

Minutes of the July 11, 2022, Meeting of the Planning Board

WELLESLEY PLANNING BOARD
MONDAY, JULY 11, 2022, 6:30 PM
ONLINE REMOTE MEETING

The Planning Board guides the Town of Wellesley in preserving and enhancing Wellesley's quality of life by fostering a diverse housing stock, multi-modal transportation options, valuable natural resources, resilient infrastructure, and a thriving local economy. The Planning Board achieves these goals through the creation and implementation of Zoning Bylaws, policies, long-term planning and by promoting citizen participation in the planning process.

Planning Board Members Present: Chair James Roberti, Vice-Chair Kathleen Woodward, Secretary Patricia Mallett, Tom Taylor, Marc Charney, Associate Member Shelia Olson

Advisory Liaison: Madison Riley

Staff Present: Planning Director Don McCauley, Senior Planner Eric Arbeene, Planner Emma Coates

Call to Order/Confirmation of Participants

Mr. Roberti called the meeting of the Planning Board to order at 6:33 PM. He acknowledged the presence of Board Members: Kathleen Woodward, Patricia Mallett, Tom Taylor, Jim Roberti

Public Comments on Matters Not on the Agenda

No Public Comments

Project of Significant Impact

PSI-22-01 – 293 Weston Road – Hardy School (Continued from 6/21/22)

Present: Peter Rebuck, SMMA; Catherine Mirick, Chair - Wellesley School Committee; Melissa Martin, Wellesley School Committee; Christopher Heep, Town Counsel; Jeff D'Amico, Project Manager-Compass; Alex Pitkin, Architect -SMMA; George Saraceno, Town Engineer; Tyler De Ruiter, Traffic Engineer – Beta; Kien Ho, Traffic Engineer – Beta

Mr. Arbeene provided project updates.

Mr. Rebuck reviewed revisions to the plans.

Mr. Rebuck highlighted the reasons why the Rte. 9 entrance should not be included in the report at this time.

Mr. D'Amico stated that part of the sidewalk on Cleveland Road required approval by MassDOT.

Specified conditions included on the Special Permit for the Hardy School PSI were reviewed:

- Regarding Condition #2, Mr. Taylor questioned when changes would be presented to the Board.
- Regarding Condition #3, Mr. D'Amico stated the PSI was a phased construction project and all conditions would be met before an occupancy permit would be issued. Mr. Roberti listed all exceptions to the condition. Ms. Mallett questioned if the conditions listed in the e-mail from the Town Engineer were included. Mr. Saraceno responded that his outstanding comments would be addressed as part of the site plan review.
- Regarding Condition #4, Mr. Roberti questioned which department would review the parking lot lighting aspect.
- Regarding Condition #7, Mr. Roberti inquired about time requirements. Mr. De Ruter related documentation had been submitted as part of the revised traffic assessment, which responded to peer reviewer comments. Mr. Roberti agreed this condition has been satisfied and would be removed.
- Regarding Condition #8, Ms. Mallett inquired about the mechanism to be included, if changes were made. Attorney Heep stated the Planning Board needed to establish the level of change which would trigger a hearing with Planning Board.
- Board Members agreed to remove the Martin Road bullet point in Condition #9.
- Regarding Condition #14, Attorney Heep suggested an addition to the Condition.

Ms. Olsen joined the meeting at 6:54 PM.

Mr. Taylor motioned to approve PSI-22-01 for 254 Weston Road - Hardy School as defined in the Special Permit Document dated July 8, 2022, with the following changes/exceptions: the Finding Section may be renumbered at the discretion of Planning Director or Senior Planner, to delete Condition #7; within Condition #8, change the 6-month requirement to 8 months and the one-year requirement to 15 months; to add process to evaluate the condition for change as described in Condition #2; in Condition # 9, change the number of sidewalk ramps from 8 to 4 and to delete bullet point concerning Martin Road; within Condition #14, the Planning Director may authorize issuance of Certificate of Occupancy following completion of various phases of the project, including without limitation prior to demolition of existing building, and completion of parking lot and or site work. Ms. Mallett seconded the motion. It was unanimous 4-0; Taylor-aye, Mallett-aye, Woodward-aye, Roberti-aye.

PSI-22-02 – 93 Worcester Street

Present: Alan Koder, David Tinory, Steven Purpura - Beacon Capital Partners/Applicant; Jennifer Schultz, Permitting Attorney; Kate Harrington, Designer; Michelle Callahan, Engineer; Jon Eisenberg, Consultant; Christopher Heep, Town Counsel

Mr. Arbeene presented project updates.

Ms. Mallett commented about the Board of Health being involved in the application. Mr. Arbeene replied the Board of Health was included in a site visit to a similar Beacon Capital project in Boston.

Mr. Taylor acknowledged the permits were with the individual labs and not with the owner of the building.

Ms. Mallett inquired about the distance between the exhaust stacks and the closest neighbor. Ms. Callahan stated the stacks would be at least 500 feet from the nearest neighbor.

Resident/neighbor Diane Soderholm, 16 Duxbury Road, expressed concern regarding the possibility that a BSL (Biological Safety Level) 2 lab could become a BSL 3 lab.

Resident/neighbor Robert Soderholm, 16 Duxbury Road, asked how would first responders know what type of emergency contamination they might be facing.

Ms. Woodward inquired if the labs were subject to the Emergency Planning and Community Right to Know Act. Mr. Koder replied an emergency action plan would be reviewed by both the Board of Health and the Fire Department. Ms. Schultz stated required reporting would be reviewed on an individual basis. Ms. Woodward acknowledged there was a lengthy list of chemicals that must be reported.

Mr. Eisenberg confirmed that all bio-labs are regulated by both NIH (National Institutes of Health) and CDC (Center for Disease Control).

Resident/neighbor Rose Mary Donahue, 9 Maple Road, stated the life science laboratory represented a new industry for Wellesley.

Ms. Soderholm stated there are many regulations, but the main issue concerns enforcement and proper reporting of results to the authorities.

Resident/neighbor Jon Lin, 3 Dearborn Street, indicated that the type of bio-labs that will ultimately be located at Wellesley Gateway presents unknown risk.

Specific conditions for the listed on the Special Permit for the 93 Worcester Street PSI were reviewed:

In consideration of Condition #2, Ms. Woodward inquired about level 2 labs increasing to level 3. Attorney Heep confirmed that such transition to level 3 status would be in violation of this condition.

Regarding Condition #3, Mr. Roberti proposed any changes to the PSI would be presented to Planning Board, instead of Planning Staff. Board Members were in agreement.

Regarding Condition #8, Ms. Woodward questioned how the conditions listed on the PSI conveyed to new owners. Attorney Heep suggested adding specific successor language.

In consideration of Condition #13, Mr. Roberti recommended language be included to require that the applicant incur the expense of the consultant/peer reviewer, as appointed by the Fire Department.

Board Members agreed with language to be added to Condition #14: "The Board's vote is subject to the addition of Condition #14 to be drafted by Town Counsel, to make clear the permit is binding on the applicant, its successors and assigns.

Mr. Taylor inquired about the offer to engage Mr. Kaufman's group. Ms. Sullivan replied Beacon Capital had hired the Kaufman Group to answer any questions that might arise. Ms. Woodward commented that the Planning Board should decide how to take advantage of this resource.

Mr. Charney joined the meeting at 8:54 PM.

Mr. Taylor motioned to approve PSI 22-02 for 93 Worcester Street subject to conditions contained in the PSI Special Permit memo dated July 8, 2022, with following adjustments: that the Planning Director or Senior Planner have the right to re-number the Finding's Section, modifications to the project shall be presented to the Planning Board instead of Planning Staff, add condition that the applicant pay for consultant Maurice Paulette for peer review of this application, add language to ensure conditions agreed on for PSI remain with land as proposed by Town Counsel, and that the Planning Chair can sign the PSI on behalf of the Board. Ms. Woodward seconded the motion. The vote was unanimous 5-0; Charney-aye, Taylor-aye, Mallett-aye, Woodward-aye, Roberti-aye.

Preliminary Subdivision

PB-22-E-1 – 93 Worcester Street

Present: Jennifer Schultz, Applicant's Attorney; Stephen Martorano, Civil Engineer, Christopher Heep, Town Counsel

Mr. McCauley noted the Planning Department was awaiting comments from the Health Department and the Engineering Department.

Attorney Heep confirmed the Planning Department has 45 days from the date of filing, to respond and the purpose of the Preliminary Subdivision process was to provide guidance to the applicant.

Ms. Schultz stated she was open to continuing the process, provided the continuance does not affect the rights guaranteed under the Preliminary Subdivision. Attorney Heep replied in the affirmative.

Mr. Roberti inquired about any possible negative consequences that might arise from continuing discussion to Planning Board's next meeting. Attorney Heep replied there were no negative consequences from such extension.

Mr. McCauley stated the vote to continue would be contingent on receiving the consent of the applicant, and if the applicant does not agree, the Planning Board will have taken no action on this matter.

Board discussion ensued.

Mr. Taylor motioned to continue Preliminary Subdivision PB-22-E-1 for 93 Worcester Street to the Planning Board meeting of August 8, 2022; contingent on Applicant consenting to the extension, if applicant does not agree, it is deemed as the Planning Board taking no action. Ms. Mallett seconded the motion. The vote was unanimous 5-0; Charney-aye, Mallett-aye, Taylor-aye, Woodward-aye, Roberti-aye.

PB-22-E-2 - 96, 100 & 110 Worcester Street

Mr. Taylor motioned to continue Preliminary Subdivision PB-22-E-2 for 96, 100 & 110 Worcester Street, to the Planning Board meeting of August 8, 2022; contingent on Applicant consenting to the extension, if applicant does not agree, it is deemed as the Planning Board taking no action. Ms. Woodward seconded the motion. The vote was unanimous 5-0; Charney-aye, Taylor-aye, Mallett-aye, Woodward-aye, Roberti-aye.

Large House Review

LHR-22-07 – 128 Cliff Road

Present: Robert Gray, Owner; Anne Snelling-Lee, Architect, Chi Man, Engineer

Mr. McCauley presented summary of the application.

Ms. Snelling-Lee detailed changes made to the plans presented by a previous owner, which had received approval from Conservation Commission.

Mr. Charney inquired if the proposal included an ADU (Accessory Dwelling Unit). Ms. Snelling-Lee stated there was a wet bath on the second floor, but no second entrance or kitchen.

Mr. Taylor questioned the distance of the house from the side boundary, as shown on the plans. Ms. Snelling-Lee replied the setback includes an allowed roof overhang.

Mr. Arbeene reported the construction management plan was not included with the submission, but could be a conditioned. Ms. Mallett confirmed the intent was to reduce the number of conditions to help with extra staff workload.

Mr. Taylor motioned to continue LHR-22-07 for 128 Cliff Road to the Planning Board meeting on July 25, 2022. Ms. Woodward seconded the motion. The vote was unanimous 5-0; Woodward-aye, Mallett-aye, Taylor-aye, Charney-aye, Roberti-aye.

LHR-22-08 – 112 Abbott Street

Present: Rebecca and Buck Russell, Owners; Kent Duckham, Architect - Duckham Architecture & Interiors; Blair Easter, Duckham Architecture & Interiors; Verne Porter, Engineer

Mr. Duckham provided summary of the LHR proposal.

Mr. Arbeene confirmed the responses/comments from the Engineering Department had not been received.

Board members discussed their first impressions of the proposal, and presented related questions to be addressed by the applicant.

Mr. Taylor motioned to continue LHR-22-08 for 112 Abbott Road to the Planning Board meeting on July 25, 2022. Ms. Mallett seconded the motion. The vote was unanimous 5-0; Taylor--aye, Charney-aye, Woodward--aye, Mallett-aye, Roberti-aye.

Approval Not Required

PBC-22-05 – 108/112 Abbott Road

Mr. McCauley detailed the owners of 112 Abbott Road were proposing to sell a portion of land to the owners of 108 Abbott Road. Mr. Roberti commented that updated plans would be reviewed by Town Counsel for approval.

Mr. Taylor motioned to continue ANR-22-05 – 108/112 Abbott Road to the Planning Board meeting on July 25, 2022. Ms. Woodward seconded the motion. The vote was unanimous 5-0; Charney-aye, Taylor-aye, Mallett-aye, Woodward-aye, Roberti-aye.

Minutes - 9/13/21, 9/20/21 & 5/16/22

Review of 9/13/21, 9/20/21 & 5/16/22 minutes were postponed.

Other Business

Planning Board Chair Report

Mr. Roberti confirmed the State had not yet voted on extension of remote governmental meetings.

Planning Director Report

Mr. McCauley reported on the status of the zoning bylaw changes approved at May Town Meeting.

Adjourn

Mr. Roberti adjourned the meeting at 10:37 PM.