



**ZONING BOARD OF APPEALS**

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

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DEREK B. REDGATE

December 17, 2019  
7:30 pm  
Juliani Meeting Room  
Town Hall

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

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

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. Seegel discussed plan labels and dates. Ms. Sweet said that the date of the plan is the same as the cover letter, December 5, 2019.

Mr. Becker said that the Board has 40 days to tweak the decision and vote approval after closing the hearing.

Mr. Adams moved, Mr. Seegel seconded the motion, and the Board voted unanimously to close the public hearing.

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

Present at the public hearing, representing the Applicant, were Peter Tamm, Esq., Chris Clements, and David Hall.

Mr. Becker said that the Board and the Applicant would discuss the draft decision. Mr. Tamm said that the Applicant would not be submitting any additional documents.

Mr. Becker asked about the development lot and aggregate of 40 and 20 William Street. Mr. Tamm said that they will work with Counsel to clarify plans to consolidate 40 and 20 William Street to a new lot.

The Board discussed language about governing bylaws in the draft decision.

Mr. Becker discussed the Development Agreement, ZBA decision, governing documents and enforcement. Mr. Tamm said that obligations in the Development Agreement with respect to mitigation for water and sewer and plans associated with transportation should be referenced in the decision. He discussed making it clear in Condition 50 that the obligations of the Phase One Project shall be completed in accordance with the deadlines and dates set forth in documentation submitted to the Board of Selectmen. He said that the Board may want to reference the Order of Conditions from the Wetlands Protection Committee. He said that they will work with Town Counsel to expand Condition 50.

Mr. Becker discussed revision dates on the drawings so that it is clear what the basis for the decision is. Mr. Tamm said that they can mirror the style of 40B decisions if that is what the Board prefers.

Mr. Becker discussed including the shared parking study and the transportation study. Ms. Fried said that she will work with the Executive Secretary to ensure that everything is accurate and up to date.

Mr. Hall discussed the preliminary nature of the plans at this point. He said that they are agreeing to no more bedrooms. He said that they may change a three bedroom into a two and a one. He said that it is difficult to get the number of parking spaces at this point. He suggested adding language such as no greater than or a percentage.

Ms. Fried said that Section 14J of the Zoning Bylaw allows for minor changes. She said that there is a process for slightly changing things such as the number of parking spaces. Mr. Becker said that it is important to make things clear for the Building Inspector.

Mr. Becker discussed the need for consistency running from the Development Agreement to the decision. Mr. Tamm suggested using a range of plus or minus a number spaces and leave any changes to that to the discretion of the Building Inspector. Mr. Becker said that the Board will work with Town Counsel on that. Mr. Hall said that he would like to have that applied to the units as well.

The Board discussed the location of water and sewer, coordination with DPW, and responsibilities for maintenance. Mr. Tamm discussed existing and new water and sewer lines and amendment of easements. He said that infrastructure was thoroughly vetted with the Town's Engineering Department to prepare for meetings with MassDOT. He said that the Applicant agreed to taking on work with a contribution from the town. He said that the work is covered in the Development Agreement and can be referred to in Condition 50.

Mr. Becker asked about the plan for the different stages of the Certificates of Occupancy (CO). Mr. Hall said that the garage will be the first one and then three or four more for each section of the residential building. He said that those CO's will be temporary. Mr. Becker said that the decision needs to line up with the Development Agreement so that the Building Inspector can do what he needs to do. Mr. Tamm said that the updated Construction Management Plan (CMP) described phasing during the temporary CO period. He said that the Applicant acknowledged that the CMP will be further revised. He said that draft Condition 12 calls for what the final CMP will be. Mr. Becker said that it should be clear that the schedule and process to issue temporary CO's are in the domain of the Building Inspector.

Mr. Becker said that there are some language issues in the draft decision that will need to be addressed.

Mr. Seegel asked about the easements. Ms. Fried said that they are addressed in Condition 34 of the draft decision. Mr. Seegel asked how they will be tracked and kept record of. He asked why it is going to the Planning Director instead of the Board of Selectmen or the Building Inspector. Ms. Fried said that they can update that. She said that it has gone to the Building Inspector in the past. Mr. Tamm said that they can tie the easements to the as-built's.

Mr. Becker discussed making the changes that were discussed at the hearing and revising the draft decision. Mr. Hall said that his preference is to close the public hearing.

Mr. Sheffield moved, Mr. Seegel seconded the motion, and the Board voted unanimously to close the public hearing.

Mr. Becker said that a public meeting will be scheduled at a future date to be determined to vote approval of the decision.

Mr. Tamm said that the Applicant was hoping to complete work with the Wetlands Protection Committee on Thursday. He invited the Board to attend the meeting.

Respectfully submitted,

Lenore R. Mahoney  
Executive Secretary

DRAFT