



## ZONING BOARD OF APPEALS

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ZBA 2006-07

Petition of Town of Wellesley/Recreation Department  
311 Walnut Street

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Petition of TOWN OF WELLESLEY RECREATION DEPARTMENT requesting review of conditions to Special Permit, ZBA 2001-5, Addendum A, Sections 2-5, pursuant to the provisions of Section II A 8 (i) and Section XXV of the Zoning Bylaw that allowed the premises at 311 WALNUT STREET (THE WARREN SCHOOL), in a Single Residence District, to be used as a recreation center and offices for the Recreation Department and the Health Department, a use not allowed by right in a Single Residence District.

On January 23, 2006, 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 Jan Kaseta, Director of the Recreation Department, who said that they are requesting that the Board look at the conditions of the decision for the Recreation Department at the Warren Building.

Ms. Kaseta reviewed the Addendum by number:

1. At no time shall programs be scheduled in the building that require parking to exceed the number of on-site parking spaces.

Ms. Kaseta said that for the past two years they scheduled programs by the hour, basing the number of participants allowed to sign up for a program on the number of parking spaces. She said that there is one drop-in program. Ms. Kaseta said that if they see that the parking lot is crowded, they put a sign on the door stating, "No more people."

2. The hours of operation shall be as follows: Monday through Saturday – 8 a.m. to 10 p.m.  
Sunday – Noon to 6 p.m.

Ms. Kaseta said that they are requesting that the hours of operation on Sunday be extended to 10 a.m. to 6 p.m.

3. There shall be no more than a total of 400 registrants per day throughout the week.

Ms. Kaseta said that they are requesting that the condition be stricken. She said that they have lived within the limit. She said that they are running their programs in accordance with the Condition 1 which states:

At no time shall programs be scheduled in the building that require parking to exceed the number of on-site parking spaces.

4. The total number of registrants during the peak periods from 7:30 a.m. to 8:30 a.m. and from 4 p.m. to 6 p.m. shall not exceed 95 registrants.

Ms. Kaseta said that their first program is at 8:45 a.m. The Board asked about programs between 4 and 6:00 p.m. Ms. Kaseta said that they have been staggering their programs between 4 and 6:00 p.m. She said that some programs start at 3:30 and are done by 4:30 and others start at 3:45 and are done by 4:45 p.m. She that they typically do not start back up until 7:00 p.m. for the evening programs.

The Board asked how the way that the conditions read are hurting the Recreation Department. Ms. Kaseta said that they are not hurting the Recreation Department. She said that they are of no consequence as to the way that they run things.

5. There shall be no more than a total of 125 registrants during the evening hours from 6 to 10 p.m. on Monday through Saturday.

Ms. Kaseta said that they would like to have that condition stricken also.

The Board asked about scheduling and overlap in parking. Ms. Kaseta said that programs run one to one and one half hours. She said that a typical exercise program in the morning would run about 45 to 50 minutes. It would be done at 9:30 a.m. She said that little childrens' programs would not start up until 10:00 a.m. The Board asked if there is a designed break in the program to allow for people staying after the program for a short time. Ms. Kaseta said that there is.

Carl Fleischer, Recreation Commission, said that having to count the number of people in the building during the day or to count the number of people during a particular period of time is not necessary. He said that he thought those conditions were put there initially to make the neighbors comfortable. He said that two years of experience has shown that there have not been problems. He said that the programs will be managed according to the number of parking spaces.

Jim Conlin, Recreation Commission, said that another concern had been traffic at entrances and exits. He said that the programs are staggered and there has not been a queuing problem.

The Board said that complaints can be brought to the Building Inspector should parking become a problem. The Building Inspector's decision can be appealed to the Zoning Board of Appeals.

#### Statement of Facts

The subject property is located at 311 Walnut Street, on a 4.21 acre lot, in a Single Residence District. The Cochituate Aqueduct runs the length of the property along the northeast lot line.

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The Warren School was constructed in 1935. Until January 1987, it was used as a school with between 200 and 400 students in attendance during those years. In February 1987, the School Committee placed the building under the jurisdiction of the Board of Selectmen. In August 1987, the Board of Appeals granted a Special Permit (ZBA 87-60) to the Board of Selectmen to allow the premises to be leased to ArtistSpace, Inc. for use as 28 artist studios. The Special Permit was amended to run concurrently with the terms of the lease for 10 years.

Town Meeting, in April 1988, passed Article 36 which designated 2.5 acres of the property as parkland under the jurisdiction of the Natural Resources Commission, while 54,260 square feet containing the Warren School remained under the jurisdiction of the Board of Selectmen, which also had jurisdiction over the Cochituate Aqueduct.

On October 8, 1998, the Permanent Building Committee submitted a petition for a Special Permit to allow the premises to be used as a recreation center, and offices for the Recreation Department, the Health Department, and a portion of the School Department Administration, a use not allowed by right in a Single Residence District. After two Public Hearings on the petition, the Board voted unanimously to deny the Special Permit in a decision dated January 13, 1999 (ZBA 98-92).

On January 3, 2001, the Town of Wellesley/Permanent Building Committee/Recreation Commission/Board of Health submitted a petition for a Special Permit to allow the premises to be used as a recreation center and offices for the Recreation Department and the Health Department, a use not allowed by right in a Single Residence District. After two Public Hearings on the petition, the Board voted unanimously to approve the Special Permit in a decision dated April 4, 2001 (ZBA 2001-5).

One-Year Traffic Report, Warren Program/Car Attendance, dated 3/29/2004 to 3/14/2005 was submitted.

### Decision

This Authority has made a careful study of the materials submitted and the information presented at the Public Hearing. The use of the premises at 311 Walnut Street, the Warren Building, as a recreation center and office space for both the Recreation and Health Departments is a use not allowed by right in a Single Residence District.

The petitioner is requesting review of Conditions 2, 3, 4 and 5, contained in Addendum A of the Zoning Board of Appeals decision, ZBA 2001-5, dated 4/4/01.

It is the opinion of this Authority that amending Condition 2 of Addendum A, to allow an increase in the hours of operation to Monday through Saturday, 8 a.m. to 10 p.m., and Sunday, 10 a.m. to 6 p.m. shall not adversely affect the character of the site or its surrounding area.

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It is the opinion of this Authority that striking Conditions 3, 4 and 5 of Addendum A shall neither adversely affect the character of the site or its surrounding area nor add to the traffic congestion or accident potential on the site or in the surrounding area, as Condition 1 of Addendum A remains in effect and requires that,

At no time shall programs be scheduled in the building that require parking to exceed the number of on-site parking spaces.

Therefore, this Authority, by a unanimous vote taken at the Public Hearing on February 9, 2006, amended Special Permit ZBA 2001-5, Addendum A as follows:

Condition

2. The hours of operation shall be as follows: Monday through Saturday – 8 a.m. to 10 p.m.  
Sunday – 10 a.m. to 6 p.m.
3. Stricken
4. Stricken
5. Stricken

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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.

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Richard L. Seegel, Chairman

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David G. Sheffield

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Robert A. Bastille

cc: Planning Board  
Inspector of Buildings  
lrm