

**ZONING BOARD OF APPEALS**

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EXECUTIVE SECRETARY  
TELEPHONE  
(781) 431-1019 EXT. 2208

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October 15, 2019

7:30 pm

Great Hall

Town Hall

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

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

Present on behalf of the Town of Wellesley were Christopher Heep, Town Counsel, Cliff Boehmer, Davis Square Architects, and David Hickey, Town Engineer.

Present on behalf of SEB Wellesley, LLC were Geoff Engler, Jeffrey Dirk, Vanasse & Associates, William Bergeron, Hayes Engineering and Talia Cannistra, Cube3 Architects.

Mr. Hickey said that concerns about snow storage, circulation, trash and moving vans are better facilitated at this site than other 40B projects. He discussed DPW memos that the developer's engineer responded to. He discussed wetlands issues.

The Board discussed its jurisdiction for wetlands issues under a Comprehensive Permit. Mr. Engler said that a Notice of Intent (NOI) will be filed in the next two to three weeks. He said that his consultant from Ecotech met with an agent and the Chair of the Wetlands Protection Committee (WPC). Mr. Levy said that the Board's position is that permitting with other boards is done before ZBA closes the hearing. He discussed getting an Order of Conditions (O of C). Mr. Heep discussed a peer review consultant for the wetlands issues.

Mr. Hickey said that it makes sense to continue the sidewalk down to Dearborn Street. He said that it is not too far from Sun Life where there is potential for alternate modes of transportation, so a sidewalk to it could be beneficial.

Mr. Hickey discussed that storm drain system. He said that the system is design to take roof and parking runoff and put it in an infiltration system. He said that DPW reviewed the numbers and they seem to be fine. He said that the pipe network that brings the stormwater into it is not sized and the slopes are not shown. Mr. Bergeron said that the types and pipe sizes are shown on the utility plan.

Mr. Hickey said that there is a sewer pipe to the front of the building up to Route 9. He said that the proposed infiltration system is fairly large. He said that the proposal is to bring the sewer through with a casing pipe. He asked if it would make more sense to have a break in the system so that they would not have to disturb the drainage if they needed to service the sewer line.

Mr. Hickey discussed the history of the parcel and the paper streets. He discussed town ownership of part of the road.

Mr. Hickey said that the DPW memo had comments about labeling and using Wellesley datum. Mr. Engler said that he did not get the memo from DPW. He said that he will provide a response and can update the plans.

Mr. Boehmer discussed the architectural plans. He said that he walked the site and the stretch from Willow to Dearborn Street. He said that the area is narrow, cars drive fast, and there is a lot of trash on the side of the road. He said that it is unusual to have a project of this scale that really has so little impact on the neighbors. He said that isolation is good in this sense because shadow impacts are not a big issue but it will be difficult to get to the site except in a car. He said that connecting a sidewalk on Route 9 to a walkable, established neighborhood would be a positive thing for bikes and people. He said that tall fencing along Route 9 that comes close to the road could be an encroachment. He said that putting a sidewalk in could be difficult without moving the fence.

Mr. Levy said that there is no sidewalk between Dearborn Street and the next cross street. Mr. Dirk said that there is a sidewalk from Dearborn Street to Newton but not in the other direction. Mr. Bergeron said that he discussed connecting the sidewalk from the site to Dearborn Street. He said that the revised plans have the sidewalk extension along the front edge connecting to Dearborn Street, subject to State permits. He said that Mr. Hickey thought that it made sense to go in that direction to get to the river and recreational facilities in Newton. Mr. Engler said that people will not walk from this property to different places in Wellesley. He said that if they are going to walk, they will probably use the town land behind the site to walk their dogs.

Mr. Levy asked about bike racks. He said that bikes are prohibited on Route 9.

Mr. Boehmer said that because the impact is so minimal to the neighbors, most of his focus has been on the people who will live in the building and their integration into the community. He said that the building will be precedent setting because there are no other residential buildings that engage the street the way that this one does. He said that all other residential development is small scale on Route 9 and virtually all commercial development is pushed back from the street with large parking fields out in front. He said that this type of residential development with a landscaped parking field in front and the building pushed back is different. He said that people will have access to the woods at the back.

Mr. Boehmer discussed the trash and delivery operations at the east end of the building. He asked about pushing the building further west to create a buffer from the neighbor on the east side or possibly moving the operations.

Mr. Boehmer discussed an area shown on the Landscape Plan for landscaping that is shown on the civil plans as snow storage. He said that the functions may not be compatible.

Mr. Boehmer discussed the tot lot and the patio at the back. He said that the tot lot could be enlarged by losing three parking spaces.

Mr. Boehmer said that there should be more detail on the landscape plans. He said that some of the images on the renderings are not on the landscape plans. He discussed the major face of the building on the street. He said that a good percentage of the parking will be up front

Mr. Boehmer said that massing of the building is a little too boxy. He said that the design could go further to increase its reading as a residential building. He discussed strategies to break up the boxiness such as asymmetrical design, colors, textures, mansard at the top floor cutting the perceived height, more work on the base of the building where it is parking, naturally ventilated garage, screening materials, and increasing the size of the banding on the building to break up the height. He said that this will be the tallest building in the area. He said that as long as it is setback adequately, he has no issue with it.

Mr. Boehmer discussed thickening the base with pilasters to make the building more interesting. He said that a lot of traffic and dirt is generated on Route 9, so the choice of materials needs to stand up to that. He said that the materials should clean easily or not show dirt. He said that windows should be easy to clean and triple glazed on the Route 9 side. He said that adding a layer of gypsum board in the walls will help reduce noise transmission. Mr. Engler asked if the Board would be amenable to having Mr. Boehmer speak with his architect. He said that they just received Mr. Boehmer's memo and will need some time to review and respond to it.

Mr. Boehmer said that current plans show a community room on the west end of the second floor. He asked about relocating it to the top floor to utilize the roof deck. He said that the main bar of the building is five stories and there is a portion of the rear extension that is only four stories, is south facing and looks out over the woods. He said that it seems like a nice opportunity for public space. He said that the proposed patio at the back is small.

Mr. Boehmer said that the building depends on vehicle access. He said that there is an opportunity to push a little harder to help residents to be responsible commuters. He suggested more electric vehicle stations and subsidized T passes.

Mr. Levy asked about the visual impact of mechanicals on the roof. Mr. Boehmer said that you need to know what will be visible. He said that a parapet could conceal it.

Mr. Boehmer said that there will be a change in the landscape but it will be an improvement. He said that currently there two homes and eight foot fences that are not in good shape. He said that most people driving by are probably strategizing about which lane they want to be in. He said that having a landscaped area at the front to screen the parked cars will clean up the stretch of roadway. Mr. Engler said that his landscape architect will provide a more detailed plan.

Mr. Sheffield discussed the height of the building and the angle of vision from the highway and adjacent properties. He said that mechanicals can be well screened. Mr. Engler said that they will show that.

Mr. Sheffield said that he previously discussed raised bed planting to mitigate the effect of screening the parking. Mr. Engler said that it creates issues with accessibility. Mr. Sheffield said that the dimension of the wall was not available. Mr. Engler said that Mr. Dirk said that it cannot put within the highway layout. Mr. Bergeron said that there is only five feet from the sidewalk and the face of the building. Mr. Sheffield said that he was looking for ways to mitigate the dimension of the screening at the first floor to hide the parking. Mr. Boehmer agreed that because the parking garage is the entire first floor except for entry on the east end, screening is an important design element. Mr. Sheffield said that exterior lighting can go a long way to mitigate the feeling of the building.

Mr. Redgate asked that an accurate rendering of the landscaping be submitted. Mr. Engler said that he will provide an updated landscape plan.

Mr. Sheffield asked about a common room on the upper floor. Mr. Boehmer said that the site is isolated with no amenities nearby. He discussed the possibility of moving at least one unit down to the second floor to recapture space for the common area.

Mr. Sheffield said that circulation looks doable. Mr. Bergeron discussed right turn only at the exit driveway.

Mr. Sheffield asked about headlight glare coming the space for the three isolated cars. Mr. Boehmer said that there could be a low fence.

Mr. Sheffield asked about moving the building to the west. Mr. Boehmer said that would involve some redesign.

Mr. Sheffield asked if the service area will be fenced. Mr. Engler said that it will not be fenced. Mr. Bergeron said that there will be no exterior dumpsters. He said that trash will be wheeled out. He said that significant trees will remain to buffer the loading dock and the adjacent properties.

Mr. Levy discussed reorienting the orphan lot so that headlights do not go across Route 9 to the neighbors. Mr. Engler said that they will show that on the landscape plan. He said that MassDOT will require screening as part of the State Highway Access permit.

Mr. Levy discussed concerns about rights of access over Alpine Street and the proposal to make it an entrance way and whether that would violate an implied easement the town has in the street. He said that the lots were created in 1896 when they were subdivided as Forest Park. He said that Alpine Street was formerly known as Pine Street and benefited several lots. He discussed laws regulating private ways and recent case law. Mr. Heep discussed overburdening the private way by using parcels to access other land that does not connect. Mr. Engler said that he has retained counsel and will submit a formal response. Mr. Levy said that the Board's granting of a permit does not give the Applicant any additional land use rights. He discussed the town's rights to the property.

Mr. Dirk discussed the traffic study, Mr. Nagi's review and his comment letter. He discussed full transportation impact assessment, MassDOT jurisdiction for State highway permitting for the driveway and utilities, the Town's PSI standards, and the difference between town and State sidewalk standards.

Mr. Dirk said that 40 units will produce about 14 trips in the morning from 7 to 9 am and about 18 trips in the evening from 4 to 6 pm, which is less than one every three minutes. He said that they looked at Dearborn Street and Sun Life where you can reverse direction. He said that the project's impacts were determined or defined to be an increase in delay of less than one second and the increase in queuing of no more than one vehicle. He said that they measure the impact over the course of an hour, so the impact will be small. He said that traffic at Cedar Street will increase by 7 to 10 over an hour, which is not a pronounced impact.

Mr. Dirk said that they looked at line of sight at the access to the property. He discussed the posted and the prevailing speed of traffic as vehicles approach the intersection. He said that drivers will need 495 feet of sight line to safely exit the project site. He said that area is flat and overgrown vegetation is the only impediment to sight line. He said that they recommended that the vegetation be cleared.

Mr. Dirk discussed crash history at Dearborn Street and Sun Life. He said that the number of crashes that they measured there was below what they would consider to be significant in relation to the volume of traffic. He said that the latest publication of the State's high crash location database reflects improvements that have been done at the interchange area.

Mr. Dirk said that a sidewalk connection to get to Dearborn Street and Sun Life is important. He said that the Town and area developers will be looking at shuttle service for Sun Life, Harvard Pilgrim and Wellesley

Office Park. He said that a sidewalk could provide access to the shuttle for pedestrians and bike riders. He said that the Town's traffic consultant recommended that the Board insert a condition encouraging use of alternative modes of transportation.

Mr. Levy confirmed that a vehicle exiting the site to go west will have to cut across three lanes of traffic to get to the turnaround. Mr. Dirk said that when they measured the sight lines, they increased the gap distance that is required. He said that the standard gap distance for a right hand turn is six and half seconds. He said that they accounted for traveling across the lanes by increasing the gap distance a half second for each travel lane. He said that the minimum sight line is 495 feet and they provided 600 to 650 feet. He said that with the vegetation cleared, there will be sufficient time to see a vehicle and make the maneuver. He said that 60 to 70 percent of the traffic exiting the site will be heading to Boston and only a few cars will want to make the U turn. He said that because this is a smaller project, it can work.

Mr. Levy asked about impacts of the proposed project at Wellesley Office Park for 350 residential units. Mr. Dirk said that it was taken into consideration in the traffic study. He said that they also accounted for vacant space at Wellesley Office Park as being at full occupancy.

Mr. Levy said that he would like to see a Construction Management Plan (CMP). He discussed site control. He said that a P & S was submitted but not the underlying agreement. He said that he would like to have that as part of the record. Mr. Engler said that they need to update plans and resubmit. He said that they have a memo from DPW which they will respond to. He said that they will issue a memo about access and legal control.

Mr. Levy asked about input from the Fire or Police Departments. Mr. Engler said that they met with Fire Department twice and they were fine with the project.

Mr. Heep discussed having the wetlands consultant present at the next hearing. He said that he would arrange with the WPC to use the same consultant who is reviewing on their behalf under the Wetlands Protection Act. Mr. Engler discussed submittal of an NOI. He said that he will coordinate with Mr. Heep. Mr. Heep discussed the possibility of running out of time on the back end of the review process.

Mr. Sheffield discussed the ability to park in the last two spaces, C8 and C8a. Mr. Bergeron said that they have used this design in numerous parking garages. He said that they are all usable parking spaces. Mr. Sheffield discussed assigning parking based on the size of the car. Mr. Dirk said that you need 23 feet behind to get out of a parking space and this will be 24 feet. He said that it is not a retail use. Mr. Heep said that Mr. Nagi will comment on the turning radius drawings.

The Board discussed continuing the hearing.

Mr. Sheffield moved, Mr. Redgate seconded the motion, and the Board voted unanimously to continue the hearing to November 12, 2019.

As there was no further business to come before the Board, the hearing was adjourned at 9:10 pm.

Respectfully submitted,

Lenore R. Mahoney  
Executive Secretary