

Hussey said that there may be a slight grade change because the existing grade is such that when it rains, the water goes into the garage. He said that they may raise the grade up a bit to push the water out to the sides or back down the driveway.

Mr. Adams said that the proposed garage will be significantly higher in the back on the side closest to the rear neighbor. He questioned whether moving it back will have more impact on that neighbor. He said that considering reducing the nonconforming by moving the setback six inches is somewhat disingenuous. He said that he was not inclined to approve the plan unless there are some modifications to it. He said that the garage could be moved to meet the setback requirement on the side. Mr. Himmelberger said that the garage would be in the center of the yard.

Mr. Levy said that there are no dimensions for the garage on the plan. Mr. Himmelberger said that it will be 24 by 26 feet. He said that the existing garage is 18 by 20 feet. Mr. Adams said that the new garage will be approximately twice the size of the existing garage. Mr. Hussey said that they will add four feet to the length and six feet to the width –

Mr. Adams said that there will be some improvement to the setback on the left. He said that most of the vegetation appears to be on the neighbor's property. Mr. Himmelberger said that it is possible under case law to leave the existing side yard setback. He said that it is generally the practice to try to improve it slightly. He said that they are being very clear about the plan to push the garage over about a foot and pushing it back so that it is more accessible. He said that there is substantial screening between the properties. Mr. Adams said that there is less screening at the back. He said that the Board did not hear from the neighbors on the two sides that would be affected. He said that there is an existing two car garage that may not meet the homeowner's needs but they could have made more effort to come close to or comply. Mr. Hussey said that it would significantly change the lot if they moved the garage over. He said that the existing garage is decaying. He said that they are also looking to improve the garage.

Mr. Levy asked about the height of the existing garage. Mr. Hussey said that it is 14.5 feet high at the peak.

Mr. Adams confirmed that the orientation of the garage will be the same. Mr. Hussey said that they kept the same look and feel of the garage so as to not affect the appearance from the street.

Mr. Levy confirmed that there will be no second floor.

Mr. Adams said that the Building Inspector might require an access door to the garage.

Mr. Levy confirmed that the reason for the additional height is because garage will be bigger. Mr. Redgate said that there appears to be extra height between the top of the door and the roof. He asked if there is an option for it to lower. Mr. Himmelberger said that the face of the garage will be 9 feet 10 ½ inches. Mr. Hussey said that the face of the existing garage is 9 feet.

Mr. Adams confirmed that there will be no stairs.

Mr. Redgate confirmed that the garage will be a shingle style salt box. Mr. Hussey said that both the house and the garage will have cedar shakes. He said that they will try to match it as close as possible.

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

Mr. Levy asked if Mr. Hussey discussed the plans with the contiguous abutters. Mr. Hussey said that they spoke with the Goheens, the Mixes, the Bowers, and the Connors. He said that the house behind was just sold and they have not met the current owners yet.

Mr. Levy said that any action by the Board requires a unanimous decision. Mr. Redgate said that the garage will be larger but he is not opposed to it.

Mr. Levy read the Planning Board recommendation.

Mr. Levy said that the analysis for this petition should be consideration of a special permit, identifying the nonconformity and making a determination if it would be substantially more detrimental to the neighborhood.

Mr. Adams asked if Mr. Hussey would be willing to move the garage five feet or so over. Mr. Hussey said that the existing driveway is single lane and you cannot fit two cars side by side. He said that the proposed design is a thoughtful approach that will allow them to keep the yard.

Mr. Levy discussed the possibility of making the garage smaller. He said that because of the setback from the street, the garage does appear smaller.

Mr. Redgate asked if there is a fence at the rear of the property. Mr. Hussey said that there is a short chain link fence. He said that they plan to put privacy bushes and plantings across the back of the lot. Mr. Adams said that the property behind is at a lower elevation.

Mr. Levy discussed moving forward, given that there did not appear to be unanimous support of the Board for the petition. Mr. Hussey said that they could shrink the size of the garage from front to back. He said that the existing second bay is not useful today. He said that it is not possible to swing a car into the garage. Mr. Adams said that if the garage was set back, they would be able to use the second bay.

Mr. Hussey asked if there are changes that they can make to the plans, other than the side yard setback, that would satisfy the Board. He said that they would really like to keep their yard as best as they can.

Mr. Adams said that his feeling is that the proposed garage in its current design would be more detrimental to the neighborhood.

Mr. Himmelberger asked that the petition be continued to allow the Petitioner time to review options for revisions to the design.

Mr. Adams discussed sloping the paved area to drain into the yard.

Mr. Levy asked about gutters. Mr. Hussey said that they will be done after.

Mr. Redgate moved, Mr. Adams seconded the motion, and the Board voted unanimously to continue the hearing to September 10, 2019.

ZBA 2019-70, BUILDRITE LLC, 375 LINDEN STREET

Presenting the case at the hearing were David Himmelberger, Esq., Michael Cremin, BuildRite LLC, and Paul Beaulieu, Field Resources, Inc.

Mr. Himmelberger said that the request is for a special permit/finding to raze an existing single family dwelling, on a nonconforming lot of 9,960 square feet. He said that the dwelling was built with nonconforming side yard setbacks pursuant to a variance in 1940's. He said that the proposed home will be fully compliant with all Zoning dimensional requirements and will be 32.5 feet tall.

Mr. Himmelberger said that he lives at 387 Linden Street, which is three houses away. He said that a few years ago the neighborhood dealt with the division of a 20,000 square foot lot at the foot of Kirkland Circle and Shaw Road into two 10,000 square foot lots. He said that two very imposing houses were built out to every Zoning setback and dimension. He said that one of the roofs had to be reconstructed because it was over 36 feet high and a side bump out had to be removed from the other house because it extended too deep into the setback.

Mr. Himmelberger said that he has worked with Mr. Cremin before. He said that he told Mr. Cremin that he would represent him only if he was willing to design a house that fits in with the neighborhood, is respectful and complementary. He said that Mr. Cremin made design changes after Mr. Himmelberger consulted with another architect. He said that Bruce Howlett, 369 Linden Street, also made several request, the most notable of which was to flip the location of the garage from the right side, along Mr. Howlett's driveway, to the left side where the existing driveway is located.

Mr. Himmelberger said that Mr. Cremin met with all of the neighbors and has been extremely responsive to them, including relocating subsurface drainage.

Mr. Himmelberger said that at 44 feet wide, the proposed home is significantly more narrow than the two abutting houses at 369 and 383 Linden Street, which are 63 and 53 feet wide. He said that mass on the proposed home was minimized by taking advantage of the deep lot. He said that the proposed home is attractive, well proportioned, and will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Mr. Himmelberger said that he spoke with the Building Inspector, Mike Grant, as to whether this should be a request to modify an existing variance or modify a special permit. Mr. Grant said that because will be razed, he believes that the proper relief from the Board would be granting a special permit to rebuild the home. Mr. Mr. Levy confirmed that the only nonconformity will be the lot size.

Mr. Levy said that Mr. Howlett sent an email to the Board. Mr. Himmelberger said that he had seen the email and Mr. Howlett does support the project. He said that Mr. Howlett's only issue is that there be no changes to the plans as submitted. He said that Mr. Howlett expressed a preference for a single width driveway but there are numerous homes on Linden Street that have two car wide entry onto Linden Street. He said that the proposed driveway is fully compliant with town curb cut and driveway apron regulations. He said that there are a few homes in the vicinity of this property that have driveways that exceed the regulations. He said that the curb cut will be 20 feet at the property line, flaring to 25 feet at the street.

Mr. Himmelberger said that Mr. Howlett's concerns about drainage are well observed. He said that there are two subsurface infiltration systems that will capture all of the roof runoff. He said that there was a drainage issue further down the street at a home with a two car garage that acted as a detention pond for the neighborhood. He said that the Board granted a variance to allow a two car garage to be built into the

setback. He said that this is a flat lot where all drainage will be taken to the drainage systems, one in the front and one in the rear.

Mr. Levy said that it is a very large house for the lot, 20 percent over the TLAG. He said that if the lot was 400 square feet bigger, the house would be subject to Large House Review (LHR).

Mr. Levy read the Planning Board recommendation. Mr. Himmelberger said that the data in the recommendation relies on Total Living Area (TLA) from Assessor's records. He said that the average size of adjacent homes on Linden Street is 2,203 square feet if you add in just the garages. He said that the issue is how the house appears on the street. He said that it is more narrow than the two homes on either side. He said that it takes advantage of the deepness of the lot to bring square footage to the rear. He said that it fits in quite well with the other colonials on Linden Street. He said that the driveway was placed on the left side at the request of Mr. Howlett. He said that it is a very attractive house that sits back and is not imposing compared with the other homes in the neighborhood.

Mr. Adams said that the house is on the large size but that is what people are looking for. He said that it has been creatively and effectively designed to minimize the impacts on the neighborhood. Mr. Himmelberger said that stepping the garage further back and down contributes to its minimization.

Mr. Levy asked about TLAG, using the old calculations that excluded the garage. Mr. Himmelberger said that excluding the garage and the attic, it would be very close to 3,600 square feet.

Mr. Redgate asked if the two houses to the left and the right average 2,000 square feet. Mr. Himmelberger said that the homes that the Planning Board cited, with just garages and no attic space, are approximately 2,200 square feet. He said that what is important is how it appears from the street. He said that the house was stepped back to minimize mass. He said that the homes across Linden Street are two to three feet higher due to elevation. He said that there is a three foot stone wall that runs between the two outlets for Kirkland Circle.

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

Martha Kiley, 18 Geraldine Drive, said that she lives directly behind. She said that her concern is the proposed infiltration because it will be close to the property line. She said that the setback will be reduced from 5 feet to 27 feet, with two ac units beneath her bedroom window. Mr. Levy said that under the Zoning Bylaw (ZBL), the house cannot be set closer than 10 feet to the rear property line. He said that this will be 27 feet from the rear property line, which is more than double what they could do as a matter of right. He said that the ac units have to be in the setback also and they appear to be compliant. Ms. Kiley asked if the ac units have to be in the rear setback. Mr. Adams said that there does not appear to be enough room on the sides for the units. Mr. Levy said that there may be sound mitigation that can be installed. Mr. Beaulieu said that ac units are much quieter than when the bylaw was passed. He said that there will be quite a lot of planting to hide the units. He said that the Engineering Division in Wellesley likes to have a certain separation from the house and boundary line for infiltration systems. He said that they were placed in the two places to meet DPW guidelines. He said that the system will be well below grade. He said that water will collect in a PVC pipe and run to large chambers that are surrounded by stone, so the water goes into the ground. He said that they took into consideration that when the land is disturbed, nobody wants to get washed out when a new house is built.

Ms. Kiley said that the flow of water changed when the house that is at the corner of Linden and Geraldine was renovated. He said that her neighbor had to put drains in at the back of her property because all of the water that used to go somewhere else, ended up on her property and flooded her garage every time it rained. Mr. Beaulieu said that what people do if it is just a regrading is to redirect water. He said that this is an infiltration system where all of the water that hits the roof will be captured. Mr. Himmelberger said that this is a flat lot. Ms. Kiley asked where the water currently goes. Mr. Beaulieu said that it currently goes onto the grass. He said that they wanted to make sure that they put a system that could handle the displacement of grass. Mr. Redgate said that the grades appear to go toward 369 Linden Street, not 18 Geraldine Drive. Mr. Beaulieu said that the lot originally sloped slightly left to right and continues to do that. He said that the only difference is that the house will be level. Mr. Redgate said that in the final condition runoff will not go to 18 Geraldine Drive. He said that the drainage calculations are based on 1 inch storm events. Mr. Beaulieu said that it will be a full capture on a one inch storm, not taking into account infiltration or the collection pipe. He said that they did not take a full Massachusetts State level of review for this project but considered that 85 percent of all storms are 1 inch or less. He said that in that event, they will be able to capture water immediately. He said that two inches of rain would typically come down over the course of hours, and as that happens, the water gets to the infiltration chambers and soaks into the ground below. He said that his preference is to divide the chambers to the front and back to minimize bottlenecks. He said that the system was divided 50/50. Mr. Redgate confirmed that the chamber capacity is 54 and the 1 inch storm is 187. Mr. Beaulieu said that there will be four chambers, each with a capacity of 54. He said that total capacity will be over 200 cubic feet.

Mr. Adams said that this is a creative design. He said that new houses are typically larger. He said that the only nonconformity is the lot size. Mr. Redgate agreed.

Mr. Adams moved, Mr. Redgate seconded the motion, and the Board voted unanimously to grant a special permit and make a finding that the property construction shall not be substantially more detrimental to the neighborhood than the existing nonconformity structure.

ZBA 2019-68, PAUL EKLUND, 17 CHATHAM CIRCLE

Present at the public hearing were Paul and Marion Eklund. Mr. Eklund said that they have lived at 17 Chatham Circle for 36 years. He said that the proposal is to enclose a porch that has been in existence since the house was built in 1941. He said that footprint and the height will remain the same. He said that the plan is to put windows where the screens are. He said that a small corner of the porch is 19 feet 6 inches from the side property line, as opposed to the 20 foot requirement. He said that they notified all of their neighbors and have had nothing but positive feedback from them. He said that they do not believe that the change will be substantially more detrimental to the neighborhood.

Mr. Levy read the Planning Board recommendation.

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

Mr. Adams moved, Mr. Redgate seconded the motion, and the Board voted unanimously to grant a special permit and make a finding that the proposed enclosure of an existing nonconforming screen porch will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

ZBA 2019-69, ARVIN & CHRISTINE IRAHCETA, 49 SHERIDAN ROAD

Present at the public hearing was Michael Connors and Joseph Cupstas, RemodelWerks, LLC, representing Arvin and Christine Iracheta.

Mr. Connors said that the proposal is to remove an existing small single story addition at the back of the house and replace it with a larger two story addition, 16 feet deep by 28 feet 3 inches wide. He said that the existing lot is nonconforming at 11,000 square feet in a 15,000 square foot Single Residence District. He said that a previous variance was granted in 1985 due to the setbacks on the garage side of the house. He said that the request is to modify the variance. He said that the proposed construction will not encroaches on any additional setbacks.

Mr. Levy said that the plot plan that was submitted was neither signed nor stamped.

Mr. Connors said that he originally applied for a special permit but the Building Inspector thought that it should be a modification of a variance.

Mr. Adams said that it is indicated on the plot plan that a portion of the retaining wall will be removed and replaced. He asked if the wall be relocated. Mr. Cupstas said that they will duplicate what is there now. He said that it is currently about six feet off of the house. He said that they will add on and duplicate the same setback off of the house. Mr. Adams said that it will be a bigger arc that butts into the retaining wall by the patio.

Mr. Redgate asked what the original variance was granted for. Mr. Connors said that it was for the garage. He said that the lot is on a corner and the garage is within a front yard setback at 28.8 feet. He said that built in 1953 and the variance was granted in 1985 to bring it into conformance.

Mr. Adams said that the proposed design is not more impactful on the neighborhood. He said that it was set in on the side to break up the façade.

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

Mr. Levy read the Planning Board recommendation.

Mr. Redgate said that the Board will insert a condition that the plot plan must be signed and stamped.

Mr. Adams asked how runoff from the added impervious roof surface will be handled. Mr. Connors said that with the redesign of the retaining wall and back yard to thoughtfully prepare all of the new surfaces to accept water that runs off of the roof. He said that the existing slab on grade will be removed because it is in a state of disrepair because of water issues. He said that they will direct the water away from the new structure into the new space in the yard. He said that there will be a perimeter drain around the new crawl space. He said that they can add drywells. Mr. Cupstas said that the entire back yard pitches toward the house and they currently have a very damp basement. He said that the proposed changes will improve the situation. He said that roof runoff will be controlled by gutters. Mr. Redgate said that the property is located in a Water Supply Protection District. He said that sometimes it is better to include an area drain in the driveway and infiltrate the driveway as part of the landscaping. He said that they can tie the roof into the same system. He said that it will really help with snow and ice, will handle a larger area and will help with water quality. He recommended an area drain at the driveway that is connected to a drywell as well as at least the new addition connected to a drywell in the yard area. Mr. Adams said that the Board is asking for two drywells, one of

them tied to the area drain and the other tied to the roof of the addition. Mr. Redgate said that can be a shared drywell piped to both.

Mr. Redgate moved, Mr. Adams seconded the motion, and the Board voted unanimously to approve modification of a variance, subject to conditions that the Applicant shall provide a landscape area drain for the driveway and hard piped drainage for the new addition to a drywell to be located in the lawn area, and a plot plan that is signed and stamped.

ZBA 2019-72, NEERAJ & ARCHANA AGGARWAL, 70 ALBA ROAD

Present at the public hearing was Jacob Handleman, General Contractor, representing Neeraj & Archana Aggarwal, the Petitioner. Mr. Handleman said that the request is for a special permit for an existing nonconforming garage. He said that the initial proposed design of the two-car garage was approved with the back corner clipped. He said that after it was approved, he was told by people in the Planning and Building Departments to apply for a special permit without the clipped back, based on case law that was approved in February. He said that the appearance of the front for both the approved and proposed designs look the same except that the garage will be behind the chimney in the proposed design. Mr. Adams said that the garage will be five feet closer to the property line. Mr. Handleman said that he spoke with the neighbors across the street at 71 Alba Road and they did not express any concerns. He said that the line of trees between 57 Wall Street and 70 Alba Road is significant and will diminish any impact for that neighbor.

Mr. Handleman said that the homeowner is concerned with difficulty to wedge a second car into the garage with the clipped corner. He said that the proposed design will not change the front of the garage but will widen it.

Mr. Levy read the Planning Board recommendation. Mr. Handleman said that Mr. Panak in the Planning Department told him that they should apply for a special permit because the garage would be a much better design. Mr. Adams said that the Planning Board has not taken that position. He said that they prefer the previously approved design.

Mr. Levy said that the garage was designed to maintain the front setback and not create any new nonconformities. He said that the object of Zoning is to try to get properties to comply.

Mr. Adams said that he agrees with the Planning Board's opinion. He said that although it will maintain the façade face, because of the curved street, it will bring it closer to the street line. He said that the previously approved design was a more appropriate way to minimize the bulk of the building.

Mr. Redgate asked about the dimensions of the second bay on the approved plan. Mr. Handleman said that it is approximately 17 feet from the front to the back.

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

Mr. Adams said that the Board received quite a few letters from neighbors who object to the proposed plan.

Mr. Adams said that the proposed plan expands the bulk of the building.

Mr. Levy said that the goal of the Zoning Board is to have structures that conform.

Mr. Handleman said that his clients are planning to retire in this home. He said they are looking at what will work best as far as utility of their home. He said that having a wider garage is a better design for them.

Mr. Adams said that he agrees with the Planning Board's opinion that by maintaining the façade at the front and bringing the west corner of the garage five feet closer to the street does increase the perceived bulk of the building. He said that the approved design was better. Mr. Redgate agreed. He said that maintaining the front yard setback for both sides of the corner lot makes more sense.

Mr. Levy discussed allowing the petition to be withdrawn without prejudice. Mr. Handleman requested that the petition be allowed to be withdrawn without prejudice.

Mr. Adams moved, Mr. Redgate seconded the motion, and the Board voted unanimously to allow the petition to be withdrawn without prejudice.

ZBA 2019-67, 442-452 WASHINGTON STREET, 10 & 16 STATE STREET

Present at the public hearing were Michael Doherty, Manager, Gravestar, managers of the properties. He said that also present were Susan Kincaid, Gravestar, Mark Beaudry, Engineer, and Jim Strain, Construction Coordinator, Whole Foods.

Mr. Levy said that this was not as complete an application as what the Board typically receives for Site Plan Approval. He said that the Board is used to seeing more information than just the application and a stormwater report.

Mr. Doherty said that Gravestar redeveloped the property in 2011 and Whole Foods opened in 2012. He said that the store is very successful and busy. He said that the parking lot is constrained by capacity of parking spaces and a generally problematic layout. He said that they met with various departments including the Board of Selectmen (BOS), the Planning Board, the Building Department, the Natural Resources Commission (NRC), the Design Review Board (DRB), and the Historic Commission. He said that they are working through the comments and expect to re-submit plans with some stormwater improvements and changes to the traffic entrance. Mr. Levy said that the Zoning Board prefers to be the last Board to review Site Plan Approvals plans that have design changes that have been worked through with other departments. Mr. Adams said that the Board received comments from the Planning Board and the Fire Department.

Mr. Doherty said that 16 State Street is located in a Residential A District where commercial parking is allowed.

Mr. Levy asked if the two-family is still occupied. Mr. Doherty said that it is not.

Mark Beaudry said that three lots comprise the existing Whole Foods plaza. He said that 16 State Street will be the fourth parcel added. Mr. Adams said that there is a swath down the middle that appears to be an extension of the aqueduct path. Mr. Beaudry said that it is owed by the town. Mr. Doherty said that they have long term lease with the town.

Mr. Beaudry said that the three parcels contain the Whole Foods building along Washington Street with another building at the corner of Washington and State Streets, with the existing parking field behind the stores. He said that access to the site is from two locations, one in and out off of Washington Street and a full access driveway that allows for turns off of State Street. He said that the 16 State Street parcel is

approximately 12,500 square feet with a two-family home on the property. He said that the plan is to demolish the dwelling and expand parking onto the parcel, resulting in a net gain of 3,500 square feet of impervious surface. He said that the shifting the driveway closer to Atwood Street and restriping existing parking spaces will result in a gain of 35 spaces, from 195 to 230. He said that there is no proposed building increase and the trip generation will be the same. He said that people currently park along the driveway. He said that when the site was approved in 2011, there were several 7.5 by 15 foot spaces at the rear of the lot that were used for faculty and staff at the High School (HS). He said that after the HS construction was complete, the spaces reverted back to Whole Foods, who found that the spaces are too narrow for turnover of retail spaces. He said that there is a strong desire to increase the width of the spaces to 8.5 feet. He said that the number of compact spaces will be about the same. He said that they want to keep the depth of the parking spaces at 15 feet so that they will not have to realign the parking aisles. He said that some of the aisles get wider as you get closer to the store but 24 feet is minimum. He said that there is one place at the end of the existing parking field where is a light pole that will either have to be moved or a foot of pavement be added to keep the depth of the parking space at 15 feet. He said that after they met with Engineering and DRB, there was a request to move the driveway closer to Atwood Street to better align with it. He said that will require relocation of a utility pole and guy wire. He said that by relocating the driveway they were able to make adjustments in response to DRB recommendation and still keep the same number of spaces.

Mr. Beaudry said that there are two existing bioretention basins in the back corner that are not functioning well and never have. He said that the proposal was to go with a more traditional stormwater approach but Engineering and NRC want bioretention basins. He said that they are looking at places where bioretention basins can be added to the design, not in the present locations but more in the parking area, so that if the basins overtop, the runoff will go to catch basins on the lower end of the site where the existing bioretention basins are located.

Mr. Adams said that he went out to the site and it is very apparent that water has often been flowing towards the stream, overflowing into it, and has eroded at that location. Mr. Beaudry said that Sheet C2 shows the existing chamber system in the back parking lot area. He said that with the addition of impervious surface on 16 State Street, they have to provide an additional volume of subsurface storage and recharge.

Mr. Beaudry said that the new chamber system will function independently but at the same time be connected to the existing system. He said that it is designed to reduce peak flow rates and volumes for all designed storms below the existing rates and volumes off of the site. He said that the WPC has a bylaw that did not exist in 2012 that requires a reduction of five percent in peak flow and volume for 2 and 10 year storms. He said that they did not quite meet that on the original design. He said that they revised the plans to add the bioretention basins and added more chambers onto the proposed chamber system and are now able to achieve the five percent reduction. He said that they have withdrawn the waiver request. He said that the plans that were submitted with the application do not reflect the changes.

Mr. Beaudry said that they are working with Engineering to respond to their comments. He said that they asked for a Traffic Report for the driveway that's being moved closer to Atwood Street. He said that they have been able to accommodate a lot of the DRB's comments. He said that they met with the Wetlands Protection Committee (WPC) twice and are working through the wetlands process.

Mr. Adams asked if they will be able to stage the project in a way that they can maintain the existing parking. Mr. Beaudry said that there will be some short term impacts. He said that there are some modifications around the edges of the existing parking lot to connect the new parking in and also to make the stormwater improvements along the southern edge at the property line. He said that the two bio basins will

be removed and the grades will be raised provide more mounded landscape areas. He said that along the southern property line will be some fill with extensive planting to provide screening and buffer to the south. He said that one of the abutters who lives further south on State Street was present at the WPC meeting and seemed to be satisfied with the proposed changes to the plans. He said that the two beehive inlets in the existing bio basins are small diameter. He said that they will be replaced by three double grate catch basins and full reveal curbs at the southern property line that will more effectively get water into the stormwater chambers where it was originally intended to go. He said that the bioretention areas will be moved up to islands in the middle of the parking lot. He said that they if they overtop, the water will continue to flow down the parking lot and be collected in the three inlets. He said that the bio areas will be eliminated but the landscape areas will not be eliminated. He said that they will be more extensively landscaped than they are now.

Mr. Adams said that it is clear that there has been a lot of communication between the property owner and Whole Foods. He said that it is apparent that what was agreed to in 2011 with respect to drainage of the parking lot did not work out as expected and up until now there have been no efforts to correct it. He said that he was at the property today and is concerned that it is not being properly maintained or cleaned. He said that it is clear that the far corner where people go to smoke and don't bother to dispose of their cigarette butts in a reasonable fashion. He said that, as part of the review and approval process, there has to be some ways that the town can monitor what goes on there and assist in making sure that if the new system does not work as anticipated, there are ways to make further adjustments. He said that there needs to be coordination between the property owner and Whole Foods –

Mr. Doherty said that the property owner is in charge of maintenance. He said that they have been trying to keep up with maintenance. He agreed that maintenance needs to be increased. Mr. Adams said that the property line appears to be across the stream, going east. Mr. Doherty said that the existing asphalt line up against a stream is a tough condition. He said that maintenance has been on a monthly schedule. He said that they revised the design of the bio basins a couple of times with the town but the tweaks did not get them to where they were needed. He said that they are at a point where they know that a redesign is needed. He said that they are trying to be good neighbors.

Mr. Doherty said that in 2011, the aqueduct land coming from the ballfields had a chain link fence and was used as a back water. He said that they worked with the town to put a trail head in.

Mr. Levy said that a notice of violation was sent out on July 30, 2019 from the WPC. Mr. Doherty said that they have been responding to it.

Mr. Levy said that the Board typically reviews a Construction Management Plan (CMP) that shows construction will be sequenced and parking. He said that it might make sense to have, similar to an Operation and Maintenance (O & M) Plan, some type of maintenance plan that addresses how ongoing maintenance issues will be dealt with. He discussed making that a condition of the decision.

Mr. Redgate asked about the current parking ratio based on square footage. He said that Wellesley has a low requirement of spaces per 1,000. He said that most retail looks for five per thousand. He asked if the additional parking will bring the lot closer to industry standards, given the volume of business that this store does.

Mr. Redgate said that this site was retrofitted from Star Market. He said that the lot is striped for Wellesley's minimum spaces of 8.5 feet. He said that they will be extending drive aisles. He said that if the spaces were

widened to nine or ten feet, it would probably bring massive improvements. He said that there are spaces wasted because of SUVs parking over the lines. Mr. Doherty said that a lot of the problem is due to the 7.5 foot spaces in the back corner. Mr. Redgate said that he believes that a lot of the problem is due to the 8.5 foot spaces. Mr. Doherty said that they are trying to balance getting enough spaces to support the retail business versus the layout and the size of the spaces. Mr. Redgate asked if the Applicant would be willing to look at a re-layout of the existing spaces that widens them in the three center aisles of the lot. He said that they would not lose many spaces in the total calculation and would have an incredible improvement. Mr. Doherty said that they will look at it.

Mr. Levy said that there are half a dozen spaces that are right near the front door. He said that he was asked by an elderly person to back their car out of there because they were afraid to do it themselves because of the tight turning radius.

Mr. Levy asked if there have been accidents in the parking lot. Mr. Doherty said that there have been. He said that they've had issues with the store being so busy and the parking layout. He said that when Whole Foods took over from Star Market, the retail footprint did not change. He said that there was a Chinese restaurant at the corner of the building. He said that they went before various Boards to improve traffic. He said that there was a full access entrance off of State Street and full access off of Washington Street. He said the old condition was a sea of asphalt with no landscaping.

Mr. Adams said that it should not be a huge cost or expense to see what the implications are for having wider parking spaces. He said that they lose some of the spaces even though they are there because nobody can pull into them. Mr. Redgate said Wellesley's minimum requirement of 8.5 feet wide is narrow. Mr. Beaudry said that the industry standard shifted to 10 feet by 20 feet but they found that was too much impervious surface and are now reducing the size. Mr. Redgate said that the width of the spaces and their use is dependent on turnover. He said that now that the lot is expanding, there is an opportunity to look at making the spaces wider. Mr. Beaudry said that less than 50 parking spaces on the site are 8.5 feet wide. Mr. Redgate said that it would be good to see the dimensions of the existing parking spaces on the plan.

Mr. Levy asked if the employees are asked to park in a certain area. Mr. Strain said that the employees park off site. He said that some of them do park at the back near the drainage area but most of them park off-site. Mr. Doherty said that some of the employees park behind the residence where it is difficult to get to. He said that Whole Foods arranges for the employees to park off-site. He said that they will see if that will change with the new parking lot.

Mr. Adams said that parking spaces in the corner have red striping. Mr. Beaudry said that those are the 7.5 wide spaces. Mr. Doherty said that there was an agreement while the HS was being constructed that teachers could park there. He said that some of the employees park there now.

Mr. Redgate said that the Board had not seen any documentation from the Department of Public Works (DPW) for tonight's hearing. Mr. Levy asked if the Applicant plans to have someone look at the traffic and the parking situation. Mr. Doherty said that they are already engaged with a traffic consultant with respect to the entrance relocation. He said that they will include the parking in that study as well.

Mr. Beaudry said that the parking ratio requires 115 parking spaces. He said that the existing site is just over five per thousand and will increase to almost seven per thousand.

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

Robert Hutchinson, 43 Atwood Street, said that he has lived there for over 16 years and is very familiar with the area. He said that he walks his dog every day at the Hunnewell Fields. He said that he is very familiar with what goes on at Whole Foods, the traffic and the infrastructure. He said that he has been to previous meetings. He said that eight or nine years ago Gravestar was considering putting office buildings on this lot and he opposed those plans, citing traffic problems that it would cause. He said that whole area does not support the type of traffic that goes on in this area between the HS, Whole Foods, the Police Station, the Funeral Home, and the Middle School. He said that there is a short bridge with only two lanes and Route 16 with only two lanes. He said that it is too much. He said that Whole Foods belongs in a shopping center, not on Route 16. He said that the house that they are going to knock down is worth \$1.4 million today. He said that is a beautiful two-family house. He said that knocking it down will have an impact on the value of the residences in the neighborhood. He said that allowing this expansion gives Gravestar and Whole Foods flexibility to do something with their space that reduces the value of the local homes.

Mr. Hutchinson said that trash blows onto their street all of the time. He said that they have done a poor job of maintaining the property. He said that they have not done what they promised to do nine years ago. He said that his biggest concerns are the values of the properties and traffic. He said that during the school year more kids are driving to school and are parking on Atwood and other local street mores. He said that this project will allow more cars to come into the area. He said that the plaza is not built for this. He said that he wholeheartedly opposes expansion of this property for parking. He said that it will be an eyesore and a traffic problem.

Phyllis Carter, 10 Sessions Street, said that this is a residential neighborhood that is impacted by a commercial, industrial facility. She said that the traffic should go out onto Washington Street, not onto State Street. She said that aligning the driveway with Atwood Street is a great detriment to the neighborhood. She said that State Street is a major thoroughfare for children walking between the Middle School and the HS, so there are safety concerns. She said that she agrees with Mr. Hutchinson that the bridge constantly gets backed up, so the proposed change would be a nightmare. She said that traffic should be directed out onto Washington Street.

Ms. Carter said that the property is located in a flood plain, so the landscape should not be allowed to change to a parking lot and impervious surface. She discussed contaminants. She said that even though they will use BMP's, it will affect Fuller Brook. She said that she is appalled that they are not taking care of the site and are not doing stormwater inspections that are required under DEP, EPA and Town regulations. She said that the residential neighborhood has been impacted by parking. She said that there are safety concerns for children. She said that 35 new parking spaces will not really make a dent in the traffic that is there or impact the business. She said that Whole Foods has a parking lot across the street at Needham Bank where their people park. She said that the former redline spaces for the HS can be made bigger, the parking lot across the street can be expanded, and employees could be bused in.

Ms. Carter said that her concerns are flood plain, pollutants to Fuller Brook, safety, and issues affecting the residential neighborhood. She said that she is greatly opposed to the proposed parking increase.

Sally Watts, 43A Atwood Street, said that she is a relatively new resident in Wellesley. She said that there is a trash issue. She said that her main concern is the realignment of the entrance to the parking lot to be right by Atwood Street. She said that she can envision a traffic light there and that might be a good idea. She said that the space between Atwood and Washington Street is a relatively short block and there would be two traffic lights. She said that without a traffic light, more traffic would come down Atwood Street to get to

Whole Foods. She said that it would become a major inflow into the parking lot, which she sees as a major detriment to traffic, particularly to Atwood Street. She said that HS students already park there illegally for much longer than the four hours that they are allowed to. She said that when it is snowy and the street is a little smaller, it is very hard to get down the street safely. She said that now it would become two cars going in two directions to and from Whole Foods. She said that she is very much opposed to the realignment to make the entrance directly across from Atwood Street. Mr. Adams said that the property owner represented that the proposal to move the entrance closer to Atwood Street was in accordance with recommendations from the town's Engineering Division. He suggested that Ms. Watts speak with the Town Engineer.

Tom Carter, 10 Sessions Street, said that he lives three houses down from Whole Foods. He said that he is concerned that Atwood Street will become a cut through in the morning when the stop light is back up and kids trying to get to the HS. He said that it becomes a one lane road because of kids parking there. He said that no one parks where the red lines are because the spaces are too far away. He said that the new parking spaces will be even further away from Whole Foods and will not be used except for holidays or overflow. He said that most of the time it will be an empty, blank lot.

Todd Zaorski, 15 State Street, said that he lives directly across from Whole Foods and the current driveway. He said that he agrees with all of the traffic concerns. He said that the property is not a good neighbor for the residential neighborhood. He said that they currently leave their parking lot and store lights on all night. He said that frequently the store's sound system is left on overnight and he can hear it when he goes outside to walk his dog. He said that the biggest impact is the number of lights that are currently there. He said that number will become even greater if they expand the parking lot. He said that they had to buy black out shades for the entire front of their house to reduce the amount of light coming in at night. Mr. Adams said that it is typically the Board's position that business establishments should not keep their lights on beyond their working hours. He said that they be some safety concerns about a parking lot about any light at all but they should not have to keep all of the lights on. He said that the Board will be assessing the lighting. He said that Wellesley is trying to be a dark night community and reduce the amount of wattage that is used.

Catherine Johnson, Planning Board, said that the Planning Board is in the process of revising the off-street parking bylaw but will not take place before next April. She said that rather than basing the ratio on the number of spaces per square feet, they are going to try to change to a minimum/maximum where anybody going over a maximum would need to justify it for a Site Plan Review, based on the usage. She said that this property was not reviewed when changed from Star Market to Whole Foods because there was no use change. She said that since the proposal is to add space to the parking lot, the Planning Board is concerned about the proximity to Fuller Brook and Memorial Grove where the town just spent millions of dollars to upgrade the main flow of water that leaves Wellesley to get to the Charles River. She said that the town does not want to pollute Fuller Brook or have invasive species or trash.

Ms. Johnson said that the Planning Board and DRB request a Traffic Study of the area. She said that when Tolles Parsons Center was built, a post construction traffic study was done. She said that traffic on Washington decreased by 11 percent post construction. She said that most of the traffic shifted to Atwood Street to avoid the traffic light at State, Washington and Kingsbury. She said that the St. Paul's School is starting permitting to become a child care center for up 150 children, which means an increase of about 120 cars. She said that the plan is to reduce the parking lot around the building to provide the required outdoor play space for the children.

The Board discussed having a peer review to provide an opinion on an appropriate parking ratio for an operation such as Whole Foods, the layout, interior parking and the location of the entrance.

Mr. Levy asked Ms. Johnson who did the post construction study for the Tolles Parsons Center. Ms. Johnson said that it was Howard, Stein, Hudson but BETA did a review as well. She said that BETA is one of the town's traffic engineers. Mr. Redgate said that it may not be appropriate for BETA to do the review because they work for the town. Ms. Johnson said that VHS also works for the town. Mr. Redgate said that the Board can require the Applicant to pay for an outside peer review if the town is unable to provide one using town departments. Mr. Levy asked if the Applicant would be willing to pay for a peer review of the traffic study. Mr. Doherty said that they would.

Mr. Levy discussed the Board's jurisdiction. He said that the Board cannot close the site down. He said that what is before the Board is Site Plan Approval, which is not an approve/disapprove but a matter of what type of conditions the Board can impose upon it. He said that the Board cannot deny the property owner the right to build a parking facility but it can condition it within the purview of the Zoning Bylaw. He said that the Board may not be able to solve all of the neighbors' problems with the facility or address what will go there in the future. He said that the Board appreciates the neighbors' concerns but its scope is fairly limited in this proceeding. He said that the Board did not have the chance for this level of review previously because it was only a change of use. He said that the Board will take the opportunity to review it within the bounds of its authority to see what it can do to improve the project.

Richard Watts, 43A Atwood Street, said that the Engineering Division made recommendations to align the driveway with Atwood Street. He asked if there is an opportunity to speak with them. The Board said that Engineering will be invited to attend a hearing. The Board said that Engineering typically sends their comments to the Board. Mr. Watts asked if he should contact Engineering or wait until they attend a future hearing. Mr. Adams said that Mr. Watts should contact Engineering

Mr. Hutchinson asked if the Board's position for recommendations could include recommendation outside the lot that would help improve the roads and traffic situation at the light, on State Street and Washington Street. Mr. Levy said that off-site requirements not within ZBA jurisdiction. He said that the town owns the public ways. He said that there are occasions when the Applicant will contribute to some off-site mitigation if that becomes necessary. He said that is one of the reasons that the Board wants to engage a traffic consultant, who will do traffic studies and traffic counts to tell what the situation is. He said that it is not fair to the Applicant to impose a condition to redesign the intersection, especially on a site that has been there for so long. He said that the project is before the Board because 5,000 square feet of land will be disturbed.

Mr. Hutchinson said that the existing home has already been zoned for commercial use. Mr. Levy said that the house is located in a residential district where parking is a permitted use.

Mr. Hutchinson asked if there is another department that the neighbors can reach out to get a better understanding of the overall plan for this section of Wellesley and if the plan is to allow more parking and traffic in the area. Mr. Levy said that the Planning Board proposes Zoning amendments and land planning. He said that neighbors could also speak with the Selectmen.

The Board discussed continuing the petition. Mr. Levy asked the Applicant to ask their consultants to look at lighting. He said that there have been a lot of improvements to lighting to shield it from going off-site. He said that unless there is a police or safety issue, the Board will probably insert a condition that the lights go off once the store closes or at a relatively short time thereafter.

Mr. Redgate moved, Mr. Adams seconded the motion, and the Board voted unanimously to continue the hearing to September 24, 2019 at 7:30 pm.

As there was no further business to come before the Board, the hearing was adjourned at 10:15 pm.

Respectfully submitted,

Lenore R. Mahoney
Executive Secretary

DRAFT