

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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WALTER B. ADAMS
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January 24, 2019
7:15 pm
Juliani Meeting Room
Town Hall

Zoning Board of Appeals Members Present: J. Randolph Becker
David G. Sheffield
Walter B. Adams

ZBA 2019-21, 80 WALNUT STREET LLC, 80 WALNUT STREET

Presenting the case at the hearing were Stanley Brooks, Esq., Viktor Gyuris, Manager, 80 Walnut Street LLC, Christie Dennis and Martin Smargiassi, Architects, and Michael Kosmo, Brooks Engineering.

Mr. Brooks said that the proposal is for a major construction project for Site Plan Approval. He said that He said that the proposal is to construct 2,900 plus square feet of new building, which will exceed the 2,500 square foot threshold. He said that the property is located on a 9,704 square foot lot, is triangularly shaped, and topographically runs from Walnut Street down gradient towards the Charles River, which is in excess of 300 feet. He said that there is currently a blue Dutch colonial house surrounded by a fence at the property. He said that it is right at the traffic light at the intersection of Cedar, Walnut and River Streets. He said that it is a commercial area with multiple story office buildings and converted mill buildings to the north on both sides of the street, and the Cochituate Aqueduct, Ardmore Apartments and then residences south of the property. He said that opposite the site at the intersection of Walnut and Cedar Streets is a park. He said that there is a residential dwelling on the corner of Walnut and River Streets. He said that directly across the street on the opposite corner of Walnut and River Streets is a house that has been converted to an office building.

Mr. Brooks said that the proposal is to construct a single tenant pediatric medical practice occupied building that will fit in with the existing neighborhood. He said that, due to the topography, the front of the building will appear to be two stories at street level. He said the third level will only appear as you get to the rear of the building. He said that the project will be in full compliance with the Zoning Bylaw. He said that most of the Design Review Board (DRB) recommendations were incorporated into the plans that were submitted to the Board. He said that they reviewed the application with Police, Fire, Engineering, Water & Sewer, and Board of Health and incorporated some of their recommendations.

Mr. Brooks said that the only requirement in the regulations is for the front setback at 35 feet. He said that this building will be set back 46 feet. He said that there is a bump out where the traffic signal, control box, fire hydrant and light pole are located, which effectively sets the building back in excess of 65 feet from the street. He said that the flat area at the front of the lot will be used for parking. He said that 11 parking spaces are required and 12 will be provided. He said that the maneuvering aisles will all be proper widths. He said that the Fire Department signed off on the plans today. Mr. Adams said that the Fire Department signed off on Fire Department access only. Mr. Brooks said that he discussed the plans with Deputy Chief Digiandomenico and he was satisfied that the Fire Department would have sufficient access. Mr. Brooks said that because there will be less than 15 parking spaces, development standards in Section XXI of the Zoning Bylaw are not applicable.

Mr. Brooks said that the height at street level will be 32.2 feet. He said that the DRB signed off on the wall sign. He said that the project will be in compliance with all retaining wall requirements. He said that they will collect all of the roof runoff and all runoff from the parking lot will go into two leaching basins that will be underneath the parking lot and will percolate out.

Mr. Brooks said that the Police Department had no concerns regarding public safety.

Mr. Sheffield said that the access shown on the site plan delineated as an extended crosswalk arrives at the sidewalk some distance from the entrance to the building. He asked if the Architects looked at bringing the final approach closer to the entrance. Mr. Smargiassi said there was an accessibility issue with that. He said that they needed a longer run to achieve a five percent slope.

Mr. Becker asked about the number of employees who will normally be in the building. Mr. Brooks said that it is anticipated that there will be two doctors, two nurses, and two administrative staff.

Mr. Becker asked about anticipated use of the parking space and turnover during the day. He said that this lot is at a particular location with respect to traffic and access. He said that left hand turns off of Walnut Street into the parking lot will be a challenge. He said that there will be a right turn only allowed coming out of the parking lot. He said that the documentation submitted said that the project will not meet the trip generation threshold to do a traffic study. He said that he was trying to understand the impacts on the street. Mr. Brooks said that his understanding of the nature of the practice is that a parent will come with child or children and see an administrative staff, then a nurse, and if necessary, a doctor. He said that the practice currently operates at 25 Walnut Street, where it is difficult to estimate how many people are coming or going at any one time. He said that the medical practice will have well visits and sick visits and it is impossible to predict the sick visits. He said that the well visits are scheduled on a regular basis. He said that they believe that there is sufficient parking for staff and scheduled well visits, with some excess for sick visits. He said that there has been an oral understanding between the owner and the people at 70 Walnut Street to allow access to the rear of the lot for an owner's parking space on the back slope over the gas easement. He said that agreement has not been formalized and is not reflected on the plans that were submitted. Mr. Sheffield said that because of the scheduled visits, they will be able to predict how many people will be in the building at one time, within reason. He said that they may be able to use additional parking at 70 Walnut Street because that lot is not heavily used. He said that he had offices on Walnut Street for 20 years and his experience was that property boundaries for parking were not respected. Mr. Sheffield said that the number of proposed parking spaces on the site exceed the requirements of the Zoning Bylaw.

Mr. Adams asked if there will be a technician for lab tests in addition to the two doctors who will be on site. Mr. Brooks said that Victor Gyuris is the manager of the limited liability company and his wife is the doctor.

Mr. Gyuris said that his wife currently employs another doctor and the two of them are currently practicing at 25 Walnut Street. He said that there are usually one to two nurses and two front desk people who greet the patients. He said that the phone calls are off loaded to their Newton office. He said that there are usually two to three patients in the rooms with two to three waiting. He said that the maximum is four to six families at the same time in the building. Mr. Adams said that there are three to four exam rooms, so each doctor can see a couple of patients.

Mr. Adams said that on Page 10 in the application package, the last paragraph talks about negotiations with the Natural Resources Commission (NRC) and the Selectmen's Office regarding shrubbery screen along the easterly lot line but within the Town's right of way. He confirmed that should read as the westerly lot line.

Mr. Adams said this is a fitting use of the property.

Mr. Brooks said that since filing the application, they went before the NRC and received permission to remove two Norway Maples at the front of the lot that are within the right of way, subject to a contribution to the tree fund. He said that they had a conversation with NRC about shrubbery but they were not inclined to have that installed. Mr. Adams said that he thought that would have been helpful to dissipate headlights.

Mr. Becker said that in the application package, it had in one place that solid waste would go to a dumpster at the back of the building and in another place it said that there will not be any dumpsters. He asked about the daily operations for solid waste, recycling and medical waste. Mr. Brooks said that a cleaning company will be engaged to take care of the premises and they will be responsible for removal of all waste except medical waste, which will be handled in accordance with statutory requirements. He said that recycling bins on the property will be removed by private contractor. He said that the receptacles will be located inside the building. Mr. Becker confirmed that cleaning will take place after business hours. Mr. Brooks said that the original plan had an area for a dumpster or trash receptacles but they deemed it more appropriate to move that function inside and keep more open space outside.

Mr. Adams said that the Photometric Plan shows that there will be a bit of a spillover to the Aqueduct Path. He said that there is a wide path before it gets to the apartment building. He questioned if there was a way to limit that. He said that it was noted on the plan that there are a number of areas where it was well above 0.1. He asked if that lighting is for the parking lot. Ms. Dennis said that to get the requisite parking spaces, they had limited places to put the fixtures. Mr. Smargiassi said that they may be able to tweak some fixtures by turning them. He said that it is a pie shaped site.

Mr. Becker asked about Fedex deliveries. Mr. Brooks said that the trucks will probably just pull in to the corner and run into the building.

Mr. Becker said that his plan shows the English system for traffic going in and out instead of the US system. He said that it creates conflicts with turning movements.

Mr. Becker parking space #5 is shown as employee long term parking. Mr. Brooks said that they designated that spot for someone who will show up in the morning to stay for the day because it is the most difficult space to get in and out of. Mr. Becker confirmed that the space is not intended for overnight.

Mr. Sheffield said that this is a fun building and the configuration will cause it to be distinctive. He said that it seems to be a throw back building to the 1960's or 1970's where it is tightly designed and there is not a lot of room for extraneous storage space. He said that the Building Code allows 50 feet of dead end corridor.

He said that there seems to be only one exit on the first floor. He questioned whether the door at the elevator has to swing in or out. Mr. Smargiassi said that there is an exit at the rear from the lower level and an exit at the front. Ms. Dennis said that the exits will meet Code, based on the maximum travel distance. Mr. Brooks said that issue was reviewed in some detail by the Town. Mr. Adams said this his concern is the three story open stair.

Mr. Sheffield asked if the building will not be sprinklered. Mr. Brooks said that it will not be.

Mr. Sheffield said that the windows in the modular block construction could benefit by being painted bright red to make the building appear more kid friendly.

Mr. Becker said that he did not see anything on the drawings that indicated what will happen to snow. He said that the parking lot will be principally full and there will be little space to push or store snow. He said that there was a disconnect between what he read in the application package and what he saw in the drawings. Mr. Brooks said that the triangle to the right of parking space number four is the area where they had considered locating a dumpster. He said that can become a snow storage area. He said that the intention is to have snow removed off-site.

Mr. Becker said that the information that was submitted regarding stormwater was not what the Board normally sees. He said that the Board usually sees a report that not only deals with calculations for runoff but also the comparison of the whole of the runoff scheme to MA DEP Guidelines. He said that in the parking lot where you can pick up oil and grease, there are things that separate what goes into injection chambers before putting it back into groundwater. He said that the calculations submitted reported flow but not volume and he did not a comparison to MA DEP Guidelines and how all of that flows. He said that on the drawings, he did not see any grease traps or oil separators to take care of things that come out of the parking lot.

Mr. Kosmo said that the volume calculations are in the Report. He said that they will be providing sanitary tees and deep sumps in the catch basins. He said that they can provide the Stormwater Report. He said that they did show existing and proposed volumes. Mr. Becker said that there was no text or narrative that usually accompany the calculations in a stormwater report. Mr. Kosmo said that they will provide the flow and runoff information in tabular form and a narrative.

Mr. Becker said that, as part of the MA DEP, one of the features is an O & M Plan for the drainage features. Mr. Kosmo said that they will provide that information.

Mr. Adams said that oil and grease separators are not shown on the Utility Plan. Mr. Kosmo said that there will be no separators. He said that they will provide a tee within the catch basins.

Mr. Becker said that along the property line adjacent to the Aqueduct there is a series of retaining walls shown. He said that he did not see details of the retaining wall that convinced him that construction of the walls did not require access to the town property. Mr. Brooks said that everything will be within the site. Mr. Smargiassi said that the retaining wall will be less than 48 inches. Mr. Brooks said that they will submit a cross section of the wall. Mr. Smargiassi said that Plan L6.1 shows a typical unreinforced wall through the VersaLok System.

Mr. Adams confirmed that the DRB recommended approval of the sign. He said that the lettering is less than 14 inches. Mr. Becker said that the logo will be larger.

Mr. Sheffield said that the DRB letter of October 31, 2018 had a number of bullet items. Mr. Brooks said that they confirmed that the building will meet fire access codes and provided a horizontal element of roof coping. He said that a second extension of the coping will be zinc to tie things together and act as an architectural detail. He said that they added the street number at the front entrance. He said that the turning radii was straightened out at the traffic island on the south side of the property. He said that the walkway from the right of way to the building will be a minimum of four feet wide. He said that they were not able to turn the building slightly to face visitors head on rather than at an angle. He said that they worked with NRC on street trees. He said that they accommodated all but one the DRB's recommendations.

Mr. Adams asked if there is a roof plan. He said that the low roof at the entrance is shown with some sort of plantings, as shown on Plan A0.0 and on the sign plan. Mr. Smargiassi said that there are planter boxes that are intended to go up on the flat roof. He said that there is a roof plan, A1.2 that does not show the planter boxes because they are considered to be like a piece of furniture. He said that they can be put on the roof by going through the casement windows on the front. He said that there is also a drain there that they will need to have access to.

Mr. Becker said that the drawings show an ac unit at the left rear of the property. Mr. Smargiassi said that they plan to a condenser there. Mr. Adams said that there is no setback on that side. Mr. Becker said that he did not see any specifications about the unit. Mr. Smargiassi said that they do not have that information yet but they do have a mechanical engineer on board. Mr. Becker said that the ac unit is allowed in the setback because the property is located in a Business A District.

Mr. Sheffield asked about the crawl space to the mechanical area. Mr. Smargiassi said that the site slopes down and they were limited on square footage. He said that they did a crawl space to get to the mechanicals and plumbing.

Mr. Becker read the Planning Board recommendation.

Mr. Becker asked if there was anyone present at the public hearing who wished to speak to the petition.

Mr. Becker said that there is documentation that the Board would like to see. The Board discussed closing the public hearing, preparing conditions and holding a public meeting to vote final approval.

Mr. Becker said that stormwater information should be submitted that includes text about the flow and volume, pre and post construction. He said that if the drawings already shown something for oil separation, it should be called to the Board's attention or add a detail that shows that. He said that the Board should note that the logo does not comply with the bylaw but that will be subsumed in the Site Plan Approval. He said that a snow handling note should be added to the drawing that identifies where the snow will be going, so the Board has a record of what it is approving.

Mr. Brooks said that they will switch the parking to the American version, will submit a cross section of the retaining wall, and will look at the lighting.

Mr. Becker said that the Board will close the public hearing, prepare conditions and share them with the Applicant, and schedule a business meeting to review the materials provided and vote approval of the Site Plan and conditions.

Mr. Becker volunteered to write up the proposed conditions. Mr. Brooks said that he can submit a list of the materials that the Applicant will be submitting to the Board.

Mr. Sheffield moved, Mr. Adams seconded the motion, and the Board voted unanimously to close public hearing. Mr. Becker said that the Board will schedule a business meeting on a date to be determined to vote final approval.

ZBA 2019-22 WELLESLEY COLLEGE, 350 & 106 CENTRAL STREET (ATHLETIC FIELD)

Presenting the case at the hearing was Megan Buczynski, Activitas, Design Consultant. Also present were Michelle Mayhew and Chris Ridge, representing Wellesley College, the Petitioner.

Ms. Buczynski said the project involves track and field renovations as well as accessibility renovations around that area.

Ms. Buc said that the proposed work involves the existing synthetic field and track area, some ADA improvements at the bleachers and pathways, and at the throwing event areas. She said that lighting will be installed at the track and field area. She said that the request is for a waiver on the height restriction. She said that the lighting poles will be between 80 to 90 feet high.

Ms. Buc said that they will be replacing the synthetic turf field and will resurface the existing track. She said that they will not be digging up the track but will install a new resilient surface on top. She said that they will switch out turf for track surfacing to provide a pole vault runway.

Ms. Buc said that they are looking at two proposals for the two light poles on each side. She said that the higher the lights, the better is to aim the light down onto the field. She said that as you bring the lighting down, it has to go out and that causes additional spill. She said that currently there is only site lighting there. She said that the athletic lighting will be new. She displayed a light level chart. She said that they met with Conservation and they reviewed and accepted the light levels. She said that they met with a representative from the Hunnewell family who lives across the lake and they did not have any concerns. She said that they did a balloon test so that they could understand what the height will be. She said that the proposed lights will be LED, so they will be more focused on the field area.

Ms. Buczynski said that additional work at the practice field includes installation of a shot put area, a javelin runway, and a hammer discus cage. She said that when the track and field was originally built in 2004, Wellesley College did not have a track team but they do have one now. She said that the shot put and javelin runway will be at grade. She said that the hammer discus area will have 20 foot poles that surround the area for safety. She said that the cage will be used year round. She said that it will be tucked into the slope and will not be visually as noticeable.

Ms. Buczynski said that the existing site is an AUL. She said that the cap surrounds the practice field and the soccer field. She said that work in the area for the net poles will be on a spread footing so that they do not penetrate down to the cap. She said that they are working with Haley & Aldrich to monitor the work during construction. She said that any material generated from the site will be kept on site. She said that there is a small area with room to place the materials. She said that they expect to generate about 80 cubic yards from the track events areas and 24 cubic yards from the poles. She said that they will put everything at elevations to meet the AUL requirements.

Mr. Sheffield asked if the lights will be shut off at a specific time. Ms. Buczynski said that the Athletics Department asked that the lights be shut off at 10 pm. She said that it is not anticipated that the lights will be used year round.

Mr. Becker asked if there were plans that show which areas are capped and which areas are not. Ms. Buczynski said that the entire site is AUL. She displayed on a plan the capped area. She said that the entire track and field is outside of the cap. She said that it was built up with sandy soil so they are able to infiltrate a decent amount into the field. She said that there is approximately three feet between the liner and existing grade. She said that they sent a draft memo to the Town Engineering Division in response to Mr. Saraceno's comments. Mr. Adams said that the draft memo referenced some additional drawings that the Board did not receive. She said that the next set of plans that will be submitted will show the manufactured barrier.

Mr. Adams asked about the bathroom by the athletic field. Ms. Mayhew said that the facility is under the jurisdiction of the Athletic Department and is open during events. Mr. Adams said that it is a wonderful amenity for the residents of Wellesley who walk around Lake Waban. He said that it would be good to post the hours when it will be open.

Mr. Becker said that within the documentation there was some discussion of a waiver of the five percent reduction in runoff flow and volume. He asked where that requirement comes from. He said that it does not come from the Zoning Bylaw. Ms. Buczynski said that requirement comes from the Wetlands Protection Committee (WPC), who granted a waiver for that.

Mr. Becker said that within the Drainage Report there was an O & M Plan for the drainage but the Turf O & M Plan was more like a brochure from a turf manufacturer and not at the same level. Ms. Buczynski said that the final turf selection has not been completed yet. She said that, depending on the vendor who is selected, there will be specific requirements for their turf. She said that they included an example during the permitting phase to discuss equipment that should be used for brushing and grooming the field, how they should clean the field if someone fell and got a cut, and those kinds of things. She said that can add into the O & M log how often the turf is being groomed, etc. She said that in the past, the school has completed snow removal and there is ongoing agreement about where the snow is stored. She said that that documentation into the final O & M Plan. She said that the O & M is meant to be a draft as they finalize the vendors.

Mr. Sheffield asked if maintenance of the turf becomes part of the manufacturer's warranty. Ms. Buczynski said that it is. She said that they will have to keep a log. Mr. Becker said that is the sort of thing that the Board would expect to see in an O & M Plan. He said that there are certain things that you know that you will have to do. He said that the requirements might be slightly different for each vendor but there are certain things that have to be done, with the rest in accordance with the manufacturer's requirements.

Mr. Becker said that he did not see a Construction Management Plan (CMP). Ms. Buczynski said that they will follow up with that. She said that they were going to put construction access, wheel washes, potential number of trucks and things like that onto a plan. Mr. Becker asked that the Applicant look at other CMPs for four recent Wellesley College projects.

Mr. Becker discussed the waiver versus a variance for lighting. He said that there was nothing submitted that talked about how tall the poles will be, what the foundations will be, and what the light fixtures will look like. He said that there was narrative about the balloon tests but there was no justification for why the poles should be 80 to 90 feet rather than 45 feet. He said that all of those factors form the basis of the Board's

decision. Ms. Buczynski said that they are looking at two vendors for lighting. She said that for the application they submitted data for the larger spill over. Mr. Sheffield said that fixtures are usually adjustable. Ms. Buczynski described the differences between the two vendors' lighting. Mr. Sheffield said that the Board should see the product as part of its approval for a variance for height. Ms. Mayhew asked if the Board wants to see data about light spill over for light poles at 45 feet versus spill over for light poles at 80 to 90 feet. Mr. Sheffield said that 45 foot high poles would probably require more poles. Mr. Becker said that the Planning Board recommended that the Board find that the light poles are not structures, and therefore, the 45 foot limitation does not apply to them and a variance is not needed. He said that the main problem for him is that there wasn't anything in the record about the fixtures that the Board could base an opinion on. He read the Planning Board recommendation.

Victor Panak, Senior Planner, said that the language in Section XX of the Zoning Bylaw refers to rooflines and the walls of the buildings and structures, and then exempts antennas, solar panels and similar things that would be affixed to the top of a building. He said that, taken altogether, the terms and the language used in that section, it was his and the Planning Board's interpretation that section does not apply. He said that the Building Inspector is the Zoning Enforcement Officer, so he will make a final decision on the interpretation of the bylaw. Mr. Adams said that the Board would agree that there is no limitation on the height of light poles if it accepts the Planning Board's interpretation. Mr. Becker said that the 45 foot height dimension comes from antennas. He said that an antenna is structurally more like a light pole than a building. He said that there is no requirement for the height of light poles in the ZBL.

Ms. Buczynski asked about precedence and light poles at Babson College. She said that the lights at the tennis courts are 60 feet high. The Board said that Wellesley Country Club and the High School also have light poles.

Mr. Becker said that it is important to get information about the light poles and fixtures into the record so that the Board can see what the impacts will be and make an informed decision. Ms. Buczynski said that she can follow up with a letter to ZBA with further description of the light poles and what the light levels would be at different heights. She said that they need to finalize their review with Engineering. Mr. Becker said that the Board does not need final construction plans to grant a Site Plan Approval. Mr. Sheffield said that the Board will want to see a final document from Mr. Saraceno stating that the Engineering Division is satisfied.

Mr. Becker said that there are open questions about CMP and lighting and those are things that would be difficult to deal with by conditions.

Mr. Adams asked if the Board members were satisfied with respect to drainage. Mr. Becker said that the issue is where the five percent comes from and that is not a ZBA requirement. Mr. Sheffield said that the Board should have documentation of that waiver from WPC.

Mr. Becker asked Mr. Adams and Mr. Sheffield opinion about the waiver or variance for the height of the light poles. He said that he was persuaded by what Mr. Panak said. He said that he has been through several permit cases with communications people who wanted to put towers on top of something, so he knows that the Board has allowed things in excess of 45 feet high. He said that defining a light pole as not being a structure is an elegant solution and it fits the Zoning Bylaw. He said that he was willing to accept the logic that a variance was not needed. Mr. Adams agreed. He said that the Board can look at each proposal and approve or deny based on its merits.

Mr. Becker said that the hearing would be continued so that additional information can be submitted to the Board including a CMP, satisfaction of Mr. Saraceno's comments, and information about both potential light systems. Mr. Adams said that the Board could approve the lighting subject to the spill over not exceeding what was presented at the public hearing on the Photometric Plan. He said that according to the Photometric Plan, none of the light will spill beyond the campus.

Mr. Adams moved, Mr. Sheffield seconded the motion, and the Board voted unanimously to continue the hearing to March 7, 2019.

As there was no further business to come before the Board, the hearing was adjourned at 9:09 pm.

Respectfully submitted,

Lenore R. Mahoney
Executive Secretary

DRAFT