



ZONING BOARD OF APPEALS

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ROBERT W. LEVY
WALTER B. ADAMS
DEREK B. REDGATE

Thursday, February 2, 2017, 7:30 pm

Juliani Meeting Room
Town Hall

Zoning Board of Appeals Members Present: Richard L. Seegel, Chairman
J. Randolph Becker
David G. Sheffield
Walter B. Adams
Derek B. Redgate

ZBA 2017-09, FEDERAL REALTY, (BANK OF AMERICA), 185 LINDEN STREET

Presenting the case at the hearing was Eric Gunn, CBRE, facility partner with Bank of America. He said that the request is to continue the special permit for the drive through/ATM.

Mr. Seegel asked if both lanes are used. Mr. Gunn said that they are not being used in the same vein as they previously were. He said that the bank has gone to a drive-up ATM. He said that the vacuum tubes are still there but are not being used. He said that they would like to maintain the right to it. Mr. Adams asked if there was any thought to putting in a second ATM. Mr. Gunn said that he was not privy to that information.

Mr. Seegel asked if there was anyone present at the public hearing who wished to speak to the petition.

Mr. Seegel read the Planning Board recommendation.

Mr. Adams moved and Mr. Becker seconded the motion to approve renewal of the special permit for two years. The Board voted unanimously to grant renewal of the special permit for two years.

ZBA 2017-10, NEA ZICHNI, LLC, 870 WORCESTER STREET

Presenting the case at the hearing was Laurence Shind, Esq., representing Nea Zichni, LLC, the Petitioner. He said that his client was unable to attend the hearing tonight due to a death in the family that called him out of town.

Mr. Shind said that the request is for renewal of a special permit to allow selling of coffee and fountain drinks at 870 Worcester Street. He said that it is just shy of two years since the Board last issued a special permit. He said that nothing has changed. He said that they would like to maintain that use.

Mr. Seegel said that the Board is of the opinion that a special permit is not needed. He said that the Planning Board brought it to the Board's attention and the he agrees that the gas station is there as a matter

of right and selling soda and coffee is a customary accessory use to the by right use. He said that he did not think that a special permit is needed.

Mr. Adams said that he concurred with Mr. Seegel. He said that there might be a point where it stops being an accessory use. He said that a mini-mart might not be considered to be an accessory use. He said that he was not sure where that point is. He said that, in this particular situation, they are not asking to expand in any way.

Mr. Becker said that there are other similar uses in town that the Board can use to compare as a customary accessory use. He said that this is not the only one.

Mr. Seegel said that Mr. Shind may decide that he wants to write up something and put it on record because the special permit will expire. He said that Mr. Shind should put something together for the Building Inspector. Mr. Shind said that he would do that. Mr. Seegel said that, again, the Board does not think that a special permit is required.

ZBA 2017-08, TRILLIUM DEVELOPMENT LLC, 7 BEMIS ROAD

Presenting the case at the hearing was Victor Corda, Trillium Development LLC, the Petitioner. He said that the request is to raze an existing house and replace it with a new structure on a pre-existing nonconforming 10,000 square foot lot.

Mr. Adams said that the Petitioner is seeking relief for one element that could be curable, namely, the front yard setback. Mr. Corda said that the structure itself sits within the setback but the front landing is few feet into setback. He said that they designed thinking that it was more of a front yard. He said that only the front and side landings will not conform.

Mr. Adams said that the front yard setback is 30 feet. Mr. Corda said that he was advised that the setback would be 20 feet. The Executive Secretary said that Michael Grant, Building Inspector, said that the driveway is what he considered to be the front yard and everything else would be side yards.

Mr. Becker said that the Board previously granted a variance for the build factor. He questioned why the petition was before the Board. Mr. Corda said that two landings will exceed 25 square feet in what is being called the side yard setbacks. He said that they designed the structure to be under the 3,600 square foot Total Living Area plus Garage (TLAG) threshold. He said that TLAG will be 3,162 square feet. He said that they kept it smaller. He said that they did option out a third floor and some living space in the basement. He said that it is a very difficult lot to design a house for.

Mr. Seegel said that the lot is located in a 10,000 square foot Single Residence District and complies with the size requirements. He said that they previously got a variance to use the access. Mr. Becker said that the question is where is the front yard. He questioned whether it is 10 feet wide and 180 feet long or is it something different from that. He said that when this came before Board for the variance for the build factor, the Board discussed the issue of the front yard.

Mr. Adams asked if the 10 foot access is part of the parcel and not an easement. Mr. Corda said that it is part of the parcel. He said that it is the only access to the parcel. Mr. Becker said that it is included in the square footage of the lot.

Mr. Seegel said that it did not make sense to him to call everything else a side yard. Mr. Becker said that at the rear there will be 20 feet where they only need ten. Mr. Adams said that 20 feet is required there because it backs up to the side yard of an abutting property. Mr. Seegel said that there is another house being built on Seaward Road. He asked if this lot backs up to that. Mr. Corda said that it backs up to the side yard of the daycare and the lot on Seaward would be to the side to this. Mr. Seegel said that,

effectively, everything is a side yard. Mr. Adams said that it is Mr. Grant's purview to make that judgment and if somebody objected, they could bring it before the Board for deliberation.

Mr. Corda said that his issue was to get a reasonable landing outside of the front door. He said that the landing would have conformed if this was a front yard. Mr. Seegel said that everything that is protruding out from the house that encroaches is less than 50 square feet. Mr. Corda said that the exception for a landing in the side yard is 25 square feet.

Mr. Adams said that his concern was that, although the side wings are much lower in height, the center is going to be 10 to 12 feet taller than the existing building. Mr. Corda said that the existing building is tall. He said that it has a finished third floor and a full walkout. Mr. Adams said that at least one of the abutting buildings is three stories.

Mr. Seegel read the Planning Board recommendation. He said that the Planning Board may not have been aware of the Building Inspector's interpretation as a side yard. Catherine Johnson, Planning Board member, said that the Planning Board was aware of the interpretation.

Mr. Adams said that this is clearly an unusual lot. He said that it does create a constraint. Mr. Seegel said that the shape of the lot fulfills the variance requirement. He questioned whether it is a substantial hardship for the Petitioner. He said that question is how a house can be built there. Mr. Becker said that if it is a side yard, the only thing that needs relief is the size of the landings and he did not see that as a hardship. Mr. Adams said that it is a minor deviation.

Mr. Seegel said that the property was built prior to Zoning taking effect. He said that it would have been easier to amend a variance. Mr. Becker said that the variance that was granted did not relate to physical things but was related to principles in the Zoning Bylaw for build factor. He said that variance did not deal with the shape of the lot.

Mr. Seegel said that there would not be problem if the size of the house was reduced slightly and the landings are reduced to 25 square feet. He said that it is a good size house that they will be putting up on this lot. Mr. Corda said that it is smaller than it could be. He said that they did not max out the size. He said that he can make the landing on the back corner smaller. He said that it probably should be smaller coming off of the slider. He said that 25 square feet is small for a front landing. Mr. Becker asked about the hardship for not having a bigger landing. Mr. Corda said that it could be a safety issue. He said that it is a very difficult lot to design a house on. Mr. Becker said that the fact that it is a difficult design does not tell the Board why it should grant relief. Mr. Becker and Mr. Seegel said that they did not see what the hardship is. Mr. Corda said that the lot configuration with a 10 foot wide front yard should count for something. Mr. Becker said that they do not have to meet the build factor requirements.

Mr. Seegel said that it is an odd shaped lot but questioned what hardship financial or otherwise the Petitioner has that would be appropriate for the Board to grant a variance. He said that if the size of the house is reduced slightly, it eliminates the problem. He said that if they pull the house back at the front, they can have the size landing that they want.

Mr. Adams said that it looks like they would only need a 25 square foot landing at the location of the entry. He said that it looks like there is a side deck on there. Mr. Becker said that the door is at the left end of the 12 foot landing and the extra space on the landing only serves the window in the front. Mr. Seegel said that it could be 6 feet instead of 12 and that would not require a variance.

Mr. Corda asked if he needs a variance to tear the house down. Mr. Becker said that the variance for build factor granted relief, saying that the ten foot by 80 foot pork chop is sufficient. He said that the basis for that is that it existed before everything was in place. Mr. Adams said that this Board has a long tradition of not treating tear downs as creating a blank slate for special permit. He said that the Board has

allowed people with nonconforming lots with insufficient size to seek a special permit to allow them to tear down an existing house and build a new structure that would fully comply with setback requirements.

Mr. Seegel said that there are two landings, one on the side and one on the front of the house. He said that if the landings are reduced to 25 square feet, there is no reason to grant a variance. Mr. Corda confirmed that a variance was not needed for him to tear the house down. Mr. Seegel said that the Board is talking about what Mr. Corda wants to build before the existing structure is torn down. He discussed allowing the petition to be withdrawn without prejudice and having Mr. Corda go back to the Building Inspector to ask him if a special permit or variance is needed if the landings are reduced to 25 square feet. He said that he did not think that either is needed. He said that the Building Inspector is the Zoning Enforcement Officer and if he says that it is not needed, Mr. Corda does not need relief from the Zoning Board. Mr. Corda said that his impression is that this is a pre-existing nonconforming lot with variances on the property. Mr. Seegel said that the variance was on the build factor. He said that the lot size complies. Mr. Becker said that the lot has a complicated history that involves transfers of properties and things being recorded.

Mr. Corda confirmed that the Board's opinion is that if the landings conform a variance is not needed. Mr. Seegel said that it appears to the Board that there is no further Zoning relief needed but only the Building Inspector can confirm that. Mr. Corda said that the Building Inspector implied that this had to come to ZBA when he started the project and before he drafted plans for the house. He said that there was some gray area as to what he and Mr. Corda considered to be the front yard. Mr. Adams questioned whether a hardship would be that the front yard could not support a 50 square foot landing. Mr. Becker said that there is nothing in the bylaw that gives anybody a right to a 50 square foot landing. He said that it is an exception but not a right to have a 50 square foot landing. Mr. Adams said that you can comply with the Zoning Bylaw for front yard setback even if you have a 50 square foot landing encroaching in the front yard. Mr. Becker said that there is nothing in the bylaw that makes you build a 50 square foot landing but you can build a 50 square foot landing. He said that there is no requirement that you have to build a 50 square foot landing. Mr. Adams said that if the Building Inspector's interpretation was different that the stem plus the two side property lines constitute the frontage, a 50 square foot landing would be allowed but they would then need relief for the front yard setback requirement. Mr. Becker said that if the side yard definition interpretation is correct, the only issue is the size of the landing. He said that if the side yard interpretation is not correct, it is a front yard situation where there is another set of issues. Mr. Seegel said that, in that case, there could be a hardship for the shape of the lot. Mr. Adams said that they could make it wider and more narrow.

Mr. Seegel said that proposed lot coverage is almost at the maximum at 19.43 percent. Mr. Becker said that the coverage is distorted because of the extra piece that you cannot build on.

Mr. Seegel suggested that Mr. Corda revise the plans so that all of the landings are 25 square feet or less, go back to the Building Inspector and ask for a building permit. He said that if the application is denied, Mr. Corda can take an appeal to the ZBA. He said that, at this point, he did not see a reason for the Board to grant relief for a hardship. He said that this solution should satisfy the Building Inspector's interpretation of the front and side yards.

Mr. Seegel discussed continuing the petition to March 2, 2017. Mr. Corda said that he will speak with the Building Inspector tomorrow. He said that if the size of the landings is the only issue, he will change them. Mr. Becker said that the thought that the Board put out there was predicated on the Building Inspector's judgment that it is a side yard not a front yard. Mr. Corda said that he had been under the impression that he had to appear before the Board to tear down regardless of the size of the landings. Mr. Seegel said that Mr. Corda should not tear the house down until the issue is resolved. He said that the Board is unanimous in its findings and Mr. Corda can let Mr. Grant know that. He said that Mr. Grant can call any of the Board members if he has an issue with it.

Mr. Becker said that the prior variance was granted for build factor, lot frontage and front yard –

Mr. Adams asked if the variance was granted for front yard, why was this petition before the Board. Mr. Seegel said that is because it is a side yard. He said that the front is only the pork chop going out. He said that is a determination that the Building Inspector made. Mr. Becker said that the prior variance was for the lot, not the house. He said that the variance was needed to assure that it was a buildable lot if the house was torn down. He said that what is put on it afterwards has to comply, which is what is at issue here.

Mr. Seegel moved and Mr. Becker seconded the motion to continue the petition to March 2, 2017. The Board voted unanimously to continue the petition.

ZBA 2017-06, 69 EDGEMOOR AVE LLC, 69 EDGEMOOR AVENUE

Presenting the case at the hearing were David Himmelberger, Esq., Sorit Prakash, and Nash Quadir, representing 69 Edgemoor Ave LLC, the petitioner.

Mr. Seegel said that the petition had been continued from January 5, 2017 but would be heard de novo.

Mr. Himmelberger said that the request is for a special permit to raze and rebuild a single family dwelling. He said that the pre-existing nonconforming lot has 9,600 square feet where 10,000 square feet is required. He said that the lot is improved with a single family home that is nonconforming due to a left side yard setback of 15.2 feet and a front yard setback of 19.5 feet. He said that the proposed structure will be fully compliant with Zoning setbacks. He said that it will have a front yard setback of 33.2 feet, left and right side yard setbacks of 28 feet, and a rear yard setback of 10.8 feet. He said that the proposed home will be 31 feet 11 inches tall, with an overall height to average grade of 32.7 feet. He said that existing lot coverage is 10 percent and the proposed lot coverage will be 22 percent. He said that the house will be a center entrance colonial with clapboard siding and detailed trim work. He said that the house has hipped roofs to minimize massing. He said that the proposed Total Living Area plus Garage (TLAG) will be 3,589 square feet.

Mr. Himmelberger said that questions were raised at the previous hearing in regard to landscaping and a couple of design features. He said that it was suggested that the eyebrow roof over the garage be extended over the adjoining door to the side and that has been done. He said that there was a question in the interior of the garage.

Mr. Adams asked about the landing at the rear of the lot that appears to be 3.5 by 11.5 feet, which would be more than 25 square feet. He said that the bylaw allows entrance porches on the first floor in the rear yard that do not exceed 50 square feet.

Mr. Himmelberger said that there had been a note regarding the step up in the garage and that was changed. He said that they provided the spot elevations from which the basement TLAG was calculated, as shown on Plan TL1. He said that it was exposed grade at 10 foot intervals, in accordance with the TLAG Methodology. He said that the average on the four walls was added together for the average height, as shown on Plan HT1. He said that the average is 32.6 feet and the average on the exposed basement is 1 foot 4 inches.

Mr. Adams confirmed that the sill height of the basement was lowered by seven inches from the prior submittal.

Mr. Himmelberger said that another change to the exterior is shown on Sheet 2 of 8. He said that they may overshoot the suggestion for the eyebrow roof over the two sliders where they continued it to the left to the first floor wall. He said that ending it at the doorway would be a more appropriate treatment. He submitted a revised plan.

Mr. Seegel said that the plan shows a porch off the back. Mr. Himmelberger said that there is a landing just outside the two sliders. Mr. Sheffield said that it is labeled as a granite step. Mr. Himmelberger said that it is an entrance porch not exceeding 50 square feet. Mr. Seegel said that it is really not a porch. Mr. Adams said that it is 3.5 feet deep by 11.5 feet long with what appears to be two steps up. Mr. Seegel said that if it is an entry way porch, it can be 50 square feet. He said that if it is just a landing, it can only be 25 square feet. Mr. Himmelberger said that they believe that it is an entrance porch on the first floor. Mr. Seegel asked what is porch-like about it. He said that it is not screened in and does not have a roof on it. Mr. Himmelberger said that it does have a roof over it. Mr. Adams said that the roof is narrower than the porch.

Mr. Himmelberger said that, in addition to the minor revisions that were provided, they also submitted a Landscape Plan in response to Mr. Zahn's concerns. He said that Mr. Zahn lives at 63 Edgemoor Avenue, which is approximately four feet lower than 69 Edgemoor Avenue. He said that there is currently a dense screening of arbor vitae along the common property line that will remain. He said that additional screening of nine arbor vitae will serve as a second interior line of screening. He said that it will be slightly uphill from the existing screening. He said that the existing screening is approximately 20 feet tall.

Mr. Himmelberger said that the Landscape Plan shows a patio that is larger than what is actually going in. He said that walk out patio is between two sloping embankments and will look as 7.5 feet wide. He said that the Landscaper put it in without regard to the fact that there are slopes coming down.

Mr. Seegel asked if there is space between the existing arbor vitae. Mr. Prakash said that there is space. Mr. Seegel said that the second row should be planted so that the spaces in between are filled.

Mr. Himmelberger said that Mr. Zahn had concerns about stormwater runoff. He said that a Stormwater Management Plan was submitted that shows three drywells and a leaching catch basin that will catch all roof runoff.

Mr. Himmelberger said that there was a house built on Overbrook Drive that is quite tall because it stands higher than the property at 69 Edgemoor Avenue. He said that house is closer to Mr. Zahn's property. He said that Mr. Zahn does not want a replica of that. He said that the property house at 69 Edgemoor Avenue is shorter and at a lower elevation. He said that, given the existing 20 foot arbor vitae, it will be difficult to see anything. He said that, based on that, they would request a determination that the proposed structure that will comply with all Zoning dimensions be determined to be not substantially more detrimental to the neighborhood than the existing nonconforming structure.

Mr. Seegel read the Planning Board recommendation.

Mr. Seegel asked if there was anyone present at the public hearing who wished to speak to the petition.

Mr. Sheffield asked if the downhill catch basin shown in the Stormwater Management Plan is located in the patio or the grass. Mr. Prakash said that it will be located in the patio. Mr. Sheffield said that will allow them to create a positive low point because the cheek walls will send the water that way.

Mr. Sheffield said that, in the final elevations, the ends of the eyebrows should be shown. He said that they may not want to have a 90 degree edge on the eyebrows but might reflect the shape of the rooflines. Mr. Himmelberger said that the designer will look at that.

Mr. Sheffield said that the Landscape Plan appears to be a count of the number of trees on the property. He said that the Landscaper should make adjustments for the spacing as discussed by the Board.

Mr. Himmelberger submitted a plan that shows the abbreviated eyebrow to rear. He said that they will hip the ends of the eyebrow. He said that they submitted a plan with the correct patio dimensions.

Mr. Becker moved and Mr. Adams seconded the motion to grant a special permit, subject to the conditions that revised plans showing hipped ends on the eyebrows be submit prior to apply for a building permit. The Board voted unanimously to grant a special permit.

ZBA 2016-95, WELLESLEY HISTORICAL SOCIETY, 323 WASHINGTON STREET

Presenting the case at the hearing were David Himmelberger, Esq., Kien Ho, and Frank. Also present were Erica Dumont, Director and Owen Dugan, Board member, Wellesley Historical Society.

Mr. Himmelberger said that when they were before the Board on January 5, 2017, they had attempted to respond to the Board's request to look at maximizing additional parking on the lot. He said that they had submitted a robust plan with 11 parking spaces and a wraparound driveway. He said that the Board had concerns that perhaps the Petitioner had overshot the mark with the number of parking spaces and the loss of green space. The Board asked Wellesley Historical Society to reconsider the parking plan. He said that the revised plans were submitted on January 4, 2017, which did not allow enough time for the Planning Board to review them.

Mr. Himmelberger said that they went back to the drawing board to revisit the parking plan to reduce it to what is there now, which is three parking spaces in the existing garage and three unmarked spaces at the rear. He said that they submitted a plan called Option 1 that cleans up the area and adds a fourth spot that is handicapped accessible. He said that the Planning Board Staff raised concerns that, by submitting a parking plan to the Board, it implied alteration of the parking area for which the Parking Bylaws became implicated. He said that the bylaw requires that a plan be submitted to the Building Inspector for sign off as to compliance with the bylaw. He said that, based on the off-street parking bylaw, there is no minimum parking requirement for this lot because there are fewer than 15 spaces. He said that no development standards apply. He said that the Planning Board Staff noted that the elevation drawings that were submitted to show the revised parking field showed two handicapped ramps, one at the front and one at the rear, which would trigger Design Review Board (DRB) review for a minor construction project. He said that the Planning Board Staff recommended that the decision be deferred, pending DRB and Building Inspector approval. He said that they appeared before the Planning Board and brought to their attention that the handicapped ramps were previously by DRB in 2014. He said that while they are showing some minor reconfiguration of those ramps, Wellesley Historical did not think that deferral was needed. He said that Wellesley Historical felt that the Planning Board was conflating minor construction projects with special use permits. He said that this is a request for a special permit for the slightly expanded use of the facility in a General Residence District. He said that the Planning Board noted that the memo from BETA Engineering concluded that the modest additional use did not seem to require any additional parking. He said that BETA did not believe that a parking plan needed to be considered for issuance of the special permit and they recommended favorable action without any revised parking plan. He said that when they submitted the plans for Option 1, they also included some spot traffic counts for the available parking spaces on Washington Street and Seaward Street during the day. He said that the stretch from the Unitarian Church to Cliff Road has no businesses on it. He said that at no time did they ever find less than 20 open spaces. He said that the request for the expanded use is for up to six people a day during the week, they feel that the existing parking is sufficient and there is more than ample parking on the street without taking away from businesses on the street. He said that they believe that the expanded use occurs predominantly during the evening when there is more than ample parking. He said that they believe that the request is merited.

Mr. Himmelberger said that parking plans, Option 1 and Option 2 were submitted to Mr. Grant, who sent an email to Heather Lamplough, Planning Department, stating the plans were in compliance with Architectural Access Board regulations as they pertain to handicapped parking and Section XXI of the Zoning Bylaw.

Mr. Himmelberger said that the Planning Board analysis was that a special permit could be granted without any requirement that the parking plan that was submitted be acted upon. He said that Wellesley Historical would like to make those changes. He said that they do not believe that they are predicate to the Board's determination, and if they are not, when they raise the funds to make the renovations to make the house handicapped accessible, would submit to DRB and submit the final plan to the Building Inspector for approval. He said that if the Board believes that it would be an integral part of its determination, Wellesley Historical would rely on parking plan, Option 1 and would be happy to construct it. He said that it is their intention to construct it.

Mr. Seegel said that when he looked at the history of the applications before the Board from the time the building was purchased by Wellesley Historical Society, what is proposed is a much more active site than what it has been. He said that he was not so concerned about researchers there during the day because metered parking spaces are available on Washington Street. He said that he would still opt for Option 1. Mr. Himmelberger said that Ms. Dumont stated that researchers only come on a scheduled basis, two to three a day for a couple of hours. He said that Wellesley Historical is happy to incorporate the Option 1 parking plan as part of the Board's determination.

Mr. Sheffield said that the Board is discussing a use, not a site plan. He said that the use is providing a parking count based on a description of the function and use of the building. He said that there is additional evening use, presentations and a program with the Wellesley Public Schools proposed. He said that the school program requires use of the Universalist Church parking lot. Mr. Himmelberger said that the Church has agreed to allow the Historical Society use of their parking lot. He said that the bus will come into the Church parking lot, discharge the students, and they would walk through the connecting entrance. He said that raised crosswalk would bring them to the rear of the house.

Mr. Sheffield said that Option 1 would have researchers and workers use the rear entrance. He said that when the plan goes before DRB it will have to show lighting and a more full design of the pedestrian approach to the building. He said that Option 1 provides a lot more greenspace than Option 2. He said that there could be a small design change that would put more greenspace at the entrance. Mr. Himmelberger said that they do greenspace at the right rear and interior of the handicapped ramp. He said that the concrete pad at the back left corner will be removed and landscaped. Mr. Sheffield said that he hoped that the landscape designer can find ways to increase the greenspace in the parking and entrance areas.

Mr. Redgate said that Wellesley Historical already has a special permit for increased use and want to expand on it. Mr. Himmelberger said that the special permit allows for Board meetings and administrative use. Mr. Redgate said that the request is to increase the use for more visitors, the public school program and two fundraisers for less than 75 people. He said that some sort of narrative regarding the intended operations might be submitted instead of a site plan. Mr. Himmelberger said that they attached a memo from Ms. Dumont with the first letter that laid out the request for two to three researchers a day, three to five visitors, and one week in June for the School Program during the daytime, and five to six small workshop/seminars and two minor fundraisers in addition to the Board meetings in the evening. Mr. Redgate said that the Board's decision can refer to the memo and what was said. He said that the text should state that the buses will only use the parking lot. He said that it would be helpful for the Board to have an operations description that it could refer to. He agreed that a parking plan is not needed.

Mr. Ho said that BETA's Traffic Memorandum summarizes and clearly identifies all the points of use, including the buses. He said that they concluded in the memorandum that the use will have no adverse impact to the site. Mr. Himmelberger said that the memorandum lays out the parking on pages 2 to 3. He said that the special events are laid out at the top of page two. Mr. Seegel suggested that BETA's letter be an exhibit listed in the decision.

Mr. Seegel asked Mr. Redgate if he did not think that Option 1 was necessary. Mr. Redgate said that he did nothing that a defined parking plan was needed for what the Applicant was seeking.

Mr. Seegel said that a condition can be there that parking shall be provided on the property in accordance with a plan to be submitted to DRB and the Planning Board. Mr. Himmelberger said that they cannot build the parking until they build handicapped access that must be approved by DRB.

Mr. Seegel questioned whether the use should not commence until handicapped access and parking are approved.

Mr. Seegel said that Items 1 and 4 that Mr. Himmelberger discussed at the Public Hearing on December 1, 2016 may go forward but no workshops or special events may go forward until the handicapped access and parking arrangements have been completed. Mr. Nemia said that if the Historical Society can have the special permit to allow it to move forward, they can do things in stages and are happy to accommodate the Chair's requirements. Mr. Seegel said that he just does not want Wellesley Historical to go to the larger events until the contemplated work is completed.

Mr. Seegel asked if there was anyone present at the public hearing who wished to speak to the petition.

Mr. Seegel confirmed with Catherine Johnson that the Planning Board is now recommending favorable action.

Mr. Sheffield said that Wellesley Historical might arrange with the Unitarian Church to paint the pavement in the parking lot rather than use cones to direct the school children for the Butterfly Program.

Mr. Sheffield moved and Mr. Redgate seconded the motion to grant renewal of the special permit and the expanded use. He said that Plan Option 1 meets the standards of the Zoning Bylaw for Vehicular Circulation, Driveways, Vehicle Queuing Lanes, Compatibility with Surroundings, Pedestrian Safety, Noxious Uses and Intensity of Use. He said that the expanded use will allow (Item 1) researchers who presently go to the Dadmum-McNamara House at 229 Washington Street to go to this building. It is anticipated that will consist of five people per week or one person per day and (Item 4) will allow the Historical Society to host the third graders in Wellesley Public Schools for seven days in June between 9 am and 1 pm for their Butterfly Program. The children will arrive via school bus which will drop them in the Unitarian Church parking lot where there is a connecting pathway to the Wellesley Historical Society property. Item 2 to host workshops for members of the Historical Society of no more than 30 people up to six times a year, typically from 7 to 9 pm on a weekday night and Item 3 to hold two special event fundraisers for less than 75 people in the evening shall be deferred until completion of building improvements for handicapped access and other pedestrian circulation. The Board voted unanimously to grant renewal of the special permit.

As there was no further business to come before the Board, the hearing was adjourned at 9:05 pm.

Respectfully submitted,

Lenore R. Mahoney
Executive Secretary