



ZONING BOARD OF APPEALS

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WALTER B. ADAMS
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November 14, 2019

7:30 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 Lynne Sweet, LDS Consulting and Dennis DiSchino, Cedar Place, LLC, the Petitioner. Ivria Fried, Town Counsel, was present on behalf of the Town of Wellesley.

Ms. Sweet discussed the documents that were submitted since the previous hearing, including a revised Construction Management Plan (CMP), Construction Parking Plan, revised Landscape Plan, revised Site Plan with setbacks added, and revised Retaining Wall drawings to show that the Applicant will comply with all Design Review Board recommendations.

The Board discussed issues with the difference in square footage from the Assessors Map and the field survey. Mr. Becker said that the Board needs to see that all of the numbers are consistent. Mr. Adams said that the other site plan drawings are not consistent with the new retaining wall drawings with respect to the jog.

Ms. Sweet discussed language in the draft decision regarding accessory use, existing building, two-car garage and 16 residential units. She asked if the Board needs a new sign plan or if it can wait until they apply for building permits. Ms. Fried said that additional documents should be submitted while the hearing is open and that the hearing should remain open until all of the documents have been added to the record. She said that the hearing has to close on December 6, 2019 unless the Petitioner grants an extension.

Mr. Adams said that he was concerned about the late submission of documents. He said that the Board needs to see a final dated and sealed set of plans as a record of what the Board has approved. Ms. Sweet said that there is a lot of work that has to be done on the architectural and utility plans.

Ms. Sweet discussed the requirement for outdoor bicycle storage. She said that they do not want to have the requirement for it but have the option to add it in the future, if needed. She said that they would like to remove the easement for emergency response services since the access to the back of the building has been increased. Mr. DiSchino said that he met with Fire Prevention Officers today and they do not want to

include a gate. Ms. Fried said that the recommendations of the Fire Department should be followed. Ms. Sweet said that the Petitioner will get a letter from the Fire Chief and will change the language on the plan accordingly.

Ms. Sweet said that they provided a letter for the Parking Management Plan stating that they will be allowed 10 parking spaces at the commercial building.

Mr. Becker said that the Management Plan should be delivered no later than the Certificate of Occupancy.

Ms. Sweet discussed communications with neighbors via email and discussed examples of what items would be important to notify the neighbors about. She said that they have most of the neighbors' email addresses. She said that they can distribute a flyer to ask the neighbors whether they would prefer to be notified by email or text. Mr. Adams said that it is good to have the Developer's phone number on the sign.

Ms. Sweet discussed language in the draft decision regarding the basement. Mr. Adams said that the basement cannot be used by anyone other than management personnel. Ms. Sweet discussed a change in the language in the event that the use of the basement is changed in the future. Mr. DiSchino said that he spoke with the architect and was told that they can add a family room in the basement that does not require handicapped access and is legal under the Building Code. Mr. Becker said that they would have to come back before the Board to request approval of that type of modification. Mr. DiSchino said that his architect told him that if the development is under 20 units, some of the accessibility requirements do not apply. Mr. Becker discussed adding language to the decision that any uses would be in compliance with the Building Code. Ms. Sweet said that the important thing is that they will not put any bedrooms in the basement. Mr. Seegel said that he was concerned about storage and bicycle racks. Mr. DiSchino said that the basement cannot be used for common area due to ADA requirements. He said that if a family room is added, it will only be accessible from the seven ground floor units with a spiral staircase from each unit. He said that he does not want the building to be built on a slab because of problems with sewer pipes, etc. Ms. Sweet said that there are no definite plans for the basement. She said that any modifications to what is approved in the decision can go back to the Board.

The Board discussed the letter from the Trustee of 170-180 Worcester Street consenting to parking on the property during construction. Mr. Adams said that the letter must be signed on letterhead and have the owner's contact information.

Mr. Becker said that there will be no waiver for DPW Rules and Regulations.

The Board said that further discussion is needed regarding the pre-existing nonconformity of the existing building and how that will be treated under the bylaw. Ms. Fried recommended that this all be treated as one project.

The Board discussed materials that should be submitted, including a letter from the Fire Department regarding access and the gate, a Site Plan without the jog and the gate, a revised sign design, and a complete set of final plans. Mr. Becker discussed concerned about the Board's ability to review so much material in the time that is left before closing the public hearing. Ms. Sweet said that they can submit the documents by November 22, 2019. Ms. Fried said that discussion can continue at non-public meetings.

The Board discussed continuing the hearing to December 3, 2019.

Gary Miller, 150 Cedar Street, asked for clarification about how the abutters will be notified, especially a 96 year old abutter. Mr. DiSchino discussed communication by email, text or telephone call.

The Board voted unanimously to continue the hearing to December 3, 2019.

Respectfully submitted,

Lenore R. Mahoney
Executive Secretary

DRAFT