



BOARD OF APPEAL

RICHARD O. ALDRICH
DANA T. LOWELL
F. LESTER FRASER

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235-1664

Petition of Robert Leventhal and Norman B. Leventhal

Pursuant to due notice the Board of Appeal held a public hearing in the hearing room on the second floor of the Town Hall at 8:55 p.m. on June 22, 1967, on the petition of Robert Leventhal and Norman B. Leventhal requesting approval of plans pertaining to the proposed construction of a building to be located on the north side of Glenwood Road (William Street) No. 37, within an Administrative and Professional District in accordance with the requirements of Section IX of the Zoning By-law. The petitioners further requested an exception from the terms of Section XX of the Zoning By-law which would permit them to erect said building with more than three stories so as to exceed a height of forty-five feet.

On June 2, 1967, the petitioners filed their request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Thomas J. Carens, Attorney, represented the petitioners at the hearing.

The Planning Board in its report offered comments regarding the plans submitted. It found the plans inadequate in their provision for drainage, lot dimensions, and elevation plans; it felt that a parking problem could arise if Building #1 and Building #3 were to come under separate ownership and if a fence were to be erected along the line. It offered no objection to granting relief which would allow the petitioners to exceed the height limitation.

Everett R. Kennedy, Superintendent of the Board of Public Works, disapproved the plans in his report, as he found them incomplete as far as his department was concerned.

Statement of Facts

The lot involved is part of a parcel of land located within an Administrative and Professional District and contains 104,214 square feet. It is proposed to construct a building to be used for purposes allowed within the District. There are two existing buildings in the area which are owned by the petitioners, and the proposed building is to be similar to those already erected. The building, if built, will cover 15,314 square feet in area with facilities for parking of motor vehicles containing an area of 47,458 square feet, which will provide space for 131 cars. There will be sixteen spaces between the building and the street for transient parking only.

Plans showing the location and elevations of the proposed building, the proposed exterior materials, provision for off-street parking facilities, interior roads and driveways, water, sewerage disposal drainage and landscaping were submitted.

In addition to the submittal of plans for approval, the petitioners

seek an exception from the terms of Section XX of the Zoning By-law which will permit them to erect a building which exceeds the limitation of forty-five feet or three stories. It is proposed to construct a building which will be 39'8" to the top of the roof and 54' to the top of the so-called penthouse above the roof which will serve only to house mechanical equipment necessary for a modern office building.

Decision

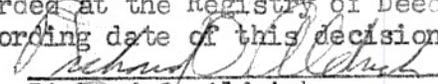
In February 1967, this Board granted permission to the petitioners to construct a similar building in the location involved. However, since that time, the petitioners found it necessary to make some changes in the plans and have submitted a revised set of plans for this Board's approval. At the request of the Board, a revised plot and layout plan was submitted, drawn by Homer K. Dodge, dated September 25, 1967. Said plan showed the location of the proposed building on the lot as well as the proposed parking area and landscaped area.

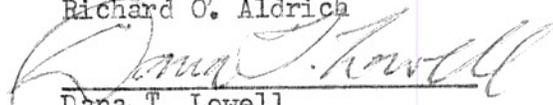
The Board has examined the various plans submitted and finds that they show compliance with the provisions of paragraph (a) through (f) of Section IX of the Zoning By-law and that adequate provision has been made by the petitioners for the matters of public interest referred to in said paragraph (f). The Board further finds that an exception can be granted from the terms of Section XX, Heights of Buildings, as in its opinion the proposed penthouse will not cause undue congestion or traffic or population, or interruption of light and air, or result in a detriment to the owner or occupants of nearby land, and that a literal enforcement of Section XX of the Zoning By-law would cause a substantial hardship to the petitioners and is impractical considering the need to develop a plan which is economic while at the same time complying substantially with the height restriction of the Zoning By-law and with lot coverage, parking and other applicable requirements.

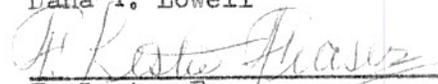
Accordingly, the plans submitted and on file with this Board's identification are approved as submitted and the Inspector of Buildings is hereby directed to issue a permit for the proposed office building subject to compliance with the Building Code and the following conditions:

1. That all work shall be performed in accordance with the plans hereby approved.
2. That the landscaping shall be maintained to the satisfaction of this Board for the life of the building.
3. That upon completion of the building a complete set of architectural plans, including a complete set of mechanical plans, shall be submitted to this Board showing exactly how the building was constructed. Said plans shall be submitted and approved by this Board prior to occupancy of the building.
4. That a surety performance bond running to the Town shall be provided in the amount of \$20,000. in form satisfactory to Town Counsel and the Board of Appeal which shall be posted with the Treasurer of the Town of Wellesley before commencement of the work. Said

- Cont. 4. bond shall be conditioned on the completion of the work in accordance herewith and the performance of all conditions hereof, and shall be signed by party or parties satisfactory to Town Counsel.
5. That approval shall be obtained from the Metropolitan District Commission, authorizing the building to drain surface drainage, if any, into the Charles River. Petitioners by proceeding with construction of the proposed building and improvements shall be deemed to have agreed to provide at no cost to the Town, for any different or supplemental facilities for surface drainage from subject premises as may from time to time be required by applicable provisions of law.
6. That plan of land drawn by Alphonse L. Savignac dated Sept. 22, 1967, shall be recorded at the Registry of Deeds within thirty days of the recording date of this decision with the Town Clerk.


Richard O. Aldrich


Dana T. Lowell


F. Lester Fraser

Filed with Town Clerk _____