



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

WILLIAM F. CULLINANE, CHAIRMAN
STEPHEN S. PORTER
JOHN A. DONOVAN, JR.

STEPHANIE J. GOSSELIN
Executive Secretary
Telephone
235-1664

WILLIAM E. POLLETTA
FRANKLIN P. PARKER
SUMNER H. BABCOCK

Petition of Richard L. Pickett et al

The Special Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall on Tuesday, October 28, 1980 at 9:00 PM on the Petition of Richard L. Pickett et al, requesting a modification of the Decision of the Board of Appeal, filed with the Town Clerk on September 11, 1979, which Decision approved modifications to the building, landscaping, and the parking facilities at the Medical Building being constructed at 486 Washington Street. The Petitioner now seeks to replace one of the handicapped entrance ramps with a stairway and to replace the other. Said request is made under the provisions of Section XXV of the Zoning Bylaw.

On October 10, 1980, the Petitioner filed their request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Present at the hearing and speaking on behalf of the request were Richard L. Pickett and William Foley. Both Mr. Foley and Dr. Pickett expressed that they felt the proposal would be safer and a better use of the site.

Statement of Facts

The building located at 486 Washington Street, a General Residence District, is under construction with a Special Permit filed with the Town Clerk on November 30, 1979. Permission to construct a "medical institution" on this site was originally granted with the approval of plans and issuance of a Special Permit filed with the Town Clerk on November 20, 1973. That Special Permit was modified by the 1979 Special Permit, on the application of the Petitioner, as a result of changes required by the Massachusetts Handicapped Code. The 1979 application and a letter dated September 27, 1979 signed by Mr. Foley one of the applicants to the current petition, stated in part:

"This modification of plans is primarily a result of the establishment of the Massachusetts Handicapped Code, effective March 3, 1977. As you are aware, to accommodate the special needs of the handicapped, buildings of this type must now have wheelchair access to all areas, as well as larger passageways and handicapped toilets."

NOTE: This Decision amends the Decision of this Authority filed on December 19, 1980.

APR 24 1 31 PM '81
TOWN OF WELLESLEY
CLERK'S OFFICE



The modifications requested with this current petition consist of replacing the handicapped entrance ramp to the second level with a flight of stairs and to relocate the entrance ramp to the first level parallel to the front of the building to conform to the existing grade of that area.

Subsequent to the Public Hearing, the Petitioner applied to the Architectural Barrier Board for a Variance from their Rules and Regulations concerning the need of a handicapped entrance ramp to the second floor. The Architectural Barrier Board denied the request. On December 12, 1980, the Petitioner requested permission of this Authority to withdraw, without prejudice, that portion of their current application dealing with the matter of the second floor handicapped entrance ramp in order that they may either revert to the original ramp plan, appeal the Architectural Barrier Board's decision and/or apply for approval to this Authority for a change in ramp plans.

On March 30, 1981, the Architectural Barrier Board rendered a decision on the appeal of their original decision, said March 30, 1981 decision granted a Variance from Section 8 of the 1977 Regulations of the Board as it applies to the second floor ramp.

Decision

This Authority has examined the proposed plan and is reasonably familiar with the site.

It is the unanimous opinion of this Authority that the proposed relocation of the entrance ramp to the first floor, as shown on the Site Plan dated October 28, 1980 and submitted with this application, will not significantly alter the already permitted nonconforming use granted by Special Permit dated November 30, 1979, and will not substantially derogate from the public good and will be in harmony with the general purpose and intent of the Zoning Bylaw, provided the proposal is in full compliance with the Rules and Regulations of the Architectural Barrier Board which became effective March 3, 1977 and were the principal argument for the 1979 application by the Petitioner and the subsequent decision of this Authority. Also, this Authority notes that no other changes to the plans submitted in connection with the 1979 application and Decision have been proposed.

This Authority notes in the decision of March 30, 1981 of the Architectural Barrier Board that the dentists on the first floor have agreed to allow the dentists on the second floor to use the first floor offices if needed, therefore enabling second floor doctors to treat handicapped patients.

Therefore, the request to relocate the first floor handicapped entrance ramp and to eliminate the second floor handicapped entrance ramp is granted, subject to the following conditions:

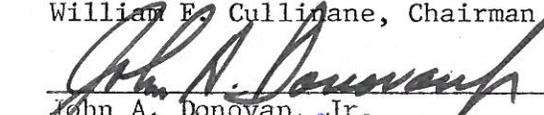
NOTE: This Decision amends the Decision of this Authority filed on December 19, 1980.

RECEIVED
TOWN CLERK'S OFFICE
WILLESTON MASS.
10-11-81

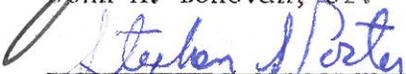
1. That the petitioners comply with all aspects of all Local, State and Federal rules, regulations and laws, including the Rules and Regulations of the Architectural Barrier Board for this type of building.
2. That the entrance ramp to the first floor be secured from unauthorized access during non-business hours.
3. That a new Site Plan be furnished to this Authority showing the relocated entrance ramp to the first floor and the stairway entrance to the second floor.
4. That an agreement be established and documented allowing the Doctors with second floor facilities the use of the Doctor's facilities on the first floor in order to treat handicapped patients and a copy of said agreement be signed by the Doctors presently involved and continued with each subsequent Doctor involved and filed with this Authority.
5. That a Surety Performance Bond filed with the Town as per Condition Eleven (11) of the 1979 Decision be increased to \$50,000 and be provided in a form satisfactory to Town Counsel and the Zoning Board of Appeals within ten (10) days after the filing date of this decision. Said Bond shall be conditional upon the completion of the work in accordance with this Special Permit, the Special Permit filed with the Town Clerk on September 11, 1979, and any approved modifications to either Special Permit that may be issued for the Medical Building at 486 Washington Street.



William F. Cullinane, Chairman



John A. Donovan, Jr.



Stephen S. Porter

NOTE: This Decision amends the Decision of this Authority filed on December 19, 1980.

APR 24 1 31 PM '81
RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MASS.

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

STEPHANIE J. GOBBELIN

Executive Secretary
Telephone
235-1664

WILLIAM F. CULLINANE, CHAIRMAN
STEPHEN S. PORTER
JOHN A. DONOVAN, JR.

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MASS.
DEC 19 12 12 PM '80

WILLIAM E. POLLETTA
FRANKLIN P. PARKER
SUMNER H. BABCOCK

Petition of Richard L. Pickett et al

The Special Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall on Tuesday, October 28, 1980 at 9:00 PM on the Petition of Richard L. Pickett et al, requesting a modification of the Decision of the Board of Appeal, filed with the Town Clerk on September 11, 1979, which Decision approved modifications to the building, landscaping, and the parking facilities at the Medical Building being constructed at 486 Washington Street. The Petitioner now seeks to replace one of the handicapped entrance ramps with a stairway and to relocate the other. Said request is made under the provisions of Section XXV of the Zoning Bylaw.

On October 10, 1980, the Petitioner filed their request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Present at the hearing and speaking on behalf of the request were Richard L. Pickett and William Foley. Both Mr. Foley and Dr. Pickett expressed that they felt the proposal would be safer and a better use of the site.

Statement of Facts

The building located at 486 Washington Street, a General Residence District, is under construction with a Special Permit filed with the Town Clerk on November 30, 1979. Permission to construct a "medical institution" on this site was originally granted with the approval of plans and issuance of a Special Permit filed with the Town Clerk on November 20, 1973. That Special Permit was modified by the 1979 Special Permit, on the application of the Petitioner, as a result of changes required by the Massachusetts Handicapped Code. The 1979 application, and a letter dated September 27, 1979 signed by Mr. Foley one of the applicants to the current petition, stated in part:

"This modification of plans is primarily a result of the establishment of the Massachusetts Handicapped Code, effective March 3, 1977. As you are aware, to accommodate the special needs of the handicapped, buildings of this type must now have wheelchair access to all areas, as well as larger passageways and handicapped toilets."





ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

STEPHANIE J. GOSSELIN
Executive Secretary
Telephone
235-1664

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MASS.

DEC 19 12 12 PM '80

WILLIAM F. CULLINANE, CHAIRMAN
STEPHEN S. PORTER
JOHN A. DONOVAN, JR.

WILLIAM E. POLLETTA
FRANKLIN P. PARKER
SUMNER H. BABCOCK

Petition of Richard L. Pickett et al, continued

The modifications requested with this current petition consist of replacing the handicapped entrance ramp to the second level with a flight of stairs and to relocate the entrance ramp to the first level parallel to the front of the building to conform to the existing grade of that area.

Subsequent to the Public Hearing, the petitioner applied to the Architectural Barrier Board for a Variance from their Rules and Regulations concerning the need of a handicapped entrance ramp to the second floor. The Architectural Barrier Board denied the request. On December 12, 1980 the petitioner requested permission of this Authority to withdraw, without prejudice, that portion of their current application dealing with the matter of the second floor handicapped entrance ramp in order that they may revert to the original ramp plan, appeal the Architectural Barrier Board's decision and/or apply for approval to this Authority for a change in ramp plans.

Decision

This Authority has examined the proposed plans and is reasonably familiar with the site.

The request to withdraw, without prejudice, the application to replace the second floor entrance ramp with a flight of stairs is granted.

It is the unanimous opinion of this Authority that the proposed relocation of the entrance ramp to the first floor, as shown on the Site Plan dated October 28, 1980 and submitted with this application, will not significantly alter the already permitted non-conforming use granted by Special Permit dated November 30, 1979, and will not substantially derogate from the public good and will be in harmony with the general purpose and intent of the Zoning Bylaw, provided the proposal is in full compliance with the Rules and Regulations of the Architectural Barrier Board which became effective March 3, 1977 and were the principal argument for the 1979 application by the petitioner and the subsequent decision of this Authority. Also, this Authority notes that no other





ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

STEPHANIE J. GOSSELIN
Executive Secretary
Telephone
235-1664

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MASS.
DEC 19 12 12 PM '80

WILLIAM F. CULLINANE, CHAIRMAN
STEPHEN S. PORTER
JOHN A. DONOVAN, JR.

WILLIAM E. POLLETTA
FRANKLIN P. PARKER
SUMNER H. BABCOCK

Petition of Richard L. Pickett, et al, continued

changes to the plans submitted in connection with the 1979 application and Decision have been proposed.

Therefore, the request to relocate the first floor handicapped entrance ramp is granted subject to the following conditions:

1. That the petitioners comply with all aspects of all Local, State and Federal rules, regulations and laws including the Rules and Regulations of the Architectural Barrier Board for this type of building.
2. That the entrance ramp to the first floor be secured from unauthorized access during non-business hours.
3. That a new Site Plan be furnished to this Authority showing the relocated entrance ramp to the first floor and the approved entrance ramp to the second floor.
4. That the Surety Performance Bond filed with the Town as per Condition Eleven (11) of the 1979 Decision be increased to \$50,000 and be provided in a form satisfactory to Town Counsel and the Zoning Board of Appeals within ten (10) days after the filing date of this decision. Said Bond shall be conditional upon the completion of the work in accordance with this Special Permit, the Special Permit filed with the Town Clerk on September 11, 1979, and any approved modifications to either Special Permit that may be issued for the Medical Building at 486 Washington Street.

William F. Cullinane

William F. Cullinane, Chairman

John A. Donovan, Jr.

John A. Donovan, Jr.

Stephen S. Porter

Stephen S. Porter

