



ZONING BOARD OF APPEALS

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June 18, 2019
7:30 pm
Juliani Meeting Room
Town Hall

Zoning Board of Appeals Members Present: Robert W. Levy
David G. Sheffield

ZBA 2019-61, SEB WELLESLEY, LLC, 136-140 WORCESTER STREET

Present on behalf of the Town of Wellesley was Thomas Harrington, Town Counsel.

Present on behalf of the Applicant was Geoff Engler, SEB Wellesley LLC, Bill Bergeron, Hayes Engineering, Scott Jordan, EcoTech, and Talia Canishure, Cube3.

Mr. Levy said that one of the Board members was unable to attend the hearing. He discussed the Mullin Rule under State Statute. Mr. Engler said that he did not object to the hearing moving forward. Mr. Levy discussed the hearing schedule and availability of Board members. He said that the Board has had several 40B projects before it recently and is trying to allocate its resources as best it can. He asked if Mr. Engler was agreeable to scheduling the next hearing in the fall. Mr. Engler said that he did not object as long as the Town works diligently to work out issues during the long break.

Mr. Harrington asked if Mr. Engler would work with the Wetlands Protection Committee (WPC) over the summer to deal with issues on the site. Mr. Engler said that he preferred to wait to work with them because decisions of this Board could influence the Notice of Intent with the WPC. He said that he has experience working with the Town boards over the past year. He said that they have already met with the Fire and Police Departments on this project.

Mr. Engler discussed his development team, and described the project. He said that there will be 40 rental units with 63 parking spaces on combined parcels at 136 and 140 Worcester Street. He said that egress will be to Route 9. He said that parking will be at grade under the building with four stories of residences above it.

Mr. Bergeron said that he did the land survey and site work. He said that the project is approximately 9/10's of an acre with paper streets on three sides. He said that Town of Wellesley land also abuts the property. He described existing structures on the property, gravel and paved parking areas. He discussed the grading plan and proposed finished floor grade. He said that they did a significant number of soil pits on the site. He discussed the location of the stormwater management system. He said that there will be a 66 percent

reduction in peak runoff rates and recharge on site. He described existing conditions for stormwater runoff. He said that the long term stormwater management plan will be similar to other approved projects.

Mr. Bergeron discussed utilities, including sanitary sewer along Worcester Street, 10inch water main, gas and electric. He said that they met with the Fire Department today, who suggested putting a hydrant on the landscaped island. He said that they will show that and connection to the sprinkler system on updated plans.

Mr. Bergeron discussed the Layout Plan and a two-way entrance on Alpine Street. Mr. Levy discussed concerns about the Applicant's rights to use a portion of a paper street that abuts land that the Applicant does not own. He discussed possible overburdening of the private way.

Mr. Bergeron further discussed the proposed driveway. He discussed fire access on the site, rubbish collection, drop off area for Fedex and mail, and mail room inside the front lobby. He said that they have been working with the Engineering Department on details that are shown on the plans.

Mr. Levy discussed the Board's authority with respect to local Wetlands Bylaw regulations.

Mr. Levy asked about current owners of the properties. Mr. Engler said that the lots are owned by Worcester Road Realty Trust, Dean Behrend and Dean Cartwright.

Mr. Sheffield asked about parking requirements. Mr. Engler said that they have 63 spaces where 60 are required.

Ms. Canishure discussed the floor plans, amenity space, and potential for deck on the upper floor. She said that they broke up the scale to have a more residential nature. She said that they used earth tones to tie into the nature around the site. She said that they will use bay windows and a mansard roof for a top level that fades back. She said that the overall height will be under 55 feet. Mr. Bergeron said that the building will be set back 30.1 feet from Route 9.

Mr. Levy asked about the setbacks of surrounding properties. Mr. Engler said that the site does not have a neighborhood surrounding it. He said that it is surrounded by a lot of open space and town property. He said that there were no direct abutters that they tried to align with.

Mr. Engler discussed the town resource areas that abut property. He said that he was willing to arrange a site visit. He said that the area is wooded and overgrown with a lot of big trees.

Mr. Engler discussed an outdoor patio area for tenants with a grill and outdoor furniture, a play area for children, plantings along the front of the building, plantings to break up parking and along the edge of the property. He said that the project will benefit from natural elements surrounding the site.

Mr. Jordan discussed delineation of the resource areas on and in the immediate vicinity of the property, the riverfront and riparian areas. He said that they will be filing a Notice of Intent with the WPC for any work within the buffer zones that trigger review. He said that they will need an Order of Conditions. He said that they also found an isolated wetland just off the site to the east on town property that is not large enough to qualify as an isolated land subject to flooding, which is one of the resource areas under State jurisdiction. He discussed the area to be filled and replicated on the project site. He said that they will provide soil enhancement and native plantings at the back for more of a native forest look.

Mr. Engler said that the Applicant is allowed to ask for waivers from the local conservation bylaw. He said that they will file a Notice of Intent with the WPC but would prefer to wait on that to get traffic issues dealt with first.

Mr. Levy asked if there are any jurisdictional areas not under State statute that would impact a local bylaw. Mr. Jordan said that there is no work proposed in the 25 foot setback area under the bylaw. He said that the isolated wetland is predominantly off site.

The Board discussed finding a peer reviewer for wetlands issues.

Mr. Levy discussed the Purchase and Sale Agreement (P&S) and title review within 30 days of date of agreement. He said that there was no date on it. Mr. Engler said that he can provide title to the property.

Mr. Levy discussed exhibits that were referred to but not attached. He said that he would like to see Exhibit B, which relates to agreements and leases. He said that he would like to see the underlying agreement for assignment of the P&S on the Cartwright property. He asked if \$700,000 was the total consideration. He said that what the Board has seen is from the purported purchaser of the property and he would like to see something from the owner of the property.

The Board discussed peer reviews using Rob Nagi for traffic, Cliff Boehmer for architecture, Judi Barrett as 40B Consultant, and a wetlands consultant to be determined. The Board discussed using the Town's Engineering Department for review of civil engineering. Mr. Engler asked that the town get a proposal that is consistent with other 40B's and he will authorize it. Mr. Jordan discussed consulting with the WPC to find a wetlands consultant. The Board discussed using the same wetlands consultant for both ZBA and WPC reviews.

Mr. Sheffield asked if the sidewalk on the site plan is on state property. Mr. Bergeron said that it is. He said that the State required a concrete sidewalk with granite curbing. He said that they added a bus stop and there will be a sidewalk from the building that will connect to the sidewalk at the road.

Mr. Sheffield said that he was looking for ways to have more landscaping between Route 9 and the building façade. He said that a stronger line between Level 1 and Level 2 would help to separate them and could reduce the apparent height of the building. He said that by separating the garage from the residences will make the building on the ground stronger.

Mr. Sheffield said that the first parking space on the right as you enter the building will be hard to get into. He said that the last two spaces at the dead end may require more maneuvering than he would like to see. He said that maneuvering could be demonstrated with circulation diagrams. Mr. Engler said that they will look at that.

Mr. Sheffield discussed having more site amenities such as grass. He said that it will be a tight site for the residents. He asked if the target tenants will be empty nesters. Mr. Engler said that it will be open occupancy but his experience is that the predominant demographic for this type of housing is empty nesters. Mr. Sheffield said that there may be some areas that can support three or four trees.

Rose Mary Donahue, 9 Maple Road, said that she lives across from the site. She said that this is a neighborhood and the current space is green space that is a buffer from other traffic and congestion in the area. She said that the trees help to purify the air. She said that she served on the Planning Board for 12 years and was part of permitting of a subdivision on McLean Road. She said that they heard a number of complaints from residents about upsetting drainage in the area. She said that they will be introducing a huge amount of impervious space here. She said that they will be dramatically changing the entire area, which is pretty well developed. She said that some of the mature trees and vegetation will be lost. She asked how habitat loss will be handled in terms of displacement of creatures. She said that it is a wetlands area.

Ms. Donahue said that the property will go from a green site to a large building that will be huge in comparison to anything in the neighborhood. She said that she was concerned about the impact to the

neighborhood with all of the windows and little green space. She discussed concerns about constrained access and egress to the site. She said that it is located on Route 9 Eastbound, which is already heavily congested and traffic travels at high speeds. She discussed another project close by that will introduce 350 units in Phase 1 and up to 600 units total in Phase 2. She said that there is preliminary discussion about a project at Wellesley Gateway that could add another 131 units. She said that another approved project close by added 16 units. She said that traffic on Route 9 is what it is but these projects do impact the feel and the character of the neighborhood. She expressed concern that more people were not present at the public hearing. She said that there may be people who do not live within 300 feet who will see the project. She asked that the Board keep in mind the permanent impacts on the neighborhood. She said that it is one of the more affordable neighborhoods in Wellesley and a lot of hard working people who care live there.

Ms. Donahue said that reversing direction on Route 9 will be difficult. She asked about the school bus stop. Mr. Engler said that the bus is not allowed to enter private property. He said that the bus will pull off onto the shoulder.

Mr. Engler said that most of the site that they will be developing is disturbed. He said that there will not be a lot of clearing. He said that some trees will have to be removed. He said that a lot of the vegetation is not on their property and will remain. Ms. Donahue asked that the remaining vegetation be shown on a plan.

Ms. Donahue discussed the landscaping operation on the barren property. She said that there may be violations. She said that it had been used for gravel and as a snowfield. She said that there have been enforcement actions on the property over the years. She asked about evaluation for remediation.

Mr. Levy asked Ms. Donahue if she knew how the town came to own the property abutting the project. Ms. Donahue said that the Planning Department or the Natural Resources Commission might have information on that. She said that she thought it was part of the Rosemary Brook area that is interrupted in parts and has had parcels carved out and developed for residential use. She said that conservation area was added with the subdivision.

Ms. Donahue discussed the tree buffers. She said that one of the considerations might be looking at what might be a healthy buffer in the area.

Ms. Donahue said that she had not seen updated plans. She said that with respect to screening at the front, it will basically look like a garage with residences above. She said that it will be difficult to plant to provide screening because of the sight lines that will be required to get onto Route 9. She said that the Department of Transportation does not do a good job of maintaining sidewalks and cutting back vegetation. She said that rather than relying on the State, the town should make sure that safe pedestrian access and egress to the site is provided.

The Board discussed continuing the hearing to September 10, 2019. Mr. Engler asked that Mr. Heep stay in touch with the Engineering Department and with Mr. Nagi so that the next few months can be productive.

Mr. Sheffield asked Mr. Engler to see if there are ways to increase the landscape buffer. Mr. Engler said that he will provide elevation drawings with landscaping. He said that they can attempt to relate it to the existing condition so that people understand that most of the site has already been disturbed.

Mr. Engler said that they will work with the Engineering Department and the Fire Department to address issues. He said that he will provide title information. He discussed access for Mr. Cartwright. He said that they will wait for Mr. Boehmer's review before making architectural changes.

Mr. Sheffield moved, Mr. Levy seconded the motion, and the Board voted unanimously to continue the hearing to September 10, 2019.

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

Respectfully submitted,

Lenore R. Mahoney
Executive Secretary

DRAFT