Flynn, representing Babson Recreation Center.

Mr. Moll said that the BRC is requesting a two year extension of the special permit as construction has not yet begun and the special permit is due to expire. The scope of the project has not changed, and the conditions will not change. When the project goes forward, it will be built in increments, rather than as a whole.

The Board asked how long it would take for the project to be completed, and once started, if the construction would be continuous. Mr. Moll replied that it would be built within the two year period, but in phases rather than as one unified project. Once the constructions begins, it will move forward.

Mr. St. John stated that the main focus will be the enclosure of the outdoor tennis courts. The parking lot and entrance building will be in the second phase, and the outdoor tennis

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courts will be in the third phase. If the project is not completed within two years, it will be in process.

Sheila Dinsmore, 128 Great Plain Avenue, expressed concern that due to a change in management, there might be a change in plans. She had no objection to the phased construction, and was only concerned that the location of the outdoor courts remain as sited on the plans that had been approved in 1993.

The Board stated that there would be no change in the plans, and that the conditions in the decision would be the same as those in the original decision.

No other person present had any comment on the petition.

#### Statement of Fact

The subject property, owned by Babson College and used by the Babson Recreation Center, is located at 150 Great Plain Avenue, in an Educational District B. The parcel is comprised of Lot A (1,129,716 square feet) and Lot A-1 (36,024 square feet) totalling 1,165,740 square feet, or 26.76 acres.

In order to meet the 100 foot setback requirements of Section VIIIA of the Zoning Bylaw, Parcel A-2 (10,494 square feet or .24 acres) and Parcel A-3 (63,154 square feet or 1.69 acres) have been created by Babson College. These two parcels are located in an Educational District. An Approval Not Required Plan depicting the four lots, dated December 21, 1992, drawn by John R. Andrews, Registered Land Surveyor, was endorsed by the Planning Board on February 9, 1993 as PBC-93-1.

Pursuant to the provisions of Section XVIA, Parts B and C, the proposed construction project was determined to be a Project of Significant Impact (PSI), as the aggregate total floor area of the project exceeded 10,000 square feet. A Special Permit for a Project of Significant Impact (PSI 92-2) was filed in the office of the Town Clerk on December 2, 1992. On December 13, 1994, the Planning Board voted to approve the petitioner's request for a two-year extension of the Special Permit for a Project of Significant Impact (PSI 92-2).

On June 19, 1992, the Wetlands Protection Committee issued an Order of Conditions for DEP 324-184, which was amended on January 22, 1993. The Order of Conditions will not expire until January 22, 1996.

The petitioner was granted a Special Permit for Site Plan Approval (ZBA 93-19) by the Board of Appeals on April 16, 1993, which will expire on April 16, 1995 as work on the project has not yet commenced.

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Section XXV-C. Procedures. states:

"A special permit shall lapse within two (2) years of the effective date of grant of such special permit, if a substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause."

The petitioner states, in a letter dated February 14, 1995, that work on the project was not commenced as the officer responsible for project oversight passed away subsequent to granting of the special permit, so a decision on initiating the project was consequently postponed; and that the petitioner was investigating possible upgrade and modification of its existing energy system.

The petitioner has requested renewal of the Special Permit under the same conditions for another two year period.

Decision

This Authority has made a careful study of the letter submitted and the information presented at the hearing. Without renewal of the Special Permit for Site Plan Approval of the aforementioned project, the Special Permit shall lapse and may be re-established only after notice and a new hearing pursuant to Section XXV of the Zoning Bylaw.

It is the unanimous opinion of this Authority that the proposed project has not commenced for good cause, and that good and sufficient reasons exist for renewing the Special Permit.

Therefore, the Special Permit is hereby granted and Site Plan Approval is given by this Authority pursuant to Section XVIA and Section XXV-C 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  
Wetlands Protection Committee  
edg

  
Kendall P. Bates, Acting Chairman

  
Robert R. Cunningham

  
Sumner H. Babcock

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ADDENDUM A

1. A perimeter plan in which the interior lot lines of Lots A-1, A-2 and A-3 have been deleted shall be filed with the Norfolk Registry of Deeds. A copy of the plan and the recording certificate shall be submitted to the office of the Board of Appeals prior to the issuance of a building permit.
2. The parcels designated as Lots A-1, A-2 and A-3 on the ANR Plan approved by the Planning Board (PBC-93-1) shall never be buildable lots.
3. All work shall be performed in accordance with the plans submitted and on file with the Authority in conjunction with the original petition (ZBA 93-19).
4. All design and construction must comply with all applicable state and local codes.
5. All requirements of the Town of Wellesley Fire Department shall be met, including the construction of an additional hydrant behind the Tennis Center, to be fed by the Babson Campus water supply.
6. 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 maintained at no cost to the Town of Wellesley.
7. Upon completion of the project, a complete set of site utility plans shall be submitted to the Department of Public Works.
8. A copy of the Occupancy Permit issued by the Inspector of Buildings shall be submitted to this Authority at the time of issuance.
9. All requirements of the Wetlands Protection Committee shall be complied with, including the Amended Order of Conditions for DEP 324-184. The Order of Conditions must be renewed prior to the expiration date of January 22, 1996 if the project has not been completed prior to this date.
10. All lighting for the outdoor tennis courts shall be extinguished no later than 10:00 p.m.

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