

**ZONING BOARD OF APPEALS**

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

J. RANDOLPH BECKER, CHAIRMAN
RICHARD L. SEEGEL
DAVID G. SHEFFIELD

LENORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 2208

ROBERT W. LEVY, VICE CHAIRMAN
WALTER B. ADAMS
DEREK B. REDGATE

September 12, 2019

7:00 pm

Juliani Meeting Room

Town Hall

Zoning Board of Appeals Members Present: J. Randolph Becker
Richard L. Seegel
David G. Sheffield

PUBLIC MEETING

Mr. Becker said that under the bylaw a pre-application meeting is required for the 40R application for the Hanover Wellesley project at 40 William Street.

Present at the meeting on behalf of the Applicant were Peter Tamm, Esq., David Hall, Hanover Company, and Brian O'Connor, Cube 3 Architects.

Mr. Tamm said that the team wanted to provide a preview of the application that is before the Board and to discuss the Board's expectations for process during October.

Mr. Hall said that the application materials for a 40R were submitted to the Board on Tuesday, September 10, 2019. He said that there are a few materials that will be submitted later. He said that the purpose of tonight's meeting is to give an overview of the project and the issues that they struggled with. He said that they have been working on this for over a year with the Town of Wellesley. He submitted a Fact Sheet.

Mr. Hall discussed the project team. He said that the property is owned by the John Hancock Insurance Company since 2014. He said that they intent to be a long term owner and have been a good steward of the property.

Mr. Tamm discussed the regulatory framework of the project. He said that this has been a collaborative but lengthy process in a compressed timeframe. He said that they have been working with the Town, including all staff and all departments and every Board except for ZBA. He said that this is a new process in a compressed timeframe. He displayed a PowerPoint chart of the activities that they have been involved with the Town over the past year. He said that they came up with a project of 350 apartment units that satisfies a number of key Town goals. He said that it is anticipated to be a successful project with 25 percent affordable housing. He said that 88 affordable units will be constructed. He said that there will be some amenities. He said that as part of the early iterative planning for this, it was made very clear to the Applicant that there are some very important issues that the Town wanted to see resolved. He said that the Department of Public Works (DPW) identified some aging municipal infrastructure. He said that the Applicant and the Town

entered into a Development Agreement that specifies in great detail a number of the commitments with respect cost sharing associated with municipal infrastructure, principally water and sewer and traffic improvements.

Mr. Tamm discussed the timeline of the project. He said that if the hearing is opened in October, the Applicant is hopeful that the process can be completed by year's end or thereabouts. He said that they anticipate filing a Notice of Intent with the Wetlands Protection Committee (WPC) in September. He said that the Applicant anticipates going through the ZBA and WPC processes concurrently. He said that the Applicant submitted a memo that outlined the unique standards for this 40R Overlay, borrowing largely from the bylaw that was adopted.

Mr. Hall described the site and the existing buildings. He said that the project is a revitalization of a fairly old office park that was built between 1961 and 1984. He said that John Hancock wants to revitalize the park and introduce mixed use. He said that they could only displace one of the office buildings because they are successful buildings that are almost full. He said that the site has a lot of grade, with approximately 30 feet of fall. He said that they understand the proximity to the highway, Charles River and the DCR land. He said that they understand there is a tricky access issue with one way in and one way out. He said that there is all new infrastructure at the interchange. He said that there are wetlands and flood plain issues that helped to shape placement of the project.

Mr. Hall displayed the location of the building to be demolished and the proposed project. He said that the stated goal is to get the town to a 10 percent threshold for safe harbor for affordable housing. He said that having 350 apartments was specific to that goal. He described the layout of the proposed building. He said there will be 4,000 square feet of retail space which will not be destination space, as agreed with the town. He said that there will be 591 parking spaces in the garage to serve the residents and an office building, at an appropriate ratio.

Mr. O'Connor said that part of the goal in developing the project was to create a more active pedestrian corridor. He said that access to the garage is almost immediate off of William Street. He said that there will be two-way complete streets. He said that they added a motor court as the primary arrival to the project. He said that the motor court helps to break up the massing along William Street. He said that they will be putting a residential building in a corporate office park, so they needed to create an appropriate scale to the office buildings and along the pedestrian edge. He displayed the location of bike parking and storage, a proposed crosswalk that will connect the pedestrian path to trails. He said that they created a two-story break in the building to allow a view corridor and a forecourt along the pedestrian walk. He displayed the location of the leasing office and the motor court, which will be more of an urban hardscape plaza. He said that there will be sidewalk circulation around the entire building. He displayed the location of the dog park and internal courtyard. He said that they are proposing two other potential crosswalk locations. He said that there are existing trail networks on the site and other existing amenities. He displayed a diagram of the complete streets. He discussed landscaping at existing Hanover projects. He said that there will be a fairly developed pocket park.

Mr. Sheffield asked about the scale of the building.

Mr. O'Connor discussed lighting. He displayed renderings of the building. He said that there is a fair amount of mature tree growth and landscaping on the site. He briefly discussed the materials for the building. He discussed proposed signage. Mr. Hall said that there will be a new sign ordinance drafted for the office park.

Mr. Tamm said that the Applicant will submit a full traffic analysis and a master signage plan for all new signs. He said that the signage plan can be supplemented as new projects are advanced.

Mr. Seegel asked if the proposed overlay district only encompasses the proposed site or the entire office park. Mr. Tamm said that the overlay, as approved by Town Meeting, encompasses the entire park. He said that they worked with the town to envision potential uses of the park in the future. He said that Jeffrey Dirk, Vanasse & Associates is aware of traffic issues. He said that they have had meetings with DOT officials as well as with the town's traffic consultant, BETA. He said that a phased approach to improvements is described in the Development Agreement. He discussed DOT approvals at the junction of William Street and frontage road. He said that with respect to future development, as part of this project, the Applicant submitted to DOT design plans for a slip ramp that would encompass approximately 40 percent of the existing traffic to route it directly onto Route 95 North.

Mr. Becker confirmed that Mr. Tamm was discussing a transportation study, not a traffic study.

Mr. Becker discussed the makeup of the Board. He discussed the challenges the Board is facing with this project being the first 40R and the different rules and regulations.

Mr. Sheffield asked about visitor approach and parking. He asked if there will be an opportunity for fine texture on the facades to reduce the scale. Mr. Hall said that visitor parking has been estimated at 10 percent. He said that parking is anticipated to be access controlled, so visitors will have to stop at management for access control for overnight guests. He said that there will be street parking and shared parking in the surface lots.

Mr. O'Connor discussed façade and texture. He said that they have been discussing the design with the Design Review Board (DRB).

Mr. Becker discussed moving forward and scheduling a hearing. Mr. Tamm said that the Applicant has spent a considerable amount of time, including three TDRT meetings with all staff and municipal boards. He discussed the possibility of directing the town's traffic peer reviewer to review the traffic report in advance of the hearing to confirm that it is consistent with their past assessment.

Mr. Becker said that the Board will have to look at the impacts to the surroundings. Mr. Tamm said that the Development Agreement addressed a lot of those concerns. He said that as part of site eligibility with DHCD, the town needed to certify through Planning and DPW that the impacts of the project would not be adversely impactful on the municipal infrastructure, similar to PSI review.

PUBLIC HEARING

2019-65 – 15 RIVER GLEN ROAD

Present at the public hearing was Robert Nascimento, who said that the request is for relief for a retaining wall system. He said that he came before the Board two years ago for a similar wall system. He said that after that, architectural designs were done to make it more aesthetically pleasing. He said that relief is requested for the height of the wall at more than four feet for the rear and one interior wall. He said that they need relief for less than required 10 foot setback.

Mr. Seegel said that a special permit was granted for the rear wall in 2017. He said that because it is close to expiring, Mr. Nascimento may want to request extension of the 2017 permit.

Mr. Seegel said that he looked at the site and what is proposed makes a lot of sense.

Mr. Becker said that one of the photographs that was submitted show a neighbor's retaining wall along the same lines as the wall on the east side. He said that the details in the drawing do not indicate how the wall on the east side sits with respect to the neighbor's wall. He said that the Board has to find that the wall is

otherwise in compliance with the bylaw and does not adversely affect the adjacent property. He said that the Board needs to know that the wall will be safe. Mr. Nascimento said that the wall was put up while he was rendering his drawings. He said that the neighbor's wall is approximately 1.5 feet from the property line and his has been pushed in 1.5 feet, so there will be 3 feet between the two walls. Mr. Becker discussed terraced conditions in the bylaw with respect to the two walls. He said that it has to be considered as one wall. He said that it is the taller of the walls. He said that three feet between them is not enough to make the walls terraced. He said that nothing was submitted that says that the lower wall is safe with the upper wall in place. He said that he was not sure how the Board can find that there is no impact to the neighbor.

Mr. Becker said that he was not sure from the materials that were submitted how the northeast corner will work, where the retaining wall turns the corner and goes parallel to the neighbor on the left hand side and where the pool is. He said that the top of walls that is shown on the drawings is not clear where things are stepping up and down. He said that it is not clear how it all fits together. He said that one of the original drawings that was submitted showed some Cultec systems that look like they are underneath the walls. He said that one of the plans that was submitted dealt with grading and drainage that showed Cultec reinjection into groundwater both on the upper and the lowest level. He said that it was not clear how the Cultec's on the lower level worked with the pool and with the retaining wall. He said that the architectural drawings show an impressive layout in the back.

Mr. Seegel said that Mr. Nascimento may want to retain the services of a civil engineer who can help the Board with some of its issues. Mr. Becker said that the drainage issue has a solution but the issue that he is most concerned with is the wall over wall because, in all likelihood the lower wall not designed with the idea that there would be an upper wall in place. He said that the Board does not know if the lower wall can withstand the fill and the new wall three feet away from it.

Mr. Seegel asked how the wall will be constructed. He asked if Mr. Nascimento will have to go onto his neighbor's property. Mr. Nascimento said that it will all be done on his side. Mr. Seegel said that the Board will need to know how that will be done. He said the Board should see more information about the wall itself and Mr. Nascimento should have an engineer help to put the plans together.

Mr. Becker said that the Board is not asking for a complete design but it needs enough information to be able to feel comfortable finding that there is no impact to the neighbors.

Mr. Seegel suggested that the petition be withdrawn without prejudice to give Mr. Nascimento time to retain an engineer to put together better plans to put before the Board.

Mr. Nascimento requested that the petition be allowed to be withdrawn without prejudice.

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

2019-54 -170-184 WORCESTER –

Present at the public hearing were Dennis Dischino and John Federico, P.E.

Mr. Dischino said that they submitted updated plans to the Board. He said that they met with the Board of Health and will put in a concrete pad where the dumpsters are located. He said that they will put a drain in front so that they can be washed down from time to time. He said that they will be installing a six foot vinyl fence across the back of the 184 Worcester Street building.

Mr. Sheffield asked about signage for exit onto Burke Lane. Mr. Dischino said that exit onto Burke Lane is left turn only.

Mr. Becker said that the Applicant has taken care of the things that the Board asked for. He said that the Board will close the public hearing and schedule a public meeting to vote final approval.

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

Mr. Sheffield moved and Mr. Becker seconded the motion, and the Board voted 2 to 0 to close the public hearing.

Mr. Becker said that the Board will schedule a public meeting with all three Board members present.

ZBA 2019-73, SAL INSOGNA, 95 RUSSELL ROAD

Present at the public hearing was Sal Insogna, the Petitioner. He said that the request is for a special permit to install a compressor for a ductless air conditioning system.

Mr. Seegel asked Mr. Insogna if he had any information about the noise levels that the system will produce. Mr. Becker said that the installation manual that was submitted did not have any information about noise levels.

Mr. Becker asked if the photograph that was submitted shows the intended location of the compressor. He said that it seems to be sitting on a step, so it was not clear whether it was blocking egress. Mr. Insogna said that it is not on a step. Mr. Sheffield said that there is no door there. Mr. Becker said that two of the support feet are on the step but two seem to be out in the middle of space. Mr. Insogna said that there is nothing on the step.

Mr. Sheffield asked if the plan is to build a support structure underneath the unit. Mr. Insogna said that the unit is there and is not supported by the stairs. He said that they went before the Wetlands Protection Committee (WPC) a couple of years ago with plans for a ductless system. He said that WPC said that the system should not be on the side of the property and recommended that it be located under the porch. He said that at the same time they submitted plans to ZBA that showed the location of the utility pad. He said that they had the construction done. He said that when they did the building plans and submitted them, they removed the ductless system. He said that, through the project, they spoke with the contractor and decided to go ahead with it because it made sense since they were installing a hot water system. He said that when the Building Inspector came, he said that they would need a special permit for that.

Mr. Sheffield said that the compressor will be less than 20 feet from the side lot line. Mr. Becker said that there is a variance for all of the construction that surrounds the compressor. Mr. Insogna said that project was to raise the third floor. The Board discussed modifying the variance versus a special permit/finding. Mr. Becker said that the lot area, the frontage, and the side yard setbacks are too small.

Mr. Sheffield discussed concerns about noise, particularly on a water site. He said that sound will go across the pond if it is too noisy. He said that even distant neighbors will hear it if it is too noisy.

Mr. Sheffield said that having a piece of equipment on a wood frame porch on a wood frame house may be an issue for the Building Inspector with respect to overheating or fire. Mr. Becker said that he looked at the installation manual that was submitted and it shows a compressor in a located that is consistent with these plans.

Mr. Insogna said that the compressor is quiet and low frequency.

Mr. Seegel asked if the photograph that was submitted was photoshopped. Mr. Insogna said that it is the actual installation. He said that it is mounted off of the house. He said that the step is adjacent to it. Mr. Sheffield said that the unit is side supported from the building. Mr. Becker said that in the photo it looks like the left front foot is on the step and Mr. Insogna is saying that it is actually above the step. He said that it is supported from behind, back to the structure of the house.

Mr. Sheffield asked if the manufacturer has sound attenuation packages for this model of compressor. Mr. Seegel said that the Board will need to see specifications for noise, what the decibels are at certain distances.

Mr. Seegel moved, Mr. Sheffield seconded the motion, and the Board voted unanimously to continue the petition to October 10, 2019.

2019-74 CHAMMAS – 1005 WORCESTER STREET

Present at the public hearing were Romeo Adams, Esq. and Mike Chammas, the Petitioner.

Mr. Adams said that the request is for a special permit to sell up to 15 used cars on the premises. He said that it will not require any additional construction. He said that the Mike Chammas Inc. service station has been servicing the Wellesley community for 37 years. He said that during that period of time, they have built up quite a reputation for quality services as well as reliability. He said that over the past few years there has been an increase in customer requests for getting advice for the purchase of used cars as well as selling used cars. He said that they are requesting that on the east side of the property, they be allowed to sell up to 12 used cars. He said that many of the cars come from customers who had their cars repaired there and would like to sell them, as well as other customers who are looking to purchase a new car.

Mr. Sheffield said that he has been a satisfied customer for several years. He said that he has always been annoyed by the fact that Edgemoor Road is one large pothole, frequently filled with water from the facility nearby that does striping and marking of cars. He said that there is not a lot of room on the property for the Applicant to do what he is requesting. He said that a petition for this site was before the Board a few years ago to allow an inspection station with a small extension. He said that the Town of Natick line goes right through the property. He said that there are cars that are parked in Natick. Mr. Adams said that on the left side of the property, facing the station, the cars on the left side in Natick are there for repair.

Mr. Seegel said that he did not see a plan in the application package that was prepared by a civil engineer that shows where and how the cars will be parked and how they will fit in there. Mr. Becker said that the plan that was submitted was dated 1967, where the plan that was submitted two years ago shows all of the features on the site, including the canopy, which is not shown on the 1967 plan. He said that there is nothing in the record that shows what the total use of the site will be. Mr. Adams said that they will submit a plan that has been certified by a civil engineer.

Mr. Seegel said that there was a plan prepared by AGH Engineering, Stoughton, MA in 2015. He said that the Board needs to see where the lines are and how the cars will be parked. He said that there is another property behind this. He said that he is concerned about cars going out onto Edgemoor because he did not think that the town ever released it. He said that you cannot park cars on Edgemoor Ave. Mr. Adams said that the cars will be parked up against the east side of the facility on the sidewalk. Mr. Sheffield said that currently there is a dumpster there. He said that it does not look like you could fit 15 cars there. He said that Edgemoor may be a private way, because no one is repairing it.

Mr. Adams said that the estimate of 15 cars includes the side of the building on Edgemoor and around the back and side of the building. Mr. Becker said that the photograph that was submitted already has cars parked there. Mr. Adams said that those cars are not for sale. Mr. Chammas said that most of those cars are

junk and waiting to be picked up by the tow truck and taken to the junkyard. He said that the pickup truck will be parked on the other side. He said that he has a picture on his phone of 11 cars parked there.

Mr. Seegel said that the Board would like to see an 11 by 17 plot plan that shows how the cars will fit in without encroaching on Edgemoor Ave, including the cars being repaired and/or inspected, traffic into and out of the site. He said that the permit from the ZBA is not to sell cars but under the bylaw in a Business District, you need a special permit in order to sell cars. Mr. Adams said that they have a video of the typical activity at the station on his phone.

Mr. Sheffield said that the plan should show the cars at scale.

Mr. Seegel said that two plans may be appropriate, one plot/site plan and another site plan that shows the traffic flow. He said that he does not know how many cars park waiting for service. He said that he does not understand where all of the cars will be going. Mr. Chammas said that service takes place at the opposite side of the station. He said that gas operations take place at the front of the station and the serviced cars are on the Natick side. He said that the cars for sale will be on the east side where there is a sidewalk where you can walk to view the cars. Mr. Seegel said that the Board needs to see a plan that shows that.

Mr. Sheffield asked if the plans for the station still include an inspection station. Mr. Adams said that they do not.

Mr. Becker read the Planning Board recommendation.

Mr. Sheffield asked if there is a catch basin or drainage system on Edgemoor Ave. Mr. Adams said that there is not.

Mr. Seegel said that the petition can be continued to November. He said that the plans should be submitted at least one week before the hearing.

Mr. Sheffield moved, Mr. Seegel seconded the motion, and the Board voted unanimously to continue the petition to November 7, 2019.

ZBA 2019-75, TERRI RAWSON, 4 BRYN MAWR ROAD

Present at the public hearing was Dan O'Connor, representing Terri Rawson, the Petitioner. He said that the request is for a special permit a new two car garage to replace an existing single car garage and a new mudroom leading to the kitchen. He said that the existing single car garage is detached. He said that the Petitioner would like to improve the functionality with a two car garage and a mudroom.

Mr. Seegel confirmed that the entrance to the garage will be off of Claflin Road.

Becker said that the lot and the structure have a series of nonconformities. He said that the lot is undersized, the frontage on Bryn Mawr is undersized, it is a corner lot so there are two front and two side yards. He said that the only side yard that is conforming is the rear yard at as you look at it from Bryn Mawr. He said that this has created a new nonconformity. Mr. Seegel said that the existing garage is to be removed and that nonconformity existed. Mr. Sheffield said that connecting the garage to the house will make the whole structure nonconforming.

Mr. Sheffield said that new construction in the neighborhood has been at a much larger scale than the proposed building. He said that the proposed structure with the addition will be within or smaller scale with the rest of the neighborhood.

Mr. Becker said that the Board can find that the rear nonconformity is not an increase and grant a special permit.

Mr. Becker read the Planning Board recommendation.

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

Mr. Seegel moved, Mr. Sheffield seconded the motion, and the Board voted unanimously to grant a special permit.

ZBA 2019-76, SAMI & STEPHANIE JUMA, 38 COLLEGE ROAD

Present at the public hearing was Michael Collins, Architect, representing Sami and Stephanie Juma, the Petitioner. Mr. Collins said that the proposal is for a modest 130 square foot entry vestibule and covered porch. He said that the existing house is pre-existing nonconforming with a 22 foot front yard setback. He said that the proposed entry vestibule and coverage porch will have a 24 foot setback, therefore not making it more nonconforming. He said that the request is for approval of a special permit.

Mr. Sheffield said that it will be an improvement to the house. He confirmed that the trees in front of the house will not be affected. Mr. Collins said that a walkway will be reconfigured slightly.

Mr. Becker read the Planning Board recommendation.

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

Mr. Sheffield moved, Mr. Seegel seconded the motion, and the Board voted unanimously to grant a special permit.

ZBA 2019-77, SUN LIFE ASSURANCE CO. OF CANADA, 96 WORCESTER STREET

Present at the public hearing were Paula Nicolliello, representing Sun Life Assurance Co. of Canada, the Petitioner. Also present were Achan Sookying, Copley Wolff Design Group, Landscape Architects, Michael Fabbiano, Highpoint Engineering, and Chris Munro, Fusion Design Consultants.

Ms. Nicolliello said that the proposed project will disturb over 5,000 square feet of area. She said that Sun Life is downsizing and vacant space has become available. She said that there is no ADA compliant entrance to the building at 96 Worcester Street. She said that currently ADA goes through building 110, across the atrium into 96. She said that the side entrance that currently dumps out into grassy area does not provide proper fire egress. She said that the plan is to add a walkway from the rear door to the parking lot for fire egress, a handicapped ramp that goes up the side of the front of building, and put in new stairs to replace the service entrance type stairs.

Mr. Becker said that the sidewalk that comes down on the left ended at the parking lot. He said that now it will curve over and connect to the sidewalk at the new stairs.

Mr. Sheffield discussed starting points for ramps in proximity to ambulatory users of the building. He said that having a straight ramp allows for much more landscaping, less hardscape, less of a physical impact, and it also reaches out and connects to the rest of the campus. Ms. Nicolliello said that it is a direct path to Building 100, which houses the amenities package for the park.

Mr. Sheffield asked about the proposed architectural changes. Mr. Munro said that the plan is to add a canopy feature with an angled wall to buffer against the ramp, a wood rain screen accenting the ceiling of the canopy and the fascia. He said that they will not change any of the existing façade.

Mr. Sheffield asked if the lettering on Building 96 is the same size lettering on other buildings around the site. Ms. Nicolliello said that it will be the same size and font as Buildings 100 and 112.

Ms. Nicolliello said that there were some Design Review Board changes that were accommodated, mostly on the on ramp and the stairwell. Mr. Sookying said that they made the wall behind the ramp stone, as recommended. He said that they shifted the handicapped ramp a couple of feet over. He said that there is a stone maintenance strip for drainage for the canopy.

Mr. Becker read a letter from the Department of Public works that stated that Highpoint had appropriately addressed their comments.

Ms. Nicolliello said that the Wetlands Protection Committee issued an Order of Conditions.

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

Mr. Becker read the Planning Board recommendation.

Mr. Seegel moved, Mr. Sheffield seconded the motion, and the Board voted unanimously to grant Site Plan Approval.

As there was no further business to come before the Board, the hearing was adjourned at 9:04 pm.

Respectfully submitted,

Lenore R. Mahoney
Executive Secretary