

Minutes of the July 15, 2019 Regular Meeting of the Planning Board

WELLESLEY PLANNING BOARD

MONDAY, JULY 15, 2019, 6:30 P.M.

TOWN HALL – GREAT HALL

MINUTES

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 Present: Chair Catherine Johnson, Vice-Chair Jim Roberti, Secretary Kathleen Woodward, Patricia Mallett, Frank Pinto and Associate Member Sheila Olson.

Staff Present: Interim Planning Director Laura Harbottle

1. Call to Order

Ms. Johnson called the meeting to order at 6:30 p.m. Ms. Johnson introduced Laura Harbottle, the Interim Planning Director.

2. Public Comments on Matters Not on the Agenda

There were no public comments on matters not on the agenda.

3. ANR Plans

Materials distributed to, and considered by the Planning Board regarding this agenda item are retained with the official set of minutes available at the Planning Department Office.

PBC 19-02 – Endorse ANR Plan for 140 & 148 Weston Road

Present: Victor Sheen, Owner and Peter Holland of Wellesley Park Associates,

Mr. Pinto recused himself

Mr. Sheen stated that he was seeking reapportion of the site at 140 Weston Road to be combined with 148 when the property closing takes place. He summarized that the zoning change took place earlier in the year to allow for a 10,000 square foot parcel.

Ms. Johnson reminded the Board that normally when doing an ANR it is based purely on frontage ensuring that it matches the current table -Table 3. She explained that when Town Meeting passed the Residential Incentive Overlay (RIO), the frontage requirement was eliminated for properties that fall within an RIO District.

Mr. Roberti commented that Parcel A would be combined with Lot #2.

Mr. Sheen replied that the plan is to create Lot #1 and Parcel A at this point, and not yet combining Parcel A with Lot #2. Mr. Roberti commented that there is confidence that Lot #1 will meet the new zoning requirements. Mr. Sheen responded in the affirmative. Mr. Roberti replied that he was fine with that intention.

Mr. Roberti moved to endorse the ANR Plan for PBC 19-02 for 140 & 148 Weston Road. Ms. Woodward seconded the motion. The Board voted unanimously (4-0) to approve the motion.

Ms. Johnson stated that the Mylar plan would now be signed.

4. Continued/Previous Applications and/or Public Hearings

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- a. Consider LHR 19-07 Large House Review for 14 Strathmore Road.

Present: Attorney David Himmelberger, Wilder, Shea and Himmelberger, LLP.

Mr. Himmelberger stated that the applicant is currently working on a reduction in size/scope of the original plan and requested another continuance and would assent to extending the action deadline which expires today. He detailed that the request for extension of deadline would be to the Board's next meeting on August 5, 2019.

Mr. Roberti motioned to continue LHR 19-07 Large House Review for 14 Strathmore Road to the Board's next meeting on August 5, 2019 and extend the action deadline with the assent of the applicant as communicated by applicant's attorney to August 15, 2019 as well. Ms. Woodward seconded the motion. The Board voted unanimously (4-0) to approve the motion.

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5. New Applications and/or Public Hearings

Materials distributed to, and considered by the Planning Board regarding this agenda item are retained with the official set of minutes available at the Planning Department Office.

- a. Preliminary Meeting, Request for Waivers, LHR 19-11 Large House Review for 44 Denton Road.

Present: Present: Attorney David Himmelberger, Wilder, Shea and Himmelberger, LLP.

Mr. Himmelberger stated he was representing the owner/applicant Ms. Wolfson of 44 Denton Road. He added that Ms. Wolfson was going to come forward with a large house application but before she does want to request several waivers. He mentioned the Board's Rules and Regulations for Large House Review permit waiver with strict

compliance with certain application and review requirements as long as the request for waiver is made in writing and identifies the rationale for the request.

Mr. Himmelberger detailed that the house at 44 Denton Road is a raised ranch and the only appreciable change within the proposal is to add a second story and that the footprint would not be changing. He explained that the existing set of concrete block stairs would be removed and a permeable set of stairs would be installed.

Mr. Himmelberger also mentioned that there would be no grading/landscaping changes and no additional lighting. The applicant is requesting a waiver of the existing site survey requirement, a request for waiver of Wetlands Protection Commission review and waiver of plans depicting the proposed site conditions because the proposed site conditions are not changing.

Ms. Johnson acknowledged that the proposed plan was approved by the Denton Road Neighborhood Conservation District and that this was essentially the same design approved by that Commission four years ago.

Ms. Mallett inquired about the Wetlands Protection Committee and asked when the Committee would be reviewing the project. Mr. Himmelberger was not sure of the date of review and indicated there might be a very small corner in the front right of the property that is not within the wetlands buffer.

Ms. Johnson asked if the Board could review the related Wetlands Report/Conditions after the presentation to the Wetlands Protection Commission and before going forward with the Large House Review process. Mr. Himmelberger responded that the Wetlands presentation would be mid to late August and that it was his hope and expectation that because of the unique nature of this project and the removal of paved driveway reflecting reduction with impervious surfaces, WPC would be satisfied. He felt that the only conditions that might be implemented would be a condition regarding no disturbance of the wetlands buffer zone during construction.

Ms. Mallett stated that she would like to be able to hear what WPC has to say about the project before further Planning Board action. Ms. Johnson added that the Board could request that the LHR come before the Board after being presented at the Wetlands Protection Commission, which could allow that Wetlands conditioning be incorporated into the LHR review decision. Mr. Roberti agreed with the suggestion.

Mr. Pinto asked if the plan would be presented to the Design Review Board (DRB). Mr. Himmelberger responded in the affirmative. Mr. Pinto commented if additional lighting might be a possibility. Mr. Himmelberger responded that the applicant/owner could add more lighting, but chooses not to.

Ms. Johnson asked if there were any additional doors with lighting being added to the back of the home. Mr. Himmelberger responded not and added that each of the existing doors already has lightening. Ms. Johnson recommended that if the owner decides to change the existing light fixtures, the Board might recommend shielded lighting. Mr. Himmelberger concurred with the recommendation.

Ms. Mallett noted that light fixtures were not indicated on the proposed second floor door rendering and commented that the owner would likely want some lighting at that door. She suggested that such lighting be shielded lighting. Ms. Johnson commented that building code does mandate lighting at doors. Mr. Himmelberger commented that such lighting is probably not required at that door as it is a Juliet balcony and not a standard egress. Related discussion took place. Ms. Johnson mentioned that shielded type light would be fine for that location, if needed.

Ms. Woodward mentioned that the proposed building would be reviewed for mass and scale and commended the owner for not tearing down the house and not extending the footprint. She recommended that such efforts be rewarded with waiver-type considerations. She asked if a granted waiver is revocable if conditions change. Ms. Harbottle responded that any desired conditions could be implemented. Ms. Woodward stated that she was comfortable with the waivers provided that they could be revocable if conditions changed significantly.

Mr. Himmelberger referred to the Planning Board Rules and Regulations waiver section and read: "a waiver maybe granted in full or with conditions, which means that the Planning Board may require the applicant submit alternate materials with the LHR Application." He agreed that the conditions on a waiver can be implemented with the Planning Board retaining jurisdiction if plans changed or anything that is being considered now, changes. Mr. Himmelberger affirmed that he did not anticipate any such changes.

Ms. Johnson stated that if significant plan change occurred, the Denton Road Neighborhood Conservation District Commission would have to review for approval.

Mr. Himmelberger detailed that if the Juliet decking required lighting, the applicant could cut sheets and install light-compliant fixtures.

Ms. Woodward questioned the suggested waiver of site survey requirement to locate all trees with greater than 6" caliper, surface drainage and topography. She noted the number of existing trees in close proximity to the building and expressed concern that construction equipment and movement could disturb of those trees. Mr. Himmelberger responded that his understanding was that no trees are coming down and felt that WPC might be reviewing this aspect. Ms. Woodward recommended that such determination would come back to the Planning Board, as a condition. Ms. Johnson noted that if trees with more than 6" caliper must be removed, that would require a major revision application.

Ms. Harbottle mentioned that there is a construction management plan that is required as part of the LHR and it may be possible to ask for a tree protection plan with marking of approximate location of trees over the 6" caliper measure. Mr. Himmelberger agreed with Ms. Harbottle's recommendation.

Ms. Woodward expressed concern regarding how the proposed enlarged building will appear from the Fuller Brook Path. Mr. Himmelberger stated that height comparatives had been done and a number of abutting homes are taller than this home will be. He stated that 46 Denton Road is taller and a two-story building will be consistent with other two-story homes on the pathway.

Mr. Roberti motioned to approve the waivers request LHR 19-11 Large House Review for 44 Denton Road; specifically #1 – Waiver of existing site survey requirement to locate all trees with greater than 6” caliper, surface drainage and topography. #2 – Waiver of plans depicting proposed site conditions. #3 – Waiver of Stormwater Management Report. #4 – Waiver of Landscape Plan and #5 – Waiver of specifications for exterior light fixtures; with the conditions that cut sheets are provided and proof that any additional light fixtures, if any, are dark-sky compliant and would also be provided with any order of conditions as issued by the Wetlands Protection Commission prior to issuance of LHR decision. Ms. Woodward seconded the motion. The Board voted unanimously (5-0) to approve the motion.

5. Other Business

a. Election of Officers FY20

Mr. Roberti nominated Catherine Johnson as Chair of the Planning Board, Kathleen Woodward as the Vice-Chair and Patricia Mallett as Secretary for FY20. Ms. Woodward seconded the nomination. The Board voted unanimously (5-0) to approve the nomination.

Mr. Roberti left the meeting at approximately 7:15 p.m.

Ms. Johnson stated that in the last week or so, Ms. Harbottle has helped with the interviewing of candidates for the available positions in the Planning Department. She detailed that two candidates were being considered, one for the senior planner position and the other for the part-time planner. She added that the position for Planning Director has been posted.

b. Discussion of Potential Warrant Articles for 2020 ATM

Ms. Johnson commented that during the next six years the Board must be able to keep track of bylaws that are being changed. She asked if Board members knew what a “limited district” is and what its’ intent is. She suggested that she would consult with Town Counsel on this matter. Ms. Woodward stated that she would research the term.

I. Section 16E – Tree Protection and Preservation (re-codification).

Ms. Johnson stated that the NRC wanted to co-sponsor this section and there has been considerable tracking work done and enforcement to determine if there are preferable ways to improve Section 16E.

II. Section 16F – Natural Resource Protection (NRP) Development (re-codification)

Ms. Johnson detailed that the primary use of Section 16F was the applicability to large tracks of land with more than five lots (example was the North 40 track). She referred to the development project at 135 Great Plain Avenue and detailed that the proposed housing is much larger than the Board would have liked to see. As a result of the future housing on 135 Great Plain Avenue, there is need is needed for change to Section 16F.

III. Section 21 – Off-Street Parking Bylaw – Part 2

Ms. Johnson mentioned that Part 1 of the Off Street Parking Bylaw had already been addressed with language modifications included into an “Applications” section. She maintained that changes in parking had to be addressed now by incorporating best practices to be applied from completed traffic studies. She suggested that further study might be given to installation of conduits for electric cars when parking lots are being installed and installation of rain gardens/pedestrian walkways.

IV. Citizen Petition on General Residence District

Ms. Johnson stated that a public hearing on this topic was held in the spring and the Board might consider including language distinguishing between “Town House” and “condo” as well as addressing aspects of inclusionary zoning, which requires determining how many general residence properties are in the Town and what is the size of each of those properties.

Ms. Mallett asked if there is a Town House District in place now. Ms. Johnson replied affirmatively. A discussion regarding the General Residence District took place.

Ms. Johnson noted that the Citizen’s Petition on General Residence District specified size based on the actual square footage of the lot (a specific cap, and when the exact number of General residence lots is verified, a graph can indicate how many lots are in a particular square footage designation (10,000 square ft. lot, 15,000 square ft. lot). Ms. Olson commented that such determination is based on TLAG. Ms. Johnson affirmed. Ms. Johnson volunteered to address the number of general residence units in preparation of the September Town Meeting. Ms. Olson commented on the aspect of parking with associated general residence units.

V. Other Options

Ms. Woodward commented that the Board might want to start discussion about accessory units and noted that Governor Baker is very intent on increasing such housing. She read from “The State of Zoning for Accessory Dwelling Units” article which she distributed to the Board. Ms. Woodward noted that the article is based on a study completed in the state and noted that there is a listing of municipalities in the state that currently have such zoning. Ms. Harbottle stated that she had worked with creating an accessory unit bylaw for the town of Brewster and tailored the bylaw to certain zoning districts in the town which did allow “by right” in certain sized lots. Ms. Harbottle detailed that many towns require a special permitting process for accessory units with size limitations.

Mr. Pinto asked about the Hunnewell land on Lake Waban and the walking path. Ms. Johnson responded that Town use of that walking path is still in place and is part of the National Historic Trust and is reasonably protected.

A discussion on available parking on Central Street took place, as well as, employee parking.

Ms. Johnson stated that the High School parking at Whole Foods topic would be addressed

at the Design Review Board on Wednesday and Whole Foods ownership has recently purchased the two-family home next to the existing parking lot to provide for improved Parking at Whole Foods. Ms. Olson commented on the intensity of “pick-up parking” at the schools (especially the high school), which affect traffic throughout Town.

Ms. Johnson mentioned that construction would be starting soon for the 40B project on Great Plain Avenue. She added that the Delanson and Weston Road 40B projects will be coming before the Board as projects of Significant Impact after the approval of the associated ANR at this meeting. Ms. Johnson explained that 16 Stearns Ave. and 680 Worcester Street Comprehensive permits are in the process of the decisions being appealed.

Ms. Johnson explained that the Three Burke Lane is before the Zoning Board of Appeals (ZBA) currently and are discussing peer reviews for traffic and architecture. She further stated that 136 Worcester Street is still in the application appeal stage and the project has not changed.

Ms. Johnson commented that the Wellesley Office Park project is moving forward so that a permit maybe granted by Thanksgiving, which will trigger “safe harbor” status. Ms. Olson mentioned that other prospective 40B projects could be presented up to the point of “safe harbor.” Ms. Johnson concurred with the assessment by Ms. Olson. Ms. Harbottle acknowledged that the State would recognize the 10% “safe harbor” housing status and would issue a certification in reference to the numbers in the Housing Production Plan and she indicated that ZBA could then deny a 40B application, or if the Town obtains a 1.5% 40B designation then a “vacation” (one to two years) from having to approve 40B applications can take place. Ms. Harbottle said she would provide the Board with exact numbers/percentages in this regard. Ms. Johnson thought that the percentage necessary was .5% (45 units in Wellesley).

- c. Materials from Natural Resources Commission from Presentation by Dr. Spencer Meyer, Senior Conservationist at the Highstead Foundation.

The “Public Conservation Funding in New England – An Overview of Recent Trends In Government Spending on Land Protection” was distributed to the Board. Ms. Harbottle mentioned that there were two main focuses of the article; the development of New England has continued to accelerate over the last five to ten years and preserving of open space does not mean that development is decreasing by proportion. She explained Massachusetts Audubon had a similar document/finding and presentation. The stress was on the importance of towns continuing to purchase open space and applying for grants.

6. Minutes

Ms. Woodward moved to approve the July 1, 2019 minutes as amended. Ms. Mallett seconded the motion. The Board voted unanimously (4-0) to approve the motion.

There being no further business, Ms. Johnson adjourned the meeting at 8:09 p.m.

Next Meeting: August 5, 2019
Minutes Approved: August 19, 2019
Laura Harbottle, AICP, Interim Planning Director