

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

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ZBA 2022-63
Petition of Wellesley Green Condominium
65 Grove Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 6, 2022 at 7:30 pm, in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Wellesley Green Condominium requesting Modification of a Variance, ZBA 75-46, pursuant to the provisions of Section 5.3 and Section 6.2 to legitimize changes to the parking field and allow use by unit owners, at 65 Grove Street, in a Limited Apartment District.

On August 11, 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 was David Himmelberger, Esq., representing Wellesley Green Condominium, the Petitioner.

Mr. Himmelberger said that the request is for modification of a variance that was granted in 1975 for construction of an 18 space guest parking area at 65 Grove Street, which is owned by Wellesley Green Condominium Association (the Association). He said that as far back as 1997, dumpsters and recycling containers were placed in a portion of the parking field and the four spaces that were displaced were moved to be parallel to the rear of the lot. He said that the Association would like to legitimize the existing conditions that have been in place since at least 1997.

Mr. Himmelberger said that they submitted data showing the occupancy rate of the parking area. He said that the Association found that there is not the same need for guest parking as was perceived in 1975 and are seeking modification of the variance's limitation for guest parking only. He said that the Association would like to have the ability to allow condominium owners to park there.

Jeffrey Zupan, Unit 240, 65 Grove Street, said that when the condominiums were first built, some owners were assigned two spaces and some were assigned one. He said that he has two cars and only one deeded space. He said that the property manager told him that there are four spaces in the lot that owners can use. He said that last year, owners wanted more than the four spaces that were allotted. He said that when the Association decided to hold a lottery, they realized that the spaces were restricted to guests. He said that because he was concerned about losing the spaces in the future, he started keeping track of the parking on

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a daily basis over nine months. He said that his data shows that most of the time about half of the spaces were being used and there were very few times when all 18 spaces were used. He said that he would like to see the lottery expanded so that he has a better chance of retaining a space. He said that reducing the number of spaces would not provide enough parking for the peak amount.

Mr. Himmelberger said that if the limitation for guest parking only is removed, some of the spaces will be rented to owners. He said that the spaces will be numbered. He said that the parking spaces and driveway do not meet the size requirements of the bylaw. He said that the parking field has existed for many years and there have been no issues. He said that they need a variance for changes to the configuration that was part of the 1975 variance to permit the parking field as it currently exists and has existed for some time and for elimination of the guest requirement. He said that there are numerous nonconformities that they are seeking to legitimize. He said that the 1975 variance was granted as an exception to the bylaws prior to recodification.

Sandie O'Neil, Property Manager, Wellesley Green, discussed the breakdown of the number of units versus parking spaces. She said that only one unit is larger than three bedrooms. She said that there is a combination of threes and ones but the majority of the units have two bedrooms.

Ms. O'Neil said that many owners have only one parking space. She said that the owners are allowed to use four spaces in the parking lot near the dumpsters. She said that two of the staff members park in the overflow lot and the others have permission from owners to park in the underground garage spaces that are not being utilized.

A Board member asked about snow removal in the winter. Ms. O'Neil said that there have been only a few occasions when snow had to be taken off site. She said that they use two spaces in the lot for snow equipment during the winter months.

The Board discussed the parallel spaces and safety issues. The Chairman said that the data shows that six spaces are being used during the peak, which bodes for making all of the spaces conforming. He said that a letter was submitted to the Board from one of the condominium owners that talked about contractors, pickup trucks and larger vehicles parking in the lot, which make undersized spaces even more problematic. Mr. Himmelberger said that the Petitioner would like to retain 18 spaces. He said that there have been no issues with safety since the permit first issued. He said that they recognized that the parking was no longer in compliance with the variance and wanted to rectify it by coming forward.

The Chairman discussed limiting the guest spaces, possibly cutting the number in half. A Board member discussed removing the restriction to make it general parking for anyone. He said that the project was originally designed to have almost two spaces per unit, so there is ample parking on the site. He said that he would be satisfied with the dimensions if parking space P4 is eliminated. He said that the 1975 decision discussed the reduced size of the spaces to preserve some trees.

The Chairman asked about the number of requests for additional parking spaces. Ms. O'Neil said that five to six owners are requesting additional spaces. Mr. Zupan said that there has never been a year when there are more than five owners wanting to use the four spaces.

A Board member said that the dumpsters are intrusive. Mr. Himmelberger said that they are located in spaces that are easiest to access. He said that they are well screened from the street. He said that the Petitioner is willing to accept the Planning Board's recommendation for additional screening or fencing for the dumpsters. A Board member said that the enclosure should allow easy access for the contractor.

Statement of Facts

The subject property is located at 65 Grove Street, in a Limited Apartment District.

The Petitioner is requesting Modification of a Variance, ZBA 75-46, pursuant to the provisions of Section 5.3 and Section 6.2 to legitimize changes to the parking field and allow use by unit owners.

Letter to Zoning Board of Appeals, dated 8/2/22, from David J. Himmelberger, Esq., Upper Parking Plan, dated 7/5/22, stamped by Stephen Davis, Professional Land Surveyor, Car/Truck Count of spaces in use in Upper Lot, and photographs were submitted.

On October 5, 2022, the Planning Board reviewed the petition and recommended that Modification of the Variance be approved.

Decision

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

In reliance on the prior findings of the Zoning Board, this Board modifies the Variance to legitimize changes to the parking field and allow use by unit owners, subject to the following conditions:

1. Parking space P4, as shown on the current plan, shall be eliminated.
2. Nine guest parking spaces shall be designated.
3. Eight parking spaces shall be open to the condominium community.
4. The parking spaces shall be in accordance with the dimensional nonconformities as shown on the plan.
5. There shall be screening or fencing around the dumpsters.

The Inspector of Buildings is hereby authorized to issue a permit.

Modification of the Variance shall expire one year after the date time stamped on this decision.

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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.


Robert W. Levy, Acting Chairman


David G. Sheffield


Derek B. Redgate

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Applicant Wellesley Green Condominium
Address 65 Grove 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

cc: Planning Board
Inspector of Buildings
lrm



0 10 20 30 40 50 60
GRAPHIC SCALE
1" = 20'

 **CHENEY**
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