TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 96-17
Petition of Wellesley Holding II L.P.
100 William Street (Wellesley Office Park)

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 28, 1996 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 WELLESLEY HOLDING II L.P. requesting a Special Permit for Site Plan Approval pursuant to the provisions of Section XVIA and Section XXV of the Zoning Bylaw for the construction of a three-story addition to an existing office building at 100 WILLIAM STREET (WELLESLEY OFFICE PARK), in an Administrative and Professional District and a Flood Plain District. Said construction will have a footprint of 6,140 square feet and a floor area of 16,994 square feet, with associated landscaping. A parking lot of 54 spaces will be constructed, with an additional 7 spaces landbanked for future use.

A Special Permit pursuant to the provisions of Section XIVB and Section XXV of the Zoning Bylaw is requested for a Major Construction Project in a Flood Plain District, which includes locating additional parking, walkways and a portion of the structure in the flood plain.

On March 7, 1996, 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 Alan Schlessinger, attorney for Beacon Properties, parent company for Wellesley Holding II L.P., who was accompanied by Jeffrey Wade of Architecture Design Development, Michael Tucker of VHB and David Johanson, Senior Project Manager for Beacon Construction Company. Mr. Schlessinger said that the 16,900 square foot addition is for the Amica property at 100 William Street. A corner of the addition and a portion of the parking lot is in the Flood Plain District, thereby requiring an additional Special Permit.

The Board stated that several years ago, the last time there was an expansion at Wellesley Office Park, the owners agreed that it would be the last expansion on the property.

Mr. Schlessinger replied that the language appears in a Special Permit that was granted for Building #7. It was a land swap that allowed the building to be constructed. Amica sold a piece of its property to Wellesley Office Park at that time.

ZBA 96-17
Petition of Wellesley Holding II L.P.
100 William Street (Wellesley Office Park)

APR 12 7 52 AM '96

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The Board asked if the proposed construction was in the Wellesley Office Park. Mr. Schlessinger said that the parcel (100 William Street) has never been under Beacon ownership until last May. The parcel had been developed separately and was never part of Wellesley Office Park approvals.

The Board responded that the intent was exactly what was stated; that the petitioner was given what they wanted at that time, based on the fact that nothing else would be built in that area.

Mr. Schlessinger explained that the petitioner for Building #7 had been Wellesley Office Park. Amica was not in the petition. This project has been through the PSI process. The Selectmen have dealt with the traffic issue in great detail, and have placed programmatic and physical conditions, which have been incorporated into the PSI Special Permit. The Wetlands Committee has issued an Order of Conditions. The project has been before the Design Review Board for two reviews.

The Board asked if the new building would have fewer occupants than under Amica ownership. Mr. Schlessinger said that Amica uses the existing building as back-office space in which the ratio is one person per 150 square feet. Executive offices, being larger, will have less density. He added that although 61 new parking spaces are required under the Zoning Bylaw, the petitioner is requesting that 7 spaces be landbanked for future use. Significant landscape features can be maintained by not building the required 7 spaces.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 100 William Street, on a 209,489 square foot lot, in an Administrative and Professional District and a Flood Plain District.

In 1967, the Board of Appeals granted permission (ZBA 67-3) to Mass. Indemnity and Life Insurance Company to construct a 17,200 square foot building for administrative offices at 100 William Street. In 1975, the property was sold to Amica Mutual Insurance Company. On May 4, 1995, title was transferred from Amica Mutual Insurance Company to Wellesley Holding II, L.P. for the parcel containing approximately 4.809 acres.

In 1983, the Beacon Companies requested and were granted permission by the Board of Appeals (ZBA 83-25) to construct a 23,600 square foot office building (Building #7) at 80 William Street in the Wellesley Office Park. Contained in the decision was the following language:

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WELLESLEY, MA 02181
APR 12 7 52 AM '96

"Edward N. Sidman, President of Beacon Companies, elaborated on methods Beacon has used to solve traffic problems, and stated that absolutely no other building will be constructed at Wellesley Office Park."

"This Authority understands that there will be no further building in Wellesley Office Park, as stated by the petitioner, and is of the opinion that Building #7 should be the last expansion of office space in Wellesley Office Park."

It is the petitioner's contention that, prior to May 4, 1995, 100 William Street has always been held under separate ownership and has not been considered part of the Wellesley Office Park complex; and therefore, the above quoted statements do not pertain to 100 William Street, or the petition before this Authority.

The petitioner is requesting a Special Permit for Site Plan Approval to allow construction of a three-story addition to the existing three-story office building, which has a footprint of 16,740 square feet and a floor area of 45,852 square feet. The addition will have a footprint of 6,140 square feet and a floor area of 16,994 square feet. The existing parking area contains 164 spaces. The proposed building addition requires 61 additional spaces, of which the petitioner is requesting permission to landbank 7 spaces in order to maintain existing landscaping.

A Special Permit pursuant to the provisions of Section XIVB of the Zoning Bylaw for a Major Construction Project, which involves locating additional parking, walkways and a portion of the structure in a Flood Plain District.

The following plans were submitted: Topographic Site (TS1) dated 3/5/96, signed by Scott D. Cameron, Professional Land Surveyor; Layout & Materials Plan (C-3) dated 2/16/96, revised 3/5/96; signed by Richard Hollworth, Registered Professional Engineer; Plot Plan (TS2) dated 3/5/96, signed by Scott D. Cameron, Professional Land Surveyor; Grading, Drainage & Utilities Plan (C-4) dated 2/16/96, revised, 3/5/96, signed by Richard Hollworth, Registered Professional Engineer; Landscaping Plan (L-1) dated 2/13/96, signed by Craig C. Halvorson, Registered Landscape Architect; Floor Plan/Ground Floor (A-1); Floor Plan/First Floor (A-2); Floor Plan/Second Floor (A-3); Roof Plan (A-4); Elevations/South & East (A-5); Elevations/North & West (A-6); and Building Sections (A-7). Plans A-1 through A-7 were all dated 2/13/96 and signed by Michael S. Hass, Registered Architect.

The following information was submitted: Official Development Prospectus, Subsurface Calculations, which included Exploration Locations (SB-1), prepared by Haley & Aldrich dated 3/24/95 and 5/26/95; Stormwater Management System Calculations prepared by Vanasse Hangen Brustlin, Inc., dated February, 1996, revised March 4, 1996; and Traffic Impact and Access Study prepared by Vanasse Hangen Brustlin, Inc., dated March, 1996.

ZBA 96-17
Petition of Wellesley Holding II L.P.
100 William Street (Wellesley Office Park)

APR 12 7 52 AM '96

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WELLESLEY, MA 02181

additional congestion in public and private ways, and insure adequate protection for water, sewerage and drainage. Furthermore, the project insures compliance with Section XVI, Section XXI and Section XXII of the Zoning Bylaw.

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

A Special Permit for the proposed Major Construction Project to be built in a Flood Plain District is also granted, as voted unanimously by this Authority at the Public Hearing, pursuant to the provisions of Section XIVB of the Zoning Bylaw, 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.

John A. Donovan, Jr., Chairman

Kendall P. Bates

Robert A. Bastille

cc: Planning Board
Inspector of Buildings
Wetlands Protection Committee
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ZBA 96-17
Petition of Wellesley Holding II L.P.
100 William Street (Wellesley Office Park)

APR 12 7 52 AM '96

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All of the above submission materials were 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 in the office of the Board of Appeals.

Pursuant to the provisions of Section XVIA-B, the project is determined to be a Project of Significant Impact as it will have an aggregate total of newly constructed floor area of 10,000 or more square feet. On February 14, 1996, the Planning Board issued a Special Permit with Special Permit Conditions (PSI-95-2) for the project.

On February 29, 1996, the Wetlands Protection Committee issued an Order of Conditions (DEP 324-220) for the project.

On February 22, 1996, the Design Review Board reviewed the proposed construction and requested a new plan regarding the design configuration of the new entry and its associated landscaping. Further discussion of the facade design was also requested. On March 21, 1996, the Design Review Board held a Final Review and voted to approve the project as presented.

The Engineering Division requested additional plan details, and noted that the ground water elevation was 2.5 feet higher on March 22, 1996 than the Haley & Aldrich report indicated in 1995. In response to this request, a revised detail of the subsurface detention structures, a detail of the drain manhole and a revised Grading, Drainage & Utilities Plan (C-4), dated 3/26/96, signed by Lee T. McNeil, Registered Professional Engineer were submitted by VHB on 3/27/96.

On March 19, 1996, the Planning Board reviewed the petition and voted to recommend no objection to the granting of this request.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The petitioner's proposed three-story addition with a footprint of 6,140 square feet and a floor area of 16,994 square feet constitutes a Major Construction Project pursuant to Section XVIA of the Zoning Bylaw because it includes construction of 2,500 or more square feet of gross floor area. The proposed construction of the structure, the parking lot and walkways are also subject to the provisions of Section XIVB as all of the parking lot and walkways, and a portion of the addition lie in a Flood Plain District.

It is the opinion of this Authority that the proposed plan for the three-story addition, 54 space parking lot with 7 additional landbanked spaces, associated landscaping and walkways, as shown on the plans and revised plans detailed in the foregoing Statement of Facts, comply with the Zoning Bylaws of the Town, protect the safety, convenience and welfare of the public, minimize

APR 12 7 52 AM '96

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WELLESLEY, MA 02181

ZBA 96-17
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ADDENDUM A

1. All work shall be performed in accordance with the latest 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 Town of Wellesley Fire Department must 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. Upon completion of the project, a complete set of site utility plans shall be submitted to the Department of Public Works.

6. A copy of the Occupancy Permit issued by the Inspector of Buildings shall be submitted to this Authority at the time of issuance.

7. All Special Permit Conditions enumerated in the Special Permit for a Project of Significant Impact (PSI-95-2) for 100 William Street are hereby incorporated into this Addendum.

8. The Order of Conditions (DEP 324-220) issued by the Wetlands Protection Committee is hereby incorporated into this Addendum.

9. An annual maintenance report verifying that the catch basins on the site have been cleaned shall be filed with the Wetlands Protection Committee by July 1st of every year.