

**ZONING BOARD OF APPEALS**

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ZBA 2010-73
Petition of GB New England 2, LLC
CVS Pharmacy
984, 990 & 990R Worcester Street

Pursuant to due notice, the Special Permit Granting authority held a Public Hearing on Thursday, September 23, 2010 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of GB NEW ENGLAND 2, LLC requesting Site Plan Approval pursuant to the provisions of Section XVIA, and Section XXV of the Zoning Bylaw for construction of a 12,900 square foot CVS/PHARMACY, associated parking and site improvements, at 984, 990 & 990R WORCESTER STREET, in a Business A District.

The Petitioner is requesting a Special Permit pursuant to the provisions of Section XI and Section XXV of the Zoning Bylaw for a two lane drive-through facility, namely a drive-through window and one pneumatic tube facility for CVS Pharmacy, where business is transacted from the vehicles of customers or patrons, which is a use not allowed by right in a Business A District.

The Petitioner is requesting a Special Permit pursuant to the provisions of Section XIVB and Section XXV of the Zoning Bylaw for a use permitted in an underlying zoning district in a Flood Plain District.

The Petitioner is requesting a Special Permit pursuant to the provisions of Section XIVE and Section XXV of the Zoning Bylaw for a major construction project in a Water Supply Protection District.

On August 16, 2010, the petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Property Owners: Kehoe Worcester Road Limited Partnership and Kehoe Chrysler, Inc.

Presenting the case at the hearing was Brian Levey, Esq., who said that he was representing the Applicant, GB New England 2, LLC. He said that also present were Brian Murphy, Civil Engineer and Patrick Dunford, Traffic Engineer, Vanasse Hangen Brustlin, Inc. and AJ Barbato.

Mr. Levey said that the project will consist of construction of a 12,900 square foot retail building with a dual drive-through that will be limited to pick up and drop off of prescriptions. He said that there will be 65 parking spaces. He said that the proposed hours of operation are 7 a.m. to midnight, seven days a week.

Mr. Levey said that the property consists of 2.07 acres with 242 feet of frontage on Route 9.

Mr. Levey said that the Massachusetts Department Of Transportation (MA DOT) has jurisdiction over the Route 9/Overbrook Drive intersection and the site driveway. He said once the project is fully permitted by the Town, the Applicant will meet with MA DOT to discuss signalization improvements and geometric improvements to Route 9 and the site driveway.

Mr. Levey said that it is likely that the Applicant will have to return to the Wetlands Protection Committee (WPC) to amend the Order of Conditions and to Town Meeting to relocate a utility easement due to any changes to the plans that result from the MA DOT permitting.

Mr. Levey said that a major focus of the Project of Significant Impact (PSI) was on the issue of traffic cutting through the Beechwood Road, Manor Avenue, Overbrook Drive neighborhood on the north side of Route 9. He said that during the PSI process both the Applicant and the Planning Board recognized MA DOT jurisdiction over the access driveway design. He said that the Applicant expressed a preference to have cross traffic flow freely back and forth across Route 9 with a signalized control between Overbrook Drive and the site driveway, with no turn restrictions.

Mr. Levey said that the Planning Board prepared a series of recommendations for MA DOT. He said that they recommended the installation of a splitter island in the access driveway to reduce cross traffic. He said that the splitter island would direct traffic leaving the site both east and westbound on Route 9. He said that the Applicant will include both plans, with and without the splitter island, with their application to MA DOT.

Mr. Levey said that both plans were submitted to the Zoning Board of Appeals (ZBA). He said that since MA DOT will decide on the final design of the site driveway, the Applicant is requesting that ZBA review both sets of plans so that, regardless of which design MA DOT approves, the Applicant will not have to return to ZBA for approval.

Mr. Levey said that the Applicant is opposed to a condition that the Planning Board recommended to further restrict tractor trailer WB-50 deliveries beyond the PSI Special Permit condition. He said that the Applicant thought that restricting the WB-50 truck deliveries for an additional eight to nine hours would limit their flexibility to schedule deliveries when they make the most sense.

Mr. Levey said that a mixed use project was approved for the adjacent property at 978 Worcester Street. He said that there will be residential units plus 12,000 square feet of retail and restaurant use. He said that the project will include a Dunkin Donuts, which has opening hours at 5 a.m. He said that there are no conditions for deliveries at 978 Worcester Street.

Mr. Levey said that the Planning Board recommendation also seeks to limit trash collection during the same hours as the WB-50 truck restrictions. He said that there were no restrictions for trash collection in the PSI. He said that the Applicant objects to the additional restrictions.

The Board said that it was not able to determine from the plans whether the Zoning requirements would be met for the height of the retaining walls. The Board said that plans should be submitted at 20 scale that furnish a great deal more information about the front part of the parcel along Route 9.

Mr. Murphy said that the site currently has three buildings and degraded area next to Bogle Brook, within the Riverfront area. He said that use of the site was for automotive sales, a gas station and a storage shed. He said that the site has been out of operation and is rundown. He said that there are no stormwater controls on the site. He said that stormwater sheet flows into the wetlands, Bogle Brook and ultimately, Morses Pond. He said that there is almost no landscaping on the site outside of the wetlands.

Mr. Murphy said that there has been a history on the site of underground leaks from the gas station. He said that remedial action was performed in 2009 in accordance with Department of Environmental Protection (DEP) regulations. He said that an underground storage tank was removed. He said that, to his knowledge, there are no underground storage tanks on the site today. He said that there were above grade tanks for oil storage inside the automotive building.

Mr. Murphy said that part of the project team is an Environmental Group that assesses the site. He said that if there are environmental concerns, the team goes back to drill monitoring wells and do soil testing.

Mr. Murphy said that MassDEP would not allow the use of permeable pavement. He said that CVS is considered to be a land use with higher potential for pollutant loading.

Mr. Murphy displayed the location of the nearby residences on an aerial photograph. He said that there is quite a bit of vegetation that separates the residential areas to the west and south. He said that there are commercial properties across the street with residential units behind them. He said that the residential building at 978 Worcester Street will be approximately 10 feet from the CVS eastern property line.

Mr. Murphy said that the Stormwater Management Plan will meet Massachusetts' stormwater standards. He said that there will be excess flood storage on-site. He said that there will be several catch basins located in the parking area. He said that there will be deep sump hooded catch basins that will act as oil/water separators. He said that all of the drainage will be collected through an underground pipe system to a proprietary hydrodynamic oil water separator where heavy Total Suspended Solids (TSS) will settle in the basin. He said that the stormwater will discharge into an above ground infiltration basin. He said that the stormwater that will discharge to the wetlands will have been treated for 80 percent TSS removal. He said that there will be a bypass weir for heavier storm events.

Mr. Murphy said that the infiltration basin at the rear of the property will meet DEP standards for groundwater recharge. He said that it will be checked twice a year for infiltration. He said that there is an Annual Maintenance Agreement with the WPC. The Board said that plan should be submitted as a separate document.

Mr. Murphy said that there will be a rain garden with a plastic liner at the bottom. He said that the first flush of stormwater will be captured in the basin and will infiltrate through a special soil mixture that is designed to work with the plants to remove pollutants. He said that not all of the perennial plants in the rain garden will survive and will have to be replaced. He said that if the rain garden clogs they will replace the plantings and six inches on the top with new filter material.

Mr. Murphy said that the area at the northwest corner of the property will eventually become a wetland at the bottom. He said that the area will not be receiving surface runoff but only rainfall. He said that by

providing the retaining wall they will be creating a greater distance to the groundwater table. He said that any contaminants will be collected before the groundwater is discharged.

Mr. Murphy said that the site will be raised. He said that they will use retaining walls to contain the fill and to minimize the impact into the flood plain. He said that there will be a break between the retaining walls on the western and eastern sides of the property to accommodate a utility easement.

Mr. Murphy said that the existing site had a shallow flood plain. He said that they created a compensatory area. He said that there will be no negative effects on downstream or upstream properties as a result of this project.

Mr. Murphy said that the transformer was located in accordance with Municipal Light Plant (MLP) recommendations. The Board said that written information on the decibel level of the transformer should be submitted.

Mr. Murphy said that they had shown a six foot stockade fence along the eastern border. He said that the Design Review Board (DRB) asked that the fence be brought up to the beginning of the building and to install a shadow box style fence to create less of a visual impact. He said that the fence is set up so that air can flow through it. He said that cars going through the drive-through may have their lights aimed at the commercial property at 978 Worcester Street.

The Board asked if tall trees could be planted at the wider area just below the drive-throughs. Mr. Murphy said that a concern would be the amount of light that the trees would get.

Mr. Murphy said that there will be no light spillover onto Route 9 or the adjacent properties. He said that he would submit information about the height of the fixtures.

Mr. Murphy said that the compactor will be emptied approximately once a month. He said that the trash bin will be emptied once a week. He displayed the location of the loading area, storage room and off-loading route for trucks.

The Board asked about access to the drive-through while the trucks are unloading. The Board said that dimensions should be added to the plan for the width of the driveway and the trailer turning area.

Mr. Murphy said that there will be fire truck access on the site. He said that the drive-through canopy was raised to accommodate fire trucks. He said that it will be 14 feet from the ground to the soffit. He said that the sidewalk was pulled closer to the building on the east side. He said that they will be adding a hydrant on the site.

Mr. Murphy said that treating the pavement for snow and ice was reviewed with the WPC. He said that they will be using a DEP approved calcium chloride treatment on the pavement, in accordance with Condition #55 of the Order of Conditions.

Mr. Murphy said that parking spaces at the back of the property will be used for snow storage. He said that all of the snow will be kept on the pavement for small storms. He said that as the snow melts the grit

and contaminants will settle onto the pavement where they are easier to clean up. He said that the runoff from that will go into the stormwater management system. He said that if snow exceeds the storage area, it will be trucked off-site.

The Board asked for clarification of the northern border of the property. Mr. Murphy displayed on the plan the property border and the MA DOT right of way. The Board said that a 20 scale plan of that area should be submitted.

The Board asked why MA DOT has control of the splitter island that is on the CVS property. Mr. Murphy said that MA DOT has control over Route 9 and the traffic signal. He said that the Applicant is looking to add a light onto the signal to control egress from the site. He said that the Applicant has to apply to MA DOT for a curb cut.

Mr. Dunford said that all of the elements of flood storage, rain garden and stormwater will be the same with or without the splitter island. He said that the Applicant has had discussions with MA DOT and the Town's peer traffic consultant, BETA.

Mr. Dunford said that the Applicant did an extensive neighborhood impact study. He said that BETA issued four formal review reports. He said that those reports were whittled down to one with just a few remaining issues. He said that the final comments were rolled into the final PSI approval.

Mr. Dunford said that BETA suggested that the Applicant look at two local CVS sites for trip generation and parking demand counts. He said that they did trip generation counts in Framingham at Route 9 and Temple Street and in Natick on Route 135, and compared the resulting trip generation estimates to those previously developed using Institute of Transportation Engineer's trip rates. He said that the counts were done on a weekend between 7 and 9 a.m. and again between 4 and 6 p.m. He said that the counts were done between 11 a.m. and 2 p.m. on Saturday. He said that BETA stated in a letter that they supported the trip generation estimates based on the updated data.

Mr. Dunford said that MA DOT has the final say on the signal design and the driveway where it intersects the highway. He said that the Town has submitted recommendations to the State. He said that BETA will review the submittals to MA DOT. He said that there are conditions in the PSI for traffic mitigation in the neighborhood that depend on MA DOT's ultimate plan.

Mr. Dunford discussed the thresholds for actions that were included in the PSI to address traffic mitigation issues after MA DOT has signed off on the project. He said that there will be a \$25,000 traffic calming study done that will serve as the baseline study before CVS opens. However, in the event that MA DOT approves the site access plan with cross-traffic prohibited in both directions between the site and Overbrook Drive then the Applicant would not have to provide these funds or conduct the study. He said that between six months and two years after opening, CVS will conduct another study, as directed by the Town. He said that if the thresholds are triggered, the mitigation funding will go to the Town and BETA will decide what controls are appropriate.

Mr. Dunford said that there is currently no signalization for traffic that exits the site to the right. He said that CVS will be installing new signalization equipment. He said that signalization at the intersection will

be tied into Oak Street in Natick in the future. He said that there are some requirements for the adjacent site at 978 Worcester Street that will be incorporated into the design of the CVS site.

Mr. Dunford said that the existing pedestrian crosswalks at the intersection are in poor shape. He said that they will be reconfigured as well as the crosswalks across the driveway.

Mr. Dunford said that the left turn lane on the westbound side of Route 9 will be extended.

Mr. Dunford said that BETA wanted to have the internal median added to the plan because it was not comfortable with vehicles taking a left turn onto the property and then immediately turning left into the CVS northerly/front parking field. He said that traffic coming from either direction will be forced into a one-way parking aisle on the outside of the lot. He said that will eliminate concerns about congestion at the front of the property.

Mr. Dunford said that the property line will go through the splitter island. He said that MA DOT likes to have all of the signalization within the State's right of way. He said that if the island is not approved, it will be replaced with pavement.

Mr. Dunford said that 65 parking spaces are shown on the plan. He said that one of the handicapped spaces will have a "Van Accessible" sign. He said that based on the demand at the CVS's in Framingham and Natick, the Applicant is very confident that the 65 parking spaces will accommodate the demand.

Mr. Levey said that there is a note in the Site Plan that explains the calculation of parking spaces required under the bylaw. He said that he met with Town Counsel, the Building Inspector and the Planning Director to review the bylaw. He said that they derived the 65 parking spaces based on Section XXI C of the Zoning Bylaw. He said that they looked at how many spaces were on the site in 1983. He said that they have an affidavit from the property owner in 1983 for the number of parking spaces.

Mr. Dunford said that the drive-through windows will be for prescriptions only, which tend to generate minimal traffic. He said that the canopy will have signs above both lanes to limit the use. He said that both lanes will be full service to divide the traffic evenly and minimize customer wait time and queuing. He said that CVS has found that this is a significant benefit to the elderly and parents with children.

Mr. Dunford said that the drive-through will be located at the back of the site, away from the majority of customer parking. The Board said that it appears that a vehicle would have to make an "S" turn around the dumpster to get to the inside drive-through lane. Mr. Dunford said that there is flush pavement at the dumpster area that can be driven over. He said that they have an engineering program called Auto Turn that shows the path of vehicles. He said that they would provide a graphic at a reasonable scale that shows how vehicles will access the inner drive-through lane. The Board asked that the bollards and the Rain Garden area also be shown on the Auto Turn graphic.

Mr. Dunford said that there will be a bypass lane around the drive-through. He said that the traffic lane will be one-way only. He said that he would provide more information about that location.

The Board asked if alternative drive-through configurations had been considered. Mr. Dunford said that the design works with the interior layout of the building. He displayed the location of the pharmacy within the building.

Mr. Dunford said that the details of the dumpster are shown on Plan C-6. The Board said that dimensions should be shown on Plan C-2 for the actual driveway. Mr. Dunford displayed on the plan the location of the fencing around the compactor. He said that it may be possible to tweak the design.

The Board asked about the noise levels of the compactor and how often it will be used.

Mr. Murphy said that revised Landscape Improvement Plans were reviewed by DRB. He said that one of the conditions was to change from 5 to 6 foot high Red Maples to 2 to 2 ½ inch caliper, which is 8 to 10 feet high.

Mr. Murphy said that the bylaw requires plantings to be 5 feet high. He said that the plantings that are proposed will be 2 feet high and the mature height will be 3 to 3 ½ feet. He said that they want to make sure that the customers can see into the site. The Board said that having taller plantings at the front would also affect visibility onto the site at 978 Worcester Street.

Mr. Murphy said that they will provide a deeper landscaped area than what is required under the bylaw. He said that the intention of the bylaw is to create a visual break between a parking field and a traffic pattern. He said that the deeper plantings will provide the same visual break as the 5 foot hedge would.

The Board said that planting trees in the strip between the property and the proposed residential building at 978 Worcester Street could be more effective for screening than a fence. Mr. Murphy said that he would consult with the Landscape Architects and come back with a new Landscape Plan for that area or an explanation of why the tree planting would not work. The Board asked that Plan L-1 show the residential building that was permitted at 978 Worcester Street.

The Board said that the Construction Management Plan (CMP) should contain information about the phase by phase site development. The Board said that protections should be discussed since there will be a lot of site disturbance in a sensitive area. The Board said that materials laydown and storage should be discussed in the CMP. The Board said that the plans should include information about activities when demolition occurs, when fill is brought to the site and when the site is paved. The Board said that the plan should discuss how the site is going to work and how the boundaries are going to be protected. The Board said that, as the project moves forward, the plan should show where the deliveries will be, the location of construction parking and fencing. The Board said that there should be a graphic plan of the various phases of construction as well as a description as to how construction is going to work, including hours of operation and man hours per phase. The Board said that there should be a notification process described in the CMP in the event of spills in the Water Supply Protection District.

The Board asked if there will be any grades on the final site, either natural or cut, that will be less than five feet above the seasonal groundwater level. Mr. Murphy said that the detention basin at the back and the flood compensation area will be 2 feet above the groundwater level.

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Dean Behrend, 978 Worcester Street, said that he appreciated the Board's concern about noise mitigation to the residential units. He said that the information that was submitted showing distances to nearby residences do not include the residential units at 978 Worcester Street. He said that he would like to see those distances shown on a plan.

Mr. Behrend said that he thought that the delivery issue will have a big impact. He said that the delivery route should be shown on the plan. He said that the hours of delivery should not disturb the residential building. He said that for his Site Plan Approval at 978 Worcester Street there was an agreement that all truck backup alarms would be shut off.

Mr. Behrend said that there needs to be a stipulation that rubbish be removed during business hours so that the residential units will not be disturbed.

Mr. Behrend said that he was concerned about the hours of operation for the drive-through as well as the volume of traffic going through there. He said that the drive-through is close to the residential building. He said that he is concerned about the noise and the emissions.

Mr. Behrend said that the fence on top of the wall would probably be better as a solid fence to soften the noise along the side of the building. He said that the lights going through the shadow box fence would shine into the retail building at 978 Worcester Street. He said that there will be a restaurant located there with seven to ten foot plate glass windows.

Mr. Behrend said that using the CVS on Route 135 in Natick as a comparison was not a good choice. He said that CVS probably has half of the volume that travels on Route 9. He said that he did not think that it was an accurate element to use in the trip generation calculations. He said that trip generations that go up to 1,000 cars a day trigger a Standard 5 issue. He said that if it is triggered there will have to be an overflow kit and an interception point in the drainage system in case of a hazardous waste spill.

Mr. Behrend said that the Landscape Plan for the trees at the front is a good one. He said that he was concerned about the size of the trees that will be used. He said that he was concerned that the sign on his property will be blocked. The Board said that Mr. Behrend should put his concerns in writing and submit them to the Board.

Lisa Brown, 98 Beechwood Road, said that she is concerned about traffic on Beechwood Road. She said that the neighbors hired a Traffic Engineer who showed that there would be a lot more traffic through the neighborhood than was shown by CVS.

Ms. Brown said that when CVS first came in with a plan, they said that the bylaw required 86 parking spaces. She said that they then said that 65 parking spaces will be adequate. She said that the last plan that she saw at the PSI Hearing showed 62-63 parking spaces. The Board said that 65 parking spaces are shown on the plan that was submitted to ZBA. Mr. Levey said that during the PSI process the splitter island was added. He said that the parking count was reduced from 65 to 62. He said that between the time of finishing up with PSI and coming before ZBA, the number of spaces was increased to 65.

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Ms. Brown said that they were told that they would have to move the cars parked at the back in order for the trucks to turn around. She said that snow will be stored at the back. She said that number of parking spaces will be limited.

Ms. Brown said that Section XXI, Subpart 3 of the Zoning Bylaw requires that 10 percent of the outdoor parking area shall be landscaped, with a minimum of half of that located in the interior of the parking area. The Board said that the application states that there is 10 percent but the calculations for that were not submitted.

Ms. Brown said that she urged the Board to not approve the project without the splitter island.

James Brown, 98 Beechwood Road, said that an enormous amount of time was spent by the Planning Board, with a lot of feedback from the neighbors, discussing prevention of crossover traffic in the neighborhood.

Mr. Brown said that there is currently a driveway at the site. He said that if the Board approves the front basin, it will limit what can be done to avoid the crossover traffic. He said that keeping the existing driveway will force drivers to turn right onto Route 9.

Andrew Schneider, 20 Beechwood Road, said that the Applicant for CVS has been intent on building to fit the business model rather than building to fit in with the community. He said that the Applicant is asking for a lot of exceptions to the bylaw.

Mr. Schneider said that the neighbors hired a Traffic Consultant. He said that the Applicant's report showed a lot of biases in their assumptions to reduce traffic through the neighborhood. He said that their model assumed equal distribution north and south of Route 9. He said that there is a lot of concern about trip distribution.

Mr. Schneider said that the original projection for parking was about 20 percent below the requirement. He said that after revisions, the Applicant said that the number of spaces fell below the grandfathered level. He asked how the extra spaces were created.

Mr. Schneider said that during discussions with the Planning Board and the Board of Selectmen, the focus for deliveries and noise had been on the neighboring residential property at 978 Worcester Street. He said that the impacts were not considered for the other nearby neighborhoods. He said that the restrictions seem to have more to do with the traffic on Route 9 than the impact to the neighbors.

Mr. Schneider said that there had been concern among the neighbors about the light at the back of the project going across Morses Pond. The Board said that the lighting will be restricted.

Mr. Schneider said that he was concerned about pedestrians in the crosswalk at the front of the property. He said that vehicles may turn right on red. He said that they would have an obstructed view of any pedestrians in that sidewalk.

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Suzanne Palacino, 21 Beechwood Road, said that the neighborhood's only real concern is crossover traffic through their neighborhood.

Ms. Palacino said that CVS said that the two plans that will be sent to MA DOT will be one with the splitter island and one without the splitter island. She said that her understanding is that MA DOT does not like splitter islands. She asked that there be more options to consider.

Ms. Palacino said that driving westbound on Route 9 and taking a U turn is a very tight curve. She asked how a truck will make that turn if the splitter island is there.

Ms. Palacino said that the two CVS's that were used for trip generation comparisons were not relevant. She said that the Temple Street CVS does not have access from Route 9 into their building. She said that the Route 135 CVS does not have half the traffic. She said that the Chestnut Hill CVS would be a better comparison because it does have direct access from Route 9.

Ms. Palacino said that there was major flooding in June that closed Route 9. She said that this property was under water.

The Board said that there are 80 to 100 vehicles parked at the site without a Special Permit. The Board said that the new cars are parked in a Water Supply Protection District with no drainage and no way to collect oil and grease. The Board said that the property owner has been requested by the Building Inspector, both in writing and in telephone conversations, to get the 1-800 Junk-It trucks to park in such a way that they would not be considered to be signs. The Board said that it will not issue any Special Permits or other approvals if that property is not in full compliance with Zoning.

Mr. Levey asked that the neighbor's comments be put in writing. He said that many of the concerns that were brought up at this hearing have already been addressed in the submitted materials.

The Board voted unanimously to continue the hearing to October 21, 2010.

October 21, 2010

Presenting the case at the hearing was Brian Levey, Esq.

Mr. Levey said that all of the cars have been removed from the site, as requested by the Board. He said that they have received no other written comments from the public.

Brian Murphy, VHB Engineer, said that the plan set has been revised to 20 scale.

Mr. Murphy said that they added a retaining wall detail. He said that the entire wall will be less than four feet high.

Mr. Murphy said that the height of the light fixtures in the parking field will be 23 feet.

Mr. Murphy said that they added a decorative style wrought iron fence at the front of the buffer on Route 9. He said that it will meet the 5 foot height requirement.

Mr. Murphy said that they added 19 eight to ten foot Arborvitaes along the border between the site and the proposed residential building at 978 Worcester Street. He said that the fence along that property boundary will be six foot solid panels with a one foot lattice at the top.

Mr. Murphy said that the Operation & Maintenance Plan (O & M) incorporates the requirements of the WPC and standards for maintenance of the stormwater facilities. He said that there is a checklist that lists the frequency of inspections. He said that the manual will be kept on-site and will be passed along to CVS when they take control of the store. He said that the manual will be available to the Town on a yearly basis. He said that the logs have to be maintained.

Mr. Murphy said that O & M Manual will be set up in two sections. He said that one section will be for source control on how to prevent potential problems that would affect the site and the groundwater. He said that section discusses snow management and the use of fertilizers. He said that the second section discusses the maintenance requirements of the stormwater management system, the maintenance of the rain garden at the front and the surface basin that will be located at the back of the site.

Mr. Murphy said that when the amount of snow exceeds what will fit in the snow storage area, the store manager will be responsible for having the snow trucked off-site. He said that the Stormwater Management Manual states that DEP Guidelines must be followed for taking snow off-site. The Board said that catch basin 5 could potentially be impacted. Mr. Murphy said that part of the Spring maintenance will be to clean out catch basin 5. The Board said that perhaps catch basin 5 should be called out for more frequent cleaning.

Mr. Murphy said that the CMP will be updated once a contractor is selected. He said that typically with a CVS project they will put in a moveable security fence which consists of eight foot sections of panels set into concrete blocks that are fastened together. He said that there will be a 50 foot stone sediment trap for trucks leaving the site.

The Board said that drawings should be submitted that show the gate locations, the wheel wash, the number of spaces on the site, the materials laydown area, and how things are going to move around the site.

The Board said that additional detail should be added to the plan for the number of workers and vehicles that will be on the site and how they will fit on the site. The Board said that if all of the vehicles cannot fit on the site, there should be details as to where the vehicles will park and how the workers will get to the site.

The Board said that materials flow and how they will fit on the site during the various activities of the different construction phases should be shown on the plans. The Board said that the plans should show that the Construction Management Plan is workable.

Mr. Murphy said that CVS typically has a Construction Manager to monitor progress of the project. He said that CVS hires a developer, Gershman Brown, who is responsible to report to CVS as the project progresses. He said that they are typically there bi-weekly. He said that reports are submitted as CVS requests them. He said that construction meetings will happen on the site. He said that the Architect has to report to the Building Inspector throughout the project. He said that there is a preferred builder on most of the sites. He said that they hire a site supervisor, who is on-site for the entire project. The site supervisor works with the contractor and is responsible for oversight of the sub-contractors.

Mr. Murphy said that the project was broken up into four phases. He said that the first phase is for site preparation and demolition. He said that they expect that phase will last approximately one month. He said that he would add the number of workers per construction phase to the CMP.

Mr. Murphy said that, given the age of the buildings, they probably will encounter asbestos. He that abatement is included in the timeframe.

Mr. Murphy said that excavation and construction of the foundation and the retaining wall will occur during Phase 2. He said that they will be bringing in fill which will allow them to create the laydown and parking areas for the future phases. He said that they will go through the proper channels if it is necessary to dewater.

Mr. Murphy said that Phase 3 involves steel erection, interior, façade build-out, site utilities, the stormwater management system, the sidewalks, the pads, the pavement base and the binder. He said that they anticipate that the off-site improvements on Route 9 will start during this phase as well, as those improvements are integral to access to the site.

The Board said that materials delivery, storage issues, concrete deliveries and queuing of trucks on Route 9 during Phase 3 should be described in the CMP.

Mr. Murphy said that Phase 4 will involve cleanup of the site. He said that the piping will be down and they will begin installation of irrigation and landscaping. He said that the guardrails and fencing will be installed. He said that one of the last phases will be for final paving and striping.

The Board said that because of the environmental sensitivity and the location on Route 9, there should be documentation of construction activities.

Mr. Murphy said that CVS' site contractor will do the MA DOT work on Route 9 under the supervision of a Mass Highway Inspector. He said that a MA DOT representative will be on-site to make sure that the work is done to their standards. He said that MA DOT has to sign off at the end of the project.

Mr. Murphy said that the area of the parking fields is 26,500 square feet. He said that 2,650 square feet of open space is required, half of which must be within the parking field. He said that they have provided 1,600 square feet of landscaped area within the parking field.

The Board asked about ongoing communication with the public during construction beyond the kickoff meeting with the Town at the beginning of the project to provide contact information. Mr. Murphy said

that the Site Superintendent stays in communication with a Building Official. He said that they will look into providing a website for the project. He said that contact information is posted on the Contractor's trailer and on the construction fence.

Patrick Dunford, VHB Traffic Engineer, displayed a graphic of the drive-through that had been done using the Auto-turn program. He said that the engineering diagrams show that maneuvering around the dumpster to get to the inside drive-through lane can be done without difficulty. He said that the location of the dumpster was shifted to the left by approximately three to four feet. He said that they can add a striped guideline.

Mr. Dunford said that there will be a divider in the drive-through that the driver in the outer lane will be able to look over. He said that although it is not the intent, there is room for two cars to drive along the side of the building. The Board said that an updated plan for Figure 2 should be submitted.

Mr. Dunford said that there will be daily newspaper delivery trucks. He said that once a week there will be Coke or Pepsi trucks delivering. He said those are typically smaller panel trucks with roll up sides. He said that all loading activity will be focused at the loading door. He said that those trucks will exit via the right side of the parking field.

Mr. Dunford displayed the dimensions of a WB-50 truck. He said that one or two WB-50 deliveries will be made each week. He said that all trucks will enter and exit at the signalized access. He said that a condition of the PSI was limited delivery times. Mr. Levey asked that deliveries be allowed to 11 p.m.

Mr. Dunford said that deliveries are scheduled. He displayed the WB-50 turning maneuvers to access the loading area. He said that there are 13 parking spaces at the back that they anticipate will be used by employees. He said that when the truck arrives the vehicles parked at the back will have to be moved. He said that there will need to be site management for deliveries.

The Board asked about conflicts between WB-50 truck deliveries and snow storage at the back. Mr. Dunford said that parking is at a premium at this location. He said that it will be up to the store manager to ensure that the spaces at the back are cleared of snow.

The Board said that truck deliveries will impact the drive-through traffic. Mr. Dunford said that store activity does not usually pick up until after lunchtime. He said that the drive-through traffic generally mimics that as well. He said that they have shut the drive-through down temporarily at other sites for an extra two hours in the morning to allow for deliveries. He said that curtains could be pulled down or the store manager could put cones in the drive-through lanes to alert the customers that the windows are closed. The Board said that item 1.4 should be added to the O & M Plan for guidance to deal with delivery issues.

A.J. Barbato said that either the Store Manager or the Assistant Store Manager will be on-site at all times. The Board said that the O & M talks about the District CVS Manager being responsible for snow storage. Mr. Barbato said that CVS has a separate store maintenance crew that coordinates all of the repairs, snow plowing and storage. He said that they work with the Store Manager, who has the authority to call someone to remove snow.

Mr. Dunford displayed the plan for truck traffic on Route 9. He said that a bubble was created to allow large trucks to make a u-turn from the westbound lane. He said that MA DOT will ultimately dictate the shape of the island.

Kien Ho, BETA, said that they originally had issues with the site. He said that they requested that CVS look at traffic issues at the store on Temple Street in Framingham and the store on Speen Street in Natick. He said that both stores were located in tight areas with the same store square footage.

Mr. Ho said that they initially thought that a two-car drive-through was not necessary. He said that a two-car drive-through is shown consistently throughout CVS store designs.

Mr. Ho said that they had been concerned about the tight turning radius. He said that the proponent has done a fairly good job in terms of trying to make sure that drivers are not confused going through the drive-through. He asked that CVS make sure that the drive-through area is clearly defined. He said that there should be a pavement marking to divide the two stalls and an arrow pointing specifically to the lanes.

Mr. Ho said that the travel lane leaving the drive-through is 22 feet wide. He said that is plenty of room for two travel lanes. He said that because the drive-through is located at a corner, he would recommend that the travel lane be extended. He said that the chances of two cars exiting the drive-through at the same time are small.

Mr. Barbato said that the window on the left will be face to face with the pharmacist. He said that the right lane is more for dropping off or picking up prescriptions.

Mr. Ho discussed the 3-point truck turn. He said that BETA had similar concerns about snow storage. He said that based on the studies that they had done, there is more than adequate parking on the site. He recommended that parking spaces be created in the travel lane along the side of the building. The Board said that there cannot be any snow build up on the side of the building when they plow.

Suzanne Palacino, 21 Beechwood Road, discussed Section XXI C, paragraph 3 of the Zoning Bylaw. She said that this project is neither an enlargement or an alteration. She said that the Petitioner is focusing on 65 parking spaces. She said that they need to have 86 parking spaces.

The Board said that the Chairman would speak to Town Counsel about the determination that having 65 parking spaces was grandfathered.

Ms. Palacino said that there is the potential for three cars to be in the travel lane along the side of the building after the two-car drive-through and the bypass lane. She said that a car traveling on the bypass lane could be going at a higher speed. She said that situation could present a significant safety issue.

Mr. Ho said that, based on the two stand alone CVS's that BETA studied, it was uncommon for two cars to be using the drive-through at the same time. He said that the possibility of having three cars leaving at the same time is very unlikely. He said that it is unlikely that the bypass lane will be high speed. He said

that the site itself is very tight. He said that it will be easier to access Route 9 from the west side of the building rather than making almost an "S" turn from the bypass lane to the Route 9 access.

Ms. Palacino said that stand alone CVS's tend to do more business than those that are attached to other businesses. She said that the CVS's that were studied do not have access to Route 9. Mr. Ho said that the Temple Street CVS does have access to Route 9 from the west (eastbound). He said that there are two access points. Ms. Palacino said that the Chestnut Hill store would be a much better comparison. She said that it is a much more congested area.

Ms. Palacino said that an elderly customer who encountered a cone when the drive-through is closed would have to do a "K" turn to get out. She said that is a concern.

Ms. Palacino asked if there will be a door at the back of the store for customer access. Mr. Levey said that there will not be a door there for customer access. Ms. Palacino confirmed that deliveries will have to be unloaded from the trucks and then wheeled across to the building instead of unloading at a bay.

Lisa Brown, 98 Beechwood Road, said that she was concerned about fire trucks getting around cars that are parked at the front of the site. The Board said that it had been advised by the Fire Department that there will be sufficient room for fire trucks to get around parked cars at the front.

Ms. Brown said that there will not be 65 parking spaces at all times because spaces will be eliminated for snow and trucks.

Richard Broberg, 5 High Ledge Avenue, said that it was his understanding that the Petitioner was asking the ZBA to approve two sets of plans, one with the splitter island and one without. He said that it was his understanding that the Petitioner would like to have the plan without the island approved because they want to have direct access to the neighborhood. He said that proposal would result in CVS having the only signalized commercial entrance available from both directions on Route 9 and leading directly to a neighborhood in Wellesley. He said that his understanding was that the original design for the divided highway was to prevent vehicles from making left turns and to prevent access to neighborhoods. He said that the intent was to direct traffic to proceed to major arteries.

Mr. Broberg He urged the Board to only approve the plan that includes the splitter island. He said that if MA DOT goes ahead with the non-island plan, it will be CVS' responsibility to come back to show what they will be going forward with and what the impacts will be.

Nancy Chang, 11 Brookmere Avenue, asked if Town Counsel's opinion overrides the Board's decision. The Board said that it is guided by Town Counsel's opinion on the proper interpretation of the bylaw.

Shari Schneider, 20 Beechwood Road, asked about the process for the Chairman to speak with Town Counsel about the determination of the parking spaces. She asked if any meetings will be scheduled and if the public will have any input. The Chairman said that there is an attorney/client privilege and the Board is Town Counsel's client. He said that no one else will be present at that consultation. He said that it will ultimately be up to the Board to decide how they choose to interpret the bylaw as a result of taking everything into consideration.

Ms. Palacino asked what will happen if it is determined that 86 parking spaces are required. The Board said that if it was to determine that more parking spaces are needed, CVS will have to start all over.

The Board voted unanimously to continue the hearing to November 18, 2010.

November 18, 2010

The Chairman said that he reviewed the Zoning Bylaw and the memorandum from the Building Inspector and consulted with Town Counsel regarding the issue of 65 grandfathered parking spaces. He said that the Board concurs with the Building Inspector's and Town Counsel's interpretation of the Zoning Bylaw that the required number of spaces is 65. He said that 65 spaces are provided for in the plan.

Presenting the case at the hearing was Brian Levey, Esq. He said that minor changes were made to the Site Plan, the O & M Plan and the CMP. He said that a Response to Comments memo, revised plans and manuals were submitted. He said that they were not aware of any public comments.

The Board said that it received an email from a resident at 129 Manor Avenue which raised the issue of parking.

Brian Murphy, VHB, said that the dumpster was relocated. He said that the compactor size was reduced from a 40 to a 30 yard box. He said that allowed them to shift the compactor over to allow for better access to the drive-through.

Mr. Murphy said that they added striping for the drive-through lanes. He said that the lane has been reconfigured so that no special maneuvering will be required. He said that they added a sign where the lanes merge. He said that they relocated their snow storage area. He said that they came up with an alternate truck route in case the snow storage area is full.

The Board read Condition #56 of the Order of Conditions regarding the snow storage area. Mr. Murphy said that they will have to go back before the WPC for the site changes. The Board said that ZBA approval will be conditioned on the issuance of an amended Order of Conditions.

Mr. Murphy displayed the delivery truck turning paths. He said that there typically will be one to two deliveries per week. He said that during holiday seasons there may be a third delivery needed.

The Board said that trucks will have to drive through a snow storage area. Mr. Murphy displayed an alternative truck route if snow storage impacts the normal route. He said that they are willing to bring plans for a relocated snow storage area to the WPC.

Mr. Murphy displayed an Alternate Site Plan that showed access to Route 9 without the splitter island. The Board said that it would only approve one site plan for the property. The Board said that MA DOT should know that it is the feeling of the Board that there should be no traffic crossing Route 9.

Mr. Murphy said that there will be an area dedicated to the steel lay down. He said that the plans show a place for the crane.

Mr. Murphy said that 9' by 18' parking spaces are shown for construction vehicle parking. He said that the contractors will drive straight into that area and will remain there throughout the day. He said that CVS will be using a preferred contractor, so the construction workers will know each other. The Board said that there will be a condition that no construction vehicles will park on a municipal way.

The Board said that the east and west directions appear to be reversed in the Traffic and Roadway Management section of the CMP.

Mr. Murphy said that some of the sub-contractors that they use will be coming to the site from the west. He said that all construction traffic exiting the site will be going to the east.

The Board said that the developer should provide 24 hour emergency contact information to the Police and Fire Departments.

Mr. Murphy said that the Site Superintendent will be on-site at least 95% of the time.

Mr. Murphy said that there are several locations for construction vehicles exiting the site onto Route 9 eastbound to reverse direction. He said that the closest turnaround is at Weston Road. The Board said that a condition will be that the construction vehicles do not turn around at Route 16 at Wellesley Hills.

Mr. Murphy said that WB-50 trucks carrying steel and building façade materials will be traveling westbound on Route 9 to access the site. He said that the contractor will be made aware of the Board's concern that large construction vehicles should not queue on Route 9 westbound.

The Board said that it was concerned that this is a sensitive area and fill materials will be brought in. The Board said that if the trucks are loading in muddy areas, the wheels should be washed. The Board said that no foreign plant materials should be brought onto the site. Mr. Murphy said that most of the fill that they will be bringing in will be of a gravelly nature. He said that seeds would not germinate in that. He said that they will add wheel washing to the contracts. He said that the wheel wash will remain until the binder is put down.

Mr. Murphy said that there will typically be one to two fill trucks per hour on the site. He said that they will be using larger trucks. He said that during this operation they will not need the construction parking.

Mr. Murphy said that the O & M Plan was revised. He said that there had been some concern about snow storage areas. He said that they anticipate that a two to three inch snowfall could be stored in the designated snow storage areas. He said that by moving some of it to the back area, they could probably accommodate another inch of snow.

Mr. Murphy said that a section was added for truck delivery hours. He said that the store manager will be responsible for the delivery schedules.

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Lisa Brown, 98 Beechwood Road, asked if construction traffic could be not allowed in residential areas. The Board said that it will be a condition that construction traffic will only travel on Route 9.

Ms. Brown discussed Section XVII of the Zoning Bylaw for pre-existing nonconforming uses, structures and lots. She said that if the lot had not been used for more than two years, the grandfathered parking would not apply. The Board said that the Zoning Bylaw for parking, Section XXIIA is independent from Section XVII. The Board said that the parking bylaw has exceptions that Section XVII has no bearing on.

Frank Russell, Esq., said that he was representing residents of Beechwood Road, Shari Kessel-Schneider, the Palacino family, Lisa Huber, Laurie Ohlms and David Waisel. He said that there was a discussion in the CMP for modification of delivery hours. The Board said that the Planning Board permit had deliveries stopping at 10:30 p.m. He said that the Petitioner has asked that they be allowed to deliver until 11 p.m. Mr. Levey said those delivery hours are just for the WB-50 trucks.

Mr. Russell said that his clients have a preference for the plan with the splitter island. He said that his clients asked that the Board give consideration to the PSI permit that talked about mitigation of the cross traffic from Overbrook Drive. He said that his clients asked that the Board request that the Petitioner submit a plan that shows the striping. He said that his clients want to make sure that the entrance from Overbrook Drive to the site complies with what the Planning Board had suggested in the PSI parking section, paragraphs C, D & E. The Board said that the PSI decision, to the extent that it does not conflict with ZBA conditions, will be incorporated into the ZBA decision. Mr. Russell said that his clients would like to see a schematic.

Mr. Russell said that the Board accepted Town Counsel's opinion on the parking issue. He said that the 65 space determination was based in part on an affidavit from the prior landowner that there were 55 spaces to begin with. He asked that the Board examine old photographs, old site plans or permits. He said that his clients asked that the Board ask the Applicant to submit something further beyond what is a recollection of someone from many years ago. He said that there should be some form of objective documentation to substantiate what the conditions were in 1983 as to what the number of spaces were.

Mr. Russell said that his clients believe that 65 parking spaces will not be sufficient and will impact the streets and traffic off-site. He said that they believe that this will not be a reconstruction and the other provisions of the bylaw should apply.

Mr. Russell asked that the Board assure itself that it does have a plan that incorporates the suggestions in the PSI for the mitigation of the crossover from Overbrook Drive. The Board said that striping on the area outside of the site is not under its jurisdiction. Mr. Russell asked if the Board would consider making the PSI Mitigation Plan a requirement.

James Brown, 98 Beechwood Road, said that he did not think that Section XVII was separate from any other part of the Zoning Bylaw. He said that Section XVII states that if the land is not used for more than two years, it shall be subject to all provisions of this Zoning Bylaw. He said that the word "all" is all-inclusive. He requested an opinion from Town Counsel on the meaning of that. The Chairman said that Section XVII deals with pre-existing nonconforming uses, structures and lots. He said that the use that was there is not there anymore. He said that the property is in a Business District and the Applicant is

complying with the provisions of what is allowed in a Business District. He said that the Parking Bylaw gives property owners certain rights. He said that the history of the Parking Provision goes back 25 years ago when the merchants in downtown Wellesley were concerned about the bylaw being re-written. He said that the merchants were concerned that when they changed uses in the buildings on Central and Washington Streets, new tenants would be required to have more parking. He said that the provisions of the Parking Bylaw are the result of a long negotiation between the landlords and the Planning Board. He said that a lot of the negotiation took place on the floor of Town Meeting. He said that when referring to the Zoning Bylaw, it includes the Parking Bylaw which does give certain grandfathered rights. Mr. Brown asked if the rights apply if Section A of Section XVII applies. The Board said that Section A of Section XVII applies to nonconforming uses. The Board said that this is not a nonconforming use.

Mr. Brown asked if the project is nonconforming in relation to Wetlands Protection. The Board said that the Petitioner has gone through the WPC process and received an Order of Conditions.

Mr. Brown asked when Section XVII would apply. The Board said that if the property had an automobile dealership on it and it was rezoned to residential, the automobile dealership would become a valid pre-existing nonconforming use on that property. The Board said that if the automobile dealership closed for two years, the next use would have to conform to the residential zoning of the district.

Suzanne Palacino, 21 Beechwood Road, asked how the trucks will turn around to go West on Route 9. The Board said that there are turns at Westgate Road, Sprague Road and Weston Road. Ms. Palacino said that children come and go from school on Weston Road. She asked if the Board would consider having the large construction truck traffic prohibited on Weston Road. The Board said that it would insert a condition that there be no turning from East to West utilizing Weston Road between 7:30 and 8:30 a.m. and between 2:30 and 3:30 p.m. for large construction vehicles. Ms. Palacino asked if the large construction trucks could be prohibited from using Weston Road as a turnaround. The Board said that Weston Road is a public way, which means that the public can use it. Ms. Palacino said that the Board is prohibiting the turn at Route 16. The Board said that if the large trucks come down onto Route 16, they will have to stay on Route 16 to get to Route 128 because there is no left turn from Route 16 onto Route 9 West.

Ms. Palacino said that at 12:00 on Wednesdays there are gangs of children coming from Hardy and Bates Schools to Fells Market for lunch. The Board said that it would further restrict the large truck traffic on Weston Road on Wednesdays between noon and 2:00.

Ms. Palacino said that the Planning Board, a few Selectmen and the Proponent had met with MA DOT to discuss some options for how to handle this property. She said that the Applicant was asked to come up with some ideas on how to handle the traffic at the Overbrook Drive intersection. She said that the Applicant did not come with any ideas. She asked the Board to ask the Proponent to come up with four ideas that they are ready to present to the MA DOT. She asked that the neighbors be allowed to see the ideas prior to that presentation. The Board said that the neighbors would have to go back before the Planning Board or the Selectmen because the MA DOT issue is outside of the ZBA's jurisdiction. The Board said that it would make a condition that a neighborhood representative must be notified of all MA DOT meetings.

Shari Schneider, 20 Beechwood Road, asked about the calculations for determining the parking. She said that it appears to be one space over the requirement. She said that was based on a recollection that Mrs. Kehoe estimated that there had been 50 to 55 spaces. She requested that CVS provide additional information for calculating the number of parking spaces. The Board said that the Town's own Traffic Engineers, having checked on other CVS's at similar locations, were of the opinion that 30 to 35 parking spaces were sufficient. The Board said that to load up the site with more asphalt in an environmentally sensitive area makes no sense.

Submittals from the Petitioner

- Cover letter to ZBA, dated 8/11/10, from Brian C. Levey, Esq.
- Application for Site Plan Approval
- Application for Special Permit for Drive-Through, Flood Plain and Water Supply Districts
- Record Owner Authorization, dated 7/09, signed by Marie-Louise Kehoe, for property located at 990 Worcester Street
- Record Owner Authorization, dated 7/09, signed by Marie-Louise Kehoe, for property located at 984 & 990R Worcester Street
- Memo to ZBA, dated 8/11/10, from Brian C. Levey, Esq., re: Support of ZBA Applications
- Wellesley Planning Board PSI-09-02 Special Permit Decision, time-stamped 4/21/10
- Wellesley Planning Board Inclusionary Zoning – Special Permit Decision PSI-09-02, time-stamped 12/15/09
- Town Clerk Certification, dated 1/14/10
- Order of Conditions, 324-607, dated 6/30/09
- Letter to Planning Director, dated 12/14/09, from Executive Director, re: CVS PSI Traffic Study – Draft Conditions
- Memo to Planning Board, dated 10/23/09, from Planning Director, re: Parking Analysis for CVS (990 Worcester Street)
- Development Prospectus, dated 8/10/10
- Exterior Views, dated 8/3/10, prepared by BKA Architects, Inc.
- Letter to Director of Public Works, dated 7/14/10, from Antonio Moura, re: Site Plan Submittal for Proposed CVS/Pharmacy
- Letter to Executive Secretary, ZBA, dated 9/7/10, from Antonio Moura, re: Response to Comments
- VHB's Response to Planning Department Comments, dated 9/15/10
- Memo to ZBA, dated 9/23/10, from GB New England 2, LLC, re: Response to Planning Board Recommendation
- Memo to Inspector of Buildings, dated 9/23/10, from Brian Murphy, re: CVS Pharmacy – 984 Worcester Street
- PowerPoint Presentation, dated 9/23/10, prepared by VHB
- VHB's Responses to Wellesley Zoning Board Comments from September 23, 2010 Public Hearing
- Letter to Executive Secretary, ZBA, dated 10/15/10, from Patrick Dunford, P.E., re: BETA Traffic Peer Review Summary
- PowerPoint Presentation, dated 10/21/10, prepared by VHB

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- Memo to Chairman and members of the ZBA, dated 11/10/10, re: Response to Comments from the October 21, 2010 hearing
- PowerPoint Presentation, dated 11/18/10, prepared by VHB
- Operations and Maintenance Manual, dated 10/14/10, revised 11/10/10, prepared by Vanasse Hangen Brustlin, Inc.
- Construction Management Plan, dated 10/14/10, revised 11/10/10, prepared by VHB/Vanasse Hangen Brustlin, Inc.

ORIGINAL PLANS

Plan Number	Drawing Title	Date of Issue	Prepared By	Date of Revision
CSP-1	Conceptual Site Plan	2-18-10	VHB, Inc.	
	Cover Sheet	8/10/10	John Furman.	
C-1	Legend & General Notes	7/14/10	John Furman	8/10/10
C-2	Layout & Materials Plan	7/14/10	John Furman	8/10/10
C-2	Overall Site Plan	7/14/10	VHB	8/10/10
C-3	Grading, Drainage & Erosion Control Plan	7/14/10	VHB, Inc.	8/10/10
C-3	Layouts and Materials Plan	7/14/10	John Furman	8/10/10
C-4	Utility Plan	7/14/10	John Furman	8/10/10
C-4	Grading, Drainage and Erosion Control Plan	7/14/10	John Furman	8/10/10
C-5	Site Details 1	7/14/10	John Furman	8/10/10
C-5	Utility Plan	7/14/10	John Furman	8/10/10
C-6	Site Details 2	7/14/10	John Furman	8/10/10
C-6	Site Details 1	7/14/10	John Furman	8/10/10
C-7	Site Details 3	7/14/10	John Furman	8/10/10
C-7	Site Details 2	7/14/10	John Furman	8/10/10
C-8	Alternate Driveway Design	7/14/10	John Furman	8/10/10
C-8	Site Details 3	7/14/10	John Furman	8/10/10
C-9	Alternate Driveway Design	7/14/10	John Furman	8/10/10
C-10	Retaining Wall Profiles	7/14/10	John Furman	8/10/10
L-1	Planting Plan	7/14/10	Kathleen Ogden	8/10/10 & 9/22/10
L-2	Planting Details	7/14/10	Kathleen Ogden	8/10/10 & 9/22/10
LA-1	Landscape Area Calculation Plan	7/14/10	VHB, Inc.	8/10/10
Sv-1	Existing Conditions Plan of Land	6/18/08	Russell Bousquet	8/1/08 & 3/16/09
	Easement Plan of Land	3/17/09	VHB, Inc.	

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PP-1	Building Plot Plan	7/14/10	John Furman	8/10/10 & 9/7/10
	Photometric Plan	7/29/09	Hubbell Lighting, Inc.	9/15/10
A1.1	Floor Plan	8/31/10	BKA Architects, Inc.	
A-4.1	Exterior Elevations	9/13/10	BKA Architects, Inc.	
	Exterior Views 1 & 2	9/15/10	BKA Architects, Inc.	
	Exterior Views 3 & 4	9/15/10	BKA Architects, Inc.	

REVISED PLANS – OCTOBER 14, 2010

Plan Number	Drawing Title	Date of Issue	Prepared By	Date of Revision
CSP-1	Conceptual Site Plan	2-18-10	VHB, Inc.	
	Cover Sheet	8/10/10	John Furman.	
C-1	Legend & General Notes	7/14/10	John Furman	10/14/10
C-2	Layout & Materials Plan	7/14/10	John Furman	10/14/10
C-2	Overall Site Plan	7/14/10	VHB	10/14/10
C-3	Grading, Drainage & Erosion Control Plan	7/14/10	VHB, Inc.	
C-3	Layouts and Materials Plan	7/14/10	John Furman	10/14/10
C-4	Utility Plan	7/14/10	John Furman	
C-4	Grading, Drainage and Erosion Control Plan	7/14/10	John Furman	10/14/10
C-5	Site Details 1	7/14/10	John Furman	
C-5	Utility Plan	7/14/10	John Furman	10/14/10
C-6	Site Details 2	7/14/10	John Furman	
C-6	Site Details 1	7/14/10	John Furman	10/14/10
C-7	Site Details 3	7/14/10	John Furman	
C-7	Site Details 2	7/14/10	John Furman	10/14/10
C-8	Alternate Driveway Design	7/14/10	John Furman	
C-8	Site Details 3	7/14/10	John Furman	10/14/10
C-9	Alternate Driveway Design	7/14/10	John Furman	10/14/10
C-10	Retaining Wall Profiles	7/14/10	John Furman	10/14/10
L-1	Planting Plan	7/14/10	Kathleen Ogden	10/14/10
L-2	Planting Details	7/14/10	Kathleen Ogden	10/14/10
LA-1	Landscape Area Calculation Plan	7/14/10	VHB, Inc.	10/14/10
Sv-1	Existing Conditions Plan of Land	6/18/08	Russell Bousquet	

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	Easement Plan of Land	3/17/09	VHB, Inc.	
PP-1	Building Plot Plan	7/14/10	John Furman	10/14/10
	Photometric Plan	7/29/09	Hubbell Lighting, Inc.	
A1.1	Floor Plan	8/31/10	BKA Architects, Inc.	
A-4.1	Exterior Elevations	9/13/10	BKA Architects, Inc.	
	Exterior Views 1 & 2	9/15/10	BKA Architects, Inc.	
	Exterior Views 3 & 4	9/15/10	BKA Architects, Inc.	

FINAL PLANS – LATEST ISSUE – NOVEMBER 10, 2010

Plan Number	Drawing Title	Date of Issue	Prepared By	Date of Revision
CSP-1	Conceptual Site Plan	2-18-10	VHB, Inc.	
	Cover Sheet	8/10/10	John Furman.	
C-1	Legend & General Notes	7/14/10	John Furman	11/10/10
C-2	Layout & Materials Plan	7/14/10	John Furman	11/10/10
C-2	Overall Site Plan	7/14/10	VHB	10/14/10
C-3	Grading, Drainage & Erosion Control Plan	7/14/10	VHB, Inc.	8/10/10
C-3	Layouts and Materials Plan	7/14/10	John Furman	11/10/10
C-4	Utility Plan	7/14/10	John Furman	8/10/10
C-4	Grading, Drainage and Erosion Control Plan	7/14/10	John Furman	11/10/10
C-5	Site Details 1	7/14/10	John Furman	8/10/10
C-5	Utility Plan	7/14/10	John Furman	11/10/10
C-6	Site Details 2	7/14/10	John Furman	8/10/10
C-6	Site Details 1	7/14/10	John Furman	11/10/10
C-7	Site Details 3	7/14/10	John Furman	8/10/10
C-7	Site Details 2	7/14/10	John Furman	11/10/10
C-8	Alternate Driveway Design	7/14/10	John Furman	8/10/10
C-8	Site Details 3	7/14/10	John Furman	11/10/10
C-9	Alternate Driveway Design	7/14/10	John Furman	11/10/10
C-10	Retaining Wall Profiles	7/14/10	John Furman	11/10/10
L-1	Planting Plan	7/14/10	Kathleen Ogden	11/10/10
L-2	Planting Details	7/14/10	Kathleen Ogden	11/10/10
LA-1	Landscape Area Calculation Plan	7/14/10	VHB, Inc.	10/14/10
Sv-1	Existing Conditions Plan of	6/18/08	Russell Bousquet	3/16/09

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	Land			
	Easement Plan of Land	3/17/09	VHB, Inc.	
PP-1	Building Plot Plan	7/14/10	John Furman	11/10/10
	Photometric Plan	7/29/09	Hubbell Lighting, Inc.	9/15/10
A1.1	Floor Plan	8/31/10	BKA Architects, Inc.	11/08/10
A-4.1	Exterior Elevations	9/13/10	BKA Architects, Inc.	
	Exterior Views 1 & 2	9/15/10	BKA Architects, Inc.	
	Exterior Views 3 & 4	9/15/10	BKA Architects, Inc.	

On July 28, 2010, Joe Duggan, Water & Sewer Division, reviewed Drawings C-1 through C-7 and submitted comments.

On August 3, 2010 and August 19, 2010, George Saraceno, Engineering Division, reviewed the plans and submitted comments.

On August 17, 2010, Adam Bossi, Conservation Administrator, reviewed the plans and submitted the Order of Conditions, MA DEP #324-607.

On August 26, 2010, Michael Grant, Inspector of Buildings, reviewed the plans and submitted comments.

On September 8, 2010, Douglas Stewart, Engineering Division, reviewed the plans and stated that comments outlined in the August 19, 2010 memo from the Department of Public Works related to the project had been adequately addressed.

On September 17, 2010, Francisco Frias, Municipal Light Plant, reviewed the plans and stated that they did not anticipate any problems with the new electrical load and demand of the proposed CVS building. He stated that the available electrical distribution infrastructure has sufficient capacity available to reliably supply the proposed electrical load of the complex.

On September 20, 2010, the Planning Board reviewed the plans and recommended that the Site Plan Review be approved with conditions. The Planning Board reviewed the plans and recommended that the Special Permits for the two lane drive-through, Flood Plain and Water Supply Protection Districts be granted.

On September 22, 2010, the DRB reviewed the plans and recommended approval of the Site Plan and Special Permit applications, subject to conditions.

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On September 28, 2010, the Inspector of Buildings notified Kehoe Chrysler, Inc., 984, 990, 990R Worcester Street of Zoning violations.

On October 18, 2010, Mary-Louise Kehoe responded to the Inspector of Buildings that Zoning violations at 984, 990, 990R Worcester Street had been abated.

On November 17, 2010, the Fire Department reviewed the plans and approved the revised application for the proposed project. The town has selected a vendor for a town wide radio box system and would like to see CVS join the system. The fire department reserves the right for final approval at time of issuing permits with a complete set of building documents.

DECISION

Based on the application and other information described in this Decision, the Board found that the proposed Major Construction Project that consists of construction of a 12,900 square foot CVS/PHARMACY, associated parking and site improvements in a Business A District is in harmony with the general purpose and intent of the Zoning Bylaw, subject to conditions listed below, in conjunction with the Special Permits and Site Plan Approval, and voted unanimously to grant Site Plan Approval.

The Board voted unanimously to grant a Special Permit for a two lane drive-through facility in a Business A District, as shown on the amended plan.

The Board voted unanimously to grant a Special Permit for a use permitted in an underlying zoning district in a Flood Plain District.

The Board voted unanimously to grant a Special Permit for a major construction project in a Water Supply Protection District.

The Board's approval of the Site Plan for the Project is premised on the Petitioner's and Project's compliance with the following conditions (the "Conditions"). All requirements imposed by the Conditions or this Site Plan Approval and Special Permits shall be applicable to the entity responsible for the administration of the Project regardless of whether the condition specifically identifies the Petitioner, the responsible entity, or no entity as having responsibility for a particular condition. By accepting this Site Plan Approval, the Petitioner agrees to the terms, covenants, conditions, and agreements contained herein.

CONDITIONS

Site plan approval for the construction of the CVS Pharmacy located at 984, 990 and 990R Worcester Street is granted, as voted unanimously by the Board at the Open Meeting, pursuant to Section XXV and Section XIVA of the Zoning Bylaw; subject to the following conditions:

General Conditions

1. By accepting this Site Plan Approval the Applicant agrees to the terms, covenants and conditions and agreements contained herein. This Site Plan Approval shall expire two years from the date hereof unless construction has begun by that date. The Applicant may apply to the Board for reasonable extensions to this Site Plan Approval for good and sufficient reason.
2. Except for the relief granted by the Board as listed in this Site Plan Approval, the Applicant shall comply with all provisions of the Zoning Bylaw, general bylaws, and all the rules and regulations of the Planning Board and the Board of Health generally applicable to a project approved on November 18, 2010. No fees are waived in connection with the Project. Fees shall be those then in effect at the time of application for the permit or approval subject to the fee.
3. The Project shall be designed and constructed substantially in compliance with the drawings and data submitted with the Application for Site Plan Approval. The Board specifically permits only the alternative design that contains a splitter island at the Worcester Street entrance that prevents traffic to enter or exit the site from or to Overbrook Drive. The Board strongly feels that traffic to and from the Site shall only utilize Route 9 and shall not be permitted from Overbrook Drive.
4. Contract documents, including working drawings and specifications for the Project shall undergo the usual and customary review and approvals of the Building Inspector, the Board of Health, the Fire Chief, the Town Engineer, or any other applicable local inspector or board. Construction of the Project shall be subject to on-site compliance inspections by the Building Department in the customary manner.
5. This Site Plan Approval is subject to the Applicant's compliance with the Order of Conditions for MassDEP File Number 324-607 dated as of June 30, 2009 as specified by the Wellesley Wetlands Protection Committee ("WPC"), as amended, if at all, by the WPC.
6. The Applicant will establish a website, or use an existing website, to provide Town officials and residents access to the most current scheduled construction activities and to provide notification of upcoming project construction events that reasonably have the potential to impact the surrounding neighborhood, the traffic on Worcester Street, or the Overbrook Drive neighborhood. Such scheduled activities shall be shown in a two-week or three-week (whichever the Applicant normally uses in its project planning and construction management) look-ahead schedule that

shall be updated not less than bi-weekly, and such notifications shall be posted not less than seven calendar days prior to the referenced events. In addition to the website, the Applicant shall establish a telephone number for receiving and responding to questions or concerns expressed by residents of the Town concerning the project construction activities or compliance with the Conditions of the Site Plan Approval, including the Order of Conditions. In addition, a telephone number for emergencies will be provided to Town officials, posted at the Site in a conspicuous location visible to the public from Worcester Street, and published once in the Townsman prior to or concurrent with the start of construction.

7. The Applicant shall provide timely prior notice to the Board and to a designated Overbrook Drive neighborhood representative of all meetings between the Applicant and the Massachusetts Department of Transportation related to the improvements to Worcester Street to facilitate traffic entrance to and exit from the site. The Applicant shall send copies of all correspondence with Mass DOT, including electronic correspondence, to the Board.
8. All construction and delivery vehicles entering the site shall stop at an established construction exit for a wheel wash to prevent the entrance of materials deleterious to the Water Supply Protection District.
9. Insofar as practicable, refueling of construction equipment on the site shall be prohibited. Any and all refueling that does occur on the project site shall be performed with due consideration to spill prevention and control measures that should reasonably be applied in a Water Supply Protection District.

Design Conditions

10. Design and construction of the Project shall fully comply with all applicable federal and state laws and regulations, including, but not limited to, the requirements of the Massachusetts State Building Code (780 CMR) and the Massachusetts Architectural Access Board (521 CMR). The Project shall be constructed on the Site in substantial accordance with the Plans, except as provided in this Site Plan Approval, including these Conditions. Any requirement of consistency with the Plans means as those Plans are modified by the Conditions.
11. During the post-construction period, all parking for customers and for employees shall be within the open air lot surrounding the commercial building. The Project shall include parking spaces in accordance with the Plans submitted, and the final Plans shall have no fewer than three (3) handicapped parking spaces in the ground level lot without the consent of the Board, nor will the overall aggregate number of spaces be reduced

below 65 without the consent of the Board.

12. The final Site lighting design shall not result in light levels outside of the Site boundary higher than those shown on Site Lighting Plan as submitted with the Site Plan Application.
13. Not later than 90 days prior to the completion of the building, and prior to the issuance of an Occupancy Permit, the Applicant shall submit a conceptual sign application for the signage package at the site and building, if any.

Construction Conditions

14. The Applicant shall implement its Construction Management Plan as specified in its submittal dated October 14, 2010, as modified by these Conditions.
15. During the period of construction, all construction equipment and material deliveries and personnel traffic shall utilize: (1) Route 9 to the site; or (2) any other such route as the Applicant shall agree with the Wellesley Police Department prior to its use. Insofar as possible, tractor trailer trucks leaving the site after making deliveries to the site shall be prohibited from using the Route 9/16 intersection to reverse direction on Route 9 and return to the west. During the hours of 7:30-8:30 am and 2:30-3:30 pm on days in which school is in session, construction traffic and material deliveries shall not use Weston Road. In no event shall construction traffic or material deliveries use Overbrook Drive.
16. During the period of construction, on-site parking for construction workers and for construction equipment is specifically permitted, and no vehicles of construction workers and no construction equipment shall be parked on Worcester Street, Overbrook Drive or any other public way of the Town, or in any public parking lot within 600 feet of the Site. The Applicant may park vehicles of employees and construction vehicles on-site in the areas shown on its drawings incorporated into its Construction Management Plan until such time as the number of vehicles exceeds the capacity of the on-site area. At least 24 hours prior to the time that such on-site parking capacity is exceeded, the Applicant shall submit to the Planning Director and Building Commissioner its plan for off-street parking and transportation of workers from the off-street parking site to the Site for their review and approval. Trucks and construction vehicles on-site shall shut off engines when not in use, or when idling time exceeds five minutes.
17. During the period of construction, all deliveries of construction materials and equipment shall be made only on Monday through Friday no earlier

than 7:00 a.m. and no later than 6:00 p.m. Construction work may be performed on the Site Monday through Friday commencing not earlier than 7:00 a.m. and completing not later than 6:00 p.m. In the event that the Applicant determines that construction work is required to be performed on Saturday, such work and deliveries may be performed between the hours of 7:00 a.m. and 6:00p.m., provided that the Applicant notifies the Inspector of Buildings at least three days prior to such work, and the Inspector of Buildings, in conjunction with the Wellesley Police Department, consents to such work. If, after completion of the building envelope, the Applicant determines that interior construction work is required to be completed outside the above stated hours, such work may be performed after three day prior notice to the Inspector of Buildings and the Wellesley Police Department, provided that no such work will exceed the allowed noise levels. No work shall be permitted either on Sunday or on a legal holiday in the Town of Wellesley.

18. For the abatement of any asbestos containing material found on the Site, this Site Plan Approval is subject to the Applicant's compliance with the 453 CMR 6.00, Removal, Containment or Encapsulation of Asbestos as promulgated by the Department of Labor and Workforce Development.

Use Conditions

19. The stormwater run-off and drainage system shall be operated and maintained in accordance with the Order of Conditions and the Operations and Maintenance Plan submitted by the Applicant. Operation and maintenance of the stormwater run-off and drainage system shall comply with the requirements of the Town's "Municipal Stormwater Drainage System Rules and Regulations" in effect at the time of the issuance of this permit.
20. Landscaping shall be in conformance with the Planting Plan (L-1) and Planting Details (L-2) and shall be maintained, repaired, or replaced as needed by the Applicant. In the event that any new plantings die within two years of the completion of the construction, the Applicant will replace the failed plantings with like species and size as that shown in the Plant Schedule.
21. During deliveries by trucks of size WB-50 or larger, the store manager shall be responsible for the closure of the drive-thru windows. During such deliveries, traffic at the rear of the building shall be controlled by temporary signage or by employees directing traffic to insure that customers do not inadvertently drive into the delivery area.
22. During and after winter storms snow storage areas shall meet the

requirements of the Order of Conditions referenced above, with no snow storage area obstructing the catch basin drainage system. In the event the accumulated snow volume exceeds the volume of the storage areas, such excess snow shall be removed from the site.

23. Deliveries to the site by tractor trailer (WB-50 or larger) shall be prohibited during the following peak traffic hours:
 - 7:00-9:30 am, Monday through Friday.
 - 4:00-6:30 pm, Monday through Friday.
 - 11:00 am – 2:00 pm, Saturday and Sunday.

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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.

Richard L. Seegel, Chairman

J. Randolph Becker

David L. Grissino

cc: Planning Board
Inspector of Buildings
lrm

**ZONING BOARD OF APPEALS**

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

RICHARD L. SEEGEL, CHAIRMAN
CYNTHIA S. HIBBARD
DAVID G. SHEFFIELDLENORE R. MAHONEY
EXECUTIVE SECRETARY
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(781) 431-1019 EXT. 2208J. RANDOLPH BECKER, VICE CHAIRMAN
ROBERT W. LEVY
DAVID L. GRISSINO

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Pursuant to due notice, the Special Permit Granting authority held a Public Hearing on Thursday, September 23, 2010 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of GB NEW ENGLAND 2, LLC requesting Site Plan Approval pursuant to the provisions of Section XVIA, and Section XXV of the Zoning Bylaw for construction of a 12,900 square foot CVS/PHARMACY, associated parking and site improvements, at 984, 990 & 990R WORCESTER STREET, in a Business A District.

The Petitioner is requesting a Special Permit pursuant to the provisions of Section XI and Section XXV of the Zoning Bylaw for a two lane drive-through facility, namely a drive-through window and one pneumatic tube facility for CVS Pharmacy, where business is transacted from the vehicles of customers or patrons, which is a use not allowed by right in a Business A District.

On August 16, 2010, the petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Property Owner: GB New England 2, LLC

Presenting the case at the hearing was Brian Levey, Esq., who said that he was representing the Applicant, GB New England 2, LLC. He said that also present were Brian Murphy, Civil Engineer and Patrick Dunford, Traffic Engineer, Vanasse Hangen Brustlin, Inc., and AJ Barbato.

Mr. Levey said that the project will consist of construction of a 12,900 square foot retail building with a dual drive-through that will be limited to pick up and drop off of prescriptions. He said that there will be 65 parking spaces. He said that the proposed hours of operation are 7 a.m. to midnight, seven days a week.

Mr. Levey said that the property consists of 2.07 acres with 242 feet of frontage on Route 9.

Mr. Murphy displayed the location of the nearby residences on an aerial photograph. He said that there is quite a bit of vegetation that separates the residential areas to the west and south. He said that there are commercial properties across the street with residential units behind them. He said that the residential building at 978 Worcester Street will be approximately 10 feet from the CVS eastern property line.

Mr. Murphy said that they had shown a six foot stockade fence along the eastern border. He said that the Design Review Board (DRB) asked that the fence be brought up to the beginning of the building and to install a shadow box style fence to create less of a visual impact. He said that the fence is set up so that air can flow through it. He said that cars going through the drive-through may have their lights aimed at the commercial property at 978 Worcester Street.

The Board asked if tall trees could be planted at the wider area just below the drive-throughs. Mr. Murphy said that a concern would be the amount of light that the trees would get.

The Board asked about access to the drive-through while the trucks are unloading. The Board said that dimensions should be added to the plan for the width of the driveway and the trailer turning area.

Mr. Murphy said that there will be fire truck access on the site. He said that the drive-through canopy was raised to accommodate fire trucks. He said that it will be 14 feet from the ground to the soffit. He said that the sidewalk was pulled closer to the building on the east side. He said that they will be adding a hydrant on the site.

Mr. Dunford said that the drive-through windows will be for prescriptions only, which tend to generate minimal traffic. He said that the canopy will have signs above both lanes to limit the use. He said that both lanes will be full service to divide the traffic evenly and minimize customer wait time and queuing. He said that CVS has found that this is a significant benefit to the elderly and parents with children.

Mr. Dunford said that the drive-through will be located at the back of the site, away from the majority of customer parking. The Board said that it appears that a vehicle would have to make an "S" turn around the dumpster to get to the inside drive-through lane. Mr. Dunford said that there is flush pavement at the dumpster area that can be driven over. He said that they have a program called Auto Turn that shows the path of vehicles. He said that they would provide a graphic at a reasonable scale that shows how vehicles will access the inner drive-through lane.

Mr. Dunford said that there will be a bypass lane around the drive-through. He said that the traffic lane will be one-way only. He said that he would provide more information about that location.

The Board asked if alternative drive-through configurations had been considered. Mr. Dunford said that the design works with the interior layout of the building. He displayed the location of the pharmacy within the building.

Dean Behrend, 978 Worcester Street, said that he was concerned about the hours of operation for the drive-through as well as the volume of traffic going through there. He said that the drive-through is close to the residential building at 978 Worcester Street. He said that he is concerned about the noise and the emissions.

Mr. Behrend said that the fence on top of the wall would probably be better as a solid fence to soften the noise along the side of the building. He said that the lights going through the shadow box fence would shine into the retail building at 978 Worcester Street. He said that there will be a restaurant located there with seven to ten foot plate glass windows.

The Board voted unanimously to continue the hearing to October 21, 2010.

October 21, 2010

Presenting the case at the hearing was Brian Levey, Esq. He said that also present were Brian Murphy, Civil Engineer and Patrick Dunford, Traffic Engineer, Vanasse Hangen Brustlin, Inc., AJ Barbato, and Kien Ho, Traffic Engineer, BETA.

Mr. Murphy said that they added 19 eight to ten foot Arborvitaes along the border between the site and the proposed residential building at 978 Worcester Street. He said that the fence along that property boundary will be six foot solid panels with a one foot lattice at the top.

Mr. Dunford displayed a graphic of the drive-through that had been done using the Auto-turn program. He said that the engineering diagrams show that maneuvering around the dumpster to get to the inside drive-through lane can be done without difficulty. He said that the location of the dumpster was shifted to the left by approximately three to four feet. He said that they can add a striped guideline.

Mr. Dunford said that there will be a divider in the drive-through that the driver in the outer lane will be able to look over. He said that although it is not the intent, there is room for two cars to drive along the side of the building. The Board said that an updated plan for Figure 2 should be submitted.

The Board said that truck deliveries will impact the drive-through traffic. Mr. Dunford said that store activity does not usually pick up until after lunchtime. He said that the drive-through traffic generally mimics that as well. He said that they have shut the drive-through down temporarily at other sites for an extra two hours in the morning to allow for deliveries. He said that curtains could be pulled down or the store manager could put cones in the drive-through lanes to alert the customers that the windows are closed. The Board said that item 1.4 should be added to the O & M Plan for guidance to deal with delivery issues.

Mr. Ho said that they initially thought that a two-car drive-through was not necessary. He said that a two-car drive-through is shown consistently throughout CVS store designs.

Mr. Ho said that they had been concerned about the tight turning radius. He said that the proponent has done a fairly good job in terms of trying to make sure that drivers are not confused going through the drive-through. He asked that CVS make sure that the drive-through area is clearly defined. He said that there should be a pavement marking to divide the two stalls and an arrow pointing specifically to the lanes.

Mr. Ho said that the travel lane leaving the drive-through is 22 feet wide. He said that is plenty of room for two travel lanes. He said that because the drive-through is located at a corner, he would recommend that the travel lane be extended. He said that the chances of two cars exiting the drive-through at the same time are small.

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Mr. Barbato said that the window on the left will be face to face with the pharmacist. He said that the right lane is more for dropping off or picking up prescriptions.

Mr. Ho discussed the 3-point truck turn. He said that BETA had similar concerns about snow storage. He said that based on the studies that they had done, there is more than adequate parking on the site. He recommended that parking spaces be created in the travel lane along the side of the building. The Board said that there cannot be any snow build up on the side of the building when they plow.

Suzanne Palacino, 21 Beechwood Road, said that there is the potential for three cars to be in the travel lane along the side of the building after the two-car drive-through and the bypass lane. She said that a car traveling on the bypass lane could be going at a higher speed. She said that situation could present a significant safety issue.

Mr. Ho said that, based on the two stand alone CVS's that BETA studied, it was uncommon for two cars to be using the drive-through at the same time. He said that the possibility of having three cars leaving at the same time is very unlikely. He said that it is unlikely that the bypass lane will be high speed. He said that the site itself is very tight. He said that it will be easier to access Route 9 from the west side of the building rather than making almost an "S" turn from the bypass lane to the Route 9 access.

Ms. Palacino said that an elderly customer who encountered a cone when the drive-through is closed would have to do a "K" turn to get out. She said that is a concern.

The Board voted unanimously to continue the hearing to November 18, 2010.

November 18, 2010

Presenting the case at the hearing was Brian Levey, Esq. He said that also present were Brian Murphy, Civil Engineer and Patrick Dunford, Traffic Engineer, Vanasse Hangen Brustlin, Inc.

Mr. Murphy said that the dumpster was relocated. He said that the compactor size was reduced from a 40 to a 30 yard box. He said that allowed them to shift the compactor over to allow for better access to the drive-through.

Mr. Murphy said that they added striping for the drive-through lanes. He said that the lane has been reconfigured so that no special maneuvering will be required. He said that they added a sign where the lanes merge.

Submittals from the Petitioner

- Cover letter to ZBA, dated 8/11/10, from Brian C. Levey, Esq.
- Application for Site Plan Approval
- Application for Special Permit for Drive-Through, Flood Plain and Water Supply Districts
- Record Owner Authorization, dated 7/09, signed by Marie-Louise Kehoe, for property located at 990 Worcester Street

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- Record Owner Authorization, dated 7/09, signed by Marie-Louise Kehoe, for property located at 984 & 990R Worcester Street
- Memo to ZBA, dated 8/11/10, from Brian C. Levey, Esq., re: Support of ZBA Applications
- Wellesley Planning Board PSI-09-02 Special Permit Decision, time-stamped 4/21/10
- Wellesley Planning Board Inclusionary Zoning – Special Permit Decision PSI-09-02, time-stamped 12/15/09
- Town Clerk Certification, dated 1/14/10
- Order of Conditions, 324-607, dated 6/30/09
- Letter to Planning Director, dated 12/14/09, from Executive Director, re: CVS PSI Traffic Study – Draft Conditions
- Memo to Planning Board, dated 10/23/09, from Planning Director, re: Parking Analysis for CVS (990 Worcester Street)
- Development Prospectus, dated 8/10/10
- Exterior Views, dated 8/3/10, prepared by BKA Architects, Inc.
- Letter to Director of Public Works, dated 7/14/10, from Antonio Moura, re: Site Plan Submittal for Proposed CVS/Pharmacy
- Letter to Executive Secretary, ZBA, dated 9/7/10, from Antonio Moura, re: Response to Comments
- VHB's Response to Planning Department Comments, dated 9/15/10
- Memo to ZBA, dated 9/23/10, from GB New England 2, LLC, re: Response to Planning Board Recommendation
- Memo to Inspector of Buildings, dated 9/23/10, from Brian Murphy, re: CVS Pharmacy – 984 Worcester Street
- PowerPoint Presentation, dated 9/23/10, prepared by VHB
- VHB's Responses to Wellesley Zoning Board Comments from September 23, 2010 Public Hearing
- Letter to Executive Secretary, ZBA, dated 10/15/10, from Patrick Dunford, P.E., re: BETA Traffic Peer Review Summary
- PowerPoint Presentation, dated 10/21/10, prepared by VHB
- Memo to Chairman and members of the ZBA, dated 11/10/10, re: Response to Comments from the October 21, 2010 hearing
- PowerPoint Presentation, dated 11/18/10, prepared by VHB
- Operations and Maintenance Manual, dated 10/14/10, revised 11/10/10, prepared by Vanasse Hangen Brustlin, Inc.
- Construction Management Plan, dated 10/14/10, revised 11/10/10, prepared by VHB/Vanasse Hangen Brustlin, Inc.

ORIGINAL PLANS

Plan Number	Drawing Title	Date of Issue	Prepared By	Date of Revision
CSP-1	Conceptual Site Plan	2-18-10	VHB, Inc.	
	Cover Sheet	8/10/10	John Furman.	

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C-1	Legend & General Notes	7/14/10	John Furman	8/10/10
C-2	Layout & Materials Plan	7/14/10	John Furman	8/10/10
C-2	Overall Site Plan	7/14/10	VHB	8/10/10
C-3	Grading, Drainage & Erosion Control Plan	7/14/10	VHB, Inc.	8/10/10
C-3	Layouts and Materials Plan	7/14/10	John Furman	8/10/10
C-4	Utility Plan	7/14/10	John Furman	8/10/10
C-4	Grading, Drainage and Erosion Control Plan	7/14/10	John Furman	8/10/10
C-5	Site Details 1	7/14/10	John Furman	8/10/10
C-5	Utility Plan	7/14/10	John Furman	8/10/10
C-6	Site Details 2	7/14/10	John Furman	8/10/10
C-6	Site Details 1	7/14/10	John Furman	8/10/10
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	Easement Plan of Land	3/17/09	VHB, Inc.	
PP-1	Building Plot Plan	7/14/10	John Furman	8/10/10 & 9/7/10
	Photometric Plan	7/29/09	Hubbell Lighting, Inc.	9/15/10
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A-4.1	Exterior Elevations	9/13/10	BKA Architects, Inc.	
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	Exterior Views 3 & 4	9/15/10	BKA Architects, Inc.	

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REVISED PLANS – OCTOBER 14, 2010

Plan Number	Drawing Title	Date of Issue	Prepared By	Date of Revision
CSP-1	Conceptual Site Plan	2-18-10	VHB, Inc.	
	Cover Sheet	8/10/10	John Furman.	
C-1	Legend & General Notes	7/14/10	John Furman	10/14/10
C-2	Layout & Materials Plan	7/14/10	John Furman	10/14/10
C-2	Overall Site Plan	7/14/10	VHB	10/14/10
C-3	Grading, Drainage & Erosion Control Plan	7/14/10	VHB, Inc.	
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FINAL PLANS – LATEST ISSUE – NOVEMBER 10, 2010

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On July 28, 2010, Joe Duggan, Water & Sewer Division, reviewed Drawings C-1 through C-7 and submitted comments.

On August 3, 2010 and August 19, 2010, George Saraceno, Engineering Division, reviewed the plans and submitted comments.

On August 17, 2010, Adam Bossi, Conservation Administrator, reviewed the plans and submitted the Order of Conditions, MA DEP #324-607.

On August 26, 2010, Michael Grant, Inspector of Buildings, reviewed the plans and submitted comments.

On September 8, 2010, Douglas Stewart, Engineering Division, reviewed the plans and stated that comments outlined in the August 19, 2010 memo from the Department of Public Works related to the project had been adequately addressed.

On September 17, 2010, Francisco Frias, Municipal Light Plant, reviewed the plans and stated that they did not anticipate any problems with the new electrical load and demand of the proposed CVS building. He stated that the available electrical distribution infrastructure has sufficient capacity available to reliably supply the proposed electrical load of the complex.

On September 20, 2010, the Planning Board reviewed the plans and recommended that the Site Plan Review be approved with conditions. The Planning Board reviewed the plans and recommended that the Special Permits for the two lane drive-through, Flood Plain and Water Supply Protection Districts be granted.

On September 22, 2010, the DRB reviewed the plans and recommended approval of the Site Plan and Special Permit applications, subject to conditions.

On September 28, 2010, the Inspector of Buildings notified Kehoe Chrysler, Inc., 984, 990, 990R Worcester Street of Zoning violations.

On October 18, 2010, Mary-Louise Kehoe responded to the Inspector of Buildings that Zoning violations at 984, 990, 990R Worcester Street had been abated.

On November 17, 2010, the Fire Department reviewed the plans and approved the revised application for the proposed project. The town has selected a vendor for a town wide radio box system and would like to see CVS join the system. The fire department reserves the right for final approval at time of issuing permits with a complete set of building documents.

DECISION

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The use of a drive-through window in a Business A District requires a Special Permit, as it is a use not allowed by right in a Business District.

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It is the opinion of this Authority that the Petitioner has complied with all of the Special Permit Use Standards enumerated in Section XXV of the Zoning Bylaw. Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, in accordance with the submitted plans.

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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.

Richard L. Seegel, Chairman

J. Randolph Becker

David L. Grissino

cc: Planning Board
Inspector of Buildings
lrm

**ZONING BOARD OF APPEALS**

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

RICHARD L. SEEGEL, CHAIRMAN
CYNTHIA S. HIBBARD
DAVID G. SHEFFIELDLENORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 2208J. RANDOLPH BECKER, VICE CHAIRMAN
ROBERT W. LEVY
DAVID L. GRISSINO

ZBA 2010-73
Petition of GB New England 2, LLC
CVS Pharmacy
984, 990 & 990R Worcester Street

Pursuant to due notice, the Special Permit Granting authority held a Public Hearing on Thursday, September 23, 2010 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of GB NEW ENGLAND 2, LLC requesting Site Plan Approval pursuant to the provisions of Section XVIA, and Section XXV of the Zoning Bylaw for construction of a 12,900 square foot CVS/PHARMACY, associated parking and site improvements, at 984, 990 & 990R WORCESTER STREET, in a Business A District.

The Petitioner is requesting a Special Permit pursuant to the provisions of Section XIVB and Section XXV of the Zoning Bylaw for a use permitted in an underlying zoning district in a Flood Plain District.

On August 16, 2010, the petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Property Owner: GB New England 2, LLC

Presenting the case at the hearing was Brian Levey, Esq., who said that he was representing the Applicant, GB New England 2, LLC. He said that also present were Brian Murphy, Civil Engineer and Patrick Dunford, Traffic Engineer, Vanasse Hangen Brustlin, Inc. and AJ Barbato.

Mr. Levey said that the project will consist of construction of a 12,900 square foot retail building with a dual drive-through that will be limited to pick up and drop off of prescriptions. He said that there will be 65 parking spaces. He said that the proposed hours of operation are 7 a.m. to midnight, seven days a week.

Mr. Levey said that the property consists of 2.07 acres with 242 feet of frontage on Route 9.

Mr. Levey said that it is likely that the Applicant will have to return to the Wetlands Protection Committee (WPC) to amend the Order of Conditions for any changes to the plans that result from the MA DOT permitting. He said that they may go back to Town Meeting for a revised relocation of the utility easement.

Mr. Murphy said that the site currently has three buildings and degraded area next to Bogle Brook, within the Riverfront area. He said that use of the site was for automotive sales, a gas station and a storage shed. He said that the site has been out of operation and is rundown. He said that there are no stormwater

controls on the site. He said that stormwater sheet flows into the wetlands, Bogle Brook and ultimately, Morses Pond. He said that there is almost no landscaping on the site outside of the wetlands.

Mr. Murphy said that there has been a history on the site of underground leaks from the gas station. He said that remedial action was performed in 2009 in accordance with Department of Environmental Protection (DEP) regulations. He said that an underground storage tank was removed. He said that, to his knowledge, there are no underground storage tanks on the site today. He said that there were above grade tanks for oil storage inside the automotive building.

Mr. Murphy said that part of the project team is an Environmental Group that assesses the site. He said that if there are environmental concerns, the team goes back to drill monitoring wells and do soil testing.

Mr. Murphy said that MassDEP would not allow the use of permeable pavement. He said that CVS is considered to be a land use with higher potential for pollutant loading.

Mr. Murphy said that the Stormwater Management Plan will meet Massachusetts' stormwater standards. He said that there will be excess flood storage on-site. He said that there will be several catch basins located in the parking area. He said that there will be deep sump hooded catch basins that will act as oil/water separators. He said that all of the drainage will be collected through an underground pipe system to a proprietary hydrodynamic soil chamber where heavy Total Suspended Solids (TSS) will settle in the basin. He said that the stormwater will discharge into an above ground infiltration basin. He said that the stormwater that will discharge to the wetlands will have been treated for 80 percent TSS removal. He said that there will be a bypass weir for heavier storm events.

Mr. Murphy said that the infiltration basin at the rear of the property will meet DEP standards for groundwater recharge. He said that it will be checked twice a year for infiltration. He said that there is an Annual Maintenance Agreement with the WPC. The Board said that plan should be submitted as a separate document.

Mr. Murphy said that there will be a rain garden with a plastic liner at the bottom. He said that the first flush of stormwater will be captured in the basin and will infiltrate through a special soil mixture that is designed to work with the plants to remove pollutants. He said that not all of the perennial plants in the rain garden will survive and will have to be replaced. He said that if the rain garden clogs they will replace the plantings and six inches on the top with new filter material.

Mr. Murphy said that the area at the northwest corner of the property will eventually become a wetland at the bottom. He said that the area will not be receiving surface runoff but only rainfall. He said that by providing the retaining wall they will be creating a greater distance to the groundwater table. He said that any contaminants will be collected before the groundwater is discharged.

Mr. Murphy said that the site will be raised. He said that they will use retaining walls to contain the fill and to minimize the impact into the flood plain. He said that there will be a break between the retaining walls on the western and eastern sides of the property to accommodate a utility easement.

Mr. Murphy said that the existing site had a shallow flood plain. He said that they created a compensatory area. He said that there will be no negative effects on downstream or upstream properties as a result of this project.

Mr. Murphy said that treating the pavement for snow and ice was reviewed with the WPC. He said that they will be using a DEP approved calcium chloride treatment on the pavement, in accordance with Condition #55 of the Order of Conditions.

Mr. Murphy said that parking spaces at the back of the property will be used for snow storage. He said that all of the snow will be kept on the pavement for small storms. He said that as the snow melts the grit and contaminants will settle onto the pavement where they are easier to clean up. He said that the runoff from that will go into the stormwater management system. He said that if snow exceeds the storage area, it will be trucked off-site.

Mr. Dunford said that all of the elements of flood storage, rain garden and stormwater will be the same with or without the splitter island. He said that the Applicant has had discussions with MA DOT and the Town's peer traffic consultant, BETA.

The Board asked if there will be any grades on the final site, either natural or cut, that will be less than five feet above the seasonal groundwater level. Mr. Murphy said that the detention basin at the back and the flood compensation area will be 2 feet above the groundwater level.

Suzanne Palacino, 21 Beechwood Road, said that there was major flooding in June that closed Route 9. She said that this property was under water.

The Board voted unanimously to continue the hearing to October 21, 2010.

October 21, 2010

Presenting the case at the hearing was Brian Levey, Esq. He said that also present were Brian Murphy, Civil Engineer and Patrick Dunford, Traffic Engineer, Vanasse Hangen Brustlin, Inc., AJ Barbato, and Kien Ho, Traffic Engineer, BETA.

Mr. Murphy said that they added a retaining wall detail. He said that the entire wall will be less than four feet high.

Mr. Murphy said that the Operation & Maintenance Plan (O & M) incorporates the requirements of the WPC and standards for maintenance of the stormwater facilities. He said that there is a checklist that lists the frequency of inspections. He said that the manual will be kept on-site and will be passed along to CVS when they take control of the store. He said that the manual will be available to the Town on a yearly basis. He said that the logs have to be maintained.

Mr. Murphy said that O & M Manual will be set up in two sections. He said that one section will be for source control on how to prevent potential problems that would affect the site and the groundwater. He said that section discusses snow management and the use of fertilizers. He said that the second section

discusses the maintenance requirements of the stormwater management system, the maintenance of the rain garden at the front and the surface basin that will be located at the back of the site.

Mr. Murphy said that when the amount of snow exceeds what will fit in the snow storage area, the store manager will be responsible for having the snow trucked off-site. He said that the Stormwater Management Manual states that DEP Guidelines must be followed for taking snow off-site. The Board said that catch basin 5 could potentially be impacted. Mr. Murphy said that part of the Spring maintenance will be to clean out catch basin 5. The Board said that perhaps catch basin 5 should be called out for more frequent cleaning.

The Board said that because of the environmental sensitivity and the location on Route 9, there should be documentation of construction activities.

A.J. Barbato said that either the Store Manager or the Assistant Store Manager will be on-site at all times. The Board said that the O & M talks about the District CVS Manager being responsible for snow storage. Mr. Barbato said that CVS has a separate store maintenance crew that coordinates all of the repairs, snow plowing and storage. He said that they work with the Store Manager, who has the authority to call someone to remove snow.

The Board voted unanimously to continue the hearing to November 18, 2010.

November 18, 2010

Presenting the case at the hearing was Brian Levey, Esq. He said that minor changes were made to the Site Plan, the O & M Plan and the CMP. He said that a Response to Comments memo, revised plans and manuals were submitted. He said that they were not aware of any public comments.

Mr. Murphy said that they will come up with an alternate truck route in case the snow storage area is full. The Board read Condition #56 of the Order of Conditions regarding the snow storage area. Mr. Murphy said that they will have to go back before the WPC for the site changes. The Board said that ZBA approval will be conditioned on the issuance of an amended Order of Conditions.

The Board said that trucks will have to drive through a snow storage area. Mr. Murphy displayed an alternative truck route if snow storage impacts the normal route. He said that they are willing to bring plans for a relocated snow storage area to the WPC.

The Board said that it was concerned that this is a sensitive area and fill materials will be brought in. The Board said that if construction trucks are loading in muddy areas, the wheels should be washed. The Board said that no foreign plant materials should be brought onto the site. Mr. Murphy said that most of the fill that they will be bringing in will be of a gravelly nature. He said that seeds would not germinate in that. He said that they will add wheel washing to the contracts. He said that the wheel wash will remain until the binder is put down.

Mr. Murphy said that the O & M Plan was revised. He said that there had been some concern about snow storage areas. He said that they anticipate that a two to three inch snowfall could be stored in the

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designated snow storage areas. He said that by moving some of it to the back area, they could probably accommodate another inch of snow.

James Brown, 98 Beechwood Road, asked if the project is nonconforming in relation to Wetlands Protection. The Board said that the Petitioner has gone through the WPC process and received an Order of Conditions.

Submittals from the Petitioner

- Cover letter to ZBA, dated 8/11/10, from Brian C. Levey, Esq.
- Application for Site Plan Approval
- Application for Special Permit for Drive-Through, Flood Plain and Water Supply Districts
- Record Owner Authorization, dated 7/09, signed by Marie-Louise Kehoe, for property located at 990 Worcester Street
- Record Owner Authorization, dated 7/09, signed by Marie-Louise Kehoe, for property located at 984 & 990R Worcester Street
- Memo to ZBA, dated 8/11/10, from Brian C. Levey, Esq., re: Support of ZBA Applications
- Wellesley Planning Board PSI-09-02 Special Permit Decision, time-stamped 4/21/10
- Wellesley Planning Board Inclusionary Zoning – Special Permit Decision PSI-09-02, time-stamped 12/15/09
- Town Clerk Certification, dated 1/14/10
- Order of Conditions, 324-607, dated 6/30/09
- Letter to Planning Director, dated 12/14/09, from Executive Director, re: CVS PSI Traffic Study – Draft Conditions
- Memo to Planning Board, dated 10/23/09, from Planning Director, re: Parking Analysis for CVS (990 Worcester Street)
- Development Prospectus, dated 8/10/10
- Exterior Views, dated 8/3/10, prepared by BKA Architects, Inc.
- Letter to Director of Public Works, dated 7/14/10, from Antonio Moura, re: Site Plan Submittal for Proposed CVS/Pharmacy
- Letter to Executive Secretary, ZBA, dated 9/7/10, from Antonio Moura, re: Response to Comments
- VHB's Response to Planning Department Comments, dated 9/15/10
- Memo to ZBA, dated 9/23/10, from GB New England 2, LLC, re: Response to Planning Board Recommendation
- Memo to Inspector of Buildings, dated 9/23/10, from Brian Murphy, re: CVS Pharmacy – 984 Worcester Street
- PowerPoint Presentation, dated 9/23/10, prepared by VHB
- VHB's Responses to Wellesley Zoning Board Comments from September 23, 2010 Public Hearing
- Letter to Executive Secretary, ZBA, dated 10/15/10, from Patrick Dunford, P.E., re: BETA Traffic Peer Review Summary
- PowerPoint Presentation, dated 10/21/10, prepared by VHB

- Memo to Chairman and members of the ZBA, dated 11/10/10, re: Response to Comments from the October 21, 2010 hearing
- PowerPoint Presentation, dated 11/18/10, prepared by VHB
- Operations and Maintenance Manual, dated 10/14/10, revised 11/10/10, prepared by Vanasse Hangen Brustlin, Inc.
- Construction Management Plan, dated 10/14/10, revised 11/10/10, prepared by VHB/Vanasse Hangen Brustlin, Inc.

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 984, 990 & 990R Worcester Street

	Land			
	Easement Plan of Land	3/17/09	VHB, Inc.	
PP-1	Building Plot Plan	7/14/10	John Furman	11/10/10
	Photometric Plan	7/29/09	Hubbell Lighting, Inc.	9/15/10
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A-4.1	Exterior Elevations	9/13/10	BKA Architects, Inc.	
	Exterior Views 1 & 2	9/15/10	BKA Architects, Inc.	
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On July 28, 2010, Joe Duggan, Water & Sewer Division, reviewed Drawings C-1 through C-7 and submitted comments.

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On September 20, 2010, the Planning Board reviewed the plans and recommended that the Site Plan Review be approved with conditions. The Planning Board reviewed the plans and recommended that the Special Permits for the two lane drive-through, Flood Plain and Water Supply Protection Districts be granted.

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CVS Pharmacy
984, 990 & 990R Worcester Street

On September 28, 2010, the Inspector of Buildings notified Kehoe Chrysler, Inc., 984, 990, 990R Worcester Street of Zoning violations.

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DECISION

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The Petitioner is requesting a Special Permit pursuant to the provisions of Section XIVB and Section XXV of the Zoning Bylaw for a use permitted in an underlying zoning district in a Flood Plain District.

It is the opinion of this Authority that the Petitioner as made adequate provision to meet regulations enumerated in Section XIVB, Part E. 3 of the Zoning Bylaw. Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, in accordance with the submitted plans.

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Petition of GB New England 2, LLC
CVS Pharmacy
984, 990 & 990R Worcester Street

APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
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Richard L. Seegel, Chairman

J. Randolph Becker

David L. Grissino

ZBA 2010-73
Petition of GB New England 2, LLC
CVS Pharmacy
984, 990 & 990R Worcester Street

cc: Planning Board
Inspector of Buildings
lrm

**ZONING BOARD OF APPEALS**

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

RICHARD L. SEEGEL, CHAIRMAN
CYNTHIA S. HIBBARD
DAVID G. SHEFFIELDLENORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 2208J. RANDOLPH BECKER, VICE CHAIRMAN
ROBERT W. LEVY
DAVID L. GRISSINO

ZBA 2010-73
Petition of GB New England 2, LLC
CVS Pharmacy
984, 990 & 990R Worcester Street

Pursuant to due notice, the Special Permit Granting authority held a Public Hearing on Thursday, September 23, 2010 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of GB NEW ENGLAND 2, LLC requesting Site Plan Approval pursuant to the provisions of Section XVIA, and Section XXV of the Zoning Bylaw for construction of a 12,900 square foot CVS/PHARMACY, associated parking and site improvements, at 984, 990 & 990R WORCESTER STREET, in a Business A District.

The Petitioner is requesting a Special Permit pursuant to the provisions of Section XIVE and Section XXV of the Zoning Bylaw for a major construction project in a Water Supply Protection District.

On August 16, 2010, the petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Property Owner: GB New England 2, LLC

Presenting the case at the hearing was Brian Levey, Esq., who said that he was representing the Applicant, GB New England 2, LLC. He said that also present were Brian Murphy, Civil Engineer and Patrick Dunford, Traffic Engineer, Vanasse Hangen Brustlin, Inc. and AJ Barbato.

Mr. Levey said that the project will consist of construction of a 12,900 square foot retail building with a dual drive-through that will be limited to pick up and drop off of prescriptions. He said that there will be 65 parking spaces. He said that the proposed hours of operation are 7 a.m. to midnight, seven days a week.

Mr. Levey said that the property consists of 2.07 acres with 242 feet of frontage on Route 9.

Mr. Levey said that it is likely that the Applicant will have to return to the Wetlands Protection Committee (WPC) to amend the Order of Conditions for any changes to the plans that result from the MA DOT permitting. He said that they may go back to Town Meeting for a revised relocation of the utility easement.

Mr. Murphy said that the site currently has three buildings and degraded area next to Bogle Brook, within the Riverfront area. He said that use of the site was for automotive sales, a gas station and a storage shed. He said that the site has been out of operation and is rundown. He said that there are no stormwater

controls on the site. He said that stormwater sheet flows into the wetlands, Bogle Brook and ultimately, Morses Pond. He said that there is almost no landscaping on the site outside of the wetlands.

Mr. Murphy said that there has been a history on the site of underground leaks from the gas station. He said that remedial action was performed in 2009 in accordance with Department of Environmental Protection (DEP) regulations. He said that an underground storage tank was removed. He said that, to his knowledge, there are no underground storage tanks on the site today. He said that there were above grade tanks for oil storage inside the automotive building.

Mr. Murphy said that part of the project team is an Environmental Group that assesses the site. He said that if there are environmental concerns, the team goes back to drill monitoring wells and do soil testing.

Mr. Murphy said that MassDEP would not allow the use of permeable pavement. He said that CVS is considered to be a land use with higher potential for pollutant loading.

Mr. Murphy said that the Stormwater Management Plan will meet Massachusetts' stormwater standards. He said that there will be excess flood storage on-site. He said that there will be several catch basins located in the parking area. He said that there will be deep sump hooded catch basins that will act as oil/water separators. He said that all of the drainage will be collected through an underground pipe system to a proprietary hydrodynamic soil chamber where heavy Total Suspended Solids (TSS) will settle in the basin. He said that the stormwater will discharge into an above ground infiltration basin. He said that the stormwater that will discharge to the wetlands will have been treated for 80 percent TSS removal. He said that there will be a bypass weir for heavier storm events.

Mr. Murphy said that the infiltration basin at the rear of the property will meet DEP standards for groundwater recharge. He said that it will be checked twice a year for infiltration. He said that there is an Annual Maintenance Agreement with the WPC. The Board said that plan should be submitted as a separate document.

Mr. Murphy said that there will be a rain garden with a plastic liner at the bottom. He said that the first flush of stormwater will be captured in the basin and will infiltrate through a special soil mixture that is designed to work with the plants to remove pollutants. He said that not all of the perennial plants in the rain garden will survive and will have to be replaced. He said that if the rain garden clogs they will replace the plantings and six inches on the top with new filter material.

Mr. Murphy said that the area at the northwest corner of the property will eventually become a wetland at the bottom. He said that the area will not be receiving surface runoff but only rainfall. He said that by providing the retaining wall they will be creating a greater distance to the groundwater table. He said that any contaminants will be collected before the groundwater is discharged.

Mr. Murphy said that the site will be raised. He said that they will use retaining walls to contain the fill and to minimize the impact into the flood plain. He said that there will be a break between the retaining walls on the western and eastern sides of the property to accommodate a utility easement.

Mr. Murphy said that the existing site had a shallow flood plain. He said that they created a compensatory area. He said that there will be no negative effects on downstream or upstream properties as a result of this project.

Mr. Murphy said that treating the pavement for snow and ice was reviewed with the WPC. He said that they will be using a DEP approved calcium chloride treatment on the pavement, in accordance with Condition #55 of the Order of Conditions.

Mr. Murphy said that parking spaces at the back of the property will be used for snow storage. He said that all of the snow will be kept on the pavement for small storms. He said that as the snow melts the grit and contaminants will settle onto the pavement where they are easier to clean up. He said that the runoff from that will go into the stormwater management system. He said that if snow exceeds the storage area, it will be trucked off-site.

Mr. Dunford said that all of the elements of flood storage, rain garden and stormwater will be the same with or without the splitter island. He said that the Applicant has had discussions with MA DOT and the Town's peer traffic consultant, BETA.

The Board asked if there will be any grades on the final site, either natural or cut, that will be less than five feet above the seasonal groundwater level. Mr. Murphy said that the detention basin at the back and the flood compensation area will be 2 feet above the groundwater level.

Suzanne Palacino, 21 Beechwood Road, said that there was major flooding in June that closed Route 9. She said that this property was under water.

The Board voted unanimously to continue the hearing to October 21, 2010.

October 21, 2010

Presenting the case at the hearing was Brian Levey, Esq. He said that also present were Brian Murphy, Civil Engineer and Patrick Dunford, Traffic Engineer, Vanasse Hangen Brustlin, Inc., AJ Barbato, and Kien Ho, Traffic Engineer, BETA.

Mr. Murphy said that they added a retaining wall detail. He said that the entire wall will be less than four feet high.

Mr. Murphy said that the Operation & Maintenance Plan (O & M) incorporates the requirements of the WPC and standards for maintenance of the stormwater facilities. He said that there is a checklist that lists the frequency of inspections. He said that the manual will be kept on-site and will be passed along to CVS when they take control of the store. He said that the manual will be available to the Town on a yearly basis. He said that the logs have to be maintained.

Mr. Murphy said that O & M Manual will be set up in two sections. He said that one section will be for source control on how to prevent potential problems that would affect the site and the groundwater. He said that section discusses snow management and the use of fertilizers. He said that the second section

discusses the maintenance requirements of the stormwater management system, the maintenance of the rain garden at the front and the surface basin that will be located at the back of the site.

Mr. Murphy said that when the amount of snow exceeds what will fit in the snow storage area, the store manager will be responsible for having the snow trucked off-site. He said that the Stormwater Management Manual states that DEP Guidelines must be followed for taking snow off-site. The Board said that catch basin 5 could potentially be impacted. Mr. Murphy said that part of the Spring maintenance will be to clean out catch basin 5. The Board said that perhaps catch basin 5 should be called out for more frequent cleaning.

The Board said that because of the environmental sensitivity and the location on Route 9, there should be documentation of construction activities.

A.J. Barbato said that either the Store Manager or the Assistant Store Manager will be on-site at all times. The Board said that the O & M talks about the District CVS Manager being responsible for snow storage. Mr. Barbato said that CVS has a separate store maintenance crew that coordinates all of the repairs, snow plowing and storage. He said that they work with the Store Manager, who has the authority to call someone to remove snow.

The Board voted unanimously to continue the hearing to November 18, 2010.

November 18, 2010

Presenting the case at the hearing was Brian Levey, Esq. He said that minor changes were made to the Site Plan, the O & M Plan and the CMP. He said that a Response to Comments memo, revised plans and manuals were submitted. He said that they were not aware of any public comments.

Mr. Murphy said that they will come up with an alternate truck route in case the snow storage area is full. The Board read Condition #56 of the Order of Conditions regarding the snow storage area. Mr. Murphy said that they will have to go back before the WPC for the site changes. The Board said that ZBA approval will be conditioned on the issuance of an amended Order of Conditions.

The Board said that trucks will have to drive through a snow storage area. Mr. Murphy displayed an alternative truck route if snow storage impacts the normal route. He said that they are willing to bring plans for a relocated snow storage area to the WPC.

The Board said that it was concerned that this is a sensitive area and fill materials will be brought in. The Board said that if construction trucks are loading in muddy areas, the wheels should be washed. The Board said that no foreign plant materials should be brought onto the site. Mr. Murphy said that most of the fill that they will be bringing in will be of a gravelly nature. He said that seeds would not germinate in that. He said that they will add wheel washing to the contracts. He said that the wheel wash will remain until the binder is put down.

Mr. Murphy said that the O & M Plan was revised. He said that there had been some concern about snow storage areas. He said that they anticipate that a two to three inch snowfall could be stored in the

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designated snow storage areas. He said that by moving some of it to the back area, they could probably accommodate another inch of snow.

James Brown, 98 Beechwood Road, asked if the project is nonconforming in relation to Wetlands Protection. The Board said that the Petitioner has gone through the WPC process and received an Order of Conditions.

Submittals from the Petitioner

- Cover letter to ZBA, dated 8/11/10, from Brian C. Levey, Esq.
- Application for Site Plan Approval
- Application for Special Permit for Drive-Through, Flood Plain and Water Supply Districts
- Record Owner Authorization, dated 7/09, signed by Marie-Louise Kehoe, for property located at 990 Worcester Street
- Record Owner Authorization, dated 7/09, signed by Marie-Louise Kehoe, for property located at 984 & 990R Worcester Street
- Memo to ZBA, dated 8/11/10, from Brian C. Levey, Esq., re: Support of ZBA Applications
- Wellesley Planning Board PSI-09-02 Special Permit Decision, time-stamped 4/21/10
- Wellesley Planning Board Inclusionary Zoning – Special Permit Decision PSI-09-02, time-stamped 12/15/09
- Town Clerk Certification, dated 1/14/10
- Order of Conditions, 324-607, dated 6/30/09
- Letter to Planning Director, dated 12/14/09, from Executive Director, re: CVS PSI Traffic Study – Draft Conditions
- Memo to Planning Board, dated 10/23/09, from Planning Director, re: Parking Analysis for CVS (990 Worcester Street)
- Development Prospectus, dated 8/10/10
- Exterior Views, dated 8/3/10, prepared by BKA Architects, Inc.
- Letter to Director of Public Works, dated 7/14/10, from Antonio Moura, re: Site Plan Submittal for Proposed CVS/Pharmacy
- Letter to Executive Secretary, ZBA, dated 9/7/10, from Antonio Moura, re: Response to Comments
- VHB's Response to Planning Department Comments, dated 9/15/10
- Memo to ZBA, dated 9/23/10, from GB New England 2, LLC, re: Response to Planning Board Recommendation
- Memo to Inspector of Buildings, dated 9/23/10, from Brian Murphy, re: CVS Pharmacy – 984 Worcester Street
- PowerPoint Presentation, dated 9/23/10, prepared by VHB
- VHB's Responses to Wellesley Zoning Board Comments from September 23, 2010 Public Hearing
- Letter to Executive Secretary, ZBA, dated 10/15/10, from Patrick Dunford, P.E., re: BETA Traffic Peer Review Summary
- PowerPoint Presentation, dated 10/21/10, prepared by VHB

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- Memo to Chairman and members of the ZBA, dated 11/10/10, re: Response to Comments from the October 21, 2010 hearing
- PowerPoint Presentation, dated 11/18/10, prepared by VHB
- Operations and Maintenance Manual, dated 10/14/10, revised 11/10/10, prepared by Vanasse Hangen Brustlin, Inc.
- Construction Management Plan, dated 10/14/10, revised 11/10/10, prepared by VHB/Vanasse Hangen Brustlin, Inc.

ORIGINAL PLANS

Plan Number	Drawing Title	Date of Issue	Prepared By	Date of Revision
CSP-1	Conceptual Site Plan	2-18-10	VHB, Inc.	
	Cover Sheet	8/10/10	John Furman.	
C-1	Legend & General Notes	7/14/10	John Furman	8/10/10
C-2	Layout & Materials Plan	7/14/10	John Furman	8/10/10
C-2	Overall Site Plan	7/14/10	VHB	8/10/10
C-3	Grading, Drainage & Erosion Control Plan	7/14/10	VHB, Inc.	8/10/10
C-3	Layouts and Materials Plan	7/14/10	John Furman	8/10/10
C-4	Utility Plan	7/14/10	John Furman	8/10/10
C-4	Grading, Drainage and Erosion Control Plan	7/14/10	John Furman	8/10/10
C-5	Site Details 1	7/14/10	John Furman	8/10/10
C-5	Utility Plan	7/14/10	John Furman	8/10/10
C-6	Site Details 2	7/14/10	John Furman	8/10/10
C-6	Site Details 1	7/14/10	John Furman	8/10/10
C-7	Site Details 3	7/14/10	John Furman	8/10/10
C-7	Site Details 2	7/14/10	John Furman	8/10/10
C-8	Alternate Driveway Design	7/14/10	John Furman	8/10/10
C-8	Site Details 3	7/14/10	John Furman	8/10/10
C-9	Alternate Driveway Design	7/14/10	John Furman	8/10/10
C-10	Retaining Wall Profiles	7/14/10	John Furman	8/10/10
L-1	Planting Plan	7/14/10	Kathleen Ogden	8/10/10 & 9/22/10
L-2	Planting Details	7/14/10	Kathleen Ogden	8/10/10 & 9/22/10
LA-1	Landscape Area Calculation Plan	7/14/10	VHB, Inc.	8/10/10
Sv-1	Existing Conditions Plan of Land	6/18/08	Russell Bousquet	8/1/08 & 3/16/09
	Easement Plan of Land	3/17/09	VHB, Inc.	

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REVISED PLANS – OCTOBER 14, 2010

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FINAL PLANS – LATEST ISSUE – NOVEMBER 10, 2010

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DECISION

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The Petitioner is requesting a Special Permit pursuant to the provisions of Section XIVE and Section XXV of the Zoning Bylaw for a major construction project in a Water Supply Protection District.

It is the opinion of this Authority that the Design and Operation Standards in Part F are adequately satisfied and not otherwise prohibited in Part D.1 of Section XIVE of the Zoning Bylaw. Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, in accordance with the submitted plans.

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IF ANY, SHALL BE MADE PURSUANT
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WITHIN 20 DAYS AFTER THE DATE
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Richard L. Seegel, Chairman

J. Randolph Becker

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cc: Planning Board
Inspector of Buildings
lrm