

**ZONING BOARD OF APPEALS**

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ZBA 2021-17

Petition of 29-35 Washington St LLC

29-35 Washington Street

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, March 4, 2021 at 7:30 pm, on the petition of 29-35 Washington Street LLC requesting a Special Permit pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that construction of a new elevator shaft and lobby that will increase the existing nonconforming floor area ratio (FAR) of the structure at 29-35 Washington Street, in the Lower Falls Village Commercial District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On January 21, 2021, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

**WITHDRAWN WITHOUT PREJUDICE**

The Chairman said that this is a case where the Board got an answer after publication of the legal ad. He said that the property is located in a Business District and the proposal is to add an elevator at the back. He said that the building already exceeds the maximum allowed Floor Area Ratio. He said that the Building Inspector sent the developer to the Board for relief on the Floor Area Ratio. He said that Town Counsel opined that there is no mechanism for the Zoning Board of Appeals to grant relief but the proper place to do it is at the Planning Board because they are specifically called out in the bylaw. He said that the request is to allow the petition to be withdrawn without prejudice.

The Board voted unanimously to allow the petition to be withdrawn without prejudice.