

**ZONING BOARD OF APPEALS**

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

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December 3, 2019  
7:30 pm  
Juliani Meeting Room  
Town Hall

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

Present on behalf of the Town of Wellesley was: Ivria Freed, Town Counsel

ZBA 2019-67, WELLESLEY PLAZA LLC & STATE STREET CENTER LLC, 442-452 WASHINGTON STREET, 10 & 16 STATE STREET

Mr. Becker said that the Applicant requested that the hearing for this petition be continued to January 14, 2020. Mr. Seegel moved, Mr. Adams seconded the motion, and the Board voted unanimously to continue the petition to January 14, 2020.

ZBA 2019, CEDAR PLACE LLC, 3 BURKE LANE

Present at the public hearing was Lynne Sweet, LDS Consulting, and Dennis DiSchino, Cedar Place, LLC, the Petitioner.

Mr. Becker said that the Board received the requested documents.

Mr. Becker discussed the entertainment and exercise room in the one-family house. Mr. Adams confirmed that all public space was removed from the one-family house. Mr. Seegel said that he did not find it acceptable. He said that each of the units are equal and everyone should have access to the entertainment and exercise room. Ms. Sweet said that the rooms are living space for the party who will be renting the house. Mr. Adams said that the provisions of the 40B process say that all members of the facility have to have access to the same amenities. Ms. Sweet said that the rooms are not amenities. She said that they are extra rooms that are being labeled as entertainment and exercise rooms. She said that they cannot be used as bedrooms. She said that it is living/bonus space that goes with the three bedroom unit that will not be bedrooms. She said that the basement in the house has a very low ceiling. She said that they can re-label the plan to indicate that it will not be bedrooms. Mr. Becker said that there is not anything like that in the new building. Mr. Adams suggested putting an elevator in the new building and putting in an exercise room and entertainment space. Ms. Sweet said that the goal was to preserve the existing house. Mr. Seegel said that

the goal is to incorporate the existing house into a 40B project. Mr. DiSchino said that they looked at putting an accessible ramp there. Mr. Adams said that time and money can make any space accessible. Ms. Sweet said that under 40B there are profit limitations. She said that the Developer came into this project with a relatively small development for a one acre site. She said that the Applicant has tried to accommodate the Board's requests. She said that they indicated several months ago when we had to get rid of the office that there would be an exercise/entertainment area in the house. She said that it is not an amenity but is vacant space that will be rented. Mr. Becker said that this unit is bigger than the other units. He said that the space is laid out the way it is because it is an existing building. He said that the space has rooms that look like amenities. He proposed that the Board close the public hearing. He said that the developer has recourse with an appeal.

Mr. Seegel said that there the developer did not previously indicate that it was going to be an exercise room. He said that those amenities are not available to the other 15 units. Ms. Sweet said that they intended this project to be a simpler project than other projects out there. She indicated that the rents will be slightly below market rate. She said that there are amenities that residents can walk to. She said that there is no requirement under 40B to put in community amenities, nor is there the space to do so.

Mr. DiSchino discussed handicapped access. He said that the architect said that there can be family rooms in the basement of the first floor units.

Mr. Seegel said that he could not vote approval unless the amenity space is made available to all of the units.

Ms. Sweet requested that the petition be continued, based on the new feedback.

Mr. Adams said that there is clearly a way to make it accessible. Ms. Sweet said that there may not be enough room if they put it in the back of the house. The Board members said that there could be a vertical lift. Ms. Sweet said that the main goal of this project was to preserve a home. She said that all of this was peer reviewed. Mr. Seegel said that the architect did not have a chance to review it after an exercise and entertainment room were added.

Mr. Becker asked if the petitioner was willing to grant an extension.

Mr. DiSchino said that he could ask the architect or the review board for a waiver to make it a management office again. Ms. Sweet said that they previously reviewed this with the architect who said that a waiver would not be granted.

Mr. Becker discussed the draft decision. He said that the air conditioner setback is not 7.9 feet. Mr. Seegel discussed some minor changes to the conditions. Mr. Becker said that the Board is prepared to do those tweaks after closing the public hearing.

Ms. Sweet asked how the condition would be worded. She said that they cannot make the space accessible. Mr. Becker said that the space would need to be accessible and meet Mass building codes. Mr. DiSchino said that they could eliminate one parking spot to put the ramp in and make it a management office. Mr. Becker discussed the need for sprinklers. Mr. DiSchino said that would not make it economically feasible. Ms. Sweet said that they looked at the issue with the sprinkler and the handicap accessibility, but we were unable to come up with a solution that would make it a public space. She said that they can set it aside as community space, but are unsure if it will ever be used as community space. She said that they do not know if changing that space would be economically feasible. Mr. Becker suggested that the applicant put that in

writing so the Board can review it. Ms. Freed said that it is within the discretion of the Board to request this information if the Board feels it is necessary to make a decision.

Mr. DiSchino said that getting the grade to put a ramp in would result in the loss of one parking spot. Mr. Becker said that a chair lift would be better in the new building. Mr. Adams said that they can demolish that part of the building. Mr. DiSchino said that it does not make economic sense to tear down that space. He said that he was willing to go to the architectural access board to see if can be made into a management office.

Ms. Sweet said that this project never contemplated indoor amenity space. She said that a school within walking distance has play areas. She said that the applicant reluctantly needs to request that the hearing be continued. Mr. Adams said that it would be better for the architect and engineer to be present at the hearing.

Mr. Seegel said that losing one parking spot is well worth having common areas. Ms. Sweet said that Mr. DiSchino is not looking to create amenity space that will need to be maintained. She said that Mr. DiSchino offered to designate space for that use but there is no reason to have on-site management for a 16-unit complex.

Mr. Becker discussed the applicant granting an extension or the Board closing the public hearing. Ms. Sweet said that they would need to see the language of the condition. She said that they would like to walk out of the room tonight knowing what the Board is looking for. Mr. Becker said that the Board is interesting in seeing a plan that would show the use of the space that is available to more than just that one unit. He said that possible options are amenity space, management office, or one more affordable unit. Ms. Sweet said that turning it into an income-producing unit would work. She said that adding another affordable unit is the most attractive to the developer and the most feasible.

The Board discussed continuing the hearing to December 17, 2019.

Ms. Sweet said that a one-bedroom affordable unit would be in very high demand. She said that would make this a 17-unit project. She said that they may not be able to get an additional parking space. She said that they will request that the architect revise the plan. Mr. Seegel requested that the revised plans be full sized.

Ms. Freed said that she would provide paperwork to extend the public hearing. Mr. Becker said that the public hearing would be extended from December 6, 2019 to December 20, 2019.

The Board moved unanimously to continue public hearing to December 17, 2020.

ZBA 2019-82, JOHN HANCOCK LIFE INSURANCE COMPANY (U.S.A.), 40 WILLIAM STREET

Present at the public hearing were Peter Tamm, Esq., David Hall, Hanover Company, and Brian O'Connor, Architect.

Mr. Tamm said that they provided a template for conditions earlier today. Mr. Hall said that they submitted an updated Operations Management Plan. He said that parking rights are limited to one space per bedroom but no more than two per unit. He said that they want to manage it carefully, so there are no parking problems.

Mr. Hall discussed utilities. He said that there will be no gas going to the building. Mr. Becker asked about gas for outdoor areas around the pool. Mr. Hall said that they may want to allow it for a gas grill in the courtyard. He said that the courtyards will not be heated but the passageway may be heated with electric heat. He said that the pool will be heated. Mr. O'Connor said that there may be a gas fireplace in the loggia.

Mr. Hall said that they added a section on affordable housing. Mr. Becker said that he appreciated the added detail. He asked about the responsibilities for water and sewer billing. Mr. Hall said that they will use the Entrada system to allocate the bills. He said that MLP will bill for electric. He said that there will be separate meters for each unit.

Mr. Hall discussed the housing lottery. He said that they have used SEB. Mr. Seegel asked if there was any attempt to use the Wellesley Housing Development Corp. Mr. Tamm said that he would look into that.

Mr. Becker discussed an email from a resident regarding bus service. He said that a couple of features of this project are unique because it is located in Wellesley Office Park. He said that the resident requested expansion of bus service to downtown Wellesley. Mr. Tamm said that the priority for John Hancock and the Hanover Company is for transportation to public transportation options. He said that the options with the 128 Business Council, seem to be the most reasonable with respect to public transportation and that is where the principal commitment lies. He said that he views a shuttle to downtown Wellesley skeptically. He said that the commitment is to get people to and from work. He said that transit will change on the site in the future. He said that charging stations will be expanded for this project.

Mr. Becker said that the Plan discusses Eliot and Waban stations, but the plan indicates Riverside. Mr. Tamm said that there is value for adding the Eliot and Waban stations.

Mr. Sheffield discussed language in the draft decision. Mr. Tamm said that the applicant can report any change that have been made to the Board. Mr. Becker said that the more there is in the Management Operations Plan, the fewer conditions because one of the conditions is that they follow the Management Operations Plan.

Mr. Hall discussed changes to the Construction Management Plan (CMP). He discussed the Phasing Plan and communications. Mr. Tamm said that the CMP will need to be updated and revised.

Mr. Hall discussed the use of directional drilling.

Mr. Seegel asked about disruption on William Street due to installation of a 6 inch line. Mr. Tamm said that they will be asking for the Board for some flexibility when they do the infrastructure work on William Street.

Mr. Becker discussed dust control. He asked about dust control during blasting. Mr. Hall said that they will add language regarding a water truck on site.

Mr. Becker discussed the security system. He asked if the cameras will be recording or live feed. Mr. Hall said that it will be live feed to park security and their security.

Mr. Becker discussed the area for the temporary certificate of occupancy. He asked about the fire protection system. Mr. Hall said that the firewall and the stack of units will have fully-functional life safety and the remainder of the floors are fully sprinkler but do not have the alarms as yet. Steve Dazzo, Hanover

Company discussed the sprinkler system. Mr. Tamm said that they have an obligation to submit a detailed Life Safety Plan to the Wellesley Fire Department.

The Board discussed proposed conditions. Mr. Sheffield asked about the Comprehensive Signage Program. He asked if there is a need for a building directory. Mr. Hall said that visitors would need to get a fob to enter or the tenant would need to come down to let them in. He said that people will not be free to walk in and they do not envision a list of 350 tenants.

Mr. Seegel asked about language in the conditions about phasing. Mr. Hall said that they could address that. He said that there will not be much activity until the management office is opened in Phase 2.

The Board asked about the address for the project. Mr. Hall said that they do not anticipate more than two addresses, 40 William Street for the residential units and 42 William Street for retail.

The Board discussed conditions for recreation and trail enhancements. Mr. Hall said that they have spoken with staff and officials at DCR. He said that they are enthusiastic about the ideas and would like to go on-site and do a site walk but that is difficult to do now due to the snow.

The Board discussed conditions for underground utilities, water, wastewater, drainage, and stormwater management systems. The Board discussed two existing lots and Planning Board approval, and plans for the development lot.

Mr. Tamm said that they would like to expand upon the conditions list so that it can be part of a draft decision for the next meeting. He said that a final CMP needs to be submitted to the Board before construction begins. He said that they will make additional clarifications on communications, blasting dust control, and anything else the Board feels is lacking.

Mr. Hall said that they do not currently have plans to drill an irrigation well.

Mr. Tamm said that it is unlikely that the affordable units will always be the same ones.

Mr. Hall said that five percent of the units will be designed to be handicapped accessible.

Mr. Becker asked that the developers change the wording from "blasting" to "controlled blasting."

The Board further discussed the proposed conditions.

Mr. Tamm said that he would try to get a draft to the Board by the end of next week. He said that they would like to be able to close the hearing on December 17, 2019.

The Board voted unanimously to continue the hearing to December 17, 2019.

Respectfully submitted,

Lenore R. Mahoney  
Executive Secretary