

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

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2022 JUN 16 PM 3:00  
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WELLESLEY MA 02482

ZBA 2022-43

Petition of WBA Linden, LLC  
141 Linden Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 2, 2022, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of WBA Linden, LLC requesting a Special Permit pursuant to the provisions of Section 21E and Section 25 of the Zoning Bylaw for a reduced number of parking spaces to accommodate playgrounds for a day care tenant and for no screening or open space, as required, at 141 Linden Street, in a Business and Industrial District. The restriped parking field will contain 39 parking spaces that meet the development standards of the Zoning Bylaw.

On May 3, 2022, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Present at the public hearing were David Himmelberger, Esq., and Joseph Kahn, Manager, WBA Linden, LLC, the Petitioner.

Mr. Himmelberger said that Mr. Kahn formerly operated the LYNX child enrichment programs out of this building but has moved those programs off-site. He said that he is seeking to lease 15,000 square feet of the building to the Goddard School to run a daycare facility for children, newborn through 6 years. He said that because this involves the creation of outdoor play area as part of the State licensing for daycare, it is necessary to revise the parking lot that is associated with 141 Linden Street, subject to approval of a special permit for the parking area under Section 25 of the Zoning Bylaw.

Mr. Himmelberger said that the parking area is out of view of everyone except the commercial abutters. He said that it is below Linden Street and a light at Everett Street controls the entrance in and out of the parking area. He said that parking bylaws that prescribe how much parking per square foot is required were designed around traditional business uses. He said that the children will not drive to the facility and do not need to park.

Mr. Himmelberger said that the Petitioner is proposing an increase to 39 spaces with 10 spaces dedicated for the drop off by parents. He said that the size of the spaces was increased from 8.5 feet wide to 9 feet wide, in response to a Design Review Board recommendation.

Mr. Himmelberger said that the parking lot is surrounded by additional parking, both against the retaining wall that abuts the Linden Square property, parking that belongs to an abutter at the rear of this lot and on an elevated area next to the railroad tracks. He said that the property is located less than 600 feet from the Tailby Lot. He said that provisions have been made for the Yoga Studio that leases space in the building to limit their parking to six spaces between 7 am and 7 pm, with the direction that other spaces be utilized at the Tailby Lot.

Mr. Himmelberger said that the Petitioner is seeking relief to have 39 parking spaces, which is more than sufficient and further, to not have to abide by screening, open space, and planting of trees on this property that is located in an Industrial Zone. He said that this lot is currently all hardscape and some of it will be covered by play area, as shown on the plans.

A Board member confirmed that the intent is to use the outdoor space in the winter. He asked about the snow removal plan. Mr. Himmelberger said that snow will have to be removed from the parking lot.

A Board member asked about enclosure, odor and vermin control of the trash area by the outdoor children's area. Mr. Kahn said that there is screening at the back of the playground area that will completely obscure it from view. He said that the trash truck will access the trash area through the parking lot and will be able to drive right up to it. He said that trash will be emptied once a week or more.

Mr. Himmelberger said that letters of support from abutting commercial businesses were submitted.

The Chairman asked if one way circulation for the drop off area had been considered. Mr. Himmelberger said that Plan C-1 does not show that Railroad Street is another travel lane. He said that rather than entering the lot and making a U-turn, vehicles will take a left onto Railroad Street to get to Everett Street. He said that two way circulation in the parking lot provides more flexibility. He said that the design meets the width requirements in the bylaw.

The Chairman said that Plan C-1 shows ghost images of Linden Street, the sidewalk, the crosswalk and the curb cuts. He said that it would be helpful if the widths of Railroad and Everett Streets were ghosted to show that they are available for circulation. He said that striping will be confined to the parking lot. He said that one way traffic is available and would be safer for children.

Mr. Himmelberger said that the previous tenant, the Lynx Programs, had hundreds of students coming in and going out on the hour. He said that vehicles queued when parents came to pick their kids up. He said that the Goddard School will have 180 children over the course of a day with peak drop off time between 7 am and 9:30 am. He said that there is a peak of 10 cars every 10 minutes which can be accommodated in the 10 available parking spaces. He said that you can walk directly into the facility without having to walk into the parking field. He said that if they do make the drop off one way, they would prefer to keep the width for flexibility.

Bert Corey, P.E., DGT Associates, said that he developed the parking and circulation plan. He said that the intent is to have traffic come down Everett Street and turn into the parking lot. He said that the drop off area for the parents to park consists of eight spaces in one area and two spaces in another. He said that the parents park, walk their child to the front entrance and then go back to their vehicle. He said that if there are any cars coming in, the area is wide enough to facilitate two way traffic. He said that having one way traffic onto Railroad Street could cause confusion with people coming down Hollis Street and turning left into the parking lot. He said that the plan is to paint arrows on the pavement. The Chairman discussed having signage to prohibit entrance to the parking lot from Hollis Street or Railroad Street.

Mr. Corey said that the 24 foot two way travel lane provides sufficient area for movement of cars. He said that there is a fence that separates the play area. He said that there is a walkway and wheel stops and 6 inch diameter bollards, four and a half feet on center at the end of the park stalls to prevent cars from heading into the playground area, in accordance with Goddard School requirements.

Mr. Corey said that the playground area will consist of a turf area and a poured in place playground area. He said that the pavement will be removed. He said that the Goddard School requires seven inches of material beneath the artificial turf. He said that there is a requirement for at least a two percent slope within the play area to prevent standing water. He said that they adjusted the grade slightly toward the parking for drainage. He said that there will be some interior area drains.

Mr. Kahn said that the Goddard School has use of 10 spaces dedicated for parent use only from 7 am to 10 am and from 4 pm to 6 pm. He said that the Goddard School gets prime access throughout the day. He said that the other tenant who is currently leasing in the building has a daytime capacity of six spaces for its Yoga studio. He said that the people who attend those classes come before 7 am and at night when the Goddard School is not in session. He said that they are busiest on the weekends. He said that the other 23 parking spaces are for staff members of the Goddard School and other people in the building. He said that the property is located next to the train station and workers are encouraged to take the train.

Mr. Himmelberger displayed a bar chart with drop off and pick up statistics for a comparable Goddard School. A Board member discussed inserting a condition that requires that the school have a traffic coordinator outside during early arrival and afternoon pick up to direct people where to park and keep them out of conflict.

Shuo Sun, Developer and Owner of the Goddard School in Lexington, said that this facility is similar in size. He said that they have approximately 42 parking spaces and have not experienced much queuing during drop off and pick up. He said that more people work from home and drop off when they are ready and pick their kids up earlier than 4 pm.

Board members discussed concerns that the two spaces for the school that have access from Everett Street have no clear walking area from them to the entrance alongside the building.

Mr. Kahn proposed the following revisions to the plan, based on the Board's feedback. He said that they will not reduce the width of the parking area but can make it one way traffic. He said that the parking spaces that were shown on Everett Street can be moved to the parking field. He said that they can keep 10 spaces for parent drop off and pick up or increase the number to 15. The Chairman said that during

operation of the school, the owner can decide how many spaces are needed. He said that the Board can require a minimum of 10 spaces for drop off and pick up.

The Board said that a revised plan should be submitted that shows traffic flow and the full width of Railroad and Everett Streets.

The Chairman said that there should signage internal to the property that says that there is no exit onto Everett Street.

There was no one present at the Public Hearing who wished to speak to the petition.

#### Statement of Facts

The subject property is located at 141 Linden Street, in a Business and Industrial District, with a minimum of 36 parking spaces where 51 spaces are required. There is no existing landscaping or screening of the parking lot, as required in Section 21E of the Zoning Bylaw.

The Petitioner is requesting a Special Permit pursuant to the provisions of Section 21E and Section 25 of the Zoning Bylaw for a reduced number of parking spaces to accommodate playgrounds for a day care tenant and for no screening or open space, as required, in a Business and Industrial District. The restriped parking field will contain 39 parking spaces that meet the development standards of the Zoning Bylaw.

Letter to Zoning Board of Appeals with enclosures, dated 5/2/22, from David J. Himmelberger, Esq., Proposed Layout and Materials Plan and Proposed Grading Plan, dated 3/29/22, stamped by Bert E. Corey, P.E., Topographic Site Plan, 1/26/22, revised 2/3/22, stamped by Joseph R. Porter, Professional Land Surveyor, were submitted.

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On May 20, 2022, the Planning Board reviewed the petition and made no recommendation.

#### Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that having a reduced number of parking spaces to accommodate playgrounds for a day care tenant and no screening or open space, as required for Off-Street Parking, in a Business and Industrial District will be in harmony with the intent and purpose of Section 25 of the Zoning Bylaw with respect to Vehicular Circulation, Driveways, Vehicle Queuing Lanes, Compatibility with Surroundings, Pedestrian Safety, Noxious Uses and Intensity of Uses.

Therefore, renewal of a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, subject to the following conditions:

1. A revised parking layout plan that includes the full width of Everett Street and Railroad Street shall be submitted.

2. Access from Everett Street shall be one way entering the parking lot.
3. All traffic shall exit onto Railroad Street and go around to Everett Street.
4. A Do Not Enter/Exit Only sign for traffic on Railroad Street shall be installed in the cross hatched area next to the parking space that is furthest away from the entrance.
5. A staff person with the school facility shall coordinate the parking and drop off of families using the facility to assist with directing people on the proper use of the parking lot during peak hours.

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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.



David G. Sheffield, Acting Chairman



Walter B. Adams



Richard L. Seegel

ZBA 2022-43  
Applicant WBA Linden, LLC  
Address 141 Linden Street

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

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WELLESLEY MA 02482  
2022 JUN 16 PM 3:06

cc: Planning Board  
Inspector of Buildings  
lrm

## GENERAL NOTES

1. EXISTING CONDITIONS SHOWN HEREON IS FROM A PLAN ENTITLED "TOPOGRAPHIC SITE PLAN" WELLESLEY MASSACHUSETTS SHOWING PROPOSED CONDITIONS AT #141-145 LINDEN STREET. DATED FEBRUARY 17, 2022 BY VTP ASSOCIATES INC.
2. THE LOCATION OF ALL UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON FIELD LOCATION OF VISIBLE STRUCTURES AND COMPILING INFORMATION FROM PLANS PROVIDED BY UTILITY COMPANIES AND GOVERNMENT AGENCIES. THE LOCATION SHOWN HEREON SHALL BE CONSIDERED APPROXIMATE. BEFORE ANY CONSTRUCTION, DEMOLITION OR SITE WORK, THE LOCATION OF ALL UNDERGROUND UTILITIES SHALL BE VERIFIED BY THE CONTRACTOR BY CONTACTING "DIG-SAFE" AT 811.
3. ALL ACCESSIBLE PARKING SPACES SHALL HAVE SIGNAGE AND MARKINGS COMPLIANT WITH THE MAAB REGULATION.
4. PARKING STRIPING SHALL BE STANDARD 4-INCH WIDE STRIPING AND MEET MUTCD STANDARDS.
5. PLAYGROUND EQUIPMENT LAYOUT SHOWN HEREON IS FOR REFERENCE ONLY. FINAL LAYOUT OF ALL PLAYGROUND EQUIPMENT SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE GODDARD SCHOOL.
6. Poured in place playground surface and the artificial turf installations shall be in accordance with the manufacturer's requirements and specifications.
7. Playground fencing and gate installations, material, heights, etc. shall be in accordance with the requirements of the goddard school.

## PARKING DATA

REQUIRED:  
2.5 SPACES PER 1,000  
GROSS SQUARE FEET  
FLOOR AREA  
TOTAL REQUIRED

NOTES:

1. SQUARE FOOTAGE OF BUILDING (20,497 SF) PROVIDED BY THE PROJECT ARCHITECT.
2. PER TABLE 21.1 (OFF-STREET PARKING REQUIREMENTS), THIS SITE IS LOCATED WITHIN 600 FT OF A PUBLIC PARKING AREA.

EXISTING:  
STANDARD SPACES 35  
ACCESSIBLE SPACES 1  
TOTAL EXISTING 36

NOTES:  
1. A TOTAL OF 12 PARKING SPACES (SOUTHERLY MOST SPACES) ARE NOT FULLY ON THE SUBJECT

NOTES:  
1. PARKING SPACES SHEREON ARE 8.5' WITH A MINIMUM CAILSES.

## LEGEND

(SEE EXISTING CONDITIONS PLAN FOR  
EXISTING CONDITIONS SYMBOLS AND ABBREVIATIONS)

**D PROPOSED PARKING COUNT**



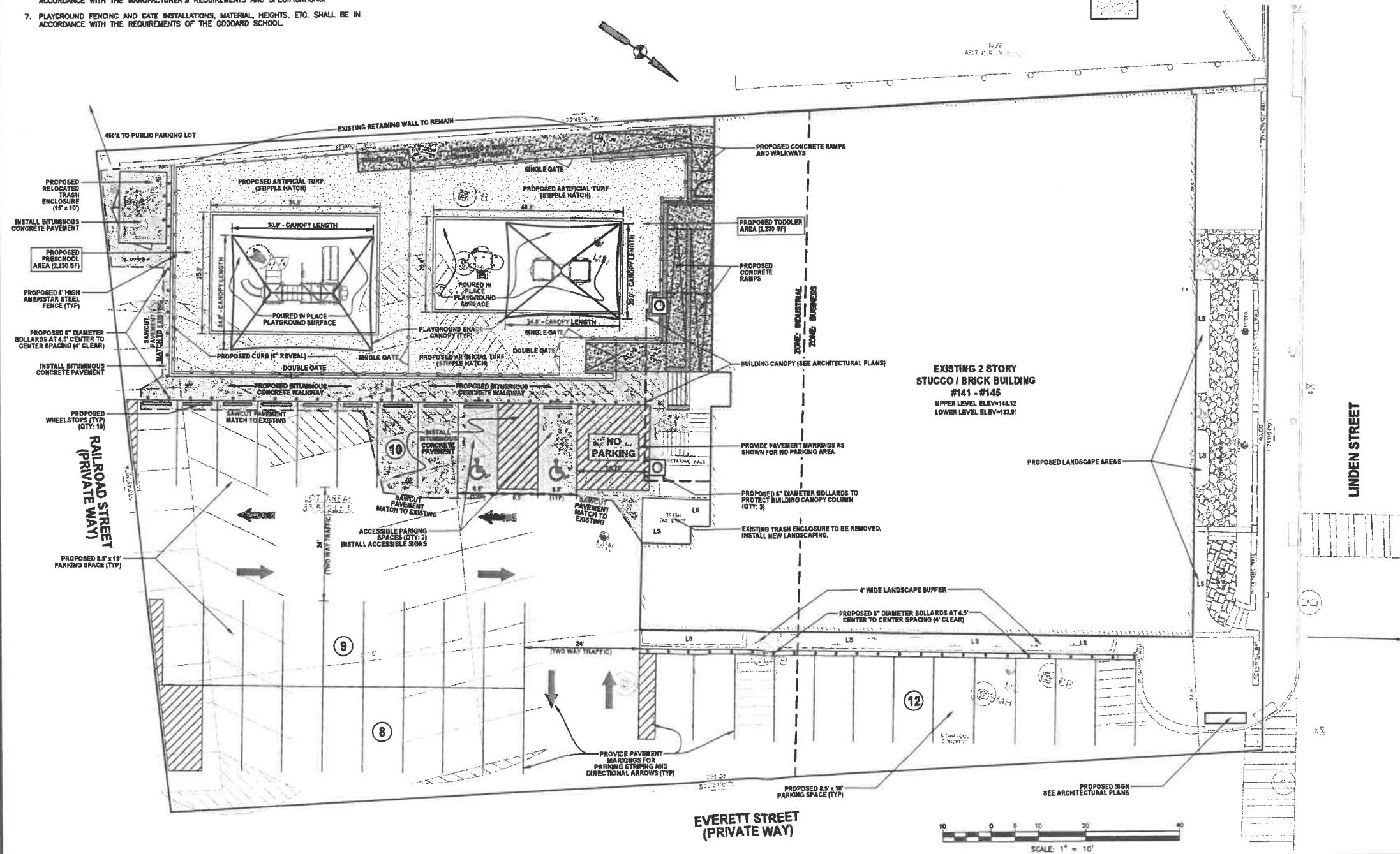
### PROPOSED BIRDBRICKS CONCRETE PAVEMENT



### PROPOSED PEDESTRIAN CONCRETE PAVEMENT



PROPOSED ARTIFICIAL TURF



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## SCHEMATIC DESIGN

A circular stamp with the words "SCHEMATIC DESIGN" at the top and "BUREAU OF NAVIGATION" around the perimeter. The center contains the text "1942" and "1942" below it, with "1942" appearing to be stamped over the first one.

NO.	APP	DATE	DESCRIPTION
DATE: MARCH 29, 2022			
SCALE: 1" = 10'			
DESIGN: KMR/DEC	DRAFTED: KMR	CHECKED: DEC	

PROJECT TITLE:

# SCHOOL

## 141 LINDEN STREET

**SHEET TITLE:**

## PROPOSED LAYOUT AND MATERIALS PLAN

SHEET:  
1 OF 2  
PROJECT NO.:  
F28782  
C-1  
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