

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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ZBA 2000-27
Petition of Eight Seven Three-Wellesley LLC.
873 Worcester Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on April 27, 2000 at 7:30 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of EIGHT SEVEN THREE-WELLESLEY LLC. requesting Site Plan Approval pursuant to the provisions of Section XVIA, Section XIV-E and Section XXV of the Zoning Bylaw for the demolition of the existing Texaco Station and construction of a two-story office building with a footprint of 5,371 square feet, a floor area of 7,800 square feet and a Floor Area Ratio of 29.8%, on a 26,145 square foot lot at 873 WORCESTER STREET, in a Business A District and a Water Supply Protection District. Associated landscaping will be provided and the existing 36 parking spaces will remain.

On February 28, 2000, the petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Public Hearing – April 27, 2000

Presenting the case at the hearing was C. Joseph Grignaffini, project contractor, who was accompanied by George Giunta, project engineer and land surveyor; Thomas Luby, LSP and Peter Vaz of Enstrat Strategic Environmental Services.

Mr. Grignaffini said they are requesting site plan approval and a waiver from the Board regarding the setback of the parking spaces fronting Worcester Street, which will be 3 feet rather than the required 5 feet. The building will have one story at the front and two stories at the rear due to the elevation change. Parking for 36 cars is required which cannot be fit on the lot without the waiver.

Mr. Giunta explained that the existing curb cut on Worcester Street would be closed and permission to install a new two-way curb cut east of the building has been requested from the State. The existing curb cut on Amherst Road will also be relocated northerly to the center of the property, will be one-way, and will have a "Right Turn Only" designation. The Board expressed concern with vehicles parked in the angled spaces fronting Worcester Street and Amherst Road attempting to exit west on Worcester Street.

A discussion of the environmental issues followed. Peter Vaz explained that Motiva, the LLC formed when Texaco and Shell combined, is responsible for the site cleanup, and has hired Handex to oversee the cleanup which will begin this summer. After demolition of the building, Enstrat will be on site to observe excavation activities for the new foundation to ensure that there is no more contaminated soil. Handex

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has removed most of the contaminated soil, but there is still groundwater contamination which has migrated off the property. The building will be constructed upgradient of the contamination site and will be slab on grade.

Mr. Luby explained that the surface water will flow toward Amherst Road, but the groundwater is 20 feet below surface and is flowing more toward Route 9. Wells have been installed on the property, and the well closest to Route 9 is still measuring petroleum. The remedial program involves pumping off the residual petroleum, which is on the groundwater surface.

The Board stated that it has received only the letter from Handex to the DEP requesting an extension for the cleanup activity, requested further documentation, and suggested that it would be advisable for Handex to come before the Board to explain the proposed remediation measures. A plan showing the location of the monitoring wells should also be submitted. It appears that a corner of the proposed building may be very close to or on top of one of the wells.

Mr. Luby stated that the LSP would file a document (Response Action Outcome) with the DEP stating that the site is clean, the regulations have been met, and there is no significant risk due to the contaminants remaining on the site. The LSP could also inform the Board that the site no longer posed a significant risk to occupancy of the building. The remediation program is scheduled to be completed in about a year.

The Board asked about the traffic plan regarding construction vehicles. Mr. Grignaffini said they would enter from Route 9 and exit from either Route 9 or Amherst Road. The Board requested that no heavy construction vehicles be allowed to exit on Amherst Road.

Peter Katsikaris, 15 Manor Avenue, whose family owns the Fells Market, supported the petition.

The Board voted unanimously to continue the Public Hearing to June 15, 2000 to enable the petitioner to provide the requested environmental information, plans, and a complete sign-off from the Engineering Department.

Due notice of the Public Hearing on June 15, 2000 was given by mailing and publication

Public Hearing – June 15, 2000

Presenting the case at the hearing was Ron Labadini, Principal of Eight Seven Three-Wellesley LLC, who was accompanied by C. Joseph Grignaffini, George Giunta and Michael Blanchard from Handex.

Environmental Issues - Mr. Blanchard explained that the property had been operated as a Texaco station since 1927, during which time there were petroleum releases from the underground storage tanks and the petroleum distribution system. The retail operation ceased in 1998 and the tanks were removed in March, 1999. At that time a Release Abatement Measure was conducted which included removal of 45 cubic yards of contaminated soil from the property. The excavation ceased at the limit of the footprint of the Texaco building to avoid undermining the foundation of the building.

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Under the MCP, the code of Mass. Regulations for environmental cleanups on contaminated properties, there are two areas of concern: petroleum impacted soil and petroleum impacted groundwater. There is currently petroleum impacted soil on the property in the remote fill area for the gas tanks. Following demolition of the building, the impacted soil in this area will be removed.

In regard to the groundwater, there is concern that volatiles from the gasoline could rise up and enter a building, if the groundwater is less than 15 feet from the surface. However, the depth of the groundwater on this property is at 25-30 feet, which is well below the level of concern.

The groundwater remediation is scheduled to begin this summer. Groundwater will be extracted from the 40 foot monitoring well at the southwest corner of the property, which will remain after the building is constructed. The site is on the shoulder of the hill. Groundwater follows the Amherst Road ramp down from the rear of the property and south from the front of the property. The remediation will not be affected by the construction on the site.

The highest concentration of pollutants was found on the Worcester/Amherst Road corner. No contaminants were found in the two monitoring wells located at the rear of the property at a depth of 16-20 feet. The wells will be in service for the life of the mitigation. The Response Action Outcome, basically the site closure, will be forthcoming in several years.

The building can be constructed prior to site closure pursuant to compliance with the conditions outlined in Section 5 of the RAM prior to construction. The LSP must certify that the standards have been met before he can sign off on the project. The LSP must also sign off on the safety of the site for construction prior to any excavation.

The Board stated that if the remediation is going to continue after construction, the Board would like to receive an annual progress report until completion. Mr. Blanchard said that as the site is classified as a "Tier Two", an annual report must be submitted to DEP, which could also be sent to the Board.

Traffic Issues – Using an enlargement of the landscape plan, Mr. Grignaffini explained that signage will be placed indicating that the driveway from the eastern corner of the building to the Amherst Road exit will be one-way, with a "No Left Turn" sign at the exit. The entrance from Route 9 will be two-way.

In compliance with the Planning Board's suggestion, the maximum height of the shrubbery on the Worcester Street frontage will be no higher than 3 feet. Wheel stops placed 2.5 feet from the property line will be installed in every parking space so that vehicle bumpers will not overhang onto the sidewalk along Worcester Street. A waiver from the 5 foot setback is required for these spaces.

General Issues - Mr. Grignaffini stated that the building will be used only for office space, which has always been their intent, as the site does not lend itself to retail use.

The Board asked if permission had been received from Mass Highway to connect into the state drainage system. Mr. Giunta said he had filed with DPW District 4 a complete set of drainage plans and drainage calculations showing that the drainage will be emergency overflow only. Ninety-six percent of the storm water runoff will be retained on site as groundwater discharge. The soil on the site is gravel, which is why this high percentage can be achieved. Currently, 100% of the storm water leaves the site. He has been told it will be 4-6 weeks before the permit will be issued.

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The Board asked whether the state or the town had control over the Amherst Road ramp. Mr. Giunta said the state had assumed responsibility. When the application for the tie-in to the state drainage system was made, they also had to file three separate traffic control plans for all of the construction that will be done; for the closing of the existing Route 9 entrance and its relocation and the change of exit on Amherst Road; and the installation of the sewer manhole and drain manhole with their connections to Weston Road.

The Board was of the opinion that the decision should contain a condition that none of the heavy construction vehicles be allowed to exit onto Amherst Road during the period of construction. All vehicles of this type should enter and exit through the Route 9 drive. This condition would apply only to heavy construction vehicles and not to pick-up trucks.

Alba Jenson, 58 Ridge Hill Farm Road, expressed concern about the contaminated groundwater.

After a discussion of the conditions to be included in the decision, the Board voted unanimously to grant site plan approval for the project.

Statement of Facts

The subject property is located at 873 Worcester Street, on a 26,245 square foot lot, in a Business A District and a Water Supply Protection District. The property is abutted by Worcester Street on the South, Amherst Road on the west and the Business A District on the north and east property lines.

The petitioner is requesting Site Plan Approval to demolish an existing Texaco Station and construct a two-story office building with a footprint of 5,371 square feet, a floor area of 7,800 square feet and a Floor Area Ratio of 29.8%. Associated landscaping and parking for 36 vehicles will be provided. A waiver from Section XXI of the Zoning Bylaw is requested to allow the 7 parking spaces fronting Worcester Street to have a minimum 3 foot setback from the front property line rather than the required 5 foot setback.

The following engineering plans were submitted: Existing Site Plan of Land dated February 28, 1998, drawn by Needham Survey Associates, Inc; Site Plan of Land dated December 27, 1999, revised 2/23/2000, revised 2/25/2000, revised 2/26/2000, revised 4/13/2000, revised 5/10/2000, revised 5/17/2000, revised 5/30/2000, stamped by James H. Lynn, Registered Professional Engineer and George N. Giunta, Registered Professional Land Surveyor; Landscape Plan dated 12/27/99 stamped by Michael Weinmyer, Registered Landscape Architect; Site Plan (Figure 1), and Site Information Plan (Figure 2) both prepared by Handex.

The following architectural plans were submitted: Elevations (A-1), Elevations (A-2), Floor Plans (A-3), all stamped by John C. Staniunis, Registered Architect.

The following information was submitted: Official Development Prospectus; Design and Analysis of Drainage for Proposed New Building and Lot at Worcester Street and Amherst Avenue, dated February 24, 2000, prepared by James H. Lynn, Registered Professional Engineer; Letter regarding Proposed Reconstruction Former Russell's Texaco Station, dated May 12, 2000, from Michael Blanchard,

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Hydrogeologist, Handex; Release Abatement Measure Plan (RTN#3-4571) dated May 22, 2000, prepared by Handex; Tier II Extension Request (RTN#3-4571) dated March, 2000, prepared by Handex; Phase III Identification, Evaluation & Selection of Comprehensive Remedial Action Alternatives and Remedial Action Plan, dated September, 1999, prepared by Handex; Phase II Comprehensive Site Assessment (DEP Case #3-4571) prepared by Handex; and Release Abatement Measure Completion Report (DEP Case #3-4571) dated May, 1999, prepared by Handex.

On June 1, 2000, the Wetlands Protection Committee issued an Order of Conditions (DEP 324-319) for the project.

On January 13, 2000, the Design Review Board held a Preliminary Review of the project and made recommendations regarding dormers, landscaping and the building entrances. A Final Review was held on February 10, 2000, at which time the Design Review Board approved the final design.

All submitted plans and written information were also sent to the Planning Board, Wetlands Protection Committee, Town Engineer, Board of Health and Fire Chief as required by Section XVIA of the Zoning Bylaw. Written responses from each of the above were received and are on file in the office of the Board of Appeals.

Decision

This Authority has made a careful study of all the material submitted and the information presented at the two Public Hearings. The construction of a two-story office building with a footprint of 5,371 square feet and a floor area of 7,800 square feet, at 873 Worcester Street, constitutes a Major Construction Project requiring Site Plan Approval pursuant to Section XVIA of the Zoning Bylaw because it includes the construction of 2,500 or more square feet of gross floor area; and is also pursuant to Section XIV-E of the Zoning Bylaw because the property lies in a Water Supply Protection District.

It is the opinion of this Authority that the proposed plans for the two-story office building, as noted in the foregoing Statement of Facts, comply with the Zoning Bylaws of the Town, protect the safety, convenience and welfare of the public, minimize additional congestion in public and private ways, and insure adequate protection for water, sewerage and drainage. Furthermore, compliance is ensured with Section XVI, Section XXI, Section XXII of the Zoning Bylaw.

A waiver from the five foot setback requirement pursuant to the provisions of Section XXI of the Zoning Bylaw is granted, as voted unanimously by this Authority at the Public Hearing held on June 15, 2000, to allow the seven parking spaces fronting Worcester Street to have a minimum setback of three feet.

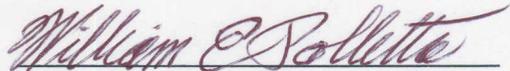
Site Plan Approval is granted, as voted unanimously by this Authority at the Public Hearing held on June 15, 2000, pursuant to Section XVIA, Section XII and Section XIV-E of the Zoning Bylaw subject to the conditions attached hereto as "Addendum A".

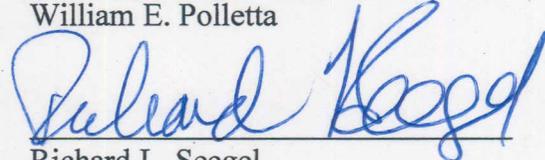
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APPEALS FROM THIS DECISION
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.

Cc: Planning Board
Design Review Board
Engineering Department
Wetlands Protection Committee
Inspector of Buildings
edg


Kendall P. Bates, Chairman


William E. Polletta


Richard L. Seegel

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ADDENDUM A

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1. All work shall be performed in accordance with the plans submitted and on file with this Authority.
2. All design and construction shall comply with all applicable state and local codes.
3. All requirements of the Town of Wellesley Fire Department shall be met.
4. All requirements of the Department of Public Works shall be met, including, but not limited to the requirement that water, sewer and electric connections, together with drainage connections, be made in accordance with DPW standards and installed and maintained at no cost to the Town of Wellesley.
5. Upon completion of the project, a complete set of site utility plans shall be submitted to the Department of Public Works.
6. A copy of the Occupancy Permit issued by the Inspector of Buildings shall be submitted to this Authority at the time of issuance.
7. The Order of Conditions (DEP 324-319) dated June 1, 2000, issued by the Wetlands Protection Committee, is hereby incorporated into this decision.
8. The two-story building allowed by this Site Plan Approval shall be used only for office space. There shall never be any retail use of the premises.
9. All plantings along the frontage of Worcester Street and the upper portion of Amherst Road ramp to the one-way exit shall not exceed three feet in height at any time.
10. Prior to the issuance of a building permit, a letter shall be received in the office of the Board of Appeals from the Handex LSP, stating that excavation at the building site presents no risk to the public.
11. All final recommendations of the Design Review Board shall be incorporated into this decision. Prior to the installation of any external lighting on the building or the site, a lighting plan shall be submitted to and approved by the Design Review Board. A copy of the plan and the letter of approval shall be submitted to the office of the Board of Appeals.
12. The relocated curb cuts on Worcester Street and the Amherst Road ramp shall be consistent with all requirements of the Mass. Highway Department. Copies of the permits issued by this Authority shall be submitted to the office of the Board of Appeals and the Department of Public Works.
13. Permits from the Mass. Department of Public Works allowing connection of the storm water site drainage into the State storm water drainage system shall be obtained. Copies of all permits shall be submitted to the office of the Board of Appeals and the Wellesley Department of Public Works.

ADDENDUM A CONTINUED

14. During the period of construction, only the Worcester Street entrance/egress shall be used for all large or heavy construction vehicles. Pick-up trucks and trucks of similar size are permitted to exit the site using the Amherst Road exit taking right turns only.
15. The Phase Two remediation program shall continue to be monitored by Handex and Enstart. Copies of all reports and correspondence filed with the Mass DEP shall be sent to the office of the Board of Appeals and the Wetlands Protection Committee. Annual progress reports shall be sent to both Boards until the Handex LSP certifies to both Boards that the remediation program has been completed.
16. Prior to the issuance of a Certificate of Occupancy, a "No Left Turn" sign shall be installed at the exit drive on the Amherst Road ramp. A "One Way Only" sign shall be installed at the eastern corner of the building to clearly identify that the driveway from that point to the Amherst Road exit shall be only one way.

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