

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

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235-1664

Petition of Massachusetts Indemnity and Life
Insurance Company

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 8:10 p.m. on January 25, 1967, on the petition of Massachusetts Indemnity and Life Insurance Company requesting the approval of plans pertaining to the proposed construction of a building for administrative offices at 100 William Street, within an Administrative and Professional District in accordance with the requirement of Section IX, 2 of the Zoning By-law.

On January 9, 1967, the petitioner filed its request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

The petitioner was represented at the hearing by its President, Jarvis Farley, and William E. Haible, Architect.

The Planning Board submitted a report in which it offered comments and made certain suggestions relative to the parking to be provided, the drainage system and the lighting.

The Superintendent of the Board of Public Works submitted a report from the Town Engineer which included comments on the Sanitary Sewer, Water Main, Water Service and Hydrants and Storm Drain.

Robert Leventhal, owner of the adjacent property, spoke in favor of the request.

A letter was received from James A. MacFee, Chief Engineer of the Fire Department in which he recommended the relocation of a hydrant.

Statement of Facts

The lot involved is located within an Administrative and Professional District and contains 323,578 square feet. It is proposed to construct a building to be used for purposes allowed within the District. The building is designed to cover 17,200 square feet in area with facilities for parking of motor vehicles containing an area of 39,940 square feet, with the ratio of ground coverage of building 2.32 to 1.

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

In addition to requesting approval of said plans the petitioner seeks an exception from the terms of Section XX of the Zoning By-law which will permit it to erect a building which with the cooling tower on its roof is forty-eight feet in height measured from the top of the foundation wall,

thereby exceeding the by-law limitation of forty-five feet. It was pointed out that to redesign the building to come within the height restrictions, would result in lowering ceilings and would produce a building less economic and less liveable for the purposes for which it was designed to be used.

The petitioner further seeks exceptions from Section IX of the Zoning By-law which requires that facilities for the parking of motor vehicles shall be provided and maintained in the ratio of three square feet to one square foot of ground coverage of the buildings. The petitioner plans to move 100 employees from its present building into the proposed building and based upon the nature of the work and type of operations, anticipates that very few transients will be visiting the building. Provision will be made for the parking of 130 cars, or a ratio of 2.32 to 1.

There is also a question whether the proposed location of parking complies with the requirement of paragraph 2 (e) of Section IX that no parking facilities other than those for transient motor vehicles shall be located between the principal building and the principal street line.

The plans submitted show provision for a cafeteria which is to be operated for the convenience of the employees and their guests.

Decision

The Board has examined the plans submitted together with the revisions requested, and finds that they show compliance with the provisions of paragraphs (a), (b), (c), and (f) of Section IX of the Zoning By-law. It is the feeling of this Board that while the parking requirements have not been met, that sufficient facilities will be provided to accommodate the petitioner's needs. The Board feels that it need not decide whether the location of parking complies with paragraph 2 (e) of Section IX since it is of the opinion in any event that various features peculiar to this lot, including its elevation below the level of Route 128, make the proposed location of parking the most desirable and appropriate and in the best interest of the Town and entitle petitioner to an exception if any be needed. Moreover, the Board is of the opinion that adequate provision has been made by the petitioner 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 of the Zoning By-law, as in its opinion, the proposed cooling tower will not cause undue congestion or traffic or population, or interruption of light and air, or result in a detriment to the owners 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 petitioner 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 other applicable requirements.

Although Section IX of the Zoning By-law does not specifically mention a cafeteria as a permitted use within an Administrative and Professional District, this Board feels that if it is used by its employees and their few guests, it will not be objectionable in any way and, without determining whether the Zoning By-law precludes the provision and operation of such a cafeteria, the Board is of the opinion that to so construe the By-law in these circumstances would cause a substantial hardship to the petitioner and that literal compliance with such a requirement would be impractical in view of the use being made of the lot.

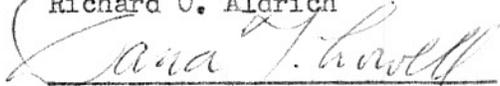
Accordingly, the plans and revisions submitted and on file with this

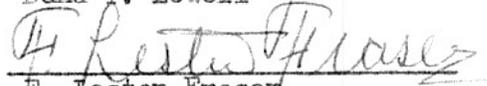
Board bearing the Board's identification: Plot Plan "A", drawn by Albert A. Miller - Wilbur C. Nylander, Civil Engineers & Surveyors, Lexington, Mass., dated January 20, 1967, Site Plan I, Plans #2, #3, #4, #5, and Plan "G", respectively are approved as submitted and the Inspector of Buildings is hereby 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 prior to occupancy of the building.
4. That lighting, if any, shall be shaded or directed away from Route 128 and Quinobequin Road.
5. That approval shall be obtained from the Metropolitan District Commission, authorizing the building to drain surface drainage, if any, into the Charles River. Petitioner 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 public premises as may be required by applicable provisions of law.
6. That all work shall be in compliance with the requirements of the Department of Public Works of the Town.
7. That the hydrants shall be located as directed by the Chief Engineer of the Fire Department.
8. Petitioner by proceeding with construction of the proposed building and improvements shall be deemed to have agreed to retain title to and reserve sufficient land contiguous to that occupied by said building and improvements to provide the additional parking required by the Zoning By-law and, upon written request of the Board of Appeal, to provide such additional parking, surfaced in the manner provided for parking areas described in the plans on file with the Board.
9. 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 bond shall be conditioned on the completion of the work in accordance herewith and the performance of all condi-

tions hereof, and shall be signed by party or parties
satisfactory to Town Counsel.


Richard O. Aldrich


Dana T. Lowell


F. Lester Fraser

Filed with Town Clerk _____

