

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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ROBERT W. LEVY
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Thursday, February 16, 2017, 7:30 pm

Juliani Meeting Room
Town Hall

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

ZBA 2017-12 & ZBA 2017-21, BABSON COLLEGE, 89 MAP HILL DRIVE

Presenting the case at the hearing was David Grissino, Director of Capital Projects & Planning, Babson College.

Mr. Grissino said that the project involves relocation of tennis courts. He said that a few years ago Babson did a Campus Wide Master Plan. He said that the athletic programs were looked at in great detail. He said that Babson has a strong series of organized varsity sports. He said that the success of the varsity teams has put a lot of pressure on the facilities, which are used heavily. He said that has left the recreational athlete at a disadvantage. He said that there are not a lot of recreational opportunities for the students to get together after class to blow off steam. He said that they would like to create an environment for whole health and well-being, in addition to educational learning. He said that was identified as an important part of the College's future physical growth.

Mr. Grissino said that they will be expanding the existing Webster Center. He said that project has been through the PSI permitting process and received approval by the Planning Board on February 6, 2017. He said that they will be coming before the Zoning Board for Site Plan Approval later in the spring. He said that eight existing tennis courts are located at the site for the expanded Webster Center. He said that they needed to find a new home for the tennis courts, which have to be on a flat surface on a very hilly campus that is surrounded by many woodlands and wetlands. He said that they looked at a number of options over the past year. He said that the Master Plan called for locating them directly along Wellesley Avenue. He said that, for a variety of reasons, they did not think that would be the most appropriate location. He said that they found a location that is ideal in many ways. He said that the courts will be located behind the ice rink, Boston Sports Club and Van Winkle Hall. He said that the area is called Map Hill and is an upper classmen residential area. He said that it is adjacent to many of their other athletic facilities as well

as the clustering of the upper fields. He said that there is logic to how it works with the other athletic facilities.

Mr. Grissino said that the existing tennis courts are approximately 600 feet to the closest neighbor. He said that they will be moving the tennis courts no closer to the residents of Skyline Drive. He said that the topography and setting will be similar to what they currently have.

Mr. Grissino said that the level of activity will remain the same for varsity, recreational and public use. He said that Babson runs summer programs. He said that the hope is to be able to use the tennis courts in the same way. He said that they have about ten men's and women's varsity matches over the course of a year. He said those matches are typically over by 6:30 pm due to failing light. He said that they are proposing to light the new courts but that will not affect the varsity use because they do not want to change from daylight to artificial lighting. He said that varsity is the most intense use of the courts. He said that they are hoping to extend the hours of use for recreational athletes. He said that they anticipate that the tennis court lights will have a similar cut off time as the upper fields do at 10 pm. He said they reviewed a couple of different lighting strategies with the Design Review Board (DRB) that included a series of lower lights on 20 foot poles. He said that they would need many more poles to light the courts efficiently. He said that they settled on a strategy to use 40 foot poles, which is half the height of the poles on the existing fields. He said that they submitted photometrics to the Board that show that the light spill off is very contained to the courts themselves. He said that they will be using a high quality Musco Lighting System that will allow for flexibility of operation and shielding. He said that they spoke with the DRB about options to light only portions of the courts when they are not being used.

Mr. Grissino said that there will be two spectator areas with the main seating within the body of the courts themselves. He said that because they will be cutting into the hill behind Van Winkle Residence Hall, it gave them an opportunity to create an area for Adirondack chairs or benches for more informal spectators on the north side, close to the Residence Hall.

Mr. Grissino said that there is no amplified sound system proposed as part of the tennis court project.

Mr. Grissino said that access to the courts will remain as it is today. He said that athletes will arrive at the Webster Center and make their way across the upper fields down to the courts. He said that the pathways that come down to the courts are fully accessible. He said that there are eight accessible parking spaces in the Coleman Lot, which is immediately to the northeast of the project.

Mr. Grissino said that the courts are surrounded by a ten foot high chain link fence that will have an attached screen to help provide branding and visual screening.

Mr. Grissino said that along the southern edge of the project is the Sudbury Aqueduct Trail. He said that they have taken great care not to impact the trail during construction or with the end use. He said that while they are under construction, there will be minor disturbance to the 100 foot buffer zone. He said that there are wetlands at the bottom of the hill, immediately to the south. He said that while they will not have any permanent impact on the 100 foot buffer, they need to be able to move equipment around to construct the courts. He said that they met with the Wetlands Protection Committee in December and received a negative determination.

Mr. Grissino said that the DRB granted approval at their last meeting.

Mr. Grissino said that Babson hosted a neighborhood meeting where some concerns were raised regarding drainage and impacts to the areas to the south and the wetlands. He said that present at the hearing is John Charwick, Activitas, who is the tennis courts designer. He said that they worked carefully with DPW and through that process have developed a good system that addresses drainage issues. He said that they met with the Health Department to be sure that they would not be creating opportunities for mosquito breeding. He said that they designed the project to meet all of the standards for that as well. He said that after the meeting they received word from a resident on Skyline Drive who was unable to attend the meeting. He said that they met with the neighbor and listened to their concerns that were centered around noise that will be generated from the courts. He said that they then engaged Accentec, which is an acoustic specialist company based in Cambridge to try to understand a little more about the sound levels created by tennis play and its attenuation and what happens at a quarter of a mile from the source. He said that the information that they got from Bob Behrends at Accentec is that typical racket hitting a ball is about 65 decibels. He said that some of the grunting that occurs during play exceeds 100 decibels. He said that at a distance of a quarter mile of open air, it reduces down to about 30 decibels, which is about the level of sound of a refrigerator. Mr. Adams asked if that information was provided to the Board in writing. Mr. Grissino said that he does have it in writing and will submit it to the Board.

Mr. Grissino said that DPW wanted to make sure that they received information about the exfiltration basin maintenance. He said that Babson provided to DPW a revision to their Operation and Maintenance (O & M) Manual that will require Babson to send maintenance reports to Wellesley DPW, which is what they currently do for the Town of Needham.

Mr. Adams said that he was unable to find the fence and the benches on the plans. Mr. Charwick discussed the site plans. Mr. Adams asked if any details had been included in the plans. Mr. Grissino said that they went through two different design iterations, one that had a retaining wall that you could sit on and one with a gentle slope with a level area to place moveable benches. He said that the second option gives them greater flexibility and easier maintenance. He said that when you are on the court level, there is a four foot high retaining wall and a six foot fence. He said that area slopes up and levels off so that you can sit and then continues up a gentle slope to the Residence Hall. Mr. Charwick said that L2.1 shows a section at court level and shows the grade difference. Mr. Grissino said that, instead of a very expensive retaining wall, they will use the moveable benches. He said that the move on campus is to use more informal seating. Mr. Adams confirmed that the benches will be put in storage for the winter. Mr. Grissino said that all of the outdoor furniture on campus is taken in and stored. Mr. Adams asked if Babson has selected the kind of bench that they want. Mr. Grissino said that they are still working on that detail. He said that the campus standard is a metal frame with a wood slat. He said that they just used them at the new Residence Hall. He said that the benches have not weathered very well, so they are debating whether to find a more durable material. He said that it will be part of a whole series of standardized elements that will be part of the overall campus. He said that when they come back for discussions about the Webster Center, they may have a lot more information. He said that they will be doing something similar in some open space areas where they will be removing the existing tennis courts.

Mr. Adams asked about the location of the fence. Mr. Charwick displayed the location of the fence on the site plan. Mr. Adams confirmed that there will not be a ten foot high fence on the side facing the Residence Hall. He said that it may end up at the same elevation as the rest of the fence because it will

start at a higher elevation point. Mr. Grissino said that they wanted to tuck the courts down a little bit to minimize the visual impact from the Residence Hall. Mr. Adams asked about gates in the 10 foot high fence. Mr. Charwick said that there will be gates at the four corners and a few smaller gates for leaf debris removal. He said that they will have the ability to secure the site but, in general, the courts will be open for use.

Mr. Sheffield confirmed that the courts will be for recreational and intercollegiate use. He said that he has previously designed tennis centers for colleges and all of the clients asked for a storage area for their intercollegiate sports and a teaching area on top. Mr. Grissino said that the ability to operate out of the Webster Center is how they will primarily drive this. He said that the existing courts are asphalt and the proposed courts will be post-tension concrete. He said that the strategy of having two banks of four with the area in the middle provides space for utilities to run through and provides a place for seating and moveable storage elements. He said that they will be installing a hydration station. He said that they will pull water to feed it from the Residence Hall.

Mr. Sheffield said that the spectator seating is a small element within the fenced area. He confirmed that the seating faces in two directions. Mr. Adams asked how many people the area will accommodate. Mr. Grissino said that they will bring the existing four sets of bleachers down and there will be room for more. Mr. Sheffield said that the bleacher area will create a spike in decibels but probably no more than baseball or soccer. Mr. Grissino said that the distance from the tennis courts to the residential area will be the same as it is today. He said that they have not found any reports of complaints regarding noise from the tennis courts.

Mr. Sheffield asked for a description of the rainwater collection system, distribution and dissipation. Mr. Charwick said that they dealt with two conditions, one of which was an existing drainage swale that collects water from the existing driveway at Van Winkle Hall. He said that the first thing that they did was to tie a new drain line into the system in the driveway, knowing that the swale had to go away to make way for the tennis courts. He said that they are collecting the water at the drain manhole and sending the water in a 15 inch pipe underneath the courts. He said that they reviewed that with DPW and they were generally comfortable with that. Mr. Sheffield asked if the pipe will collect water that would normally be in the swale. Mr. Charwick said that the water will still be collected through the existing system. He said that there will be a new system with a French drain that runs along the south side of the court. He said that the high end of the courts is to the north and pitches to the south. He said that the French drain will collect all of the water and circulate it into a detention area to the east. He said that they have an outlet control structure so that water that does not infiltrate has a way to release down into a level spreader and then either infiltrate into the soil or make its way down the hill during heavy rain events as it does naturally now. Mr. Adams said that there is a slight slope to the courts. Mr. Charwick said that there is about a foot grade change from the high to the low end.

Mr. Adams asked about cut and fill. Mr. Charwick said that they did geo-tech investigation and found that they have generally 12 inches of topsoil and below that is about a foot of subsoil that has some organics and silts. He said that they did calculations for all pavement and fill areas. He said that they need to remove the topsoil and the subsoil because those soils are not conducive to build a structure on top off. He said that they will strip the material and use the sub-grade to cut and fill to balance that material as best as possible. He said that the goal is to reuse topsoil in landscape areas, as necessary. He said that there will be some material that will have to be exported off-site. He said that he would have to

check the numbers for the approximate amount expected to be exported. Mr. Sheffield said that he read that there will be an excess of 4,000 sf.

Mr. Adams asked if the DPW suggested that the construction traffic routing should be through Needham. Mr. Grissino said that they have had a number of projects on campus. He said that they will continue to route trucks from Route 95 to Route 9, Cedar Street, Hunnewell, Wellesley Avenue and the main gate. He said that everything will come in and out of the main gate. Mr. Sheffield said that it is primarily out of the student traffic areas. Mr. Grissino said that when they do the Webster Center project, they will be accessing the main College Drive. He said that this will turn off before you get to the heart of the campus and will go along Map Hill Drive.

Mr. Levy asked if the work will be done during the academic year. Mr. Grissino said that they hope to start construction when the weather breaks, depending on permitting and the weather. He said that, ideally, they will complete the work before the weather turns. He said that there is some complexity with how long the concrete must sit. He said that the coatings need to cure. He said that they do not want to put themselves in a position where the cooler temperatures affect that. He said that the goal is to have the bulk of the work that involves tree and dirt removal done in the summer when the campus is at its quietest. He said that when they head back into the school year, the concrete pour will have been completed and they will do some of the finer work.

Mr. Levy asked when the existing courts will be removed. Mr. Grissino said that the existing courts will go offline in September, depending on permitting for the main building project. He said that the goal is to keep the existing courts operational for the summer programs. He said that recreational tennis play will be impacted in the fall.

Mr. Levy asked if the access ways are just for pedestrians. He asked about access for emergency vehicles. Mr. Grissino said that the access ways will be eight feet, so they will be able to get a vehicle down there. Mr. Adams asked if the bituminous road will remain. Mr. Grissino said that the utility drive will remain. He said that there are a limited number of parking spaces. He said that families live in the Residence Hall as administrators of student life. He said that there are multiple accesses that are wide enough to allow for access for public safety and maintenance vehicles.

Mr. Sheffield asked about the routing of heavy equipment for site preparation. Mr. Grissino said that they will be pulling down a number of parking spaces in the Coleman Lot and they will lay down construction vehicle access. Mr. Charwick said that the construction wheel wash will be located at the entrance. He said that there will be a chain link fence along the line of work. Mr. Adams asked if that will be a permanent fence. He said that some of the Residence Hall aides park there. Mr. Grissino said that the fence will be there during construction to provide a safe site. He said that the people who live in the building will not be there for the summer. He said that the hope is to have the fence line adjusted and brought back down to allow access to the rear unit by September. Mr. Adams said that there is currently a sign there letting people know that it is not a place to park.

Mr. Adams asked if there is any upgrading or modification needed for the existing curved road. He said that he had seen it earlier in the day and it looked like it might need some attention. Mr. Grissino said that they had not talked about the pavement surface there. He said that his guess is that when construction is complete, they may want to resurface it. He said that it will stay in the same location.

Mr. Adams asked about the lighting. Mr. Grissino said that they will be using lighting that is similar to what they have at the upper fields. He said that it has full shielding and cutoffs. He said that the photometrics show how quickly the light drops off once you leave the courts. He said that they provided that information to the DRB and received approval. He said that they will be using higher end sports lighting fixtures to get a lot of control over where the lights go, the level of the light and the ability to turn the lights on and off. Mr. Sheffield said that it has been his experience that you can more readily control the light spillage if you have a taller pole because of the angle of view. Mr. Grissino said that they presented both options to the DRB. He said that minimizing the number of fixtures was seen as a positive. He said that the pole heights are about half of the height of the existing poles. Mr. Levy asked if the lights will be on timers. Mr. Grissino said that they are currently working with Athletics about the possibility of timers. He said that there will be absolutely no lighting after 10 pm. He said that the difference between the proposed lights and the Athletic Field lights is that the Athletic Fields lights are on only when there is activity. He said that the hope is to have the courts available for recreational play for a couple of months in the fall and the spring. He said that they would like to have them available so that students can drop in. He said that is why it is nice to have the flexibility to not have to have all eight courts lit. He said that they would like to start out with turning the lights on at 4 pm and off at 10 pm. Mr. Adams asked where they would be controlled from. Mr. Grissino said that he did not know but assumed that they would be localized at the site. He said that they are not complicated to operate. Mr. Charwick said that the panel will be located at Van Winkle but they will have the ability to work from a laptop or cell phone for overrides.

Mr. Adams said that, with some of the previous Site Plan Approvals that came before the Board, residents had concerns about light pollution. He asked how this will compare to the existing tennis courts. He asked if it will be the same number of courts and hours of lighting. Mr. Grissino said that it will be the same number of courts. He said that there is no lighting on the existing courts. He said that having lights on the courts will allow them to expand the recreational use. Mr. Adams asked about the possibility of motion sensitive lights. Mr. Grissino said that he was not sure if Musco lighting operates that way.

Mr. Levy asked if there will be any other illumination other than for the courts. Mr. Charwick said that lighting for the courts is designed for 75 foot candles. He said that will drop to approximately 5 foot candles outside the fence line at about 10 to 15 feet. He said that thereafter, 10 to 20 feet, it will be a half of a foot to two foot candles. He said that the photometrics do not take into account the vegetation and slopes. He said that the calculations are based on a completely flat site. He said that along the walkway they will have 10 foot high poles for pedestrian lighting, similar to what is on campus. He said that they will project one to one and a half foot candles for safe travel along the path. He said that the intent is that the walkway always be lit, even when tennis court play is not occurring. Mr. Adams confirmed that those lights will be on all night. Mr. Grissino said that all of the fixtures are dark sky compliant. Mr. Sheffield asked if the photometrics take into account the scrim on the fence. Mr. Charwick said that it does not. He said that the scrim will help to dissipate light as well. He said that there a blue light photo array connecting to the pathway.

Mr. Sheffield said that the Board received a letter from DPW saying that they were satisfied with the plans. Mr. Grissino said that the DPW had questions about the drainage system. He said that they spent a lot of time designing the system, modifying the exfiltration basin, the sizing of the pipes, and how the existing flow is captured. He said that DPW had concerns about the Maintenance Program for the basin.

He said that it is a very low maintenance system that requires someone getting out there a couple of times a year to take care of the grasses and the mix that sit in the basin. He said that DPW wanted them to take care of it in a way that is going to allow it to continue to operate properly. He said that they were able to work with DPW to develop a system that meets their needs. Mr. Charwick said that they also added a few cleanouts to some of the structures. He said that the biggest conversation concerned the detention basin and the existing slope. He said that a concern was to build the detention basin on a flat area on the south. He said that they needed to make sure that the slope was stabilized in case of wash out. He said that some of the pipes slope to prevent that.

Mr. Sheffield said that the detention area is separate from the parking area. He confirmed that the parking area is handled completely differently. Mr. Grissino said that they also addressed the concerns of the Health Department that the system would be able to drain fast enough so that it did not become an issue of mosquito control. Mr. Charwick said that the existing parking lot is fully curbed and pitched in another direction.

Mr. Adams said that the retaining wall at the edge of the court will be padded. He asked about the retaining wall further up the hill that is identified as a 17 inch seat wall. He asked if it will be exposed concrete. Mr. Grissino said that there will be two different wall systems. He said that there are a series of two retaining walls of less than four feet between the northeast corner and the parking lot. He said that they are looking at a couple of options for them. He said that right now they look like fieldstone. Mr. Adams said that because they are less than four feet, they do not need a guard rail. Mr. Grissino said that the walls will not look like exposed concrete. He said that the sitting wall area has been re-graded so that it is now a flat area and will have moveable benches. Mr. Adams said that Plan L2.1 shows a seating wall. Mr. Grissino said that was the original plan. He said that now the retaining wall is not there and the slope is regulated so that is surrounded by two sloped areas. He said that they did not need to retain the 17 inches of earth in order to create a seat wall. He said that the surface will be asphalt. He said that there will be areas set outside of the six foot area so that the bench will sit in a little bit of a pocket so that the six foot area is clear. He said that they wanted to make sure that there is plenty of maneuverability for people who do not want to take the accessible route to the bleacher area.

Mr. Sheffield asked about maintenance of the pathway during and after construction. Mr. Grissino said that, during construction, the construction fence line will be immediately north of the pathway. He said that there will be no interruption of that use. He said that the disturbance in the wetlands buffer sits further in the site inside the fence line.

Mr. Levy said that there did not appear to be any signage as part of this package. Mr. Grissino said that Babson just completed a Signage Master Plan for the whole campus. He said that they re-did all of the signs on campus over the past summer. He said that the sign for this facility has not been designed yet. He said that it will follow the guidelines. Mr. Levy said that it was mentioned that the wind screen will have some type of branding. Mr. Grissino said that it will be facing internal to the courts. Mr. Levy asked if the screening will be subject to the Zoning Bylaw.

Mr. Levy confirmed that there will be no PA systems or amplification. He said that on Page 17 of the application, it says that security cameras and public address speakers will be located on tennis court lighting poles. Mr. Grissino said that is not accurate. He said that the security cameras will be mounted for public safety. He said that they have those systems at Van Winkle but they will not be having

amplified sound, particularly during matches. Mr. Sheffield confirmed that during championship play there will be temporary sound systems. Mr. Grissino said that it is his understanding that it will operate as it has in the past.

Mr. Adams asked about revisions to the plans. Mr. Grissino discussed the changes. Mr. Adams said that accurate plans must be submitted. He said that the Board would like to see the cut sheet for the light fixtures as well.

Mr. Adams asked for a description of the bleachers that will be moved from the existing to the new tennis courts. Mr. Grissino said that they are aluminum. Mr. Charwick said that there are four rows of approximately 20 feet. Mr. Adams estimated that they are five to six feet off of the ground. Mr. Grissino said that they will sit outside of the fence line now and the idea is to bring them down to the facility when it is complete.

Mr. Levy asked about public use of the courts. Mr. Grissino said that they will continue to operate them the same way they do now. He said that Babson has a history of being open to the public at times when they have the availability. He said that heavy use by the summer programs will continue. Mr. Adams asked about the age groups involved in the summer programs. Mr. Grissino said that they are primarily for younger people. Mr. Adams asked if the programs are run by companies other than Babson. Mr. Charwick said that they are run by Babson coaches. Mr. Grissino said that Babson has a Director of Summer Programs who manages the programs.

Mr. Sheffield read the Planning Board recommendation. He said that the DRB issued its recommendation.

Mr. Adams asked if the alternate design was presented to the DRB. Mr. Grissino said that the design without the 17 inch retaining wall was presented to the DRB.

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

Fern Wirth, 21 Skyline Drive, said that she submitted a letter with her concerns. She said that they have been neighbors to Babson for 20 years. She said that they have seen its growth and are proud of its accomplishments. She said that she does think that there might be some oversights in this project in terms of sound, noise and light pollution. She said that the plan that shows the existing tennis courts being the same distance to the community on Skyline Drive does not show that sound is shielded by the buildings that exist and the topography of the land is such that the existing tennis courts are nestled within the buildings. She said that their homes are level with the height of the buildings. She said that noise is well contained from the facility. She said that the original siting for the new tennis courts was along Wellesley Avenue, which has a lot of foot traffic and a lot of noise and light. She said that it was much to their surprise that Babson decided to relocate the proposed courts to the new location with a 35 foot elevation from the ground to the top of the hill, completely unobstructed, with no sound barriers and the opportunity for all that noise and light on 40 foot poles to angle down into the neighborhood. She said 100 decibels is the sound of a leaf blower and that does not include the sound of the teams being cheered on from the benches that will be directly facing the neighborhood. She said that she is concerned that there is a sound system at Van Winkle. She said that she appreciated the Board's questions about users. She said that the neighborhood is located near the Center for Executive Education as well. She said that there have been

numerous instances where sound was traveling aggressively. She said that those events have been relocated to the inner court at the Center. She said that she was concerned that the character of the neighborhood remain intact. She said that she hoped that the sound and light concerns can be addressed. She said that if this does turn out to be the site, it will be like beacons in the middle of dark wetlands.

Mr. Grissino said that it is not evident in the aerial view and may not have been evident in the plans that the parking deck is at the same level as the courts. He said that the campus sits in a saddle. He said that Skyline Drive comes up from Great Plain Avenue. Mr. Sheffield said that there is a minor amount of shielding provided by the Athletic Facility. Mr. Grissino said that they did reach out to get professional advice.

Mr. Sheffield said that the light fixtures have after-installation controls to control the shielding.

Mr. Levy asked if the Athletic Facility has an outdoor pool. Mr. Grissino said that there is a rink and a pool and is operated by the Boston Sports Club. Mr. Levy asked if the pool has lighted evening use. Mr. Grissino said that he did not know that but thought that it is primarily daytime use. Ms. Wirth said that Boston Sports Club does have an outdoor facility. She said that the lights are not visible from her neighborhood. She said that it sits much lower than the proposed location of the tennis courts. She said that the parking garage shields the existing tennis courts.

Mr. Sheffield asked if the swimming pool is used for summer camps. Mr. Grissino said that it is but is operated out of the Sports Club. He said that the pool and the Sports Club are tenants. Mr. Levy asked about use of the tennis courts by the Sports Club. Mr. Grissino said that Babson does have relationships with the Boston Sports Club. He said that all of the opportunities that exist today will continue. He said that he did not have information regarding the number of users from the Sports Club.

Ms. Wirth said that if you look at the configuration of the Sports Club, it is a horseshoe shape. She said that it does contain the sound. She said that there are no proposed sound barriers in this plan. Mr. Adams said that unless you have specific sound deadening barriers, materials such as solid piece of glass or masonry does not deaden sound. He said that the sound bounces off. He said that the fact that the buildings may be containing some of the elements does not directly translate into it deadening or reducing the amount of sound transmission.

Mr. Adams said that he was troubled that the Board did not have the revised plan. He said that the submitted plans do not accurately reflect what will be built. Mr. Grissino said that, with the exception of the retaining wall modification, the plans reflect what is going to be built. He said that they reflect the same plans that were submitted to DPW. He said that they would be happy to provide an updated Sheet L2.1 that shows the reconfiguration of the retaining wall. Mr. Adams said that the element shows on a number of the plans. He said that the plans need to be revised to reflect what will be built. Mr. Grissino said that one impact could be how drainage is handled. He said that the modification of that was part of the review with DPW. He said that there is no change to the way the site drains. Mr. Adams confirmed that DPW saw the plan that does not have the retaining wall. He said that the Board approves a specifically dated plan that represents what it is approving.

Mr. Sheffield discussed continuing the hearing until revised plans can be submitted. Mr. Grissino said that they can provide the revised plans right away.

Stephen Langer, Esq. asked if the Board would consider a condition that the revised plans that reflect the actual slope condition be delivered within five days. Mr. Sheffield said that there should be a revised date on the drawings. Mr. Grissino said that they will date the plans, February 17, 2017.

Mr. Levy said that the Board will hold a public meeting to vote approval of the conditions. He said that the Applicant does not have to be present. He said that the Board generally closes the hearing and then develops conditions that are voted at a public meeting, in accordance with the Open Meeting Laws. He said that the meeting will be posted and the Applicant will be invited to attend.

Mr. Levy said that he heard that lighting will be shut off at 10 pm. He said that there should no inconsistency between the application and the use of sound amplification. Mr. Sheffield confirmed that after installation of the light poles they will be calibrated to minimize the light spillage. Mr. Levy asked about lighting controls if the courts are not being used. Mr. Adams said that the Applicant stated that they would like to have them on in case someone shows up to use the courts. Mr. Levy said that could be limited to one set of lights. Mr. Grissino said that they can make the courts that remain on to be the farthest to the east. Mr. Adams said that there does not appear to be a backboard that a person by themselves could bang against the board.

Mr. Levy moved and Mr. Adams seconded the motion to close the public hearing. He said that the Board will reconvene at a public meeting to be posted. Mr. Langer said that, historically, Babson has received Site Plan Approval at the hearing and then final approval subject to conditions.

Mr. Levy moved and Mr. Adams seconded the motion to grant Site Plan Approval, subject to final approval of conditions. The Board voted unanimously to grant Site Plan Approval.

Mr. Langer said that the site is located in a Water Supply Protection district. Mr. Levy moved and Mr. Adams seconded the motion to approve a special permit for a major construction project in a Water Supply Protection District. The Board voted unanimously to grant a special permit.

Mr. Adams said that the Board usually receives an engineered drawing of photometrics. He asked if that could be produced along with the packet to be submitted. Mr. Grissino said that they can get something from Musco, the lighting manufacturer. Mr. Levy said that the cut sheet for the lighting fixture must also be submitted. Mr. Adams said that there shall be no public amplification and the lights shall be off by 10 pm.

ZBA 2017-11, PROPRIETORS OF WOODLAWN CEMETERY, 148 BROOK STREET

Presenting the case at the hearing was David Himmelberger, Esq., representing the Proprietors of Woodlawn Cemetery, the Petitioner. He said that also present was Jim White, Civil Engineer, HM Moore and Sam Siccio, Clerk of the Works, Dave Hoffman and Phillip Rolph, Clerk & Director, Woodlawn Cemetery.

Mr. Himmelberger said that the request is for Site Plan Approval. He said that it is a major construction project that involves re-grading land for additional gravesites. He said that the Building Inspector was of the opinion that the change to the outside appearance of the premises that involves re-grading more than

5,000 square feet would require Site Plan Approval. He said that Woodlawn is the oldest cemetery in town and pre-dates the town. He said that they are running out of gravesites with an inventory of probably less than a year at this point. He said that part of the request for Site Plan Approval will address a future need. Mr. Adams said that there is a clear distinction in the bylaw between square footage in a building and removal of square footage of vegetative cover, grading and re-grading to planned elevations. He said that there is no doubt that the project requires Site Plan Approval.

Mr. Himmelberger said that they first meet with the Engineering Department in September and reviewed the application. He said that the application package that was submitted to the Board was not transmitted in full to the Engineering Department. He said that his client received a call on Tuesday from of the Engineers stating that Engineering had not received stormwater calculations. Mr. Himmelberger said that he dropped them off at the Engineering Department this morning. He said that it was not clear to him whether Mr. Saraceno would have the opportunity to view them today. He said that he received an email from Mr. Saraceno this afternoon with his comments in which he referenced the submittal that he had reviewed but there was no reference to the stormwater calculations. He said that the bulk of Mr. Saraceno's comments addressed drainage, which is fully addressed in the Drainage Report. He said that the Applicant feels that they have fully complied with all of the requirements for drainage calculations. He said that some of the other comments were more housekeeping items such as notes that need to be put on a plan.

Mr. Himmelberger said that he received an email late this afternoon from Mr. Izzo at the Board of Health raising concerns about the permitting process. He said that Mr. Izzo questioned whether State regulations would come into play with the expansion of the gravesites. He said that the cemetery is not buying additional land. He said that whenever the Cemetery did purchase additional land, it was approved by Town Meeting. Mr. Sheffield confirmed that this is not an expansion but rather internal improvements.

Mr. Adams said that one of Mr. Saraceno's comments concerned curbing. He said that he did not see curbing there. He asked that that be addressed tonight. Mr. Himmelberger said that he was not sure if you could find a cemetery with curbing. He said that typically it is not done.

Mr. Himmelberger said that, in light of the fact that Mr. Saraceno had not had a chance to review the stormwater calculations, he did not expect the Board to make its decision at this hearing.

Mr. White said that the cemetery consists of approximately 47 acres with its entrance off of Brook Street. He said that there is a wetland and a perennial stream along the east side of the site. He said that this project involves the clearing and re-grading of land within the cemetery to provide additional gravesites. He said that they will remove boulders with excavators, grade it off smooth and then loam and seed the areas. He said that they will also put in some driveways for access. He said that there are two main areas, one high on the site on the north side and the other in a low area on the south side. He said that some of the material from the top part will be moved to the low area in the south. He said that trucks will use an access drive so that they do not have to go through the cemetery. Mr. Adams asked if it is anticipated that the cut and fill operation will not involve removal of fill from the site. Mr. White said that is the intent. He said that they can always find areas on site to use any additional material. He said that the intent is to balance off the site and not have trucks removing fill.

Mr. White said that construction access will be off of Brook Street. He said that there will be a temporary crushed stone access drive to prevent dirt going out onto the street. He said that they are trying to minimize the number of trucks exiting the site will fill. He said that when they are clearing the site, logging trucks will be leaving the site.

Mr. White said that one of the important issues here is stormwater. He said that the site has good soil. He said that the intent was to use low impact stormwater management systems to mitigate any increase in stormwater runoff and to provide stormwater recharge to groundwater, as required by EPA Regulations. He said that there will be no increase in runoff and no loss of groundwater recharge. He said that there will be a water quality basin in the southerly portion of the site and a water quality swale along the eastern portion of the site. He said that almost all of the water flows east toward Fuller Brook. He said that they will not be disturbing any wetland area, buffer zone or riverfront area. He said that the project is more than 200 feet from Fuller Brook.

Mr. White said Area A will have an access road. He said that it has a small area that drains to the west. He said that area will have an underground catch basin infiltration system. He said that will be the only structural system. Mr. Adams confirmed that it will be right under the road. He said that they do not want to have it someplace where the graves will go. He said that the systems are designed for H 20 or truck loading. Mr. Adams asked how the water will get into the system. Mr. White said that it will get into the system via the catch basin. He said that they will have a water quality swale close to the end of the site. He said that it is permeable soil. He said that the system works well with the type of soil.

Mr. White said that Area B is next to Brook Street. He said that it is currently a hole in the ground that is bone dry because the water tapers down to sandy soil and disappears there. He said that they will fill the hole in and level the area off so that it is suitable for gravesites. He said that downstream of there will be a water quality basin that was designed to mitigate increase in flow and provide stormwater infiltration. Mr. Adams said that it is located next to the temporary access.

Mr. White said that the access road at Area C will wrap around to provide access to additional gravesites. He said that the area is partially cleared and will be finished with this project.

Mr. Adams asked if a contractor has been selected. Mr. White said that a contractor has not been selected yet. Mr. Adams asked about construction management. Mr. White said that the plan is to take the surface material from Area A and bring it down to Area B. He said that one of the first steps will be to construct the roadway. He said that they can use the areas along the roadway for staging on the west side.

Mr. Adams said that Area A is the only area that is adjacent to private residential properties. Mr. White said that they provided the required 20 foot no disturb area along that edge. Mr. Adams said that will be the most impactful area during construction.

Mr. Sheffield asked if any tree location drawings were done for the perimeter that might affect adjacent properties. He said that the purpose is to try to develop enough area for gravesites. He said that the design pushes the roads to the perimeter which could take away from any potential screening that exists there now. He asked if there is any wiggle room to create a better situation for the adjacent neighbors. Mr. White said that they did work the area back. He said that they provided the 20 foot access and an area for grading and sloping. He said that the road is not at the 20 foot mark. He said that the 20 foot no

disturb area is currently wooded. Mr. Adams asked if it is anticipated that they will be able to save the wooded area. Mr. White said that the intention is to not touch that area. He said that they will put in erosion control at the limit of work.

Mr. Sheffield asked if there is a wall at the perimeter of the property in Area A. Mr. White said that there is a steep slope at the property line there. He said that a property owner cut the hill back there for a flatter backyard. He said that they will put a sedimentation control barrier there. Mr. Adams said that because it is so steep there, there is concern that cars may drive over. He said that the haybales are showing on the lower part, the upper part and along the existing road. He said that there is a section running from the point that identifies the 20 foot do not disturb area at the top of Drawing C.2, down to and intersects with the haybales above and below. Mr. White said that they are putting up a siltation fence to make sure that they do not go into the 20 foot no disturb area. He said that it is not a wall.

Mr. Adams asked if there is any concern about vehicles rolling down the hill. He said that it is very steep between the road and the residential properties. Mr. Himmelberger said that it falls from the residential properties into the cemetery. He said that the property contours from 218 feet down to 210 feet on the upper left at the back of the lot that where it says, "Sharma." He said that it drops down at the edge of the catch basin to 210 feet, so it runs away from the neighbors. He said that the neighbors are lower. Mr. Adams said that it is 20 feet away and may not be a concern.

Mr. Adams said that a DPW comment was to provide a landscaping plan that shows what trees will be protected, what trees and other vegetation will be removed and what, if anything, is proposed to be added. He said that the Board is more sensitive to that particular area because it is closest to residential properties. He said that the neighbors would probably appreciate it if there was some additional vegetation placed in that area. Mr. Himmelberger said that the neighbors are 12 to 15 feet below.

Mr. Sheffield said that the comment would also pertain to Work Area B, which is adjacent to Brook Street. Mr. White said that they designed it so that they are not touching within 20 feet of the property line at Brook Street. Mr. Sheffield said that 20 feet is not a whole lot in terms of trees. He said that a Tree Location and Landscaping Plan for at least the areas around the perimeters should be submitted. Mr. Adams asked for a description of customary procedures for development of new areas of cemeteries. Mr. White said that the way that the cemetery works is that, once graves have been established, they go in and plant trees. He said that the older areas of the cemetery have large beautiful trees. He said that you cannot plant trees ahead of time. Mr. Adams confirmed that they do not subdivide it into so many plots of a certain size or a mixture of sizes. Mr. White said that they have to wait until the burial sites are established. Mr. Sheffield said that newer cemeteries have smaller trees.

Mr. Sheffield asked if vegetation or tree planting in the new areas is anticipated. Mr. Adams said that the 20 foot buffer is an area where they could add vegetation or trees. He said that is an area where they can show some awareness of the neighbors and try to provide some screening. He said that he understood that some of the residential properties are much lower than the newly developed area. Mr. Sheffield said that it is evident at Brook Street and the properties at Swarthmore Road that the new roads are closer to the property line than the other roads that are internal to the cemetery. He said those are the tightest locations to the perimeter.

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

Laurence Shind, Esq., said that he was representing the abutter at 41 Swarthmore Road, who is Alyssa Duffy and Steve Foraste. He said that Mr. Forestay is present at the hearing. He said that an overriding concern of his clients is that the current plan to develop the gravesites and roadways bumping right up to the 20 foot setback will have a significant impact on the houses that abut the property. He said that the existing green space and the tree buffer will be significantly diminished and the construction of the new interior road approximately 25 feet from the property will also have a significant visual impact. He said that there are no other interior roads in the cemetery that are anywhere near as close to residences as the new proposed roads are. He said that they urged development of a plan that preserves more green space and relocates the perimeter roadway, which they do not see as necessary in that location, to keep additional screening and cars from being as close to the residences.

Mr. Shind said that the Town Engineer raised the issue that there was no Landscape Plan submitted. He said that his clients feel that it should be required so that they get some specifics on how the existing trees in the 20 foot required buffer will be maintained. He said that his clients feel that there will be an impact on them with the adjacent roadway construction. He said that they would like to see what, if any, new plantings are proposed.

Mr. Shind said that his clients are concerned that, because of the change in grading and construction of the road abutting them, the proposed drainage installation will not prevent runoff and water infiltration towards their property. Mr. Adams asked if that is just Mr. Shind's clients' opinion or if it is based on an engineering analysis. Mr. Shind said that he was taking that from the drainage arrows that were shown on Plan C.5. He said that there are at least three arrows that appear to point toward his clients' and neighboring properties on Swarthmore Road. He said that the proposed drainage system will be down gradient from that and away from that direction. He said that it does not appear than anything is being done from an engineering standpoint to capture the runoff that will run in the direction toward those properties. Mr. Adams said that Plan C.5 shows erosion control and does not reflect the final grading. He said that the Board has to rely, to some degree, on the professional engineer's statements that all of the runoff will be retained on the property. He said that the Board is prepared to be educated about some possible disagreement with the engineer's statement if there is some substance to it. Mr. Shind said that his clients urged that the DPW provide its opinion on the Stormwater Report.

Mr. Shind said that there appears to be a minor technical discrepancy in the Development Prospectus in Section VI. He said that there is reference to installation of a deep sump catch basin and oil trap for water detention. He said that the next section, Section VII, has it checked that there are no catch basins fitted with oil traps.

Mr. Shind said that the Board needs a letter from the Board of Health, more information from the Town Engineer, and DPW review of the Stormwater Report. He said that he did not see a letter from the Wetlands Protection Committee, Police and Fire Departments. He said that those should be required before the Board takes a vote. Mr. Sheffield said that the Board did receive a letter from the Fire Department that covered this and the Babson Tennis Court Project. He said that they had no comments.

Mr. Forestay said that he is a mechanical engineer. He said that his understanding of the project is to maximize the number of gravesites. He said that the issue is more the access road. He said that it will be closer to the residential properties than any of the other roads in the cemetery. He said that putting an

access road through Area A takes away a significant amount of land that could otherwise be used for plots. He said that if all of the other accesses throughout the cemetery come into Area A, there could be just as many gravesite opportunities without the access road through it. He said that the goal is to maximize the number of graves in the cemetery, while considering costs, impacts of maintenance and stormwater issues. Mr. Sheffield said that it raises the question that, if the perimeter road is brought to the edge of the green, would there be gravesites on the other side of the road. He asked if the gravesites are currently within the interior of the perimeter roads. Mr. Forestay said that they are not. He said that along Radcliffe Road, Brook Street and a little corner on Swarthmore Road, there are graves outside of the perimeter roads. He said that they do not have to build a road. He said that they would not have to plow that road, worry about drainage, a catch basin, or working with the DEP about infiltration. He said that he did not think the private property and cemetery uses should mix that closely. He said that, by having gravesites outside of the existing road, and not adding a new access road along the crest of the property, they can still retain the same number of gravesites but with reduced costs and reduced impacts. Mr. Adams said that there would still be a need to re-grade that area because it is not flat enough to accommodate the plots. Mr. Forestay said that the Stormwater Report was written at a macro level. He said that the directions that they talk about are north and east. He said that the residences and the brook are at a low point. He said that the swale can only protect downhill a little bit. He said that it cannot wrap around to where the residential properties are. He said that there is a good chance that water will go through the backyards to get to the brook.

Sam Siccio, Construction Consultant for Woodlawn Cemetery, said that he is very familiar with the operations of the cemetery. He said that there is a fairly steep slope there now that levels out at the top. He said that the intention is to re-grade and have a more gentle slope. He said that one of things considered when developing gravesites is that you do not just dig a hole to put a casket in. He said that you have to put a concrete vault in. He said that they have to have access for equipment and trucks to get to the gravesite. He said that the road is also for visitors. He said that a lot of elderly people visit the cemetery. He said that it is not in their best interest to expect people to walk far to get to the gravesites. He said that the road is outside of the 20 foot buffer. He said that the buffer is currently heavily treed. He said that the intention was to take out some of the underbrush. He said that if they add to the trees, it will be a good buffer. He said that on the other side, the houses do not have a buffer. He said that the cemetery is being asked to provide a 20 foot buffer, which they are willing to do. He said that they are willing to enhance it if they have to.

Mr. Adams asked if the installation of concrete chambers is new to the cemetery. Mr. Siccio said that in the oldest parts of the cemetery, some of the graves are almost at 45 degree angles. He said that previously a grave was dug and the casket was put in. He said that, currently due to cemetery requirements, there has to be a concrete vault. He said that cemetery personnel have to have access for maintenance and general care of the cemetery as well. He said that their first thought was to not have the road but access would be difficult on the side of the hill.

Mr. Sheffield said that there are some gravesites outside of the perimeter roads. He asked if gravesites could be outside of the proposed perimeter road. Mr. Siccio said that they sited the road in its present location because it flattens out at the end. He said that if they put a road through the middle on the side of a slope, they would run into another situation. Mr. Adams asked if Mr. Siccio was suggesting that if they pulled the road back halfway, it would be a steep road the whole way, where here there is a relatively steep part of it that flattens out. Mr. Siccio said that the land is not too steep at the left side but becomes

steeper at the high point. He said that, looking at the existing contours, there is a slight level area right next to the existing road, a steep bank and a flat area at the top. He said that an alternative was to not cut the steep slope and access on the left hand side and develop to the right. He said that they would still need access. He said that he spoke with the Cemetery Supervisor earlier today and they would have no problem adding trees to the areas around the development. He said that they are willing to do tree replacements.

Mr. Levy asked about the number of potential gravesites. Mr. Rolph said that they have estimated 2,500 new graves. He said that will probably give the cemetery 25 to 30 more years. He said that it is hard to project. He said that they inter about 80 people per year. He said that you never know how many will be existing owners.

Mr. Adams asked if Woodlawn Cemetery embraces natural burial. He said that there must be laws in Massachusetts about natural burial where you do not end up in a concrete container. Mr. Rolph said that they have not done natural burials. He said that they did have a request but because of the cemetery being so old, it would be very difficult to do that. Mr. Rolph said that he did not think that the bylaws in Massachusetts regarding cemeteries discuss natural burials. Mr. Adams said that he heard that there are some cemeteries that are allowing that now in Massachusetts.

Mr. Levy asked if this will max out the site. Mr. Rolph said that this will be it. He said that the cemetery has been there since 1880. He said that there are some very old sections. He said that you can see a difference in the placement of graves between the old and the new sections.

Mr. Levy asked if there are any existing permits for the cemetery. Mr. Himmelberger said there are not. He said that the last time that land was acquired was 1967. He said that the use of the land as a cemetery is permitted by Town Meeting.

Mr. Siccio discussed history of the cemetery and clearing of land for new gravesites.

Mr. Sheffield asked if it is worth revisiting the enhancement of the buffer between Brook Street and the access road, the properties on Swarthmore and the access road, increasing the buffer so that there can be more vegetation and more separation between the cemetery function and the perimeter, and gravesites on the other side of the access road. Mr. Rolph said that they can take a look at that. Mr. Sheffield said that there could be more buffer where the gravesites are. Mr. Himmelberger said that if the road moved and the gravesites were on the other side, the practice is to remove the trees so that you can put graves in. He said that the issue of the buffer is one of distance. Mr. Sheffield said that it is also replanting, occasional cars parked and runoff from the pavement. He said that enhancing the buffer is certainly worth looking at.

Leo Troy, 54 Radcliffe Road, asked if the project will result in enlargement of the maintenance area. Mr. Rolph said that there will be no change to it. Mr. Troy asked if cemetery operations will increase. He said that the cemetery is a big bowl that faces Radcliffe Road. Mr. Rolph said that it will be the same operations and the same number of burials every year. Mr. Troy said that operations during the summer are fairly intolerable. He said that you cannot function in a home on the eastern side of Radcliffe Road because of the perpetual care that goes on well into the evening. He said that it is impossible to sit on

your deck to talk with someone because operations go on in the cemetery up to 7 or 8 pm. He said that it would not make sense to increase the operations since they are already intolerable in the summer.

Mr. Troy asked about the temporary road. Mr. Adams said that it is planned south of the permanent road. He said that it is shown on the plan. He said that they are proposing a temporary road so that they can still function as a cemetery during the time that they are doing the work. He said that the temporary road will be removed and restored to its original condition after the construction is done.

Mr. Levy said that it might make sense for the Proprietors of Woodlawn Cemetery to get together with the neighbors to explain the plans and discuss possible alternatives.

Jacqueline Segall, 37 Swarthmore Road, invited the Board members to come to Swarthmore Road to look at the backyards. She said that they are quite lovely. She said that one of the reasons that she moved to Swarthmore Road was the cul de sac and the green space in her backyard. She said that it makes her sad that there will be a road literally added to her backyard. She said that she will see cars and people frequently. She said that we are in a world of negotiation and there are other ways that this can be looked at. She said that she understands that people have to be able to get to the gravesites. She said that she thinks that they need to look more closely at preserving the buffer area.

Mr. Sheffield said that the public hearing will be continued. Mr. Adams said that the Board is hopeful that the operators of the cemetery will revisit the design, and he was further hopeful that a meeting be held with interested parties once the cemetery officials have revisited their design and consider the plusses and minuses of the proposed changes. He said that Mr. Himmelberger pointed out that if they change the design to make it possible to put gravesites on the property line side of the road, they will probably have to cut down some of the vegetation that is there. He said that there are things that everyone can weigh and work together. He said that the cemetery does have certain rights to develop its property. He said that the 20 foot buffer did not exist 25 to 40 years ago. He said that it does exist now because of the Zoning Bylaw. He said that the process here is to provide an avenue for the owners of the property to plead their cases as to why they are providing this solution that will be compliant to their needs and for the neighbors to have an opportunity to think this out and provide a different perspective.

Mr. Levy said that this is a Site Plan Approval process. He said that the Board is governed by certain criteria in the bylaw upon which its decision will be based.

Mr. Sheffield said that the Planning Board commented that the Tree Preservation Bylaw does not apply to this project because it does not include demolition or construction of structures. He said that the owners of the cemetery, trying to be good neighbors, are protecting trees and providing a buffer. Mr. Levy said that it is a pretty passive use, notwithstanding the maintenance. Mr. Adams said that if they are creating new plots, they are likely to be running lawn mowers and doing maintenance work to plots in areas that were previously left more or less wild.

The Board discussed continuing the public hearing. Mr. Levy moved and Mr. Adams seconded the motion to continue the hearing to March 23, 2017. The Board unanimously to continue the hearing.

Respectfully submitted,

Lenore R. Mahoney
Executive Secretary

DRAFT