



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 94-33
Petition of Wellesley Toyota
216 Worcester Street

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 26, 1994 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 TOYOTA requesting the following Special Permits for a new construction project at their premises at 216 WORCESTER STREET in a Single Residence District, a Business District, a Business A District, and a Water Supply Protection District:

1. Site Plan Approval pursuant to the provisions of Section XVIA and Section XXV of the Zoning Bylaw to allow demolition of an existing 30 feet by 72 foot showroom and construction of a one and one-half story addition approximately 30 feet by 82 feet, with a footprint of 2,460 square feet and a floor area of 3,660 square feet; and a canopy approximately 44 feet by 53 feet. The half-story addition will be comprised of two mezzanine areas; each area approximately 20 feet by 30 feet. There will be no additional landscaping or parking provided.
2. A Special Permit pursuant to the provisions of Section XIVE and Section XXV of the Zoning Bylaw to allow construction of a Major Construction Project in a Water Supply Protection District. All construction must comply with the Design and Operation Standards in Section XIVE-F of the Zoning Bylaw.
3. A Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the proposed increase in the nonconforming Floor Area Ratio from .37 to .40 due to the proposed increase in floor area of 1,556 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The allowed Floor Area Ratio in both Business and Business A Districts is .30.

On May 5, 1994, 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 were Mark Regent, project architect; Mr. Nai Nan Ko, owner of Wellesley Toyota; and Thomas Murray, project contractor. Mr. Regent said that they would like to demolish the existing showroom and construct a new showroom which will be slightly larger on the right side; add three offices in the mezzanine above the showroom; and construct a canopy on the right side to provide protection from inclement

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weather for customers test driving new vehicles.

The Board asked why the proposed building looked as if it had been chopped off on the left side. Mr. Regent replied that originally, the proposed showroom had encroached on the 10 foot right-of-way deeded to Bruno Borgatti. After the petition had been submitted on May 5, 1994, Mr. Ko learned of the right-of-way, and had the encroaching portion of the building eliminated from the plans. They also discovered that the original building was nonconforming as to Floor Area Ratio, as the FAR had been computed on the square footage of the total lot including the portion zoned Single Residence, instead of on the square footage of only the Business and Business A portions of the lot.

The Board asked what plans were being made as to parking and potential traffic problems on the Service Road during construction. Mr. Murray said that all cars at the front of the site would be removed to make room for the construction equipment. He further stated that a police detail would be provided, if necessary, to ensure the smooth flow of traffic. The Board stated that the decision would contain conditions regarding the construction phase.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 216 Worcester Street on the eastbound side on a 74,120 square foot lot, of which 41,540 square feet are in a Business and a Business A District, and 32,580 square feet are in a Single Residence District. There is a 10 foot right-of-way, deeded to Bruno Borgatti, running 288.69 feet along the eastern property line. The entire property is in a Water Supply Protection District. The property is owned by Allen M. Glick and leased to Nai Nan Ko for use as a Toyota dealership.

The petitioner is requesting Site Plan Approval to demolish an existing 2,130 square foot showroom and construct a one and one-half story addition with a footprint of 2,460 square feet and a floor area of 3,660 square feet; and a canopy approximately 44 feet by 53 feet. There will be no additional parking or landscaping provided. A Special Permit for a Major Construction Project in a Water Supply Protection District is also requested.

A Finding is requested that the increase in the nonconforming floor area ratio from .37 to .40 due to the construction of the proposed addition, will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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The following plans were submitted: Site Plan of Land dated February 23, 1994, revised May 5, 1994, drawn by Charles Francis Arnold, Registered Professional Land Surveyor; Sketch of Spot Elevations in Wellesley, Mass. dated February 4, 1994, drawn by Charles Francis Arnold, Registered Professional Land Surveyor; Floor Plans, Details & Notes (A1) dated April 18, 1994 of which Mezzanine Plan (1) and First Floor Plan (2) were revised May 6, 1994, drawn by Mark F. Regent, Registered Architect; Elevations and Sections (A2) dated April 14, 1994 of which Elevation (1) was revised May 6, 1994, drawn by Mark F. Regent, Registered Architect; Wall Sections (A3) dated April 14, 1994, drawn by Mark F. Regent, Registered Architect; Wall Sections & Details (A4) dated April 14, 1994, drawn by Mark F. Regent, Registered Architect; Reflected Ceiling Plans, Roof Plan, Schedule of Finishes and Partial Site Plan (A5) dated April 22, 1994, revised May 6, 1994, drawn by Irwin A. Regent, Registered Architect; Foundation Plan/First Floor Plan/Notes/Mezzanine Framing/Roof Framing Plan (S1) dated April 14, 1994, drawn by Joseph Demartino, Professional Engineer and Irwin A. Regent, Registered Architect; Sections (S2) dated April 14, 1994, drawn by Joseph DeMartino, Professional Engineer and Irwin A. Regent, Registered Architect; Fire Protection Floor Plan (FP-1) dated April 18, 1994, drawn by Armand B. Aubut, Professional Engineer; HVAC Floor Plan (H-1) dated April 18, 1994, drawn by Armand B. Aubut, Professional Engineer; HVAC Roof Plan & Details (H-2), dated April 18, 1994, drawn by Armand B. Aubut, Professional Engineer; First Floor Plan/Lighting/Power (E1) dated April 14, 1994, drawn by Robert Shepherd, Professional Engineer and Irwin A. Regent, Registered Architect; and Mezzanine Plan/Lighting/Power (E2) dated April 14, 1994, drawn by Robert Shepherd, Professional Engineer and Irwin A. Regent, Registered Architect.

An Official Development Prospectus, boring logs and photographs were also submitted.

On March 24, 1994, the Design Review Board reviewed the proposed reconstruction of the showroom and voted to approve the design with the recommendation that a comprehensive analysis of the grading of the lot be done to determine whether the skewing of the grade along the Worcester Street entrances to the site could be mitigated.

All submitted information and plans were also 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 at the ZBA office.

The Wetlands Protection Committee reviewed both the Site Plan Approval and the Special Permit applications and stated that it had no concerns with the project. In regard to the Special Permit in a Water Supply Protection District, the Committee determined that on-site recharge is not an issue as there will be no increase in the amount of impervious area on the

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site. Grade reduction also was not an issue because the exterior grades will remain relatively unchanged, and according to submitted soil borings, the groundwater is 15 feet below the surface. No fill will be brought to the site.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The petitioner's proposed one and one-half story addition and with a footprint of 2,460 square feet and a floor area of 3,660 square feet, with a 44 foot by 53 foot canopy constitutes a Major Construction Project pursuant to Section XVIA of the Zoning Bylaw because it includes the construction of 2,500 or more square feet of gross floor area. It is also pursuant to Section XIVE because the property lies in a Water Supply Protection District.

It is the opinion of this Authority that the proposed plans for the one and one-half story addition and canopy as shown on the submitted plans, as noted in the foregoing Statement of Facts, comply with the Zoning Bylaws of the Town, protect the safety, convenience and welfare of the public, minimize additional congestion in public and private ways, insure adequate protection for water, sewerage and drainage. Furthermore, it insures compliance with Section XVI, Section XXI and Section XXII of the Zoning Bylaw.

Site Plan Approval is hereby granted by this Authority pursuant to Section XVIA of the Zoning Bylaw, subject to the conditions attached hereto as Addendum A.

It is the opinion of this Authority that the proposed construction meets all of the Design and Operation Standards pursuant to Section XIVE and F in the Zoning Bylaw for a Major Construction Project in a Water Supply Protection District, as there will be no increase in the amount of impervious area on the site, no impact of the drainage on the site as a result of the project, minimal grade reduction, and no fill will be brought to the site.

Therefore, a Special Permit for the construction of a Major Construction Project in a Water Supply Protection is hereby granted.

It is the Finding of this Authority pursuant to the provisions of Section XVII of the Zoning Bylaw that the proposed increase in the nonconforming Floor Area Ratio from .37 to .40 due to the construction of the one and one-half story addition is minimal and will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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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.

cc: Planning Board
Inspector of Buildings
Nai Nan Ko, Wellesley Toyota
Mark Regent, Irwin A. Regent, Architects
Thomas Murray, Adams Builders & Contractors


John A. Donovan, Jr., Chairman


Kendall P. Bates


Franklin P. Parker

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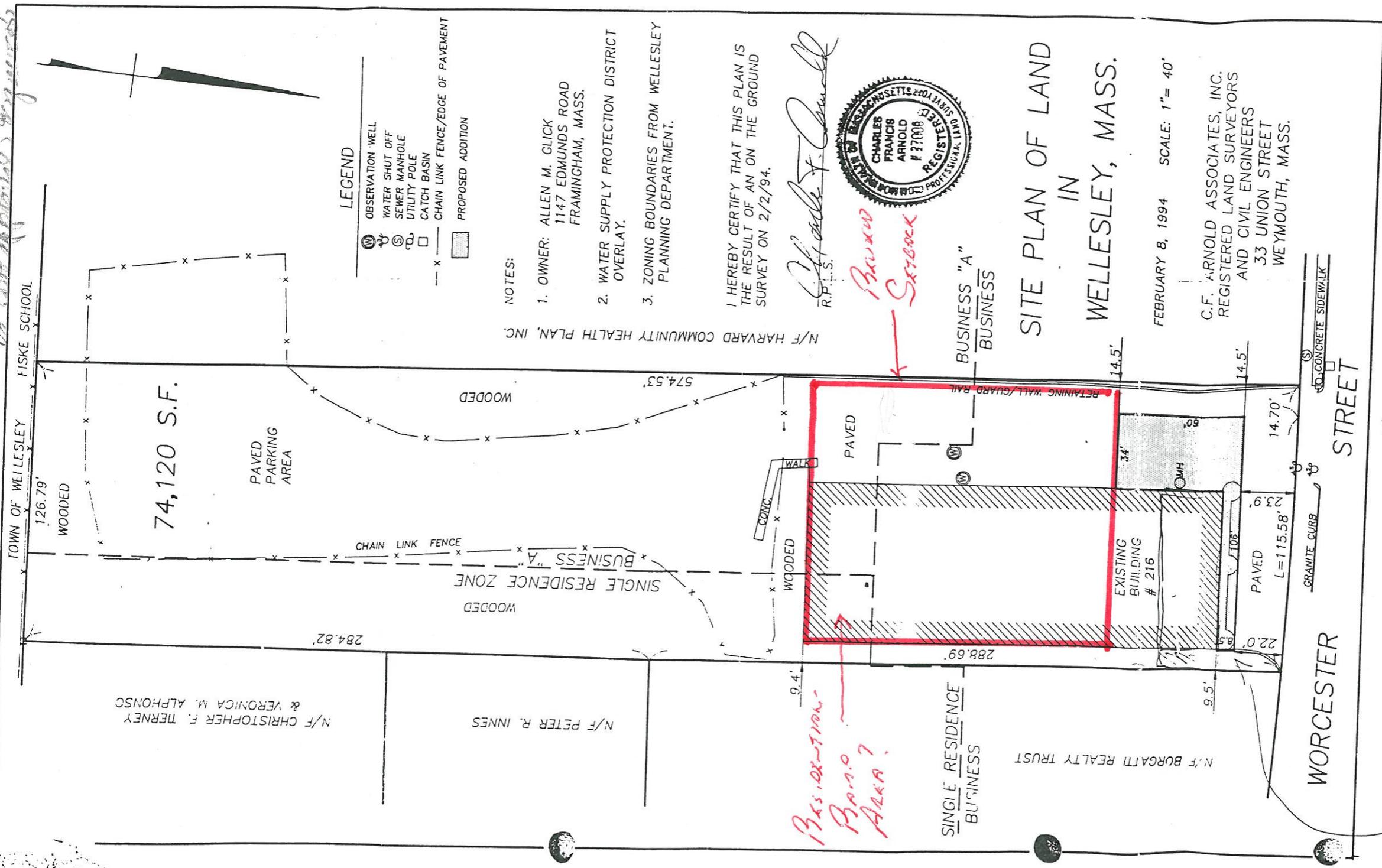
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ADDENDUM A

1. All work shall be performed in accordance with the 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 Wellesly Fire Department shall 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. During the period of construction, the petitioner is responsible for maintaining the smooth flow of traffic on the Service Road to the extent of hiring a special police detail to ensure compliance with this condition.
7. During the period of construction, no vehicles shall be parked in the front portion of the property which in any way could impede traffic or the access/egress to Wellesley Toyota.
8. A copy of the Occupancy Permit issued by the Inspector of Buildings shall be submitted to this Authority at the time of issuance.

*450000 - 1000000 Dollars
to the 1000000 Dollars*



N/F CHRISTOPHER F. TERNNEY & VERONICA M. ALPHONSO

N/F PETER R. INNES

N/F HARVARD COMMUNITY HEALTH PLAN, INC.

N/F BURGATTI REALTY TRUST

LEGEND

- OBSERVATION WELL
- ⊕ WATER SHUT OFF
- ⊙ SEWER MANHOLE
- ⊕ UTILITY POLE
- CATCH BASIN
- x- CHAIN LINK FENCE/EDGE OF PAVEMENT
- ▭ PROPOSED ADDITION

NOTES:

1. OWNER: ALLEN M. GLICK
1147 EDMUNDS ROAD
FRAMINGHAM, MASS.
2. WATER SUPPLY PROTECTION DISTRICT OVERLAY.
3. ZONING BOUNDARIES FROM WELLESLEY PLANNING DEPARTMENT.

I HEREBY CERTIFY THAT THIS PLAN IS THE RESULT OF AN ON THE GROUND SURVEY ON 2/2/94.

Charles F. Arnold
R.P.S.



*Proposed
Strip*

**SITE PLAN OF LAND
IN
WELLESLEY, MASS.**

FEBRUARY 8, 1994 SCALE: 1"= 40'

C.F. ARNOLD ASSOCIATES, INC.
REGISTERED LAND SURVEYORS
AND CIVIL ENGINEERS
33 UNION STREET
WEYMOUTH, MASS.

*According to next door Neighbor
we CAN NOT Build on this strip of land!*