

WELLESLEY PLANNING BOARD

PSI-08-01

#978 WORCESTER STREET

PROJECT OF SIGNIFICANT IMPACT SPECIAL PERMIT DECISION

Pursuant to due notice, the Town of Wellesley Planning Board (“the Planning Board”), acting as special permit granting authority under the provisions of the Zoning Bylaw, Section XVIA., part C, Project of Significant Impact (“PSI”), opened a duly advertised public hearing on April 10, 2008 on the application of Wellesley Realty Associates, PO Box 81004, Wellesley, MA 02481.

The public hearing was continued on June 16, 2008, and July 14, 2008. Each session of the hearing was digitally recorded with the file retained at the Planning Board Office. During the course of the public hearing the full submission package was available for public examination at the Town Hall, Planning Board Office and at the Wellesley Free Library.

After comments were concluded on July 14, 2008, the Planning Board moved, seconded and voted to close the Public Hearing. All sessions of the hearing were held in the Wellesley Town Hall, 525 Washington Street, Wellesley. Announcement of the date, time and place of all continued sessions was made at the end of the prior session.

Mr. Chan, Mr. McCauley, Ms. Donahue, and Ms. Lehmann (Bourque) attended each session of the hearing.

PROJECT DESCRIPTION

The project involves the redevelopment of a 2.35 acre (102,196 square feet) site at 978 Worcester Street. Until June 2008 there were 29,000 square feet of floor area on the site in two buildings, a motel with restaurant and a motel annex. In June 2008 the motel building was demolished and removed from the site. The project will involve clearing of the site and construction of a 36,000 square foot building at the rear of the lot for 36 residential condominiums and construction of a 24,000 square foot two-story commercial building with retail on the first floor and office space on the second floor. There is no restaurant proposed.

WRITTEN MATERIALS REVIEWED BY THE BOARD

A definitive submission was made on July 18, 2007, in accordance with the Rules Relative to the Issuance of Special Permits adopted by the Planning Board on September 18, 1990 and revised November 27, 2001. The submission was sent to the Board of Selectmen, the Department of Public Works, the Municipal Light Plant and the Fire Chief for review.

The impact reviews were received by the Planning Board as follows:

Fire Chief, January 16, 2008;  
Municipal Light Plant, March 10, 2008;  
Board of Public Works, January 18, 2008 and January 25, 2008;  
Board of Selectmen, May 2, 2008.

Applicant’s Submitted Plans:

Prepared for Dean Behrend, Wellesley Realty Assoc., 978 Worcester Street. Prepared by Beals Associates.

	Cover sheet, scale 1"=294'
Sheet 1	Existing conditions, scale 1"=20', dated 1/15/08, as revised 3/5/08, 4/22/08 and 6/9/08
Sheet 2	Proposed Site Plan, scale 1"=20', dated 1/15/08, as revised 3/5/08, 4/8/08 and 6/9/08
Sheet 3	Construction Mitigation Plan, scale 1"=20', dated 1/15/08, as revised 3/5/08 and 6/9/08
Sheet 4	Proposed Parking Plan, scale 1"=20', dated 1/15/08, as revised 3/5/08 and 6/9/08
Sheet 5	Proposed Signage & Pavement Markings Plan, scale 1"=20', dated 1/15/08, as revised 3/5/08 and 6/3/08
Sheet 6	Proposed Grading & Drainage Plan, scale 1"=20', dated 1/15/08, as revised 2/6/08, 3/5/08 and 6/9/08
Sheet 7	Landscape Plan, scale 1"=20', dated 1/15/08, as revised 3/5/08 and 6/9/08
Sheet 8	Proposed Utility Plan, scale 1"=20', dated 1/15/08, as revised 3/5/08, 4/8/08 and 6/9/08
	Water Service Plan, dated 3/5/08 – revisions 4/8/08, 6/9/08 and 7/10/08
Sheet 9	Drainage Details, dated 1/15/08, as revised 3/5/08 and 6/9/08
Sheet 10	Stormtrap Drainage Details, dated 1/15/08, as revised 3/5/08 and 6/9/08
Sheet 11	Details, dated 1/15/08, as revised 3/5/08 and 6/9/08

#### Additional Reports/Correspondence Received

7/18/07	<b>Submission</b> PSI-07-01
7/19/07	<b>Letter</b> from R. Brown to Larsen, Pakstis, Rooney, Joyce requesting comments on PSI-07-01
8/27/07	<b>Memo</b> from Beals Associates to Town of Wellesley summarizing their parking analysis
9/6/07	<b>Memo</b> Capt. Marchetti to R. Brown
9/17/07	<b>Letter</b> from Beals Associates responding to the G. Saraceno review letter
9/24/07	<b>Memo</b> from G. Saraceno to R. Brown enclosing 9/5/07 comments from DPW on PSI-07-01
10/4/07	<b>Beals Associates-Response</b> to Engineering Review and Beta Group Review
1/2/08	<b>Letter</b> from Vanasse & Associates, Re: proposed mixed-use development
1/15/08	<b>Plans</b> from Beals Associates-proposed watershed
2/13/08	<b>Letter</b> from R. Brown Letter to H. Larsen, M. Pakstis, K. Rooney & R. Joyce, re: review of PSI
2/14/08	<b>Plan</b> from Cubellis, re: Egress plan
2/14/08	<b>Letter</b> from Beals Associates, withdrawing PSI-07-01 and submitting a new application – PSI-08-01
2/28/08	<b>Letter</b> from R. Brown to K. Nagle, re: PB vote to accept withdrawal of PSI-07-01 and accept new revised plan
3/19/08	<b>Hearing Notice</b> -Public Hearing for 4/10/08
3/28/08	<b>Report</b> from Vanasse, proposed mixed-use development
4/4/08	<b>Report</b> from MLP on PSI application, (supplemental report July 14, 2008)
	<b>Report</b> from DPW on PSI Application
4/8/08	<b>Report</b> from Wetlands, Re: order of conditions
	<b>Report</b> from Fire on PSI application
4/18/08	<b>Report</b> from Vanasse on Traffic Impact Assessment
5/15/08	<b>Report</b> from Vanasse & Associates, Re: Proposed Mixed-Use Development

5/23/08 **Email** Freudberg (BETA) to J. Dirk summarizing outstanding issues  
5/27/08 Dirk to Larsen  
5/28/08 **Letter** from P. Leavenworth to C. Theriault, re: MHD Requirements  
6/3/08 **Letter** from C. Theriault/Beals Associate to P. Leavenworth  
6/4/08 **Notice** of continuation of hearing  
6/5/08 **Email** from R. Kulen, Mass Highway Department to C. Theriault, re: curb cuts  
6/6/08 **Email** from K. Ho to Hans Larsen re revised egress design  
6/2008 **Report** from Beals Associates-Supplement to Application  
6/9/08 **Minutes** from 6/9/08 Selectmen's meeting  
6/12/08 [D. Stewart's memo of 7/13 references a memo  
6/13/08 **Report** from Beals Associates-Supplement to the Application of PSI, Plans to  
Accompany PSI review application, letter of Engineering Comments  
6/20/08 **Email** exchange K. Ho and J. Dirk re proposed threshold for consideration of  
additional mitigation  
6/20/08 **Report** from Selectmen's office to PB re: vote of approval  
6/7/08 See comment appended to entry directly below  
7/3/08 **Report** from D. Stewart/DPW to R. Brown, re: Review [this memo references a 6/12  
response from Beals, as well as a 6/27/08 memo that summarizes comments still  
needing to be addressed].  
7/8/08 **Response** from Beals Assoc., Inc. to PB, re: response to Water & Sewer memo  
7/9/08 **Email** from Cynthia Theriault, Beals to J. Duggan, D. Stewart & M. Jop, re:  
forwarding their PSI Engineering Response  
7/10/08 **Memo** from R. Brown to D. Behrend, re: Project Review Cost  
**Email** from C. Theriault, Beals to J. Duggan, re: revised Water Service plan  
7/10-14/08 **Series of Emails** between C. Theriault and J. Duggan, re: Water Service  
7/10/08 **Letter** from R. Brown to D. Behrend, re: Project Review Costs  
7/11/08 **Email** from C. Theriault to R. Brown and M. Jop concerning Water service  
7/14/08 **Report** from D. Stewart, DPW to R. Brown, re: DPW review  
**Email** from D. Stewart to R. Brown  
**Report** – revised report from MLP on PSI application  
7/15/08 **Memo** from R. Brown to D. Behrend, re: Recalculation of required assisted units  
responsive to project change  
7/16/08 **Letter** from J. Dirk, Vanasse & Assoc. to R. Brown, Re: proposed mixed-use  
development  
7/17/08 **Series of Emails** between K. Ho and R. Brown, re: Traffic Review  
7/21/08 **Email** from C. Chan to K. Ho requesting clarification on specific future traffic  
analysis and mitigation items  
7/22/08 **Report** from Beta to R. Brown, re: Traffic Peer Review for Proposed Mixed Use  
Development, response to 7/16/08 supplemental traffic information  
7/25/08 **Email** with attached memorandum and plans, from B. Levey, Esq., Counsel to  
Gershman Brown Crowley, re: proposed permit conditions  
7/28/08 **Letter** from D. Behrend to Selectmen, re: 978 Worcester Street Openings  
**Report** from Beta to R. Brown, re: Traffic Peer Review for Proposed mixed Use  
Development, response to 7/25/08 supplemental conditions per CVS.

#### WETLANDS ORDER OF CONDITIONS

It is noted that the Town of Wellesley Wetlands Protection Committee on April 4, 2008, issued an Order of Conditions under MGL Ch. 131, § 40.

#### FINDINGS

Based on the herein referenced submittals from the applicant, other submitted documents and the referenced reviews of the Fire Department, Municipal Light Plant, Board of Selectmen and Department of Public Works, the Wellesley Planning Board:

accepts the recommendations of the Wellesley Public Works Department dated July 14, 2008, as sufficient evidence that **WATER CAPACITY, SEWER CAPACITY, STORM DRAINAGE CAPACITY, and RECYCLING AND DISPOSAL SYSTEMS** are sufficient to meet the flow demands and/or standards adopted by the Department of Public Works subject to completion of the project in accordance with the plans and other documents submitted by the applicant;

accepts the recommendations of the Wellesley Municipal Light Plant dated April 4, 2008 (revised July 14, 2008), as sufficient evidence that **ELECTRICAL CAPACITY** is sufficient to meet the peak service demands of the proposed use without causing the service in adjacent areas to fall below the standards adopted by the Municipal Light Board subject to completion of the project in accordance with the plans and other documents submitted by the applicant;

accepts the **TRAFFIC** report of the Wellesley Board of Selectmen dated June 20, 2008, as sufficient evidence, based on the agreed-upon traffic mitigation plan, that traffic will function consistent with adopted town standards;

accepts the **PEDESTRIAN AND BICYCLE CIRCULATION** report of the Wellesley Board of Selectmen as sufficient evidence that in all cases: sidewalks within a walking distance of 600 feet of the Project shall be provided and/or upgraded or repaired so as to be in a safe and convenient condition and consistent with standards of the Massachusetts Highway Project Development and Design Guide;

accepts the recommendations of the Wellesley Fire Department dated April 8, 2008, as sufficient evidence that municipal **FIRE PROTECTION AND LIFE SAFETY** measures will meet the operating requirements of the proposed use under applicable codes, regulations and statutes enforced by the Fire Chief subject to completion of the project in accordance with the plans and other documents submitted by the applicant.

#### NEGOTIATED IMPROVEMENTS ~ SPECIAL PERMIT CONDITIONS

The Applicant has accepted the following improvements/conditions to meet minimum service standards:

##### WATER CAPACITY

All off-site and on-site work regarding the municipal water system shall be completed to the satisfaction of the Department of Public Works prior to building occupancy.

##### SEWER CAPACITY

All off-site and on-site work regarding the municipal sewer system shall be completed to the satisfaction of the Department of Public Works prior to building occupancy.

##### STORM DRAINAGE CAPACITY

There is no connection to the Municipal Storm Drainage System. Storm drainage to be discharged to the Morse's Pond shall meet all NPDES Phase II requirements and standards. The storm drainage system incorporates catch basins with oil and grease separators, piping and underground detention and recharge elements.

## ELECTRICAL CAPACITY

All off-site and on-site electrical work, as referenced in the report of the Municipal Light Plant dated April 4, 2008 (revised July 14, 2008), shall be completed prior to issuance of a Certificate of Occupancy, and prior to making application for final building inspection.

## TRAFFIC AND PEDESTRIAN AND BICYCLE CIRCULATION

Prior to issuance of a Certificate of Occupancy, and prior to making application for final building inspection the applicant shall:

have completed all of the traffic and pedestrian safety recommendations described in a Memorandum with attachments from H. Larsen, Executive Director, to R. Brown, Planning Director, dated June 20, 2008; including

- recommendations of the Town's traffic engineering consultant (BETA Group, Inc.) regarding site access/egress;
- traffic signal improvements for the Overbrook Drive/Worcester Street (State Route 9) intersection;
- traffic monitoring at Overbrook Drive and Beechwood Road and at site entrance and exit (detailed below); and;
- repair of the sidewalks on the south side of Worcester Street (State Route 9) from Grove Road in Natick to a point 600 feet east of the project and the north side from Ottaway Circle to 951 Worcester Street (Dunkin Donuts).

Prior to issuance of a Building Permit for the project, the applicant shall have deposited with the Town \$30,000. The form of this deposit and nature of the account in which such monies will be held shall be subject to the approval of the Town Treasurer. The use of these funds is described in paragraph 3 below.

The Applicant shall work cooperatively toward implementation of a "connector road" between the site and the [abutting or adjacent] commercial property to the west. This connector road, if implemented, may be closed (such as by a chain or gate) upon request by either private property owner, with the approval of the Planning Board if, in the opinion of the Town's traffic engineering consultant, queues or safety concerns warrant its closure. The closed connector road shall be retained and may be directed to be reopened by the Planning Board if measures to lessen the queues and/or resolve the safety concerns as recommended by the Town's traffic engineering consultant are indicated.

The Applicant has agreed to work cooperatively toward the creation of a trail along Morse's Pond along the shoreline.

## FIRE PROTECTION AND LIFE SAFETY

The Applicant shall install and complete all off-site and on-site work regarding the municipal alarm system to the satisfaction of the Fire Chief prior to building occupancy.

## REFUSE DISPOSAL SYSTEM

The Applicant shall:

- a. dispose of site-generated refuse via a private hauler or if refuse from the site is taken to the Wellesley Recycling and Disposal Facility (RDF) such refuse shall be subject to customary applicable tipping fees;
- b. encourage commercial and residential tenants to recycle;
- c. insure the provision and location of containers for recyclables to facilitate their use;
- d. inform tenants of this recycling effort on a periodic and continuing basis.

Progress updates toward implementation of this recycling program shall become part of the monitoring reports referred to hereafter.

#### REQUIRED TRAFFIC MONITORING AND REPORTING

The Applicant shall conduct traffic monitoring and provide a report to the Planning Board and Board of Selectmen detailing the status of the following items at two milestones: (i) six months and (ii) twelve months following the date of full occupancy of the project. At its discretion, the Planning Board may request that the Applicant conduct traffic monitoring analysis and reports sooner than these two milestones, but no earlier than the date of issuance of the final Certificate of Occupancy for the project:

1. manual turning movement counts, LOS and narrative describing the functioning of the project driveway intersections with Route 9 (entering and exiting traffic) during the weekday morning (7-9 a.m.) weekday evening (4-6 p.m.) and Saturday mid-day (11 a.m.-2 p.m.) peak periods;
2. 72- hr (Thu-Sat) counts on both driveways;
3. 72-hr (Thu-Sat) vehicle travel speeds along Overbrook Dr and Beechwood Rd. (Baseline data shall be collected prior to project construction for comparison to the post-occupancy data);
4. queuing study of any drive-through on the site;
5. a study of on-site vehicle circulation and parking adequacy.

If the above described monitoring program indicates: 1) that the measured traffic volumes for the Project exceed 110 percent of the trip projections established by Vanasse & Associates Inc. (the Applicant's Traffic Engineering Consultant), which are further specified in a letter from K. Ho, BETA Group, Inc., to R. Brown, Planning Director, dated July 22, 2008; or 2) that the measured 85<sup>th</sup> percentile vehicle travel speed along Overbrook Drive and/or Beechwood Road has increased by more than 5 miles per hour (mph) over conditions prior to project construction; some or all of the above referenced \$30,000 amount may be used by the Town toward the implementation of appropriate traffic mitigation measures.

For the purposes of this Special Permit Decision the term "applicant" shall include successors and assigns of the applicant.

#### DECISION

The Applicant has assented to the above listed Negotiated Improvements/Special Permit Conditions and on the basis of the testimony presented at the public hearing, the above record, the reports of the various Boards and the applicant's Municipal Systems Impact Analysis, related submissions referenced herein, and the representations made by the applicant, the Planning Board found that the minimum service standards of the Bylaw have been met and therefore

moved, seconded and voted unanimously on August 18, 2008 to issue this special permit in accordance with the conditions specified above.

This special permit has been approved by the Planning Board based upon compliance with the minimum service standards of the Zoning Bylaw for water, sewer, storm drainage, electric, traffic and pedestrian safety, fire alarm systems and refuse disposal system. If there has been a material change or intensification of use as reasonably determined by the Planning Board, the applicant shall prepare and submit to the Planning Board a report or reports, prepared by engineers who meet the requirements of the Zoning Bylaw for preparation of municipal service impact analysis, showing whether the minimum service standards identified above continue to be met. If any such report shows that one or more of the service standards are not met, based on additional impact generated by the project owing to the material change or intensification of use, or if any required negotiated improvements cannot be completed the applicant shall meet with the Planning Board to negotiate reasonable additional or alternative mitigation measures. This requirement shall not be interpreted as waiving any provision of the Project of Significant Impact process.

Appeals from this decision, if any, shall be made pursuant to general laws, Ch. 40a § 17, and shall be filed within 20 days after the date of the filing of this decision in the office of the town clerk.

WELLESLEY PLANNING BOARD

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Chris Chan, Chairman

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Donald S. McCauley, Vice Chairman

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Barbara Bourque, Secretary

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Rose Mary Donahue

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Stephanie Wasser

Negotiated Improvements ~ Special Permit  
Conditions acknowledged and agreed to by property owner  
Wellesley Realty Associates, LLC

By: \_\_\_\_\_

Dean Behrend  
Duly Authorized