



ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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ZBA 2020-31

Petition of Unitarian Society of Wellesley Hills
309 Washington Street

2020 MAR 27 P 1:43

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, August 13, 2020 at 7:30 pm, on the petition of Unitarian Society of Wellesley Hills requesting renewal of a Special Permit pursuant to the provisions of 2 A 8 j and Section 25 of the Zoning Bylaw to continue to use a portion of the premises for a non-accessory use of off-street parking spaces in its existing lot, at 309 Washington Street, in a General Residence District, which is a use not allowed by right.

On March 3, 2020, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication. In accordance with Chapter 53 of the Acts of 2020, the hearing was scheduled for August 13, 2020.

Present at the public hearing was Karen Mariscal, representing Unitarian Society of Wellesley Hills, the Petitioner. Ms. Mariscal said that she was before the Board just over a year ago to approve the use of the Unitarian Church's parking lot at 309 Washington Street. She said that the lot sits empty and the Petitioner thought that renting the spaces would help the town to provide more parking. She said that the Boxcar Company is partnering with the Church as an app to reserve parking spaces. She said that they requested the use for 35 spaces last year, not all of which are for Boxcar. She said that some of the spaces are for Green's Hardware. She said that they tried it for a year and it went well and did not disrupt the neighborhood. She said that they never filled all 25 spaces for Boxcar. She said that with Covid there is a diminished number but they still want to keep the program. She asked if renewal could be for five years instead of one year. The Chairman said that the longest period that the Board has granted is for three years.

The Chairman said that this is a use permit. He asked how the increase to 35 cars affected vehicle circulation in the lot, queuing in the lot and queuing at the driveways. Ms. Mariscal said that there have been no problems. She said that they already had 10 spaces for Green's and they never used all 25 for Boxcar. She said that people come at different times and it is clearly marked. She said that there have been no problems with the pre-school and pedestrian safety.

A Board member discussed concerns that the original decision seemed to be for the use of Boxcar and Green's is using some of the spaces. Ms. Mariscal said that the request is for non-accessory parking. She said that there are 59 total spaces, of which 20 are stenciled. She said that 12 spaces are accessory for staff and pre-school staff and the rest are for general use. She said that the spaces used by Green's are not marked and are against the wall behind the building.

The Chairman said that originally the special permit was for parking in general with no assigned spaces. He said that the impact to traffic and pedestrian safety became an issue with the increase to 35 spaces.

A Board member said that there has always been renewal for 15 spaces. He said that it was bumped up a year ago to accommodate Boxcar, which is why it was a one-year renewal. He asked if the Boxcar rentals are out by 9 pm and if the spaces can be rented on Saturdays or Sundays. Ms. Mariscal said that the spaces cannot be rented on Saturdays or Sundays. She said that she has never seen a car there after 9 pm and has not heard of any problems.

The Chairman discussed granting approval of a two-year renewal.

There was no member of the public who wished to speak to the petition.

Statement of Facts

The subject parking lot is located at 309 Washington Street, in a General Residence District.

The Petitioner is requesting renewal of a Special Permit pursuant to the provisions of Section 2A 8 j and Section 25 of the Zoning Bylaw to continue to use a portion of the premises for a non-accessory use of off-street parking spaces in its existing lot, at 309 Washington Street, in a General Residence District, which is a use not allowed by right.

On August 12, 2019, the Planning Board reviewed the petition and recommended that the Special Permit be renewed for one year.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing.

A Special Permit is required pursuant to Section 2 A 8 j of the Zoning Bylaw, as the requested use of the parking lot for non-accessory off-street parking for 35 vehicles in the existing parking lot is not a use allowed by right in a General Residence District.

It is the opinion of this Authority that the non-accessory use parking shall not cause significant disturbance or disruption of any residential neighborhood, shall not detract from the use of the parking lot for the accessory use, or reduce landscaping or screening areas.

Therefore, a Special Permit is granted, subject to the following conditions:

1. Hours of operation shall be from 5 am to 9 pm, Monday through Friday.
2. There shall be no overnight parking.
3. Lighting shall be turned off by 10 pm.
4. The Special Permit shall expire two years from the date time-stamped on this decision.

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Date:

Attest:

Cathryn Jane Kato
Town Clerk

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.

2020 MAR 21 P
J. Randolph Becker (L.M.)
J. Randolph Becker, Chairman

Robert W. Levy (L.M.)
Robert W. Levy

Derek B. Redgate (L.M.)
Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm