

**ZONING BOARD OF APPEALS**

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

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WALTER B. ADAMS
DEREK B. REDGATE
RICHARD L. SEEDEL

April 6, 2021

7:30 pm

Remote Public Hearing

Zoning Board of Appeals Members Present: J. Randolph Becker
Richard L. Seegel
Walter B. Adams

ZBA 2021-23, DELANSON REALTY PARTNERS LLC, 1-3, 2-4, 5-7, 6-6A, 8 DELANSON CIRCLE & 12-14, 16-18 HOLLIS STREET

Present on behalf of the Applicant were Dartagnan Brown, Susan Spratt, Ryan Noone, John Herson, Nick Ogonowsky, Cora Pesaturo, Patrick Flaherty, Aaron Honsaker, Kray Small, Katya Podsiadio, and AJ Jenkins.

Mr. Becker said that the Applicant submitted revised documents since the previous public hearing. He said that a draft decision was circulated among the Board members.

Mr. Ogonowsky said that the Applicant believes that they have addressed all of the changes from the feedback that the Board gave them.

Mr. Brown said that he would review documents and identify the comments that were addressed. He discussed increasing the sidewalk width to six feet along Hollis Street and Linden Street, two ADA accessible parking spaces off of Hollis Street in addition to the three ADA spaces in the garage, clearly identifying the scope of work for 12, 14, 16 and 18 Hollis Street, floor plans and elevation drawings showing the level of renovation, landscape improvements for new plantings versus existing and landscape elements at the exterior stairs, maintenance path to the upper portion of the site, top and bottom of wall elevations and 10 foot offset for all walls and planters at the front entry plaza, no structures within 20 foot radius of Hollis Street, LEED Silver level, tree removal and replanting totals, tree mitigation tables, alternate parking provisions for RISE in lieu of using the Tailby Lot, adding two catch basins along Hollis Street, level of communication with the neighborhoods and the Town, sequencing the work, relief under Section 16 D.f, comments and response, revisions to the Landscape Plan, planting details, revisions to the Civil Plans, Snow Storage Plan, unit breakdown and full restoration of structures on Hollis Street, Site Improvement Package, and Construction Schedule.

Mr. Hernon discussed construction worker parking at the Italo American Club that will accommodate 40 cars a day. He discussed a back up option at Boston Sport Institute on Worcester Street that would entail use of a shuttle service. Mr. Brown said that will keep the construction worker parking out of the Tailby Lot.

Mr. Seegel asked about the emergency generator and functions in addition to the elevators, the automatic garage doors and automated parking. Mr. Ogonowsky said that the generator will also back up the fire pump.

Mr. Becker asked about trash collection on the residential floors. Mr. Brown discussed a full service area and service elevator. He said that they coordinated an agreement with the abutters for private maintenance to bring the trash out to be picked up. He said that a trash chute runs through the entire building and all of the trash is brought down to one level and pulled out by the private waste management company. He said that the trash truck will not go into the garage. He said that they have done a lot of coordination to get a strong waste management company in place. He said that there will be oversized capacity in the garage with trash compacting, a service elevator and a full recycle program, all managed by the private waste management company.

Mr. Becker said that the packages and documentation were among the best that the Board has seen. He said that things were more complete and the pieces fit together.

Mr. Becker discussed on-site parking during the construction period. He said that the Board's standard position has been to allow on site parking until there is no more room for the cars and after that point, the onus is on the Applicant to find a place for construction worker parking. He said that not using the Tailby Lot would be consistent with the Board's practice. He said that during Covid the use of that lot is down dramatically. He asked if the Board members would consider allowing use of the lot. Mr. Seegel had no objection because there is not a lot of activity there now. Mr. Adams said that he did not like parking in public spaces but had no objection. He said that if there is a problem, the Applicant will have to use another one of their options. Mr. Becker discussed modifying the draft condition to include that.

Mr. Adams asked about the request for an early start. Mr. Becker said that the action that is contemplated is for Site Plan Approval and that permit becomes effective after draft, vote, appeal period, Town Clerk certification and recording at the Registry of Deeds. He said that if an appeal is filed, the decision can still be recorded at the Registry of Deeds and the permit becomes effective. He said that the work would be at the developer's own risk. He said that the Board is not in control of Section 14 of the bylaw to grant permission for that. He said that there was no request before the Board for a variance for relief under Section 14. Mr. Seegel discussed asking Town Counsel about a court case or state ruling that once the Site Plan Approval is voted, the developer can go forth at his own risk.

Mr. Brown said that they are not asking to circumvent the appeal period. He said that they will wait for that to cycle through. He said that they asking to, post Site Plan Approval, during the three to four month period when they finish up the detailing of the building, to be able to separate the site work package, separate from the building. He said that prior to getting a full building permit, they would like to have the ability to separate the site work out. He asked if the Board would grant an exception or an allowance around Section 16 D.f. Mr. Hernon said that the first permit they will request is for the retaining wall that is in connection with the building. He said that Section 16 prohibits site work in connection with the development until all necessary permits have been issued and approved. He said that they are asking to separate the retaining wall permit from the building permit.

Mr. Becker said that the permit that the Zoning Board is working on does not say anything about the start of the work but grants a permit to do the work. Mr. Brown discussed adding narrative to the decision. Mr. Becker said that for the Board to act, the only way is to authorize something that is not in the bylaw would be through a variance, which does not fit well with this. Mr. Seegel said that a variance not appropriate. He discussed having the Board can add to its decision that it urges the Building Department to work with the developer to expedite site work apart from the building work. Mr. Adams said that probably the best that the Board can do is to quickly approve the project. Mr. Becker discussed speaking with the Building Inspector to see if there are ways to expedite the process without violating anything.

There was no member of the public who wished to speak to the petition.

Mr. Seegel moved, Mr. Adams seconded the motion, and the Board voted unanimously to approve the Site Plan as submitted and amended, subject to final approval of a draft decision.

Mr. Seegel voted aye.

Mr. Adams voted aye.

Mr. Becker voted aye.

Mr. Seegel moved, Mr. Adams seconded the motion, and the Board voted unanimously to close the public hearing.

Mr. Seegel voted aye.

Mr. Adams voted aye.

Mr. Becker voted aye.

As there was no further business to come before the Board, the hearing was adjourned at 8:27 pm.

Respectfully submitted,

Lenore R. Mahoney

Executive Secretary