



**ZONING BOARD OF APPEALS**

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ROBERT W. LEVY  
WALTER B. ADAMS  
DEREK B. REDGATE

Thursday, September 7, 2017, 7:30 pm

Juliani Meeting Room  
Town Hall

Zoning Board of Appeals Members Present:

J. Randolph Becker, Acting Chairman  
Robert W. Levy  
Walter B. Adams

Richard L. Seegel, Chairman  
David G. Sheffield  
Derek B. Redgate

PUBLIC MEETING

ZBA 2017-69, DANA HALL SCHOOL, 45 DANA ROAD

Mr. Becker said that the petition for Site Plan Approval came before the Board on August 10, 2017. He said that the Board discussed conditions at that time but they were not written down.

The Board discussed minor edits to the draft decision.

Mr. Levy moved and Mr. Adams seconded the motion grant Site Plan Approval. The Board voted unanimously to grant site plan approval.

PUBLIC HEARING

ZBA 2017-66, ROBERT SARAFIAN, TRUSTEE, 6 CLIFFORD STREET

Mr. Seegel said that the petition will be continued to October 5, 2017. Mr. Seegel moved and Mr. Sheffield seconded the motion to continue the petition to October 5, 2017. The Board voted unanimously to continue the petition.

ZBA 2017-79, BEVERLY ST. CLAIR, 11 GILSON ROAD

Presenting the case at the hearing was Beverly St. Clair, who said that the request was for renewal of a special permit for her home office that she has used for the past 28 years. Mr. Seegel asked if there have been any changes. Dr. St. Clair said that she has cut back her hours a bit. She said that she is slowly scaling down her practice.

Dr. St. Clair said that she emailed her neighbors about a month ago asking if anyone had any questions or concerns. She said that she got one response saying that everything was fine. She said that she is in touch with her neighbors.

Mr. Seegel asked if the conditions will remain the same. Dr. St. Clair said that they will.

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

Mr. Seegel said that the special permit will be renewed for three years instead of two years.

Mr. Sheffield moved and Mr. Redgate seconded the motion to grant renewal of the special permit, subject to the same conditions that are in effect, except that the expiration date in Condition #4 shall be increased to three years. The Board voted unanimously to grant renewal of the special permit.

#### ZBA 2017-78, NORTHLAND RESIDENTIAL ADVISORY GROUP, LLC, 11 HOMESTEAD ROAD

Presenting the case at the hearing were David Himmelberger, Esq., Peter Crabtree, VP of Acquisitions & Development, Northland Residential Corporation, and Alan Aukeman, Landscape Architect.

Mr. Himmelberger said that the request is for a special permit to raze and construct a two-story single family dwelling that will be fully compliant with all Zoning dimensional requirements. He said that a special permit is required because, although the lot is oversized 19,318 square feet in a 10,000 square foot district, the lot has a pre-existing nonconforming frontage of 40 feet.

Mr. Himmelberger said that the proposed home will be traditional shingle style that was designed by local Architect, Jan Gleysteen. He said that it will be compatible with the neighborhood. He said that the proposed house will have a side facing garage that will be located 42.3 feet from the side property line. He said that the house will be set back 121 feet from Homestead Road. He said that the height from average grade will be approximately 34 feet, lot coverage will increase from 7.1 to 12.9 percent, or 2,500 square feet, and existing Total Living Area plus Garage (TLAG) of 1,548 will increase to 5,147 square feet. He said that they used the new method to calculate TLAG, so 545 square feet of garage was included. He said that the proposed house will not be substantially more detrimental to the neighborhood because it is an appropriate size for the lot. He said that the Planning Board, while recommending approval, noted that if this house was not being built on a nonconforming lot, it would go for Large House Review (LHR). He said that the Planning Board recommended that the ZBA apply LHR criteria in its consideration, particular in regard to screening. He said that this house is an interior lot. He said that the neighbors at 7 Cottage Street, 8 Leighton Road and 15 Homestead Road have worked with the Developer. He said that a robust planting plan has been created and those neighbors are satisfied with it. He said that significant screening has been proposed and is part of the plan. He said that the plan will be compliant with the Tree Preservation Bylaw.

Mr. Seegel asked what trees will be removed. Mr. Aukeman said that a tree at the back corner of the lot will be removed. He said that there is a cluster of trees growing together, one of which is a Norway maple, which is an invasive species. He said that its roots are girdling the native trees. He said that they will preserve the cluster by taking away the Norway. He said that at the back of the lot along the Washington Street abutters, there is a red oak that angles back into the lot to the footprint of the proposed house. He said that on the Homestead facing property line, there is a failing Norway Spruce that has a canker condition that is causing a lot of needle drop. He said that it is very bare and in decline. He said that those are the three trees that will be removed. Mr. Seegel said that on the plot plan it looks like three trees will be removed from the driveway area. Mr. Crabtree said that they are crabapple trees. Mr. Aukeman said that there is a clump of lilacs. Mr. Seegel confirmed that an arborist looked at the trees. He confirmed that all of the trees on the north, northeast side will remain. Mr. Crabtree said that there is a 15 foot Dogwood that they will dig up and move out toward Homestead Road. Mr. Aukeman displayed a planting plan. He said that there will be additional plantings where the Dogwood will be

relocated to at the mouth of the driveway. He said that the existing lilacs are in decline. He said that with the curvature of the driveway and the plantings, they will screen the house from Homestead Road and make the approach interesting. He said that there is an existing hedge along the driveway that has some bare spots. He said that there will be additional planting on either side of the driveway. He said that there will be a low landscape wall along the front of the house. He said that they will retain the major trees at the back.

Mr. Seegel said that this will be a large house. He asked about percentage of open space. Mr. Himmelberger said that lot coverage will be 12.9 percent or 2,500 square feet. He said that there will be 16,818 square feet of open space. Mr. Seegel asked if the large patio was included in the calculation. Mr. Himmelberger said that, under Zoning patios are not included. He said that even if it was included, there would still be a lot of open space.

Mr. Redgate asked about the width of the driveway. Mr. Aukeman said that there is typically a 12 foot wide travel lane with some six foot widening to park a car.

Mr. Redgate said that the property is located in a 10,000 square foot Single Residence District. He said that this lot is close to 20,000 square feet. He asked if the house would be subject to LHR if the lot was conforming. Mr. Himmelberger said that it would not because the threshold is 5,900 in a 20,000 square foot district. He said that it would be subject to LHR if it was located in a 15,000 square foot district.

Mr. Redgate asked if the Planning Board had seen the revised plans. Mr. Himmelberger said that the Planning Board did not have the planting plan because it was not part of the required submittal. He said that it was done to augment what was submitted. Mr. Redgate said that this seems to be a well developed project. He said that the Planning Board recommended that ZBA look at it with the same criteria as for LHR. He asked if the Applicant would be opposed to providing ZBA with additional information such as an official planting plan that meets the requirements of LHR. Mr. Himmelberger said that the Applicant is willing to provide that. Mr. Redgate asked for a LHR level drainage plan as well.

Mr. Seegel said that the Planning Board was concerned about amount of fill that has to be brought in to level the terrain. Mr. Himmelberger said that the existing raised deck house was built in 1963, the lowest level on the Washington Street side. He said that the Planning Board may have looked at that and thought that it would have to be filled in. He said that it will fill when they dig the foundation for the new house. He said that no additional fill will be brought in. Mr. Aukeman said that the site comes close to balancing. He said that the way that the house is perched there is a half walk out. He said that side was scooped out and the fill was mounded at the end of the house where there is an at grade patio. He said that on Drawing C-3, shows the footprint of the existing and the proposed house. He said that as they excavate for the new house they will reverse a pattern that has happened on this site with the fill.

Mr. Seegel asked about outside lighting. Mr. Aukeman said that the plan is to have sconce wall mounted lighting at the entrances. He said that there is a mud room entrance and the garage doors that will be flanked by two sconces. He said that the front door will be set back under a porch. He said that there will be a ceiling mounted fixture under the porch roof. He said that there will be two steps to the front door where they will have down lights. He said that at the rear of the house is a family room and living room. He said that there will be two sconce lights flanking the living room door. Mr. Seegel confirmed that there will be no patio lighting. He confirmed that there will be no light spilling over to other lots or on the driveway. Mr. Russ said that the fixtures will be dark sky compliant. Mr. Redgate asked if there will be any lighting along the driveway. Mr. Aukeman said that there will not.

Mr. Crabtree said that they have an engineered drainage plan that was designed by VHB. He said that two drywells will capture all of the roof and from the high point of the driveway down. He said that the system was designed for a 25 year storm. He said that at peak calculations, any overflow to abutting properties would be negligible, or .01 cfs in a 10 year storm.

Lisa Abeles, 11 Cottage Street, said that she is an abutter to the abutter. She said that she is also an architect. She said that it is important to look at the architecture as well as the site. Mr. Seegel said that ZBA does not have control over architecture. He said that the Board looks at how the project will or will not conform to zoning.

Ms. Abeles said that the house is being described as a two-story structure and she would argue that it is a three-story. Mr. Seegel said that the house will not exceed the height limit. Ms. Abeles said that the Zoning Bylaw states that the proposed structure shall not be substantially more detrimental than the existing nonconforming structure. She said that the Board would have a hard time convincing the neighbors who are present at the hearing that this will not be substantially more detrimental to the neighborhood. She said that other neighbors were not able to attend the hearing because they have young children.

Mr. Seegel asked Ms. Abeles if she can see the current structure on the lot from her home. Ms. Abeles said that she can.

Ms. Abeles said that the third floor dormer at the back of the house is not a dormer. She said that it will be 34 feet long. She said that her house is 25 feet wide. She displayed a picture of a house on Denton Road that has a dormer. She said that the plan is good but it is too massive. She said that the existing house is a one and a half story structure with a full walk out at the back. She questioned how the height was calculated. She said that the dormer at 34 feet long does not constitute a dormer. She said that it constitutes a third story. She said that if that dormer was removed or made into two smaller dormers it would be far less imposing. She said that the length of the house is 72 feet. She said that her house is 50 feet long. She said that this will be half again as long. She said that the neighbors are concerned about the size of the structure. She said that the third story makes it massive. She said that the drawings of the third floor did not show the dormer from the street elevations. She said that the dormer was left off of the drawings that were shown to the neighbors.

Ms. Abeles said that the Developers choose to put up three gambrel houses in a row. She said that a lot of people in the neighborhood have a problem with that because it feels like a development. She said that part of the character of the neighborhood is that the houses are all different. Mr. Seegel said that the character of the neighborhoods is changing all over town. He said that houses are being torn down and much larger houses are being built. He said that until the Planning Board and Town Meeting change the Zoning Bylaw, ZBA has not control over it. He said that the existing and proposed houses are not nonconforming. He said that this matter is before the Board because the lot is nonconforming with 40 feet of frontage.

Ms. Abeles said that the neighbors believe that the proposed house will be detrimental, and part of that is due to its size. She said that it will be yet one more gambrel on that block and that is also a part of what makes it more detrimental. She said that there is a lot of character in the neighborhood. She said that there have not been a lot of teardowns.

Karen Breedis 24 Appleby Road, said that her road is exactly perpendicular to this. She said that exit out of their street looks directly at what will be developed here. She said that she was concerned with the style of the home. Mr. Seegel said that if the lot was conforming, this house could be built as a matter of right. He said that there are a lot of smaller houses in the neighborhood. He said that they are building larger homes on Washington Street. He said that this is happening all over town. He said that this house will be pretty much hidden from Homestead Road. He said that it will have a lot of landscaping. He said that he understands that the neighbors believe that this will be substantially more detrimental. He said that ZBA cannot design houses. He said that the house will meet all of the setback regulations. He said that determining whether is house will be substantially more detrimental is subjective. He said that if the Board grants a special permit, the only remedy for the neighbors is to appeal it to the Land or Superior Court within 20 days of when the decision is filed with the Town Clerk.

Eve Zimmerman, 7 Homestead Road, said that she teaches at Wellesley College. She said that she understands that the town is changing. She said that this is a tall house and will dominate the houses around it. She said that she met with the Architect was told that Wellesley is a town where only people who can afford 4,000 square foot houses can live. She said that her house is 2,200 square feet. She said that it is a 1925 shingle style cottage. She said that it would be hard to live in the existing structure as it is now. She asked the Developer and the ZBA for a reasonably sized house. She said that there are houses of different sizes in the neighborhood. She said that Northland is adding six huge houses and that has tipped the balance in the neighborhood. She said that for something that is reasonable in scale. She said that she just saw the planting plan for the first time. She said that she would like to work with landscape architect about the history of the hedge line and what seems reasonable to do. She asked that the scale be brought down a bit. Mr. Seegel asked that the landscape architect meet with Ms. Zimmerman. Mr. Crabtree said that he and the landscape architect did meet with Ms. Zimmerman and discussed the hedge. He said that Ms. Zimmerman told them that she had planted a portion of the hedge with her husband. He said that they told her that Northland will maintain it. He said that the hedge is mainly forsythia. He said that where there are weak bushes they will plant new or supplement them.

Mr. Sheffield said that the dormer is not shown on the proposed left and right side elevations. Mr. Russ said that was an omission on the plans. He displayed plans that show the dormer. Mr. Seegel said that the Board approves plans that were submitted. He said that if it is not shown on the plan, it cannot be built. He said that the Board can continue this if the Applicant wants to submit further plans. Mr. Himmelberger said that if there is a disconnect in the plans, the Applicant would seek to continue the hearing.

Mr. Sheffield said that the Applicant may want to revisit the scale of the dormer. He said that it is questionable whether the dormer needs to be continuous or not. He said that the bedrooms get to be quite sizeable. He said that there is an opportunity to adjust the scale.

Rose Danner, 8 Homestead Road, said that her house looks directly at the existing house. She said that she looks at a nice narrow gravel driveway with what looks like a deck house. She said that the proposed house is not appropriate and changes the value of the neighborhood. She asked that the Board do whatever it can to help the neighbors. She said that she did not hear than any trees will be planted. She said that this will be a leviathan in the neighborhood and is not appropriate in any way, shape or form. She said that it will be more than two times as big as the house next door. Mr. Seegel said that redesigning the dormer at the rear of the house will not affect the neighbors on the other side. He asked how removing the dormer on the rear will affect the view from Homestead Road. Ms. Danner said that said that it will not affect the view from Homestead Road. She said that it is a huge house and will not look right in this neighborhood. Mr. Seegel said that the Board cannot do a great deal to reduce the size of the footprint of the house. He said that the Board will ask the Applicant to submit a landscaping plan that lists all of the species of proposed plantings. He suggested that the Developer meet with the neighbors before submitting the planting plan.

Peter Solomon, 17 Leighton Road, said that the question is whether the proposed structure will be substantially more detrimental to the neighborhood. He said that the mass will increase by 232 percent. He said that the sight lines from Homestead Road will see the dormer. He said that the lot size may accommodate a building of this size but the scale of the proposed structure is not in keeping with the neighborhood. He said that with respect to tree preservation, he encouraged that perimeter fences be greater than eight feet across to protect the roots, that trucks do not drive over the roots and that there be nothing stored on top of them. He said that the Developer's project on Washington Street had diminished planting heights. He asked that the plantings here have more elevation to them. He said that a case came before the Board in 2010 where the Board commented on unprecedented mass and the structure being uncharacteristic for the neighborhood. He said that the failure to include the dormer view from street does a disservice to residents may have taken the time to look at the plans and not appreciated the scale of what is being proposed because it does not accurately represent it and it is not proper process.

Mr. Seegel discussed continuing the petition to November 2, 2017. He said that the Board wants to give the Applicant time to look at the plans, meet with neighbors and consider elements that they object to. He said that it is a very large house for neighborhood. He said that he did not know what the market need is for six bedroom homes in Wellesley at this point. He said that the Applicant should look at the scale of the house, and submit a landscape plan and a drainage plan. Mr. Redgate said that it is a problem in town where a nonconforming lot avoids LHR. The Board discussed the criteria for LHR. He said that it is particularly important in view of how the neighborhood feels about the house. He said that they are the ones who are affected by it. Mr. Himmelberger said that he did not want it lost in the Board's consideration that three immediate abutters at 7 Cottage Street, 8 Leighton Road and 15 Homestead Road have no issue with the project. He said that he did not think that it is fair to ignore the fact that 7 Cottage Street that abuts this has a TLAG of 5,348 square feet, which is larger than this house. He said that, as proposed, it will not be the largest house in the neighborhood. He said that it will be larger than many. He said that what previously existed on the lot was a grand three story mansion that had been constructed in the late 1880's. He said that echoes the Board's point that neighborhoods do change.

Mr. Seegel said that he would like to see the Developer look more closely at the elevations that people will have to look at from all sides. He said that the side facing Homestead Road is the smallest and you will not be able to see it once the landscaping is built. He said that the mass of the house is large.

Mr. Himmelberger said that they will be moving the dog wood to the end of the driveway. Mr. Seegel said that the Applicant needs to get color driven landscape plans to the Board and the neighbors. Mr. Himmelberger said that his client did reach out to the abutters.

Mr. Sheffield moved Mr. Redgate seconded the motion to continue the hearing to November 2, 2017. The Board voted unanimously to continue the hearing.

#### ZBA 2017-77, JOSEPH & MARY GANLEY, 7 HARDY ROAD

Presenting the case at the hearing were Joe Ganley, the Petitioner, and Kip Schultz, Contractor.

Mr. Ganley said that they are a family of four who live in a house that is less than a thousand square feet. He said that they have lived in Wellesley since 2009. He said that they purchased their home in 2011. He said that it is a 1926 craftsman bungalow. He said that they have endeavored over the past five years to restore it to its original architectural integrity. He said that have removed the aluminum siding and replaced it with cedar shingles, clapboards and rake boards in an effort to restore the house to its original character. He said that they have two young children, ages seven and four, where 1,000 square feet is tight. He said that they are looking to add a 1,200 square foot two-story addition. He said that the existing structure is nonconforming on front and the right side. He said that they designed a two story on the back that is consistent with two other houses on the street. He said that both neighbors have added additions of approximately 1,110 to 1,200 square feet. He said that the addition will be a family room with a master bedroom and bath above with a finished basement below, for a total of 2,200 square feet for the house. He said that the proposed addition will be conforming. He said that it was offset on the back to meet the setbacks. He said that the request is for a special permit.

Mr. Seegel said that on the Basement Addition Plan, there appears to be no connection between the old and the new basements. Mr. Ganley said that there will be no connection other than for utilities. Mr. Schultz said that the existing basement is utility space that will never be a living space. Mr. Ganley said that it does not meet height requirements.

Mr. Sheffield said that the adjacent houses have similar additions. He said that this will be of similar scale to the adjacent properties.

Mr. Ganley said that he spoke with the neighbors on both sides and they are supportive of the addition.

Mr. Redgate asked about the nonconformities. Mr. Ganley said that the side yard and front yard setbacks are nonconforming. Mr. Redgate said that it is a long, thin lot.

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

Mr. Sheffield moved and Mr. Redgate seconded the motion to grant a special permit for the project, as submitted. Mr. Sheffield identified the nonconformities and made findings that the proposed addition will not result in any additional nonconformities or intensify existing nonconformities, and that the altered structure shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The Board voted unanimously to grant a special permit.

ZBA 2017-76, JACQUELINE HEMPEL & MATTHEW KLEKER, 49 WOODLAWN AVENUE

Presenting the case at the hearing Anu Shah, Cutting Edge Homes Inc., Jacqueline Hempel and Matthew Kleker, the Petitioner. Mr. Shah said that the request is for a special permit for the modification of a nonconforming structure that will consist of demolition of a portion of the existing rear of the house that includes a steep and dangerous stair, a kitchen, an awkward bedroom and bath upstairs, and demolition of a detached garage. He said that they will replace it with a more functional kitchen, safe stairs, a master bedroom and bath, a mudroom and an attached garage.

Mr. Shah said that there are three existing nonconformities. He said that the left side yard setback is 19.5 feet, the right yard setback on the garage is 12.4 feet, and the highest ridge line is above the maximum at 37.6 feet. He said that the proposed additions will not result in any additional nonconformities. He said that the 19.5 foot left side yard setback will remain as is, the right side yard setback for the garage will be improved to a conforming 20 feet, the rear yard setback will increase from 64.4 to 76.8 feet, and the highest ridge of the addition will be 26.5 feet. He said that the proposed alterations will not intensify the existing nonconformities.

Mr. Seegel said that he has driven by the house at least twice a day for the past 50 years. He said that it is a lovely home and he has no problems with what they are proposing to do.

Mr. Shah said that the homeowners spoke with the neighbors and have six letters of support.

Mr. Sheffield identified that nonconformities. He confirmed that the air conditioning units are not in the setback area.

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

Mr. Seegel read the Planning Board recommendation.

Mr. Redgate moved and Mr. Sheffield seconded the motion to grant a special permit. Mr. Redgate identified the existing nonconformities and made the findings that the proposed addition will not result in any additional nonconformities or intensify existing nonconformities, and that the altered structure shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The Board voted unanimously to grant a special permit.

ZBA 2017-75, JACOB LILLEY & REBECCA PAGLIA, 44 HUNDREDS CIRCLE

Presenting the case at the hearing was Jacob Lilley, the Petitioner. He said that it is a 100 year old house that he has lived in for a couple of years. He said that the rooms are compartmentalized. He said that they would like to add a family room for a more open concept type of living. He said that the addition will be a single story,

cathedral space that takes its cues from the existing house and will be conforming to Zoning requirements. He said that the pre-existing ridge height is nonconforming.

Mr. Seegel asked if this project had gone before the Wetlands Protection Committee (WPC). Mr. Lilley said that the Order of Conditions was filed at the Registry of Deeds. Mr. Seegel asked that a copy of the Order of Conditions be submitted for the file.

Mr. Sheffield moved and Mr. Redgate seconded the motion to grant a special permit for the project, as presented. Mr. Sheffield identified the existing nonconformities and made findings that the proposed addition will not result in any additional nonconformities or intensify existing nonconformities, and that the altered structure shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The Board voted unanimously to grant a special permit.

#### ZBA 2017-74, SUN LIFE ASSURANCE OF CANADA, 96-120 WORCESTER STREET

Mr. Seegel said that there are a number of parking spaces that abut the interior amenity area. He said that it appears on the plans that a lot of those parking spaces are disappearing.

Presenting the case at the hearing were Tom Haven, Senior Facilities Manager, Sun Life, James Heroux, Landscape Architect, and Howard Moser, Civil Engineer, VHB.

Mr. Heroux said that they will not be losing any parking spaces. He said that there is parking on two sides of a square that will remain where they are. He said that existing access points into the amenities space from Buildings 1 and 3 will remain in the same location. He said that they will be moving access from Building 4 to the southeast and they will add a crossing across driveway from Building 2 into the amenities space. He said that the Visitor and Handicapped spaces will not move. He said that they will not touch the curb at all except for an access ramp where there there is no parking.

Mr. Heroux said that the purpose for the amenities space is to give the campus a core for lunches, break out space, and eventually third party lessors. He said that there will be no cooking. He said that it will just be passive use. He said that there will be a central lawn. He said that there may be an occasional corporate event during the day. He said that it is for the benefit of the people who are there during working hours.

Mr. Sheffield discussed the general circulation plan. He said that he was interested in knowing more about the origin and circulation from each building. He said that there is a walkway from the north-south between Building 2 and 3 that aims to the amenity space but the walkway does not continue to the amenity space. He asked if it should be extended. Mr. Heroux described the existing curb cuts and new crosswalks.

Mr. Sheffield said that there is a low wall. Mr. Heroux said that there is a little bit of a grade change in the space but they will be creating a generally level space. He said that the grade will allow permeability of rain to the pavement into the subsurface drain system. He said that there is approximately 4,350 square feet of pavement, of which 3,700 square feet is completely permeable. He said that approximately 650 square feet will be concrete walk that will be a little bit less than what is there now. He said that there will be a pergola at the end of the space to provide ceiling cover and shade. He said that it will be 20 feet wide by 48 feet long by 14 feet high. He said that it will be illuminated but only 6 of the 12 lights will be on all evening to illuminate the path through the space. He said that the other lights will be shut off at the end of business at 10 pm or so. He said that the only lights that are on for 24 hours are the existing parking lot lights that will not be changed or added to. He said that the nine bollard lights will be on for 24 hours because they provide a safe path of travel through the space. He said that the six pergola lights take the place of the bollards along the edge of the space.

Mr. Heroux said that all of the existing trees at the edge of the parking lot will be preserved. He said that they will be adding one where one is missing. He said that there are some small crabapples in the core of the space that they will remove and replace with other small flowering trees, one to one.

Mr. Sheffield said that the staff will probably enjoy the new space. He said that it will help to generate a greater sense of community for the various buildings.

Mr. Redgate asked if the Engineering Department reviewed a drainage report. Mr. Mosher said that they will be reducing the impervious area. He said that piping for potential overflow will be perforated for infiltration. He said that there will be a net benefit from this project. Mr. Seegel said that there was a huge original Site Plan Approval for this property where drainage was reviewed.

Mr. Sheffield confirmed that this project went before the Design Review Board and received a unanimous recommendation for approval. He said that the Planning recommends approval.

Mr. Redgate asked that the submittal section of the application be revised to reflect what was actually submitted.

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

Mr. Sheffield moved and Mr. Redgate seconded the motion to grant Site Plan Approval, subject to standard conditions and the condition that a revised application be submitted that accurately reflects what has been submitted. The Board voted unanimously to grant Site Plan Approval.

Mr. Seegel said that the Board will hold a business meeting to approve conditions on a date to be determined.

ZBA 2017-68, IC 16 MICA RE LLC, 16 MICA LANE

Presenting the case at the hearing were David Himmelberger, Esq., Randy Goldberg, Principal, IC 16 Mica RE LLC, Mike Waters, Architect, LDA, Dan Mulloy, Project Engineer, and Bill Madden, Landscape Architect.

Mr. Himmelberger said that the request is for Site Plan Approval and a special permit. He said that the special permit request is the result of existing conditions. He said that presently 16 Mica Lane is a two story masonry building that was built in 1955 and contains a 13,446 square foot two story rear section and a 4,722 square foot one story at the front. He said that it is located in an Industrial District. He said that the proposed project involves razing the front one story section and reconstruct it as a third story over the existing two story structure. He said that it will have the exact same footprint. He said that when it is completed it will have the same square footage and will continue to be used as office space. He said that the roof height will increase from 28 to 43 feet, which is less than the permissible height of 45 feet. He said that by relocating the front portion to the new third floor, the site will have dimensionally compliant on site parking for 25 vehicles with increased open space of 1,213 square feet. He said that the building currently has a pre-existing nonconforming status due to its Floor Area Ratio (FAR), off-street parking requirements, and has a front setback of 26.1 where 30 feet is required. He said that the new front setback will be 128 feet. He said that the current permissible FAR for Industrial Districts is .30. He said that the property has a pre-existing nonconforming FAR of 1.001 and that will remain unchanged. He said that because the property was included in the Industrial District in 1982, and will have no additional space or change of use, it is exempt from the requirements of the off-street parking bylaw. He said that there will be significant improvements. He said that currently there are no striped parking spaces. He said that the proposed parking will provide 25 fully compliant parking spaces and landscaping. He said that it will be a significant improvement to the existing conditions. He said that the property is currently 100 percent impervious. He said that the proposed landscaping will improve drainage and stormwater runoff. He said that, based on the foregoing, they believe that the proposed project shall not be substantially more detrimental to the neighborhood than the existing nonconformities.

Mr. Himmelberger said that the project is coming before the Board for Site Plan Approval because it is a major construction project, as deemed by the Building Inspector, Michael Grant. He said that the reason that it is considered to be a major construction project is because the project will disturb more than 5,000 square feet of land.

Mr. Himmelberger said that the property is located in close proximity to the Charles River. He said that the project was approved by the Wetlands Protection Committee, who issued an Order of Conditions. He said that the project was reviewed by the Design Review Board (DRB) and was approved. He said that they worked extensively with the Engineering Department at the Department of Public Works (DPW). He said that George Saraceno sent an email to the Zoning Board stating that Engineering is satisfied that its concerns have been addressed. He said that the Planning Board recommended approval and made note of the parking improvements.

Mr. Seegel said that the Board Members had not seen the Order of Conditions. Mr. Himmelberger said that it was recorded at the Registry of Deeds. Mr. Seegel asked that a copy of the Order of Conditions be submitted.

Mr. Goldberg displayed a Powerpoint presentation. He said that all of the plans have been submitted to the Board. He said that moving the front portion of the building will improve circulation on the site. He said that Mica Lane is narrow and moving the building will open up the area.

Mr. Sheffield asked if there will be multiple or a single tenant. Mr. Goldberg said that the property was previously occupied by the Shelley Plastics Company for several years. He said that the intention is to operate permitted uses with multiple tenants, likely one tenant per floor with a two tenant per floor maximum.

Mr. Goldberg said that the building has been untouched since 1950's. He said that there has been a series of smaller additions but basically it is a masonry building with block walls and limited windows.

Mr. Goldberg said that the new parking area will have screening at the end of the parking lot and drainage swales in the islands. He said that there will be parking spaces and pedestrian walkways throughout. He said that there will be a dedicated one-way entry that wraps around the island. He said that the series of walkways will be treated with pavers up against the building and along the side of the building. He said that there is an unimproved service area between the two buildings where they will resurface the area.

Mr. Goldberg said that the intention was to create verticality for the site. He said that the Landscape Architect came up with the idea to install vertical totems that will be used to mount the light poles to illuminate the parking lot. He said that the thought was that it would give the property some personality and depth. He said that they will use different materials so that it is not a sea of asphalt.

Mr. Goldberg said that the concept was to take advantage of an existing industrial building, keep it somewhat consistent with the area, open it up and make it marketable for area tenants. He said that they develop a lot of office space in the area and found that a lot of the tenants like to see wide open space, tall ceilings and windows. Mr. Sheffield asked about casement windows and doors on the first floor. He asked if it will be a single entrance door. Mr. Goldberg said that a main entry door will lead into a common corridor. He said that there will be two additional entry doors in case the space is split in the future. He said that the rest are storefront windows that span 12 feet tall. He said that the second floor is all glass and the third floor will have a 10 foot deep outdoor deck with views of the Charles River. Mr. Sheffield said that the elevations show the entrance door that leads to elevator is shown one way and the other doors are shown slightly differently. He said that they are shown the same on the second floor. Mr. Waters said that those doors are not operable. He said that the openings on the second floor that look similar to the doors on the first floor are fixed doors and are more of a decorative element. He said that there are no hinges.

Mr. Goldberg said that the existing windows on the north elevation of the building will remain and the third floor will have 10 foot tall windows in a repeated pattern. He said that there will be windows for tenants on the west elevation with glass on the third floor. He said that the blank space on the third floor will house the second means of egress out of the back of the building. He said that the south elevation will face 14 Mica Lane. He said that the all of the setbacks on the third floor will be compliant. He said that they will be installing a metal grid system between the existing windows and a fiber cement panel between the windows on the top floor.

Mr. Goldberg said that they will be adding HVAC equipment on the roof. He said that you will not see the equipment from the ground. Mr. Seegel asked about the view from Waterstone. Mr. Goldberg said that the Waterstone site is up gradient from this site. –

Mr. Seegel asked about the width of the aisles in the parking lot. Mr. Mulloy said that the aisle is 15 feet with an 18 foot entrance of off Mica Lane. He said that it will comply with the Zoning Bylaw.

Mr. Sheffield said that circulation on the lot will be clockwise. He said that if there is a drop off and a pick up at the building, the passenger will be on the opposite side of the car from the entrance door. Mr. Goldberg said that the existing structure in the interior of the building only allows them to cut a central core on the left side of the building. Mr. Sheffield asked about moving the lobby to the other side of the entrance hall. Mr. Goldberg said that to make the building efficient and to flow, the stairwells and the lobby have to connect at the same point. He said that when you approach the site, it is typical to go in the first drive, which is one way. Mr. Sheffield said that there is no port cochere or canopy on the building for drop off or pick up area.

Mr. Seegel said that he had concerns about the traffic study. He said that the numbers were inappropriate for Washington Street and Mica Lane. He said that the intersection history listed crashes for a million vehicles, which is not typical. He said that the Town's should review this study. Mr. Goldberg agreed to pay for a peer review of the traffic study. Mr. Seegel said that it appears that the traffic engineer looked at data from the Massachusetts Department of Transportation rather than data from Wellesley Police Department. He said that he was concerned because they will be adding a number of people and cars to this end of Mica Lane. He said that there is a 5 to 6 pm rush to and from Mica Lane from people who want to access the restaurants.

Mr. Himmelberger said that the more telling number is the number of crashes at two. He said that there will be no increased square footage, so there is only modest trip generation anticipated above the historical use. He said that it should be approximately 12 trips or less during peak hours.

Mr. Seegel said that he also disagreed with the traffic engineer's stopping sight distance analysis. He said that it is a very difficult location where you frequently cannot see pedestrians. Mr. Goldberg said that in its prior condition since the 1950's, the site has been used as office and industrial space. He said that the space has never been striped for vehicles. He said that on-site parking was limited to four to six vehicles in addition to many box trucks that access the site on a regular basis. He said that they will not increase the square footage and the site will now handle 25 spaces on site, which is a drastic improvement. Mr. Seegel agreed that it will be a drastic improvement. He said that because there are so many box trucks going in and out of there, he is not trusting the crash data and sight distance data in the traffic report. He said that he has lived in Wellesley for 52 years and it has been a horrible situation getting in and out of Mica Lane.

Mr. Redgate asked about ownership on Mica Lane. Mr. Himmelberger said that the way was preserved in the late 1800's. Mr. Sheffield asked if the property line goes to the center of Mica Lane. He said that it looks like it does on the plan. Mr. Goldberg said that it is just shy of the center point.

Mr. Redgate said that it is challenging that there is no sight distance. He questioned whether there was enough width for in and out at the same time. He said that there is public parking behind the building that circulates out through CVS's parking lot. He asked if there is opportunity to route people similarly. Mr. Goldberg said that the buildings on Mica Lane are connected and there is a 3.5 to 4 foot grade differential. Mr. Redgate asked

about directing the tenants to take a right and circulating down through the public parking and the CVS parking lot. Mr. Goldberg said that it is privately owned land with existing buildings on it. He said that what makes this opportunity really unique is that this will be a drastic improvement. He said that they will be opening up the sight line in front of the building. Mr. Seegel said that is not the sight line that concerns the Board. He said that the Board is concerned about the sight lines at Washington Street.

Mr. Redgate said that because this is a unique site, it does not need to be a cookie cutter traffic report. He said that it needs someone who understands the site. Mr. Himmelberger said that they will have a peer review. He said that they will not increase the footprint or square footage.

Mr. Himmelberger said that the original plan of land for the area that came to be known as Mica Lane is a 20 foot wide swath entitled, "passage reserved for use of abutters." He said the property abuts to the 20 foot and do not own into it. Mr. Sheffield said that Plan L100 showing a dashed line coming down the middle of Mica Lane is not a true representation of the property line. Mr. Goldberger said that it does go out to the center of Mica Lane. Mr. Seegel said that if Mica Lane is a private way, the property goes to the centerline of it. He said that it is owned to the centerline but you cannot build on any part of it. Mr. Mulloy said that the dashed line refers to a utility easement. He said that the plan does not show the other side of Mica Lane. He said that the parking lot has an easement in it.

Mr. Seegel asked about drainage in the parking lot. He asked how the structures are fitted out for oil and gas. Mr. Mulloy said that there is a rain garden in the center island with a stone trench. He said that the lot will slope toward the rain garden. Mr. Sheffield asked about curbing around the rain garden. Mr. Mulloy said that there will be curbing that is flush and curb stops. Mr. Sheffield asked about plowing. Mr. Goldberg said that they will plow up to the wheel stops and use a snow blower on the angled spaces. He said that they own several properties in Newton and handle the operations themselves. He said that they have a private site in Newton that they haul the snow to. Mr. Seegel confirmed that there will be no dumping in the river at the back.

Mr. Sheffield said that the rain garden detail on Plan C106 shows a raised curb. Mr. Goldberg said that Plan L100, Detail H corresponds to the flush curbing. He said that at the edge of the property is Detail F, which is vertical curbing to create separation between the property and the roadway and the entry to the parking area.

Mr. Seegel asked if there will be any signage on the building. Mr. Goldberg said that they do not intend to have it.

Mr. Seegel asked if the Applicant is amenable to the DRB recommendations. Mr. Goldberg said that they submitted plans to ZBA following their meeting with DRB that addressed all of the items. He said that the only open question was at the rear of the site but it was explained that there is a grade differential.

Mr. Seegel said that he did not see on the revised plan a handicapped van accessible space. Mr. Goldberg said that it is shown on the supplemental set, L100, Detail T. He said that it is the closest space to the triangular walkway area by the entry to the building.

Mr. Seegel said that the Planning Board voted to approve the project.

Mr. Himmelberger asked if the Board would consider voting tonight subject to a peer review agreeing with the traffic study that was provided. Mr. Seegel said that the Board cannot accept anything after the public hearing is closed. He said that the hearing should be continued to October 5, 2017. Mr. Redgate said that the main issues are traffic and circulation.

Mr. Goldberg asked if Wellesley permits the traffic consultants to work together. Mr. Seegel said that is acceptable.

Mr. Himmelberger requested that the matter be continued to October 5, 2017. Mr. Seegel moved and Mr. Redgate seconded the motion to continue the hearing to October 5, 2017. The Board voted unanimously to continue the hearing.

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

As there was no further business to come before the Board, the hearing was adjourned at 10:05 pm.

Respectfully submitted,

Lenore R. Mahoney  
Executive Secretary

DRAFT