



ZONING BOARD OF APPEALS

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ZBA 2016-95

Petition of Wellesley Historical Society
 323 Washington Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, December 1, 2016, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Wellesley Historical Society requesting renewal of a Special Permit pursuant to the provisions of Section II A 8 c and Section XXV of the Zoning Bylaw to use the structure located at 323 Washington Street, in a General Residence District, for storage and care of collections, office, work and meeting space. The Petitioner is requesting expansion of the permitted activities on site.

On November 14, 2016, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing were David Himmelberger, Esq., Frank Nemia, President, and Owen Dugan, Board of Directors, Wellesley Historical Society, the Petitioner.

Mr. Himmelberger said that the request is for renewal of a special permit that was first issued in 2012 and renewed in 2014. He said that the property is located in a rather discreet General Residence District that is comprised of three lots with 323 Washington Street in the middle. He said that 325 Washington Street is a two-family rental property to the left and the Unitarian Church grounds are located to the right.

Mr. Himmelberger said that the request is for renewal of the special permit and for a slight expansion. He said that in the previous special permits, it was referenced in the body of the decision that no customers or clients were to come to the premises. He said that two specific conditions provided that there be no overnight living on the premises and a two-year expiration. He said that the expansion that is sought relates to the scope of the activities, as follows:

1. Allow researchers who presently go to the Dadmum-McNamara House at 229 Washington Street to go to this building. He said that it is anticipated that will consist of five people per week or one person per day.
2. 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. He said that the Society recognizes that the Dadmum-McNamara House is limited by its age and structure. He said that there is a desire to better utilize 323 Washington Street where they would like to put in ADA compliant bathrooms and an internal elevator to make it more accessible. He said that they would like to be able to have limited display of their exhibits for three to six people per day to look at.

3. Have two special event fundraisers for less than 75 people in the evening. He said that the large fundraiser will remain at the Country Club and the lectures series that they co-host with the Library will remain at the Library.

4. The Society owns a world renowned butterfly collection. He said that currently there is a program where the Historical Society goes out to the third grades in the Town's elementary schools over a course of days in June. He said that bringing the butterfly collection out of the building is problematic in that they are highly fragile exhibits. He said that the Historical Society would like to host the third graders for seven days in June between 9 am and 1 pm. He said that it is contemplated that the children will arrive via school bus that would drop the children at the left rear of the Unitarian Church parking lot where there is a connecting pathway to the Historical Society property.

Mr. Himmelberger said that the building itself and the district in which it is located is one in which there is ample night time parking. He said that the Society will commit to not hosting events between 4 and 6 pm, which is the timeframe on weekdays when the westbound parking lane on Washington Street is a travel lane. He said that there is ample parking on the street in the evening. He said that there is also parking after the Post Office on the stretch of Cliff Road up to the underpass at Route 9.

Mr. Himmelberger said that Wellesley Historical Society is located in an area that would not be disruptive to a residential community. He said that it abuts a business district across the street.

The Chairman said that he was troubled by what the Historical Society is proposing. He said that when they were before the Board for the original special permit and subsequently for the renewal, the Board specifically asked about the plans for using the property. He said that they are asking the Board to open this up for a broad use. He said that this is still a single family residential district. He questioned whether it would be more appropriate to ask the Planning Board to re-zone the three properties.

The Chairman said that the on-street parking is for use of the businesses on both sides of the street. He said that people will park on the street as close as they can to get to the property. He said that he was concerned that it could have an adverse effect on people using the businesses. Mr. Himmelberger said that the bulk of the additional use will be in the evening. He said that there are no businesses from Maugus down to the Post Office. He said that there is a municipal lot at the Post Office which is open after hours, as is Cliff Road. He said that the only people coming by vehicle during the daytime would be up to five researchers per week and possibly three to six visitors to look at an exhibit. He said that the businesses are closed by 7 pm. and there is additional parking on Seaward Road at metered spots.

Mr. Himmelberger said that there are eight parking spaces on the property. He said that typically during the day there is an Executive Director on the property. Mr. Nemias said that two spaces are typically utilized daily. Mr. Himmelberger said that the Historical Society is not a destination spot. He said that people might stop in while they are out shopping or going to the Post Office.

Mr. Nemias said that they have tried to ensure that there are no overlapping events that would disrupt the neighborhood or the other businesses. He said that people who visit are usually members. He said that they do not believe that there will be any extensive use beyond the two to three who may come to see an exhibit. He said that they tried to think through the use of the property and the impact on the

neighborhood so that it will cause minimal disruption while allowing them to fully utilize the property for storage and the collections.

The Chairman asked if the Unitarian Church has given the Historical Society permission to use their lot. Mr. Himmelberger said that they do not currently have a permit to use the Church's lot for night time auxiliary parking. He said that when the Church was before the Board for the renewal of their special permit for accessory parking for 15 spaces, it was subject to the conditions that the use was allowed from 8 am to 7 pm and that there be no overnight parking.

Mr. Nemia said that there are two events planned. He said that any event that is larger than 15 to 20 people will be coordinated with the Library to have it there. He said that they normally email members. The Chairman asked if the Historical Society could specify in their emails for activities that visitors do not park on Washington Street until after 7 pm and to use the Unitarian lot during the day. He asked if they could make it a fixed part of their correspondence. Mr. Nemia said that they can do that. He said that the events are attended by Wellesley residents and the only outsiders are researchers who are there by invitation and appointment only. He said that they only have one fundraiser in the spring at the Wellesley Country Club and that is by written invitation. Mr. Himmelberger said that there are six workshops at night for seven to nine members.

The Board confirmed that school buses will go into the church parking lot. Mr. Himmelberger said that there is a connecting path at the rear, which would eliminate the fears of the Planning Board Staff about pedestrians on the sidewalk because it will be internal from the parking lot to the rear of the property. A Board member asked if the Petitioner could provide a letter from the Unitarian Church stating that they understand the Butterfly Program and are willing to accommodate it. The Chairman said that he did not want the buses to go down the Historical Society's driveway.

The Chairman asked about the number of empty parking spaces in the Unitarian Church parking lot. He said that parking lot is already used by employees of what used to be called the Marino Center. He said that there is also a daycare program at the Church. Mr. Himmelberger said that the daycare program typically involves drop off in the morning, with some mid-day and afternoon pick up. A Board member said that activity is apt to be at the other side of the parking lot. The Chairman said that the playground is near the walkway to the Historical Society property.

The Board said that a description of the circulation and parking on the property would make things more clear. The Board said that it would be helpful to iron out the seven criteria for a special use permit. The Board said that there could be a letter from the Church, some descriptive language and a sketch to address Standards 1 and 5 in the bylaw.

The Chairman said that he would like to see something that tells the Board how Wellesley Historical Society will keep people from going down their driveway if they cannot accommodate them. He said that he is also concerned about elderly membership and handicapped access.

The Chairman discussed continuing the petition to the January public hearing so that the Petitioner can provide the requested information. He said that the Petitioner came before the Board in 2012 and 2014 for a limited use and now want to expand it. Mr. Himmelberger said that there has been no impact and the Petitioner felt that they could do more with the building without impacting the town. He said that this

is a thoughtful consideration of their program and how they can best provide to the town and make the building more accessible. The Chairman said that he would like to have the Petitioner look at the property to see if it is feasible to utilize the area that backs up to the railroad for parking. He said that the lot seems to be large enough to accommodate 12 or more parking spaces in the rear and maybe more on the side.

The Board voted unanimously to continue the petition to January 5, 2017.

January 5, 2017

Presenting the case at the hearing were David Himmelberger, Esq., Kien Ho, BETA Engineering and Frank Nemra.

Mr. Himmelberger said that the Historical Society engaged the services of BETA Engineering to look at traffic, circulation and the lot itself to see how it might be better utilized to provide for parking and circulation. He said that BETA produced a report that concluded that there would not be any adverse impact on traffic and parking.

Mr. Himmelberger said that the Unitarian Church provided a letter that describes their understanding of the events and is supportive of the use of their parking lot by the Historical Society.

Mr. Himmelberger said that there are currently 12 parking spaces on site, including three in the garage which are used by staff. He said that the existing one-way driveway will now loop around and come out at the front. He said that they believe that the Traffic Plan and Parking Plan adequately address concerns about circulation and parking.

Mr. Ho said that BETA looked at all of the activities related to the facility and the activities associated with the proposed increased use. He said that the two key components related to traffic and parking are daily usage and special events. He said that daily usage is related to two full time employees at all times and can be contained in the provided parking spaces. He said that, based on information that BETA was given, public visitation would occur between 10 am and 3 pm. He said that, historically, the exhibits produce three to five visitors per day. He said that would amount to five people on site during peak hours and there is adequate parking on site to accommodate them. He said that a maximum of five researchers come to the site but they have to make an appointment and are scheduled. He said that can be managed.

Mr. Ho said that special events involve fundraisers twice a year, six workshops between September and June, Board meetings, and a partnership with the public schools for life sciences that occur between 9 am and 1 pm. He said that all special events other than the school partnership occur after 7 pm. He said that BETA looked at traffic during morning peak from 7 am to 9am and evening peak from 4 pm to 6 pm. He said that there is a volume reduction of 20 to 70 percent after 7 pm. He said that a lot of businesses close after 7 pm except for an Indian restaurant in the vicinity. He said that BETA did not think that there should be an issue with parking for special events that take place in the evening. He said that there is a lot of on-street parking on Washington Street on both sides, Cliff Road has approximately 16 to 18 spaces, there are approximately 15 to 16 metered spaces on Seaward, and the commuter lot is approximately 400 to 450 feet away. He said that there is a lot of available parking during the special events and the Historical Society has an agreement with the Unitarian Church for additional spaces.

A Board member asked if the access pathway from where the children will be dropped off in the Church parking lot to the Historical Society property will be identified. Mr. Himmelberger said that there could be a couple of posts or pavement markings. The Board member said that it should be indicated that there is no parking in front of the path.

Mr. Ho said that there is an existing driveway to the three car garage. He said that there is greenspace at the front of the property. He said that it is a narrow roadway at 12 feet plus or minus. He said that it is a one lane two-way roadway that goes to open space at the back. He said that there is no striped parking. He said that BETA created a 12 foot one-way roadway and identified eight parking spaces that meet the standards in the Zoning Bylaw. He said that they have shown an aisle space of 30 feet where 24 feet is required. He said that there are three parking spaces in the garage. He said that they created a 12 foot one way egress and a handicapped parking space at the front.

A Board member asked how many people can comfortably park if there are no changes made. Mr. Ho said that there are three spaces in the garage and they could probably fit five spaces at the back of the building. The Board member said that his concern is that the Board may have led the Petitioner down a path to turn a currently residentially zoned house that is being used by the Historical Society into a commercial property with impervious paving and drive aisles. He said that, after hearing the numbers for typical use of the property, the parking plan may be overkill.

A Board member said that there are in and out arrows shown at the handicapped space. He said that the pedestrian walkway is one-way. He said that there is a little confusion as to how a handicapped van or person might circulate there. Mr. Ho said that the arrows may be confusing. The Board said that circulation should be clarified on the markings.

A Board member suggested that the Board consider a toned down site plan for one year. He asked about a one-way entrance with minor improvements to parking at the rear with striping. He said that the handicapped space could stay where it is. He said that the full circulation seemed to be too much. He said that, with five to ten people using the site a day, the amount of times that there would be a conflict on the driveway would probably be a couple of times a year.

The Chairman asked for clearer photographs showing what is there and what the landscaping looks like. Mr. Himmelberger said that the entire front along the sidewalk is shrubbed. The Chairman asked that dimensions be put on the plans.

The Board voted unanimously to continue the petition to February 2, 2017.

February 2, 2017

Presenting the case at the hearing were David Himmelberger, Esq., Kien Ho, and Frank Nemia. 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 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. He said that the revised plans were not submitted in time for the Planning Board to review them.

Mr. Himmelberger said that they went back to the drawing board to reduce the parking plan 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, 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 would be implicated. 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 show the revised parking field with 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 approved 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.

Mr. Himmelberger 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 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. He said that the Planning Board concluded 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 but do not believe that they are predicate to the Board's decision. He said that when they raise the funds to make the renovations for handicapped accessibility, they will submit to DRB and 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.

The Chairman said that, in looking 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 opt for Option 1.

A Board member 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.

A Board member 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 detailed 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 to put more greenspace at the entrance and the parking

areas. Mr. Himmelberger said that they do have 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.

A Board member 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. 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.

The Chairman 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.

A Board member suggested that Wellesley Historical 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.

There was no one present at the public hearing who wished to speak to the petition.

Statement of Facts

The Wellesley Historical Society is a 501 (c) charitable organization, formed in 1925 and incorporated in the Commonwealth of Massachusetts in 1965. It is the Historical Resource Center for the Town of Wellesley.

The Wellesley Historical Society is the primary archival repository for the Town of Wellesley, and is responsible for the archives of several non-profit organizations. Collections include manuscripts, photographic images, maps and plans, art pieces, costume collections, butterflies, individual artifacts, and a significant textile and lace collection. In addition, the Society annually awards scholarships to Wellesley students to "inspire public involvement in and appreciation of Wellesley's heritage and culture by Wellesley youth in their endeavor to further their studies" via higher education.

The Society is currently located in the Dadmun/McNamara House at 229 Washington Street at the intersection of Routes 16 and 9 on the same grounds as the Community Center.

The current collections of the Society occupy almost all the current usable space in the Dadmun/McNamara House (1,760 square feet) leaving insufficient work space for the care and ongoing cataloging of the collections, and monthly meetings of the Board of Directors.

The Society's continued use of 323 Washington Street reflects the organization's desire to fulfill its mission to a degree that it is unable to do within the confines of the Dadmun/McNamara House at 229 Washington Street. The Society intends to continue to use the space at the Dadmun/McNamara House for storage and research activities.

The Petitioner is requesting renewal of a Special Permit pursuant to the provisions of Section II A 8 c and Section XXV of the Zoning Bylaw to use the structure located at 323 Washington Street, in a General

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Residence District, for storage and care of collections, office, work and meeting space. The Petitioner is requesting expansion of the permitted activities on site.

Letter to Zoning Board of Appeals, dated 1/11/17, from David J. Himmelberger, Esq., re: Renewal of ZBA 2012-86 and ZBA 2014-101, Letter to Erica Dumont, Executive Director, Wellesley Historical Society, dated 1/3/17, from Kien Ho, PTOE, BETA Engineering, re: Traffic Review/Evaluation, Parking Layout Sketch, dated 1/3/17, Letter to Zoning Board of Appeals, dated 1/4/17, from Singu Srnivas, Chair, Unitarian Universalist Society of Wellesley Hills, and photographs were submitted.

On November 22, 2016, the Planning Board reviewed the petition and recommended that consideration of the request be deferred. On January 17, 2017, the Planning Board reviewed the petition and recommended approval of renewal of the special permit with no improvements to the site.

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.

The Petitioner is requesting renewal of a Special Permit pursuant to the provisions of Section II A 8 c and Section XXV of the Zoning Bylaw to use the structure located at 323 Washington Street, in a General Residence District, for storage and care of collections, office, work and meeting space. The Petitioner is requesting expansion of the permitted activities on site.

It is the opinion of this Authority that renewal of a Special Permit and expansion of the permitted activities on the site as described in Option 1 that involve use of the structure located at 323 Washington Street, in a General Residence District, for storage and care of collections, office, work and meeting space, shall not disturb or disrupt the customary character of the residential neighborhood, and is in harmony with the intent and purpose 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 for the requested use, as voted unanimously by this Authority at the Public Hearing, subject to the following conditions:

1. There shall be no overnight living in the premises.
2. Researchers who presently go to the Dadmum-McNamara House at 229 Washington Street shall be allowed to go to this building. It is anticipated that will consist of five people per week or one person per day.
3. The Historical Society may 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 that will drop them in the Unitarian Church parking lot where there is a connecting pathway to the Wellesley Historical Society property.

ZBA 2016-95
Petition of Wellesley Historical Society
323 Washington Street

4. This Special Permit shall expire two years from the date time stamped on the decision.

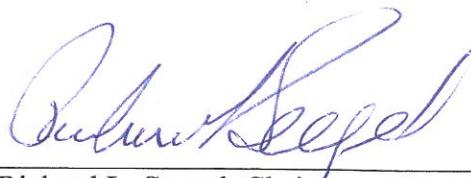
Hosting workshops for members of the Historical Society of no more than 30 people up to six times a year, typically from 7 to 9 pm on a weekday night and holding two special event fundraisers for less than 75 people in the evening shall be deferred until completion of building improvements for handicapped access and other pedestrian circulation.

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Petition of Wellesley Historical Society
323 Washington Street

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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.



Richard L. Seegel, Chairman



David G. Sheffield



Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm