

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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ROBERT W. LEVY
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DEREK B. REDGATE

December 4, 2018
7:30 pm
Juliani Meeting Room
Town Hall

Zoning Board of Appeals Members Present: Robert W. Levy, Acting Chairman
J. Randolph Becker
Derek B. Redgate

ZBA 2018-64, 680 WORCESTER ROAD LLC, 680 WORCESTER STREET
ZBA 2018-65, 16 STEARNS ROAD LLC, 16 STEARNS ROAD

Present at the public hearing on behalf of the town were Christopher Heep, Town Counsel, Dave Hickey, Town Engineer, and Michael Zehner, Planning Director.

Present at the public hearing on behalf of the Applicant were Geoff Engler and Bill Bergeron.

Mr. Engler said that the plans presented at tonight's hearing are draft. He said that the letters that they provided are responses to Mr. Hickey's comments.

Mr. Bergeron discussed 16 Stearns Road. He said that the bulk of the Engineering comments were technical in nature. He reviewed the Applicant's response letter to Engineering. He said that the public way does not extend all of the way to the end, with the remaining part of it unconstructed. He said that construction of a 24 foot wide roadway that was proposed for fire access can be truncated. He said that Engineering asked about the proposed eight foot wide sidewalk with bollards. He said that they wanted a sidewalk that was wide enough for pedestrian and bike traffic but not wide enough for ATV's.

Mr. Levy asked who owns the fee in the stub. Mr. Bergeron said that the abutters are deeded by Stearns Road and its rights. Mr. Levy confirmed that it is a derelict fee, or private way where, by statute, the abutters would own to the middle of the way at least as a fee interest. He said that the abutters have the right to improve the way but do not have the right to exacerbate the use of it. Mr. Bergeron said that they felt that it was the best design for the site and the road. He said that they can change the driveway, eliminating the turnaround at the end of the road. Mr. Levy asked who owns the parcel on the other side. Mr. Bergeron said that it is owned by the Alzheimers Center. Mr. Becker said that the Zoning Map shows the road extending all of the way to the western boundary of Route 16. Mr. Zehner said that the town got a copy of the layout plan that was put forward when the town created the roadway in 1930 and it shows that it terminates. Mr. Bergeron said that it terminates beyond the

limit of the public way. Mr. Engler said that they are aware of the concerns, history and legality of the road.

Mr. Bergeron discussed the Photometric Plan. He said that the light levels are shown on the plan and are Dark Sky compliant. He said that the Applicant has contracted with an outside consultant to do a Construction Management Plan (CMP) and that will be submitted to the ZBA for further review. He discussed placement of silt sacks, density calculations, drafting errors, removal of the stone wall at the driveway, stamped plans, Subsurface Condition Plan, marked parking spaces on Layout Plan C1, details for retaining wall, pavement markings, new standards for asbestos pipes, addition of concrete to the vertical curb, addition of dimples for wheel chair ramps, utility cuts on Stearns Road and DPW standards, inverts in cross sections shown on Plan C8, clearance for estimated seasonal high groundwater, street sweeping described in the O & M Plan, annual reports to Engineering, Erosion Control Plan, adding erosion controls at the front of the property, tracking pad, Water and Sewer, extension of water main to a hydrant right off of the school property and easement to do that, invert and gas trap to handle flow from the parking garage, lateral into the building for sanitary sewer, utility easement to School Street, and design of water service.

Mr. Hickey said the Engineering is concerned about Stormwater Management and the soil conditions of the site. He said that there are a lot of large boulders, there is a chance for some ledge in this area, and there are some deep cuts associated with the foundation. He said that all of the stormwater will go through a filtration system that is linear down the side of the building in a space that is approximately 25 feet from the property line. He said that within that space is an eight foot wide stormwater system that will take all of the drainage. He said that Engineering does not know how the drainage system will interact with the foundation of the building. He said that they want to make sure that there are no impacts to the foundation or the abutting property. He said that based on the data, the separation of the water table looks good but they would like to see more soil data.

Mr. Hickey discussed work in the roadway. He discussed extending and widening the road and adding a sidewalk on what is a private way. He discussed the water system and the opportunity to connect to the hydrant. He said that the town secured an easement over the private road for purposes of water, sewer and drainage. He said that the hydrant that Mr. Bergeron discussed and a hydrant on the Sprague site are not connected. He said that this project will provide the opportunity to make the connection. He said that it is not necessarily critical to fire flows or the building but there are two dead ends which are never good for a pipe network.

Mr. Hickey said that DPW is concerned about the method of the cuts and fills and tricky soil conditions. He said that there are just four test pits and it would be nice to know more about it. He said that there will be a deep foundation in some places.

Mr. Hickey said that Stearns Road leads to Francis Road. He said that traffic will have to come in and out of Route 9 and there will likely be an impact during peak times. He said that the concern is traffic and delay.

Mr. Levy asked if the Engineering Division is capable of reviewing a blasting plan. He said that there has been discussion about the possibility of ledge. Mr. Hickey said that if Engineering can get an idea of the quantity and depth of explorations, they could offer some opinions. He said that they do not have a geology specialist on staff. He said that there have been projects where they have used an outside consultant. He said that if there is any blasting, that is something that the Fire Department will review and a permit will be required. Mr. Bergeron said that the Applicant is in the process of preparing a blasting plan and that should be forthcoming.

Mr. Redgate said that cut/fill should be reviewed by the Engineering Division now rather than addressing it in the CMP.

Mr. Becker said that asbestos pipe was identified in the projects for 16 Stearns and 680 Worcester Street. He asked Mr. Hickey if that was something that Engineering saw in the data or a standard comment. Mr. Hickey said that he will get back to the Board with that information. Mr. Bergeron said that until after the 1970's, all of the sewer construction was called asbestos cement that was standard for municipal systems. He said that there is a procedure that has to be followed to break it up.

Mr. Hickey said that a concern is that they are going from four spots, all of the western side of the property, to draw conclusions. He said that Engineering is concerned about what will be excavated and how will the stormwater system perform. Mr. Bergeron said that the stormwater design was revised after the test pits were done. He said that they agree that more testing needs to be done.

Mr. Becker asked if the water line will be a main or dedicated to fire protection. Mr. Hickey said that it is the water main. Mr. Redgate asked how one would go about getting the rights to loop the system. Mr. Bergeron said that the town already has rights for construction in Stearns Road. He said that the hydrant is probably on the Alzheimer's property and may or may not be in an easement. He said that it came in from Route 9. Mr. Levy said that he would like to see a copy of the easement.

Mr. Levy asked if the Applicant has been in contact with the Alzheimer's Center. Mr. Engler said that his client has had conversations with them several times over the past year but not recently.

Mr. Redgate asked about existing soils and what storms will infiltrate. Mr. Bergeron said that they did calculations up to the 100 year storm. He said that the bulk of the impervious area will come from the roof, which will be directed into the stormwater management areas. He said that the town has a policy for stormwater treatment management which has been addressed. He discussed details of the proposed system. He said that there will be a decrease in runoff and they will be recharging more. Mr. Redgate asked about piped connection emergency overflow. Mr. Bergeron said that there was no connection with the town systems. He said that the site is A soils on that part of the site and ledge on the other part. He said that 680 Worcester Street is also listed as A soils. Mr. Bergeron said that there were issues at Sprague School, so there were a lot of borings done in the field.

Mr. Bergeron said that the utility easement conforms to the lines of the abutting properties. Mr. Becker said that there is more complexity as to the rights to the land than is currently shown in the record. Mr. Engler said that the Applicant will come back with more information. Mr. Levy asked that the plans show where the end of the public way is.

Mr. Hickey said that there is an oddly configured piece of property immediately to the east of the lot that the town owns. He said that a lot of the recent tree clearing was right along that line. He said that the Board should be aware that several trees have been removed on what Engineering believes is the town's parcel.

Mr. Engler asked for a copy of the easement deeds that go along with the easement plans at the end of Stearns Road.

Mr. Redgate asked if Engineering's scope of review cover site access issues for trucks and fire apparatus. Mr. Hickey said that the Fire Department typically looks at the truck movement analysis and sometimes ask DPW to review it. He said that Engineering looked at it for 680 Worcester Street and 16 Stearns Road. Mr. Redgate asked that Engineering include any issues they found in their comments to the Board.

Mr. Bergeron displayed turning movements for larger vehicles. He said that they had been planning to provide an easement that would allow larger vehicles to turn around at the end of the road. He said that currently the garbage truck has to back all the way down the road, which is not a safe maneuver. He said that the turning movements were submitted to the Fire Department, who has stated that they have no access issues for this. He said that the Peer Reviewer at VHB commented on concerns about access and tight spaces around the garage and interior parking spaces. He said that there will be 24 foot drive aisles, which is what is required. Mr. Redgate asked for a demonstration of the turning movements for the largest truck. Mr. Bergeron said that a tower truck would be the largest. He said that anytime you have a T-intersection at the end, vehicles make a 3-point turn to reverse direction. Mr. Redgate asked about access to the rear and sides of the site in an emergency. Mr. Bergeron displayed emergency vehicle access and turning movements on the site on a PowerPoint presentation.

Mr. Hickey discussed the 680 Worcester Street project. He said that it is difficult because the lot is half of the size of 16 Stearns Road. He said that there is one driveway, which raises concerns about deliveries and emergency access. He said that there are significant concerns about constructability without having an impact on Route 9. He said that there is no room for staging, storage or crane setup. He said that there are concerns about sewer on the site. He said that there is a sewer manhole that is within an easement that services this lot and all the lots between this site and Francis Road. He said that it is a six inch line. He said that the intent is to modify the easement because a portion of it will not be needed. He said that DPW does not have a problem with modifying the easement but want to make it clear that is something that will require Town Meeting action. He said that a concern is access to the sewer manhole will be compromised. He said that access from inside the garage might limit some of the equipment that they may need to use to service it. He said that DPW is also concerned that this will be a different use from a string of six to eight houses. He said that the Engineer submitted information saying that the six inch pipe has the capacity to handle the development but it is common practice when you develop large projects that you consider an eight inch pipe.

Mr. Hickey said that their first review included comments about snow storage. He said that DPW continues to be concerned that snow will have to be lifted over a wall, which could impact abutting properties.

Mr. Hickey discussed parking concerns. He said that the dimensions of the stacked parking system seem to encroach into the 24 foot access. He said that it was not clear whether the system may be limited to compact cars because of height restrictions. He asked for more specificity on that issue.

Mr. Hickey said that DPW reviewed stormwater.

Mr. Hickey said that the only ingress and egress to the site is off on Route 9. He said that any deliveries will clog all other access to the parking field and Route 9. He said that the site is small and probably does not support two means of egress but the one access design seems compromised.

Mr. Bergeron said that they originally put the stacked parking system over the sewer easement. He said that subsequent plans relocated the parking system. He discussed the dimensions of the stacked parking spaces. He said that when they relocated the system, they put in a loading area next to the handicapped space, which creates better space for emergency access. He said that they added directional arrows on the plan.

Mr. Bergeron said that they adjusted the wall height at the back to flatten out the area for snow storage.

Mr. Bergeron discussed a deck that they had proposed for the site. He said that, based on the concerns about putting a structure over the easement, it has been removed from the project.

Mr. Bergeron said that the portion of the sewer easement that is in the garage serves no function. He said that if it is a problem, they can leave everything exactly as it is and it will not affect the project at all. He said that on the current plans, they would add a manhole for utilities. He said that there would be no need to take the sewer out. He said that he provided calculations for sewer capacity. He discussed peak flow calculations for the project and the other units on the system. He said that they will have seven times the maximum capacity and under no conditions will the six inch line be unable to handle the flow. He said that they suggested that they TV the line from the manhole to Francis Drive, seal it and make sure that it is in working order and repair any deficiencies that may be in the line. He said that the Town's easement is 15 feet wide and has probably never been touched. He said that there are encroachments with sheds and driveway, so replacement of the line would be a major disruption.

Mr. Bergeron displayed traffic flow on the site on a Powerpoint presentation. He said that the Vanasse Traffic Report and the Peer Review by VHB indicate that there will be minimal queueing at the access during peak. He said that the Engineering memo referred to tandem parking spaces. He said that those spaces were removed from the project and were replaced with two surface spaces.

Mr. Hickey discussed the stacker system. He said that the space seems tight for turning in the garage. He said that DPW was concerned about trucks accessing the refuse area. He said that although the operation will probably take place during off-peak hours, access in and out of the garage will be blocked while the truck is there. Mr. Bergeron said that an SU30 vehicle can park by the refuse area and not block anything. Mr. Hickey said that DPW's concerns have more to do with conflicting movements at the access to the garage.

Mr. Bergeron said that the access height was increased to 13.5 feet. He said that will provide access for a fire or DPW sewer maintenance truck. He said that the Town's legal right to access is from Francis Road.

Mr. Zehner asked if potential architectural changes will affect the engineering plans. Mr. Engler said that the Applicant is aware of concerns raised by VHB and the Engineering Department. He said that any modifications to the architecture will need to take those concerns into consideration.

Mr. Becker asked about the slope easement. Mr. Bergeron said that when Route 9 was constructed in the 1930's, a slope easement was taken. He said that typically they are taken for duration after construction and usually goes away after a few years. He said that they made this a permanent easement on the site. He said that they moved a transformer pad and part of a retaining wall. He said that the State told them to keep the building out of the slope easement but the Applicant wanted to have no structures there. He said that there will be a hydrant there that was requested and approved by the Fire Department. Mr. Hickey asked if the State had any concerns about the stormwater system within the easement. Mr. Bergeron said that utilities were not included, just surface grading.

Pete Buhler, 10 Stearns Road, said that the neighbors do not wish to make Stearns Road a driveway to 16 Stearns Road and do not want to make accommodations to allow for a project with this proposed mass and density. He discussed the fire hydrant letter, major concerns of the Stearns Road neighborhood about traffic, safety at the end of Stearns Road, access to Sprague, eight inch sewer line, need for more information about blasting, rights to the end of Stearns Road, prior denial of site eligibility by MassHousing, and resubmittal with a second entrance way.

Deb Buhler, 10 Stearns Road, asked if the plans anticipate Stearns Road extending to the back of Sprague School. She asked if the building has gotten larger because of extension of the road. Mr. Bergeron said that it has not.

Mr. Levy said that 680 Worcester Road is a very dense project.

Mr. Becker moved, Mr. Redgate seconded the motion, and the Board voted unanimously to continue the hearing to January 15, 2019 at 7:30 pm.

ZBA 2018- 24, WELLESLEY PARK LLC, 148 WESTON ROAD

Mr. Seegel said that at the previous hearing, the Board asked that the Applicant submit full sized plans at least one week before a public hearing. Mr. Zehner said that the plans were submitted.

Present at the public hearing were Dartagnon Brown, Architect, and Susan Spratt, Civil Engineer. Mr. Brown said that they had a working session with the Peer Reviewer for Architecture, and met with the Fire Department and Town Engineer to review fire safety access.

Mr. Brown displayed site access off on Weston Road on a Powerpoint presentation. He discussed the grade elevations on the site. He discussed concerns about adjacency at the northern edge to the North 40. He said that they pushed the building back to at least a 30 foot setback. He said that they adjusted the building to allow for a straight shot access into the garage, which eliminates the need for fire access to a corner of the site. He said that the garage door was shifted to the northern side, which eliminated the need for the amenity building at the front. He said that they created a large open space play area from the front door out to Weston Road, approximately 150 feet in length. He said that there will be seven visitor parking spaces, two of which will be handicapped. He displayed the area for drop off and deliveries. He displayed the location of the extended fire lane. He said that they have a series of fire truck maneuverability diagrams that will be reviewed by the Fire Department. He said that they increased the side yard setbacks to a 10 foot minimum. He said that there will be parking spaces in the garage for 59 cars. He displayed the layout of the garage and the residential levels. He displayed elevation drawings. He said that a dip in the grade of the site brings it approximately seven feet below Weston Road. He said that they worked on window scale, cornice lines, outdoor balconies and defined residential entry. He said that they are looking at ways to connect to the crosstown trail at the rear. He displayed landscaping on the site. He said that they updated the Shadow Studies. Mr. Sheffield questioned the accuracy of the plan. Mr. Brown said that they will look into it.

Ms. Spratt discussed the change of location of the entry drive, addition of a retaining wall, seven visitor parking spaces, green space, permeable pavers for fire access, Proposed Grading and Drainage Plan, two subsurface drainage systems, capturing runoff, piping and outfall to existing system. Mr. Seegel asked about flow onto neighboring property. Ms. Spratt described existing surface runoff flow. She said that post will be significantly less than pre-construction. Mr. Sheffield said that building and hard surfaces will go to a pipe. Mr. Spratt said that the runoff will be collected and infiltrated. She said that it will not runoff onto adjacent properties. She said that there will be a 12 inch discharge pipe for up to a 100 year storm. She described the various existing and proposed storm impacts at the design point. She said that they will manage the space between the inlet and the outlet. She said that most of it will infiltrate into the two systems.

Ms. Spratt discussed utilities. She said that they will connect to the town system. She said that they are proposing a domestic fire service and a domestic water, electric and gas. She said that they switched the location of sewer, gas and electric in response to DPW comments. She displayed the pre-development watershed.

Ms. Spratt discussed emergency vehicle site circulation. She said that the Fire Department wanted an additional hydrant at the building. She discussed pulling back a landscaped area that the Fire Department requested. Mr. Sheffield said that the grass pavers will have to be kept clear of snow in the winter. Ms. Spratt said that they will provide structural details that the pavers can withstand the weight of the fire truck.

Mr. Redgate confirmed that the majority of the revisions are in response to Mr. Boehmer's comments. He asked if there were any changes to the unit makeup, the size, the density, or the height of the building. Mr. Brown said that it is a similar footprint, the unit count has remained at 55 with the same number of beds. He said that the building location was changed and location of the front door was changed. He said that the structure at the front was eliminated. Mr. Zehner said that they met with Mr. Boehmer prior to the submittal of these plans but he has not had enough time to provide formal comments on the changes. Mr. Redgate said that the changes are significant enough that all peer reviewers need to update their reviews.

Mr. Sheffield said that there are still issues with height and bulk.

Mr. Zehner said that Engineering and Mr. Boehmer are reviewing the revised plans. He asked if the Traffic and Parking peer reviewers need to review the revised plans. Mr. Seegel said that the Parking Consultant should review the revised plans. Mr. Sheffield said that the Board had questions about the stacked parking.

Mr. Sheffield said that previous concerns were about the proximity to the property line. He asked where the outdoor activity area will be located. Mr. Brown displayed the location on the PowerPoint display. Mr. Sheffield asked how the area will be accessed from indoors. Mr. Brown said that it will be through the amenities space. He said that there will be an additional greenway at the front of the building.

Mr. Seegel asked about arrangements for school bus pickup. Mr. Brown said that they will look at the design in the greenway area at the front. Mr. Sheffield said that the bus will stay on the public road.

Mr. Brown submitted copies of revised plans.

Mr. Redgate asked that Mr. Boehmer attend the next hearing and focus on the building itself. Mr. Seegel asked that the Town Engineer attend as well.

Mr. Zehner said that the Applicant asked for an extension for the Delanson Project to January, 2019.

Mr. Seegel asked about the timeline for this project. Mr. Zehner said that the timeline is for approval is March 5, 2019. Mr. Seegel asked Mr. Sheen about an extension for this project. Mr. Sheen said that once they have feedback from Mr. Boehmer and Engineering, they intend to re-submit the entire set. He said that safety has been signed off by the Fire Department. He said that they completed the technical review for traffic. He said that they are working on a CMP and that will be submitted as part of the conforming set. He said that they are preparing a Lighting Plan that will be dark sky compliant, so they will not be seeking any waivers for that.

Mr. Seegel said that he would like to see a draft of the Request for Waivers.

The Board discussed continuing the hearing to January 8, 2019.

Mr. Sheffield asked about a town review for the change in density. Mr. Zehner said that the town loses a lot of its discretion with a 40B project. He said that there is a Master or Comprehensive Plan for the town as well as a Housing Production Plan. He said that MassHousing was made aware of the plans that are in progress. Mr. Heep said that because this is a 40B project, the town does not necessarily have the ability to say whether the density for the site is appropriate. He said that the town can evaluate whether the project is too big as far as the impacts on the property and the surrounding neighborhood. He said that the town can look at the traffic impacts and impacts on the neighbors. He said that with a 40B application, the town has to accept that the applicant has the ability to put in something that the town would not normally allow. He said that the town can evaluate the question of whether it is too big or too dense in terms of the impacts on the site and the immediately surrounding neighborhood. Mr. Zehner said that the town is acting more proactively now than it has historically to meet its requisite need for affordable housing within the town. Mr. Sheffield said that projects that fall outside of the Planning Board's authority may have unintended consequences that are hard to track down.

Mr. Redgate moved, Mr. Sheffield seconded the motion, and the Board voted unanimously to continue the hearing to January 8, 2019.

Respectfully submitted,

Lenore R. Mahoney
Executive Secretary

DRAFT