



## ZONING BOARD OF APPEALS

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Petition of Town of Wellesley/Department of Public Works  
 RDF Facility – 169 Great Plain Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 1, 2003 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley on the petition of TOWN OF WELLESLEY/DEPARTMENT OF PUBLIC WORKS requesting Site Plan Approval pursuant to the provisions of Section XVIA and Section XXV of the Zoning Bylaw for construction of a temporary one story 7,440 square foot building with a height of 43.5 feet at peak for use as a Town Transfer Haul Facility, on a 3,310,000 square foot lot in a 20,000 square foot Single Residence District at the RDF Facility at 169 GREAT PLAIN AVENUE. The structure will have a steel frame covered with an outer stressed fabric membrane. No additional landscaping or parking is required. Lighting will consist of three fixtures, each above one of the door openings. All exterior illumination shall be extinguished by 5 p.m. every day.

On March 20, 2003, 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 Stephen S. Fader, Town Engineer and Douglas R. Stewart, Assistant Town Engineer. Mr. Fader said he would give an overview of the project, and Mr. Stewart would present the technical issues.

Mr. Fader said that originally, DPW planned to rehab the existing transfer haul facility, which is in very poor condition, but determined it could not be easily reconfigured to accommodate the new transfer haul trailers. They visited structures, similar to the proposed structure, in other communities. Typically, these structures have been used for sand/salt storage.

The Department of Environmental Protection (DEP) is required to permit the proposed structure, as it will be used for storage and loading of the Town's solid waste in accordance with DEP regulations. To date, DEP has not permitted the use of such a building for the purpose of handling and loading of vehicles for trash disposal. DEP has stated that if it permits the building for this use, it would be permitted as a "demonstration project" for a maximum of two years, after which DPW could request annual renewal for two more years. In return for approval, DEP has asked that DPW submit reports during and after the conclusion of the initial two year period, which detail the economics, operational difficulties, etc. to determine whether DEP will permit the use in other communities.

The proposed temporary building will be 93.5 feet by 80 feet, which is slightly larger than the existing transfer station. Some site work regarding drainage issues and paving of existing graveled surface will have to be done prior to construction of the building, which should take about four weeks.

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Using the overall Site Plan, Mr. Stewart walked the Board through the existing traffic patterns on the site. The new structure will be located 129 feet from the Wellesley/Needham line, over 300 feet from the buffer zone of Fuller Brook, and over 700 feet from the closest house at 45 Eisenhower Circle. It will be 8-9 feet higher than the existing structure, and set back 50 feet farther from the residential area than the existing Transfer Station.

Using the detailed Site Plan, Mr. Stewart said a new fire hydrant would be installed 90 feet from the building to supplement the 2 existing hydrants 300 feet from the existing building. An extension to service the new building will be added to the transformer at the existing structure. There is one framed 26 foot by 25 foot opening and two 16 foot by 16 foot door openings. There will be 4 interior light fixtures and 1 exterior fixture above each of the openings. The lights would be turned on October through January, and will be turned off between 4-5 p.m.

Each trailer truck will carry 100 cubic yards, or 25 tons of trash, which will require 8 trips per week rather than the 17 trips now made by the roll-off trucks currently in use. The trailers will enter the structure near the existing compactor units and park inside the building. The newly purchased John Deere excavating machine with a grapple attachment will be parked inside the building adjacent to the trailers. The roll-off containers will be dumped on the tipping floor of the structure, as will loads from commercial haulers. The grapple will reach in, grab the material and place it in the trailer.

The building will be set on the paved area, and secured by earth anchors set every 10 to 20 feet along the perimeter of the building. There will be no foundation.

At present, all drainage in that portion of the site drains overland down through the Residential Trash Compactor area, into a catch basin through an oil/water separator, which is inspected and maintained by the Town. Curbing will be installed at the back and the side of the building to direct storm water to the existing catch basin.

Mr. Stewart showed pictures of the "summit" type building installed in Westboro, which is used for sand/salt storage.

Mr. Stewart said there would be doors at each end of the structure, which will be enclosed to limit wind blown litter. He showed the Board a sample of the construction material, which is a white, high density, woven fabric, allowing natural light to pass through it. The fabric can be repaired easily by DPW employees.

The Board asked how long the trailer would remain inside the building and how many hours the grapple would be in operation. Mr. Stewart said the trailers would remain inside the building one day or less except possibly over the weekend. The grapple would operate about 2 hours per day. The trash would sit on the floor no more than one day, except over the weekend, as there are no trips on Sundays. To date, there has been neither a rodent nor an odor problem at the existing transfer station.

The Board expressed concern about ventilation, as the fabric allowing light to pass through could behave as a greenhouse. Mr. Stewart said ventilation has not been a problem in the existing building. However, in response to a DEP request, the Town has volunteered to convert its equipment to electric/diesel with catalytic converters and filters on the diesel exhaust. Furthermore, unless it is an extremely windy day, the doors at the ends of the buildings could be left open, as well as the side where the trash is brought in.

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Mr. Stewart described in detail the process from the unloading of the existing compactors to the filling of the trailer trucks.

The Board asked if any vehicles entering the building would have tracks or cleats as the black-top might not stand up to that type of wear. Mr. Stewart said they expect some repair will have to be made to the bituminous surface, but that the cost would be far less than installation of a concrete floor.

The Board asked why DPW considers the building to be “temporary”. Mr. Stewart said that the DPW permit process allows two years and then an additional two years on an annual basis. At the end of four years, DPW will have to submit a final report to DEP. Also, the contract with the new container trash hauler will expire in five years. DPW will then decide what the next step would be. At this point, the temporary structure represents an enormous cost savings. The use of the transfer trailer operation is far less expensive than the existing operation, even if the use is for only 3-4 years. Furthermore, the proposed structure could be taken down and potentially used in another location. A decision on relocation would be tied into the success of the new structure in its proposed location.

The Board asked about the building design in regard to snow. Mr. Stewart said the design shows the snow load to be 35 pounds per square foot. The snow will slide off because the roof has about a 30% slope. Snow deflectors will be installed above both the 16 foot by 16 foot doors.

The Board discussed the problem of wind blown litter. Mr. Fader said that wind blown litter is a continual problem, which the RDF staff deals with on a continual basis. If the wind is strong, the doors at either end could be closed. They will check with the RDF Superintendent as to frequency of litter cleanup and provide the information to the Board.

The Board discussed the problem of liquids associated with the trash dumped on the tipping floor. Mr. Stewart said there would be connected jersey barriers inside the structure, which will contain the flow. The liquid is absorbed by the trash itself. They also use Speedy Dry. The floor of the existing transfer station is hosed down once a year, but swept on a regular basis. An interior drain could be installed if necessary, but would have to be connected to the sanitary sewer system.

Mr. Stewart suggested that the Board could condition that within 60 days after the building is operational, DPW shall review the problem. If the proposed system does not work, an interior drain would be installed.

The Board asked to see a drainage plan. Mr. Stewart submitted a 1996 drainage plan with detail sheets, showing the catch basin located at the “swap” area of the facility. The Board commented that storm water could flow northwest toward the compost area and enter Fuller Brook. Mr. Stewart said a spill berm will be installed five feet from the westerly side of the structure wall to direct storm water to the catch basin. There is no traffic along that side of the building.

The Board stated that although it appears any fluid from the trash would be kept inside the building, it would impose a condition such as Mr. Stewart had suggested.

The Board asked what areas would be evaluated in the report required to be submitted to DEP at the end of the 90 day period noted in the submission material. Mr. Stewart said they do not have final comments

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from DEP as yet, but assumed that DEP would review the overall operation, including storm drainage, wind blown litter, and indoor air quality for which a testing program has not yet been designed. The Board was of the opinion that a testing program for carbon monoxide levels would be a good idea.

The Board discussed the issue of noise impact. Although it appears that noise will not be a big issue, particularly as there have been no complaints, the submission materials mention “noise mitigation measures”, if necessary.

Mr. Stewart said the noise level should not change. If necessary, the two doors could be kept closed. They have no formal plan at this time.

The Board asked if DPW had a formal logging system for complaints. Mr. Stewart said he did not know if there was a formal system as there had been only one complaint over 12 years ago about back-up alarms on the trucks. The Board stated that it would add a condition that a formal log be kept on complaints relating to noise and/or odors. This is a new structure and a new process. The log might also be helpful in regard to the report to be submitted to DEP. The Board suggested that the DPW newsletter could contain a telephone number to call if one wanted to register a complaint.

Todd Finkelstein, 30 Eisenhower Circle, explained he had a line of sight from his back yard to the proposed site. At present, he cannot see the existing transfer station through the forest, but is concerned that the new building might be visible. He asked that if it was visible, could the DPW either raise the existing berm or extend it to block sight. Mr. Fader said that if he had a problem after the building was constructed to contact him.

The Board discussed the language to be used for the decision, as the approval would be for a temporary building, but the approval would be permanent. The Board decided that this was a unique situation in that the nature of the proposed structure is “temporary”, and that it is serving as a “demonstration project” for DEP, which might not be permitted after the initial two year period.

Therefore, the Board decided to impose a condition that the Site Plan Approval would be reviewed after a two year period, which would coincide with the determination by DEP as to whether to allow further permitting, to determine whether there had been any changes in the conditions under which Site Plan Approval had been granted, and/or if there was a need to add further conditions.

The Board discussed further conditions that are contained in “Addendum A” of this decision.

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Statement of Facts

The subject property is located at 169 Great Plain Avenue in a Single Residence District on a 3,310,000 lot containing the RDF Facility. The property abuts the Town of Needham on the southwest, the Sudbury Aqueduct on the north, a Single Residence District on the northeast, and the Fuller Brook on the east. Access to the site is from an entrance/exit drive on Great Plain Avenue.

The petitioner is requesting Site Plan Approval to allow construction of a temporary one story 7,440 square foot building with a height of 43.5 feet at peak for use as a Town Transfer Haul Facility. The structure will have a steel frame covered with an outer stressed fabric membrane and will be secured by earth anchors. No additional landscaping or parking is required. The temporary structure will be located to the left and slightly behind the front of the existing Transfer Haul Building, 129 feet from the Needham town line, over 300 feet from the Fuller Brook and 790 feet from the closest residence at 45 Eisenhower Circle.

The following plans were submitted:

- |  |         |  |
|--|---------|--|
| 1. Title, Index, Key Map & General Notes | 3/19/03 | Stephen S. Fader, Registered P.E.              |
| 2. Site Location Plan                    | 3/19/03 | Douglas R. Stewart, Professional Land Surveyor |
| 3. Plot Plan                             | 3/19/03 | Douglas R. Stewart, Professional Land Surveyor |
| 4. Site Layout Plan                      | 3/19/03 | Stephen S. Fader, Registered P.E.              |
| 5. Sections & Details                    | 3/19/03 | Stephen S. Fader, Registered P.E.              |
| 6. Building Plan & Elevations            | 3/19/03 | Stephen S. Fader, Registered P.E.              |
| 7. Electrical Plans & Details            | 3/19/03 | Stephen S. Fader, Registered P.E.              |

The following informational material was submitted:

1. Application for Site Plan Approval
2. Site Plan Approval Review – Plans and Submittal Checklist
3. Official Development Prospectus
4. Project Narrative Discussing Scope of Work
5. Drainage Calculations
6. Boring Log for Boring B4
7. Spec Sheet for Structure Frame & Fabric Cover
8. Project Schedule dated March 12, 2003
9. Memo dated February 3, 2003 from Conservation Administrator
10. Design Review Board Record & Recommendations dated March 3, 2003
11. Spec Sheet dated May 1, 2002 – DT 2 R – Duratrac Door

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On February 26, 2003, the Design Review Board reviewed the project and voted to recommend that the Zoning Board of Appeals accept the temporary Town Transfer Haul Building as presented.

All plans and written materials were also sent to the Planning Board, Wetlands Protection Committee, Town Engineer, Board of Health, Fire Chief and Municipal Light Plant as required by Section XVIA of the Zoning Bylaw. Written responses from each of the above were received and are on file in the office of the Board of Appeals.

On April 29, 2003, the Planning Board reviewed the project and supported the granting of the request.

Decision

This Authority has made a careful study of the plans and materials submitted and the information presented at the Public Hearing. The construction of the proposed 7,440 square foot temporary structure constitutes a Major Construction Project pursuant to Section XVIA of the Zoning Bylaw as it includes construction of 2,500 square feet or more of gross floor area.

As discussed at the Public Hearing, the request for Site Plan Approval for a “temporary” building, which shall be used not only as a Town Transfer Haul Facility, but also as a “demonstration project” by the Department of Environmental Protection, presents a unique situation, as the project requires both the grant of Approval by this Authority and permitting by the DEP. While the Site Plan Approval granted by the Board is permanent, the permit granted by DEP is initially for a two year period with possible annual extensions for two more years. However, DEP has the authority to revoke the permit at the conclusion of the two year period. Due to these unusual circumstances, this Authority is of the opinion that a review of the conditions under which this Site Plan Approval is granted is necessary, and that this review shall be scheduled to coincide with the review required by the DEP after the facility has been in operation for a period of two years.

It is the opinion of this Authority that the submitted plans for construction of the proposed Town Transfer Haul Facility at the RDF Facility at 169 Great Plain Avenue, in a Single Residence District, as listed in the foregoing Statement of Facts, protect the safety, convenience and welfare of the public, minimize additional congestion in public and private ways, and insure adequate protection for water, sewerage and drainage. Furthermore, compliance with Section XVI, Section XXI and Section XXII of the Zoning Bylaw is ensured.

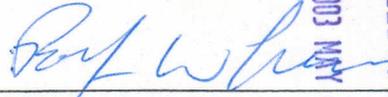
Site Plan Approval is hereby granted, as voted unanimously by this Authority at the Public Hearing, pursuant to Section XVIA and Section II of the Zoning Bylaw, subject to the conditions attached hereto as Addendum A.

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.

Cc: Planning Board  
Inspector of Buildings  
Edg

  
Cynthia S. Hibbard, Acting Chairman

  
Robert A. Bastille

  
Robert W. Levy

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ADDENDUM A

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1. Prior to the issuance of any Building Permit, a revised Grading and Drainage Plan showing the location of the spill berm on the westerly side of the proposed building and an Interior Plan showing the location of the connected jersey barriers shall be submitted to the office of the Board of Appeals.
2. Prior to the issuance of any building permit, the Department of Public Works shall submit a copy of the permit issued by the Department of Environmental Protection allowing the construction of the temporary building as a "demonstration project".
3. All work shall be performed in accordance with the most recent plans submitted and on file with this Authority.
4. All design and construction shall comply with all applicable state and local codes.
5. All requirements of the Town of Wellesley Fire Department shall be met.
6. All requirements of the Department of Public Works shall be met, including but not limited to the requirement that water, sewer and electric connections, together with drainage connections, be made in accordance with DPW standards.
7. Upon completion of the project, a complete set of site utility plans shall be submitted to the Department of Public Works.
8. A copy of the Certificate of Occupancy issued by the Building Inspector shall be submitted to this Authority at the time of issuance.
9. Within 60 days after the building is operational, the Department of Public Works shall conduct an inspection to determine if any liquid related to the trash dumped on the interior tipping floor of the structure has appeared beyond the confines of the structure. A report detailing the findings of this inspection shall be submitted to the Board of Appeals. Should said liquid be found exterior to the building, an interior drain shall be installed.
10. Copies of all reports submitted to the Department of Environmental Protection shall be submitted to the office of the Board of Appeals for the duration of the two year permit period.
11. All exterior lighting shall be extinguished no later than 5 p.m.
12. A formal log indicating the date, time and nature of complaint shall be maintained by the Superintendent of the RDF Facility for a period of two years from the date the building is operational.
13. Carbon monoxide testing shall begin within 30 days of the date of issuance of the Certificate of Occupancy, and shall be done every 90 days thereafter for a period of two years. Copies of the test reports shall be submitted to the office of the Board of Appeals.

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14. This Site Plan Approval shall be reviewed by the Board of Appeals two years from the date of issuance of the Certificate of Occupancy, or within 30 days of the expiration of the two year permit issued by the Department of Environmental Protection, to determine if any changes in or additions to the conditions under which this Approval has been granted are required due to the DEP report, neighborhood complaints, or for any other reason.
  
15. Should the Department of Environmental Protection fail to extend the initial permit at the end of the two year period, or at the end of the first annual renewal, the building shall be taken down forthwith and the site restored to its original condition.

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