

**ZONING BOARD OF APPEALS**

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October 2, 2019

7:15 pm

Juliani Meeting Room

Town Hall

Zoning Board of Appeals Members Present: J. Randolph Becker
Richard L. Seegel
Walter B. Adams

ZBA 2019-53, CEDAR PLACE LLC, 3 BURKE LANE

Present at the public hearing were Christopher Heep and Ivria Freed, Town Counsel, representing the Town of Wellesley.

Present on behalf of the Applicant were Lynne Sweet, Dennis Dischino and John Federico, P.E.

Mr. Becker said that since the previous hearing there was a technical meeting at the site for the retaining wall. Mr. Federico said that he, Mr. Dischino, Ms. Sweet, Dave Hickey, Town Engineer, and the retaining wall contractor met at the site. He said that Mr. Hickey had some initial concerns trees on the abutting property line but saw them at the site and noticed that many are in poor condition or not as thick as initially noted. He said that Mr. Dischino has acknowledged that there is a plan to do some replanting. He said that they reached out to geotech companies to get some borings after hearing some of Mr. Hickey's concerns. He said that the retaining wall contractor shared his expertise and what is intended for shoring devices, including a 10 foot tall by 10 foot wide by 25 foot long trench box with extenders. He said that they will have to excavate 10 feet behind the wall. He said that they will start on the high side of the wall and cut the slope down as much as they can without causing any sort of major disturbances. He said that they will get the trench boxes in by moving sandy soil and pressing down. Mr. Becker asked how the trench box will be removed when it reaches the end of the trench. Mr. Federico said that they will have up to two excavators at the site.

Mr. Seegel asked about dewatering. Mr. Federico said that they do not anticipate groundwater at those elevations. He said that they are currently waiting for the geotechnical borings to determine if there is groundwater or any unsuitable materials. He said that dewatering would be the contractor's responsibility. He said that they will review the Geotechnical Report when it comes in.

Mr. Becker said that hearing has to close by November 12, 2019. Ms. Sweet asked about having the permit subject to having the borings completed before a building permit is issued. She said that they would come back before the Board if there are any material changes.

The Board further discussed the retaining wall. Mr. Federico said that the wall was over designed. He said that the borings information may allow them to lessen the number of blocks but it will not increase the size of the wall. He said that they have shop drawings from Redi Rock and are comfortable with the design for the site. Mr. Adams discussed concerns about the Board approving the project without having seen the retaining wall plans. He said that a retaining wall of 13 feet is dramatic. Mr. Dischino said that it is the opinion of Redi Rock and the contractor that borings are not needed. He said that they may be able to reduce the width of the base if the soil is good. He said that they submitted a plan that was stamped by an engineer and will work.

Mr. Seegel discussed improving the change in elevation on parking spaces 16 and 17. He said that there are three to four feet between one side of the space to other. He asked how useable the spaces will be. Mr. Federico said that the parking will be relatively flat with a three inch grade over 20 feet or so.

Mr. Becker further discussed Mr. Hickey's concerns with the retaining wall and impacts to the abutting property through the construction process.

Mr. Federico said that they added a sign south of the driveway, five feet wide by four feet tall, three feet off of the ground, and double sided. He said that they revised the retaining wall by the dumpster by removing the jog out. He said that the wall will be flush across with a slight bend at the parking stall. He said that they moved the outer limit and pulled in the silt fence on the south property line.

Mr. Becker asked about sight lines and the sign. Mr. Federico said that they did not look at line of sight for the neighbor's driveway. He said that it was based on typical standards of 10 to 14 feet behind an edge of pavement.

Mr. Adams said that the recycle pad was reduced. He asked about the type of containers? Mr. Dischino said that they will be smaller, three to four yard on wheels, one for trash and one for recycle.

Mr. Becker asked for more information about the sign.

Ms. Sweet discussed the CMP, including main contact person, contractor, construction hours, timeline, utilities and grading, foundation, porous pavement and building. She discussed the trench box for the retaining wall work, construction traffic and parking.

Mr. Federico said that the limit of construction will be the silt fence and required inspections and maintenance logs have been noted. He discussed the construction entrance, sedimentation basin, street sweeping, stockpiling materials, and drainage swales. The Board said that adding a wheel wash would be a good idea, as the site will be wet and muddy.

Mr. Seegel asked about snow removal and storage during construction. Mr. Federico said that would default to the contractor. He said that they will have erosion control. Ms. Sweet said that they can add snow removal to the CMP.

Mr. Seegel asked to see a plan of where construction materials will be placed when trucks bring them in.

Mr. Becker said that a wheel wash would be useful to have on this site. He said that the CMP does not talk about completion. He asked if there will be phased Certificate of Occupancy (CO) requests for the single family and the balance of the building. He said that if it is not covered in the CMP, the Board will have to come up with something to direct the Building Inspector with respect to the CO's.

Mr. Adams confirmed that there will be the same contractor for both buildings. Mr. Dischino said that the front building will be completely fenced off from the back building.

Mr. Becker said that the sequencing and site administration are good but there is no information about office trailers for contractors and materials storage.

Mr. Adams asked about site lighting during construction. Mr. Dischino said that he will speak with the contractor. He said that they usually work during daylight.

Mr. Becker asked about construction signage. Mr. Dischino said that they will post a sign with contact information, a phone number and an email address. He said that they will post a sign for no right turn.

Mr. Seegel confirmed that there will be a chain link fence at the front.

Mr. Seegel asked how many construction vehicles will be at the site once the wall is finished. Mr. Dischino said that the work will be done in stages with different workers coming on site to work when a group finishes up. He said that they will do the retaining wall first to create an area for parking. Mr. Seegel said that he would like to see a layout plan for materials, workers, parking and trailers. Mr. Dischino said that contractors can also park next door where there should be plenty of room on site. He said that they are waiting for final approval for the project next door.

Mr. Becker asked about use of the single family residence and the impact of trailers on the site. Mr. Dischino said that there will be one trailer on site and an outdoor porta potty.

Mr. Becker asked about dust, noise, and odor control. Mr. Dischino said that they will have hoses for dust control. He said that they will be working during allowed hours. Mr. Seegel said that all of this should be in the CMP.

Jared Linder, 15 Burke Lane, said that the design fits in the neighborhood. He asked where the dumpster will sit in relation to his property, where the sign will sit in relation to his driveway, and the location of the driveway. He said that his bedroom window is close to the property line and it is very disruptive to have someone opening and closing a trash container and to have the odor below his window. He said that because of hill, they are limited to where can put snow and that could be a safety issue. Mr. Dischino said that they will plow with a bobcat. He said that they cannot pile snow at the front of the property.

Mr. Linder said that the retaining wall could directly impact the safety and the property of the abutters. He discussed recent case law and waivers sought under Chapter 40B. Mr. Adams said that a licensed engineer stamped a plan. Mr. Seegel said that the Building Inspector will inspect it as it is being built. Mr. Becker said that MA Building Code regulates strength and safety.

Mr. Linder asked that the Board consider a later start time for outside construction activities on Saturdays.

Brian Germani, 22 Willow Park, said that he was also concerned about Saturday construction. He asked about coordination with the Police that was discussed in the CMP. Mr. Becker said that the Police review Saturday construction and truck routes.

Mr. Germani discussed construction trucks entering and existing the site via Route 9. He discussed concerns about large equipment and noise, visual disruption, vibrations, damage to foundations, increased risk for accidental damage to fences, slopes, houses and safety. He asked who is liable for potential damage. He asked about Police details. He discussed concerns about trucks negotiating turns from the Cedar Street on ramp and merging with traffic on Route 9 where the speed limit is 50 mph.

The Board discussed waivers. Mr. Heep distributed a revised Waiver List.

The Board discussed the process going forward. Board members discussed concerns about plan changes, basement space, parking layout, location of retaining wall. The Board discussed changes to the sign and language for the Waiver Request.

Ms. Sweet said that the Applicant can get the information that was requested by the Board by October 9, 2019.

Mr. Becker said that the Board will need to see a response to Mr. Hickey. He said that the sign should be reviewed by the Design Review Board.

Mr. Adams asked for copies of landscape and lighting plans. He said that there should be a list of the drawings with the latest date.

Mr. Becker asked about the square footage of the land area for 2 and 3 Burke Lane.

Mr. Heep said that the hearing must be closed on November 12, 2019 unless an extension is granted. The Board discussed an extension to December 6, 2019 with the Applicant.

Mr. Adams moved, Mr. Seegel seconded the motion, and the Board voted unanimously to continue the hearing to October 29, 2019.

As there was no further business to come before the Board, the hearing was adjourned at 9:26 pm.

Respectfully submitted,

Lenore Mahoney
Executive Secretary