

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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ROBERT W. LEVY
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DEREK B. REDGATE

April 26, 2018
7:30 pm
Juliani Meeting Room
Town Hall

Zoning Board of Appeals Members Present: Robert W. Levy, Acting Chairman
David G. Sheffield
Walter B. Adams

ZBA 2018-25 NORTHLAND RESIDENTIAL, LLC 135 GREAT PLAIN AVENUE

Mr. Levy said that the application is for a Comprehensive Permit for the property at 135 Great Plain Avenue for 44 townhouses in a for sale condominium project with 25 percent of the units being designated as affordable. He said that the Board will be requiring some peer reviews for certain aspects of the project that will be presented at later hearings. He said that this project will probably take several hearings.

Presenting the case at the hearing was Peter Crabtree, Northland Residential. He said that also present were Peter Tamm, Esq., Goulston & Storrs, Wes Mize, P.E., VHB and Jeremy Lake, Architect. He said that other members of the project team include Jack Dawley, President and CEO, Northland Residential, Curt Quitzau, P.E., Christina Carlson, Union Studio, Landscape Architect, Alan Aukeman and Transportation Engineer, Giles Ham, Vanasse & Associates.

Mr. Tamm said that Northland's goal is to build a first class townhome ownership community, using the Comprehensive Permit Statute as a mechanism to accomplish that goal. He said that the design and thought that has gone into the project reflects a commitment to open space. He said that this is not a typical Comprehensive Permit project. He said that they will continue efforts to improve the project over the process of the hearings. He said that they have had a number of preliminary meetings with staff over the course of 2017 that led to an informal meeting with Planning Board to inform them of the design goals and to seek additional input from that board and the neighbors and community. He said that Northland has received site eligibility. He said that the Planning Department conducted an informal design discussion to illicit further input from town departments.

Mr. Crabtree said that Northland Residential has been in existence for 45 years, exclusively developing residential properties. He said that they have done a number of waterfront properties in the lakes area of New England and along the oceanfront. He said that their core business is creating empty nester townhouse

communities by employing age-targeted by design principles. He discussed six condominium communities that were recently developed by Northland.

Mr. Crabtree said that the site is located on the eastern part of town near the Needham town line and the entrance to the Wellesley RDF. He said that the property is located in a 20,000 square foot Single Residence District, on 12 acres, with 450 feet of frontage on Great Plain Ave. He said that there is a water resource towards the rear of the property, tributary to Fuller Brook. He said that it has a nice amenity in that it has a direct connection to the Sudbury Aqueduct.

Mr. Crabtree said that it is rare to find an undeveloped lot of this size in Wellesley. He said that it presented to them an opportunity to create a special community or small enclave. He said that in assessing the most pressing need for housing in Wellesley, they turned to the Housing Needs Assessment in the Wellesley Comprehensive Plan Update. He said that assessment sited few opportunities for empty nesters, Town employees or young people who want to stay in town. He said that there is clearly a strong need for empty nester housing in Wellesley that is not being met. He said that there are many active adults in Wellesley who would like to move out of their large homes and downsize to a townhouse with carefree living that is designed for the active adult demographic. He said that they see the opportunity to fill that large void in Wellesley. He said that since making their plans public, they have already had quite a few phone calls and emails from a number of hopeful prospects.

Mr. Crabtree said that the Wellesley Comprehensive Plan confirms that the cost of housing in Wellesley is challenging for those earning a moderate income. He said that the townhouse community that they envision can also help to meet this need by creating 11 units of home ownership affordable housing, as opposed to rental units.

Mr. Crabtree said that 135 Great Plain Ave offers the opportunity to meet both of these housing needs through the creation of a 44 unit townhouse community that is age-targeted by design. He said that townhouse communities are Northland's core business and they are confident that the community that they are proposing here will be attractive and highly desirable. He said that Fieldstone Way gives Wellesley the opportunity to accomplish the following objectives: it will further the goals of the Wellesley Comprehensive Plan; it will create a diversity of housing options in Wellesley; it will fill a void in the market for empty nester townhomes; and will create affordable home ownership to moderate income households.

Mr. Mize said that there is an existing curb cut on Great Plain Ave along the eastern edge that is marked by two stone pillars. He said that the existing home was razed and there is an open meadow area. He said that further to the west is a pond section of Fuller Brook. He said that to the north there is a dam embankment. He said that the site slopes in two directions. He said that it slopes along Great Plain Ave from an elevation of 180 to 160 and the other portion of the site slopes down towards Fuller Brook from an elevation of 170 to 140.

Mr. Mize said that there are three resource areas on the site that are protected by the Massachusetts Wetlands Protection Act: the first is the perennial stream portion of Fuller Brook; the second is the bordering vegetated wetland (BVW); and the third is the FEMA flood plain line. He said that the BVW and the bank lines were delineated by a professional wetlands scientist and the boundaries have been agreed upon by the Wellesley Wetlands Protection Committee (WPC). Mr. Levy asked if this is non-jurisdictional under the Wetlands Protection Act. Mr. Tamm said that it is outside of all State jurisdiction. He said that they included in the waiver local jurisdiction under the local wetlands bylaw, which extends slightly differently onto the site and there will be disturbance within the local bylaw's jurisdiction, for which they have included a waiver. Mr.

Levy said that the site appears to be within 200 feet of the river, so that would be jurisdictional under the Rivers Act. Mr. Tamm said that it is defined slightly differently as a resource area under the local bylaw. He said that it will be a minimal impact but they recognize that it is there and have sought a waiver.

Mr. Mize said that the buffers associated with the resource areas include the 200 foot riverfront area, the 100 foot wetland buffer, and the FEMA floodplain boundary which does not have an associated buffer. He said that within the buffers areas are under the jurisdiction of the WPC. He said that one of the goals of this project was to respect and stay out of those areas. He said that work in those areas is allowed with additional approval by the WPC.

Mr. Mize said that the State defines the wetlands protection area differently. It said that it starts where you enter the pond. He said that the local Wetlands Bylaw extends that area. He said that they will be seeking a waiver for that small area.

Mr. Lake said that Union Studio was founded with the overarching goal of having every project that they did have some sort of communal or civic component to it. He said that they specialize in Community Design, Architectural Design and Civic Architecture guidelines.

Mr. Lake said that the site layout was a collaborative effort between Union Studio thinking about it from the architectural perspective, VHB thinking about it from a civil engineering perspective, and Alan Aukeman thinking about it in terms of landscaping.

Mr. Lake said that the site grades at the first 250 feet at the front of the site from left to right slowly slope along Great Plain Avenue. He said that the grades changes about 250 feet into the site where it slopes to down to the river. He said that there were two different site conditions which affected building typology.

Mr. Lake said that they expanded the protected areas conceptually in terms of not pushing up to all of the nooks and crannies but preserved open space by the aqueduct where they intend to install an infiltration system that has the look of a meadow. He said that the idea was that the whole back area of the site would feel natural. He said that they allowed for buffers along the sides and the front. He said that one of the benefits at the front is that the curb of Great Plain Avenue is so far off of the right of way line, that the homes appear to be quite a way back from the road.

Mr. Lake said that one of the features that they wanted to include was a central green where residents can gather. He said that it is located where the grade changes. He said that there is an existing stone building that will be relocated to the central green.

Mr. Lake said that existing access to the site is through stone piers that are close together. He said that it made more sense to relocate the access drive to direct traffic to the central green. He said that they included a loop road at the central green area so that you can get in and back out. He said that the loop road sets up the series of blocks or tiers.

Mr. Lake said that their first priority was locating the houses along Great Plain Avenue. He said that to avoid having a lot of curb cuts and driveways, they included a shared parking lane at the rear of the garages, leaving the front of the homes with porches and nicer elevations facing out to the community. He said that at the second tier, they put the front of the buildings along the green space. He said that the buildings can take advantage of shared parking. He said that for the rest of the tiers it was just a matter of filling out the spaces. He said that because of the 10 feet of grade change at the central block, the main living area can be entered

from the central green but the garages can be tucked under in a walkout basement condition. He said that the lowest tier has garage access off of the loop road.

Mr. Lake said that they based building types on the grade. He said that the buildings or rooflines can step as you go down Great Plain Avenue. He said that the buildings in the second and third tiers have about 10 feet of grade change, so all of them have a walkout basement.

Mr. Lake said that there is an existing sidewalk along Great Plain Avenue. He said that they wanted to create a secondary point between the stone piers off of the main sidewalk. He said that they brought the pedestrian access down to the central green and provided a connection to the aqueduct. He said that the network should be a resource for all of the neighbors.

Mr. Lake said that the plan is made up of three primary building types. He said that the townhouses at the front will be three units each. He said that there will be two tiers of duplexes that were designed to work with the grading. He said that there will be eight of townhouse Type A, eight of townhouse Type B, six of the second tier duplexes and two types in the third tier. He said that there will be six different unit types for a lot of variety.

Mr. Lake said that they will leave 40 percent of the site in its natural condition. He said that of the area that will be developed, 42 percent will be landscaped area and 18 percent will be hardscape. He said that density will be just over 4 units per acre. He said that minus the protected areas the number goes up to around 5.

Mr. Lake said that the townhouses are meant to have a cottage character. He said that they will be two stories with below grade basements. He said that the duplexes at the green will appear to be 1.5 stories and will have walkout basements with garages at the rear. He said that the garages will be at the front of the duplexes at the third tier with front entrances off to the side, with the possibility of a walk out basement at the rear. He gave a brief description of the floor plans.

Mr. Mize said that all of the utilities will be underground, including gas, water, electric, and telecom. He said that they will connect to Great Plain Avenue. He said that because of the drop in grade across the site, they will need a sewer pump station to serve the lower units. He said that it will be located in the southeastern corner. He said that the stormwater management to comply with all ten State Stormwater Standards. He said that there will be no increase in peak runoff rates, they will not affect neighbors or downstream flooding, will meet water quality standards and recharge requirements. He said that the stormwater system will collect in a conventional way. He said that there will be an underground infiltration system with a grasses meadow above. He said that the system will infiltrate the majority of the storms. He said that there will be an overflow for the larger storms to Fuller Brook but it will not increase existing runoff conditions. He said that the outlet to Fuller Brook has erosion protection.

Peter Tamm discussed the other Comprehensive Permit projects that are currently before the Board. He said that this project has a relatively low density, low scale, home ownership proposal that fits an identified housing need in town. He said that Northland wants to work with the Board, and other boards and committees in town and with the neighbors to refine the plan and enable Northland to build out this community. He said that they anticipate getting into detail on traffic and pedestrian safety, construction management, stormwater, sequencing, phasing and waivers at subsequent hearings.

Mr. Levy asked if Northland has had any meetings with the neighbors. Mr. Tamm said that Mr. Crabtree met with the neighbors several times for the prior subdivision project. He said that they invited neighbors to

an informal session with the Planning Board late last year. He said that Mr. Crabtree has engaged with at least one neighbor. He said that from an impact standpoint, they should be minimal for project on a site of this size. Mr. Levy said that the Board typically encourages applicants to meet with neighbors for whom the unknown is usually the most concerning. He said that it is helpful to include the neighbors in the project. Mr. Tamm said that they will commit to taking it from here and will outreach to the neighbors before the next hearing.

Mr. Levy said that the Board members usually take site walks to explore the site. He said that there are "No Trespassing" signs posted. He asked permission for the Board to go onto the site. Mr. Crabtree said that the Board members are welcome to go onto the site.

Mr. Levy said that the Petitioner is Northland Residential Corporation, the site approval letter was to Northland Residential LLC, and the owner is Wellesley Residential LLC. He said that there could be issues with site control. Mr. Tamm said that they are all affiliates of Northland Residential Corporation. He said that the Applicant here is Northland Residential LLC. He said that they can demonstrate control of the site.

Mr. Levy said that there has been some discussion between Northland and the Planning Department staff about peer reviews for traffic and architectural. He said that all of the town boards received a copy of the petition and will submit comments to the Board. He said that traffic, density and sewer issues will be coming before the Board at subsequent hearings. Mr. Zehner said that a technical review meeting was conducted with representatives from MLP, DPW, Fire, Police, Planning and most every board represented. He said that when they were reviewing the subdivision plan, DPW had a preference for extension of the sewer line that would allow for gravity. He said that it would take a lot more work than the current pump proposal but is DPW's preference and is not something that is impossible to accomplish. He said that Fire wanted to ensure emergency vehicle access, circulation on the site and hydrant locations interior to the site. He said that one of his concerns is that there will be 18 buildings over 5,000 square feet, with the townhouses over 6,000 square feet. He said that it is dense, given the number of buildings. He said that he appreciates the attention to design and aesthetics but has concerns about the density of the project and the size of the buildings. He asked if there is any ability to vary the number of units and whether there is any consideration for the project to be two-family versus a mix of the townhouses and duplexes, or at least some consideration to vary unit sizes as well as ridge line heights. He said that there are concerns about the site design being overly regimented, especially along Great Plain Avenue. He said that it feels a little contextually different from other houses in the neighborhood. He said that another comment concerned the location of affordable units. He said that it is the Town's understanding that all 11 affordable units will be located in the townhouse units, with none in the second and third tiers. Mr. Levy asked if that issue is within the Board's purview or the subsidizing agency. Mr. Zehner said that Town Counsel was going to look into that. Mr. Tamm said that the preliminary meeting was very helpful and Northland will work to address the comments raised by the various departments. He said that the location of the affordable units is within the exclusive jurisdiction of the subsidizing agency. He said that there are good reasons for the location of the affordable units. He said that 10 will be in the first tier and one will be in the second tier. He said that they will address that with the subsidizing agency. Mr. Levy said that his understanding is that the affordable units should be indistinguishable and dispersed throughout the project. Mr. Tamm said that dispersal is a relative term with many of these projects. He said that he has worked with Town boards on a couple of projects for inclusionary zoning and the goal is to build the units on the site, indistinguishable and dispersed throughout the site. Ms. Barrett said that there is the issue with the subsidizing agency having exclusive jurisdiction over the location of the affordable units but the Board does have the ability to pose questions to the subsidizing agency. She said that the Board can get input from MassHousing about whether they would be amenable to some type of change in that distribution. Mr. Tamm said that issue came up in the site

eligibility process and that is something that Northland expects that they will address with MassHousing. He said that if adjustments need to be made, it is between Northland and MassHousing. Mr. Levy asked if the plan is to group the affordable units together. Mr. Tamm said that they will be dispersed throughout.

Mr. Zehner said that the Director of Health expressed concerns about active recreation facilities for children. He said that it is especially important on this site because there are no public parks nearby. Mr. Tamm said that was a comment well taken.

Mr. Levy asked if this will be an age restricted project. Mr. Tamm said that it is not. Mr. Adams said that the Applicant indicated that this community will be directed to empty nesters. Mr. Crabtree said that Northland age-targets by design with master bedroom suites on the first floor or with accommodations for elevators for the units with vertical living. Mr. Adams confirmed that the units will be condominiums with no age restrictions.

Mr. Adams asked about graphics that show how buildings on the edge of the property, especially along Great Plain Avenue and the ones closest to existing abutting properties will compare in scale. Mr. Lake said that they can show that. He said that the townhouses along Great Plain Avenue have the smallest masses on the sides. He said that they started to take the garages off of the outer edges. Mr. Adams said that there are a few houses to the right and a line of houses to the left. Mr. Levy said that it would be helpful to see what the project looks like from Great Plain Avenue. He said that all of the orientations that the Board has seen have been towards Great Plain Avenue.

Mr. Adams said that a significant concern will be groundwater management. He asked if people across the brook water problems as a result of flooding from Fuller Brook. Mr. Mize said that the project will not increase runoff rates, so they will not be causing any additional issues downstream. He said that he was not aware of any issues that are there today. Mr. Adams said there are houses on Fuller Brook Road and Great Plain Avenue that are close to the 100 year flood zone. He said that lately 100 year storms are occurring more frequently. Mr. Zehner said that a lot of expressed concerns from abutters, especially along Fuller Brook, are about groundwater impacts. He asked Mr. Mize to describe what he expects type of impacts the project will have on groundwater. Mr. Mize said that the project will be downstream of abutters. He said that they will not impact any abutters upstream. He said that the water is conveyed through catch basins that have hoods and a four foot sump, so oils and debris should be contained at the catch basins so that by the time it gets to the infiltration system, it will be cleaner water and any additional occludents will attach to the stone and will not get into the groundwater. Mr. Adams confirmed that downstream is to the north. Mr. Levy asked Mr. Zehner if the Town Engineer, David Hickey, will look at it. Mr. Zehner said that Engineering is currently reviewing it but have not submitted comments yet. He said that they are very familiar with the site. He said that they reviewed it in conjunction with the subdivision plan. He said that the location of the infiltration system has not changed but it has been increased in terms of capacity since from the subdivision because there is an increase in impervious surface. Mr. Mize said that the previous subdivision design used a different product. He said that this product uses the same footprint but has more volume to accommodate the additional area.

Mr. Sheffield said that he liked the presentation about the design and use. He said that the stated demographic for the project is empty nesters. He asked how many three bedroom units there will be. Mr. Crabtree said that there will be 33 three-bedroom market rate units. He said that the affordable units are not necessarily targeted toward empty nesters. He said that eight of the affordable units will be two-bedroom and three units will be three-bedroom.

Mr. Sheffield said that the project has a regimented look. He said that the 18 percent of greenspace is for the total site, not the usable site. Mr. Lake said that is for the hardscape, the buildings, driveways and sidewalks. Mr. Sheffield said that the hardscapes were shown on the plans in different colors. He said that it would be easier to envision things if the hardscape was all the same color.

Mr. Sheffield said that the project has a feeling of being too dense, particularly in the lower tier. He said that the density seems to increase as it gets closer to Fuller Brook. He said that somehow being able to graphically illustrate the scale of the buildings compared to the scale of the general surrounding neighborhood would be helpful.

Mr. Sheffield asked if the project will be financially viable if there are fewer units on the property. Mr. Crabtree said that there is a point where it is not economically viable.

Mr. Sheffield asked about the size of the common. He said that it was described as a focal point. He questioned whether it will be large enough to be a focal point for such a large population. Mr. Lake said that it will be about 60 feet by 120 feet. Mr. Sheffield asked why this would be a good location. He said that shopping amenities are a few miles away. Mr. Lake said that there is a limit on where there is available land. He said that there are some single family homes, the college and the RDF in the vicinity. He said that this is located in a corner of the community where things to start to open up and you get some industrial uses. He said that one of the good things about Wellesley is the connected paths and the sidewalks. Mr. Crabtree said that there will be access to the Sudbury Aqueduct, which is a great recreational amenity.

Mr. Levy said that he would like to see some graphics that relate to the requested waivers, such as which trees will be affected and retaining walls, so the Board can get an idea of the impact of the project.

Mr. Adams asked if the intention is to use the stones and stone walls in the retaining walls. Mr. Crabtree said that it is.

Mr. Levy asked about the purpose of the stone house. Mr. Crabtree said that it has a very deep basement, so the lower part may have been a root cellar. Mr. Sheffield asked what the function of the stone will be. Mr. Lake said that the goal is to create a central hub for the residents. He said that it is meant to be a communal amenity that serves as a gathering place and for entertaining.

Mr. Zehner asked that more information about site lighting be submitted, including architectural and site lighting and cut sheets for both. He said that the neighbors will be interested to see that lighting is edited quite a bit.

Mr. Levy said that the Board would like to see a Construction Mitigation Plan so it can see how the town will be affected during construction what construction routes will be used, wheel washes, parking for construction crews, hours of construction, and laydown areas. Mr. Zehner said that the Petitioner should speak to the police chief about construction traffic routes. Mr. Tamm said that they will provide a bolstered CMP that shows phasing sequencing and protection plans. He said that this is located on a main thoroughfare and the impacts will be minimal. Mr. Sheffield suggested that the Petition look at CMP's that Babson submitted for its recent Site Plan Approvals.

Mr. Adams asked if the units will be wood frame, stick built and not pre-fabricated units. Mr. Lake said that they had not discussed whether the units will be modular or stick built. He said that they will be wood frame. Mr. Crabtree said that the units will be stick built with poured in place concrete foundations.

Mr. Adams asked if there will be an on-site manager of the complex. He questioned whether this will be a large enough community to warrant amenities such as a mini bus or other services that might be provided to mitigate traffic for 44 families, most of them with two cars. Mr. Crabtree said that there will be an on-site manager during construction but not post construction. He said that, based on experience, 44 units would not warrant having an on-site full-time manager. He said that they will employ a third party property management firm and work out the details of how time they will spend on site. Mr. Lake said that this is proposed to be home ownership, not rental, so there will be an association of some type. Mr. Levy said that Northland would develop the documents in order to sell the condominiums.

Stanley Norkunas, Esq., said that he was representing Joan DiGiando, 113 Great Plain Avenue. He said that the primary concern is topography and impact on Ms. DiGiando's home. He said that Ms. DiGiando's father-in-law built the home in the early 1950's. He said that he also built homes on Skyline Drive. He said that the family has lived there a long time. He said that the topography falls off 16 feet. He said that right now the property is dry but questioned whether it will stay dry because of what will take place. He said that there is a concern about street lighting, car lights and spotlights on garages. He said that the impacts should be minimal so that the peaceful enjoyment of Ms. DiGiando's home and property is not disrupted. He said that the size of the buildings will diminish the winter sun. He asked if it would be possible to move the unit that is close to the back of Ms. DiGiando's home and pool. He asked if fencing or plantings would be available along the boundary. He said that Mr. Tamm has come out to the property and walked the area with Ms. DiGiando and Mr. Norkunas to look at these issues. He said that Mr. Tamm has indicated that the Developer will consider them. He asked if it is possible to have within the association agreement a buffer area that is 12 to 14 feet to prevent people from putting things such as play sets in the space near the property line. He asked if the list of requested waivers could be posted on the Town's website. Mr. Levy said that the application included a list of waiver and is posted online. Mr. Zehner said that all of the materials are posted under current projects. Mr. Norkunas said that he wanted to acknowledge the effort that Mr. Tamm has undertaken to resolve a number of issues on behalf of Ms. DiGiando.

Tom Ahern, 145 Great Plain Avenue, said that he has not met with the Developer. He said that some of the things that came out of the prior Planning Board approval of 12 houses was the setback discussions and support for the underground stormwater detention system. He said that the project itself is needed in the Town. He said that he is a supporter of 40B and believes that it is an important project, as are other projects in the Town. He said that he and his neighbors welcome affordable housing in the neighborhood. He said that the aesthetic design is fairly nice looking. He said that his house is about 3,200 square feet, not including the chicken coop at the far corner. He said that there is a private well that supplies his home and he is concerned about how this will impact how they will get their water and the water quality. Mr. Sheffield confirmed that it is a drilled well. Mr. Ahern did not know the depth. He said that the Board members are welcome to come onto his property. He said that there is a fence that goes around a majority of the site. He said that each of the buildings will be 5,000 to 6,000 square feet and will dwarf his two-story house. He said that when the project consisted of 12 homes, you could see how traffic would move in and out of there. He said that he has five children and they are always going up and down the sidewalk. He said that a lot of the homes in the neighborhood have kids. He said that there is a problem where kids cross the street. He said that he tracked traffic for about two weeks. He said that on average it took him 70 seconds to take a left out of his driveway in the morning and 93 seconds on Saturdays. He questioned how long 44 units will have people backed up. He asked that it be taken into account. He said that the traffic and public safety are a big issue when you consider how quickly you have to get out of your driveway. He said that there may be issues with empty nesters, especially with that many units. Mr. Levy said that traffic is a concern. He said that the

Town is hiring its own consultant to review the traffic impacts and will discuss its report at a subsequent hearing.

Mr. Ahern said that he appreciated that the underground detention basin has been expanded by making it deeper. He said that the outline appears to be the same as before. He said that there are a number of issues with the grading and whether everything will be captured. He said that when it rains the water flows towards the infiltration area. He said that area takes a long time to drain. He said that the size of this project is large when you consider the footprint of where they can build, the size of the buildings, and the number of units. He questioned whether this is the best plan for the site. He said that the impacts are fairly large

Susan Mucci, 53 Eisenhower Circle, said that she has not spoken to Northland about the project. She said that there is flooding in some of the homes in the area. She said that a number of neighbors have come up with a list of concerns on safety and environmental grounds and negative impact on experiences of neighborhood homes. She said that the neighbors are concerned about effects on protected wetlands, removal of 1,000 plus trees, groundwater displacement problems, potential flooding, sewerage problems, puddling and black ice at the corner of Brook Street and Great Plain Ave, increased traffic resulting in dangerous conditions for drivers, pedestrians and cyclists. She said that the Great Plain Ave rotary is already the site of the greatest number of crashes in Wellesley and this project would greatly exacerbate the problem. She said that Boston Sports Club and the RDF already generate considerable congestion in this dangerous area and will be exacerbated by this complex. She said that NRC's resource protection bylaw will be violated. She said that according to the Wellesley Historical Commission, historic structures will be disturbed. She said that a 44 unit complex should not be built in a residential wooded neighborhood of single family homes. She said that the project is out of scale with the neighborhood in terms of design and density, seriously impinges on the privacy of abutters, radically alters the neighborhood, and negatively impacts the experience of homeowners. She said that many neighbor chose this neighborhood because it provides a private, quiet, more rural environment that would be seriously compromised by this project. She said that lighting issues are also a concern. She said that the whole project would lower property values in the area for people who have invested here. She said that the project is being pitched for empty nesters, which is something that the neighbors had not previously heard.

Derek Sam, 49 Eisenhower Circle, said that displacement of the water and how it drains will negatively affect his property and probably ruin his basement. He said that the scale is wrong. He said that it seems like a foregone conclusion that it will be 44 units. Mr. Levy said that it is not. Mr. Sam said that the scale has to be reduced in terms of the number and the size of the buildings. He said that it is too large at 6,000 square feet. He said that he drives by the site every morning and it is treacherous at 7:15 am. He said that there will be three bedroom units and more kids. He questioned the effect of this development on schools. Mr. Levy said that the Board cannot consider the impact on schools as part of this process. He said that the Board can consider traffic impacts. Mr. Sam asked if the Developer is setting up a fund to mitigate any damage as a result of the project. Mr. Levy said that the project will be fully vetted. He said that the Town Engineer will comment on the design and the impacts that it will have. He said that this is the first hearing on this and there will be more opportunities to review all of the issues that have been raised tonight. Mr. Sam said that getting the Town to sign off on the project does not preclude certain things from happening. He asked what has to transpire if he is negatively affected. He asked if there is a process for these types of things. Mr. Levy said that if any homeowner rights are impinged, they have legal rights as any homeowner would. Mr. Sam said that the scale has to be considered, groundwater impacts and how these issues affect neighbors.

Mr. Adams said that there is a whole legal process that provides the Board the opportunity to review the project and make determinations about what is reasonable and what is not. He said that if the Board rejects the number of units, the Developer can go back to state if he feels that the reduced number will not be viable. He said that the State has pre-approved the project and the Developer has the right to request that the State overrule the Board's decision, unlike a standard decision that has to be appealed in court. He said that there are some limitations in this process for the authority of the Board.

Mr. Levy said that this Board is not a policy making board but a quasi-judicial board that has rules and regulations that it has to interpret and follow based on the facts. He said that review of this 40B project has certain limitations as to what the Board can look at and consider. He said that the project will be fully vetted by outside consultants hired by the Board and town departments. He said that the intent is to give the Applicant and the public a full and impartial view and determination of this application. He said that the Board members are residents and volunteers on the Board. He said that they will spend a lot of time on this project at public hearing and on their own time and will do their best to get the best project possible within the parameters they have to work in.

Mr. Sheffield said that there is a lot of concern about the wetlands and stormwater runoff. He said that the Board greatly depends on the expertise of DPW and they are really good. He said that the go over the project with a fine tooth comb and ask very good questions. He said that their intent is to ensure that there are no impacts to the neighbors over and above what exists now and hopefully, there may be some improvements.

Mr. Zehner said that he encouraged neighbors who are concerned about stormwater impacts, sewer impacts and any impacts on wells to get together as a group to contact DPW and ask for time to go over the project so that the Town Engineer is aware of their concerns and can respond as he is able, but can at least take them into account as he reviews the project. He can at least be sure to address those concerns in his review.

Stephanie Morgan, 42 Eisenhower Circle, said that Mr. Mize mentioned something about an approval in the buffer zone. Mr. Mize said that he was explaining the difference between the resource area and the associated buffer. He said that the resources areas in this case are the wetlands with a 100 foot buffer and the river with a 200 foot buffer, and they are under the jurisdiction of the Wetlands Protection Committee. He said that work in those areas has to be approved by the WPC. Mr. Tamm said that, of the total 12 acre site, approximately two acres are within resource areas. He said that no work is proposed in those areas and no work is proposed in the buffer areas that are protected by the State Wetlands Protection Act. He said that while they could work within those buffer areas with the consent of the WPC, they are not proposing to do so. He said that one of the design goals was to avoid that impact. He said that it will not change the site layout. Mr. Levy said that there are two different jurisdictional elements, the Wetlands Protection Act which is a State statute and this Board has no jurisdiction over, and the local bylaw which is more restrictive and is jurisdiction for the Board because it sits for all town permits under this process. He said that the relief that the Applicant is looking for is under the local bylaw. He said that the Board will get comments from the WPC and can ask for a consultant's if it is deemed appropriate.

Mr. Zehner said that he will discuss that with DPW to see if they have a level of comfort in reviewing it.

Ms. Morgan said that the brook comes through her backyard. She said that it is a significant drainage problem in her opinion.

Mr. Levy asked about the Applicant's plans moving forward. Mr. Tamm said that outreach with the abutters will have happened before the next meeting. He said that it is up to the Board to decide whether it would like to have the Town's Traffic Consultant present at a public hearing to respond to the Applicant's Traffic presentation or have them work together in the interim. Mr. Zehner said that he will work to engage BETA as early as tomorrow. He said that he did not anticipate that traffic would take up an entire hearing and he would like to go ahead with the entire project. He suggested that the Board review all of the consultants' and DPW's comments at the next hearing.

Mr. Tamm said that the Board had asked for more design and contextual slides. He said that the Applicant can prepare, submit and review a Construction Management Protocol to supplement the plans and can identify and go through the waiver list and focus on some of the neighbors' concerns. He said that they will look to the Design Team to see what they can accomplish with respect to lighting and buffers.

Mr. Sheffield said that the lower tier the units seem to be, in some cases, as close together as 10 feet. Mr. Lake said that the original intention was to go no less than 15 feet. Mr. Mize said that the townhouses are about 18 to 20 feet. Mr. Sheffield said that the Grading Plan explains the curved walls between the units. He said that he wanted to make sure that relocation of the stone building does not inadvertently prohibit use of the common area. Mr. Lake said that they had originally drawn the plan with the stone building in the middle but the Landscape Architect said to put it to one side to free up some space. Mr. Sheffield asked what activities will be possible there.

The Board discussed scheduling the continued hearing to May 31, 2018.

Mr. Levy asked that traffic counts be done on weekends when traffic is more problematic because of the RDF and the sports center. Mr. Tamm said that there was a Traffic Study that was reviewed when a subdivision was contemplated and that review has been updated.

Mr. Sheffield moved and Mr. Adams seconded the motion to continue the hearing until May 31, 2018. The Board voted unanimously to continue the hearing.

As there was no further business to come before the Board, the hearing was adjourned at 9:17 pm.

Respectfully submitted,

Lenore R. Mahoney
Executive Secretary