

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

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

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ZBA 2000-25

Petition of Town of Wellesley/Permanent Building Committee/School Committee
Isaac Sprague Elementary School
79 Oak Street

Pursuant to due notice, the Special Permit Granting Authority held three Public Hearings on Thursday, March 23, 2000 in the Selectmen's Meeting Room, Wednesday, April 12, 2000 in the Selectmen's Meeting Room, and Wednesday, April 26, 2000 in the office of the Planning Board, on the petition of TOWN OF WELLESLEY/PERMANENT BUILDING COMMITTEE/SCHOOL COMMITTEE requesting Site Plan Approval for the construction of a two-story 29,305 square foot addition containing 18 classrooms, library, gymnasium, cafeteria and office space, with a floor area of 50,297 square feet, on a 585,708 square foot lot, at 79 OAK STREET, in a Single Residence District. Associated landscaping, interior roadways, parking for 105 vehicles and drop-off spaces for 42 vehicles are also included.

On March 1, 2000, the petitioner filed a request for a hearing before this Authority, and thereafter due notice of the hearings was given by mailing and publication.

HEARINGS

March 23, 2000

Prior to the presentation of the case material, Mr. Bates, Chairman of the Board of Appeals, stated that as a result of the negative vote at Town Meeting regarding funding for installation of a traffic light at the intersection of Crest Road and Linden Street, which was a condition of the Special Permit for a Project of Significant Impact issued by the Planning Board on February 2, 2000, the Board would hear the petition, but continue the hearing to April 12, 2000. A reconsideration of the Article is expected at Town Meeting, and the vote taken will determine how the Board will address the petition.

Michael Eby, Chairman of the Permanent Building Committee, introduced the presentation group which included Pip Lewis, Project Architect from HMFH; Cathy Offenberg, Landscape Architect from Carol Johnson Associates; David Conway, Project Engineer from Judith Nitsch Engineering, Inc.; Guy Bussa, traffic consultant from Howard Stein Hudson; Bill Henney, Electrical Engineer from TMP Consulting Engineers.

Mr. Lewis gave the Board an overview of the architectural features of the project, describing the interior organization of the building and the uses of the space. He then walked the Board around the building using enlarged elevation drawings.

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Cathy Offenbergs stated that the existing landscaping has been preserved as much as possible. All vehicular entry will be through a two-way road from School Street. The Oak Street entrance will be limited to pedestrian access. A raised crosswalk will be installed at the School/Oak Street intersection, as well as in two locations in the parking lot so that crossing locations for children are clearly delineated.

The parking lot will contain 105 spaces over 33,000 square feet. Seventeen percent of the parking area will be landscaped, although only ten percent is required under the Zoning Bylaw. Twenty trees will be planted along the property line, although only eleven are required.

A play area for kindergarten children and one for older children have been provided. The service area is screened and gated so it is not accessible to the children. Tall evergreens, supplanted with mature trees, bushes and a fence will serve as a buffer. The dumpster area is at elevation 154. The grade above the retaining wall is four feet higher. Screening of evergreens and shrubbery will be provided along the rear of the parking lot.

David Conway explained the drainage system which includes collection of storm water in underground valleys of 48 inch plastic pipes to provide an underground detention system. Connections from the catch basins will be made to the town drainage system. Two 15,000 gallon cisterns fed from roof runoff will serve as holding tanks to irrigate the playing fields. An operation maintenance plan was submitted to the Town Engineer.

The Board commented that the Health Department had brought up the issue of the previous use of the site as a landfill, and asked if this had resulted in any planning for unstable soil. Mr. Lewis stated the playing fields are on the landfill. The building has intentionally been sited away from the landfill area. A polyethylene barrier will be placed below the slab to stop any gasses from entering the building. Any materials that might prove to be hazardous will be removed. Mr. Eby said that in 1997-98, the PBC hired ATC Associates to do a full site investigation, which was submitted to and cleared by DEP.

The Board stated that on the plot plan, there is a paper street named Apple Street, which runs along the edge of the school property, and questioned if it had been abandoned. If it has not, a 50 foot setback would be required for the building permit. The Board was of the opinion that this legal issue had to be resolved before approval of the project was given.

Mr. Lewis described the lighting plan, which had been reviewed by the Design Review Board, which recommended removal of some of the building lights, and requested that lighting levels be kept at minimum standards to ensure the project is not overlit.

Mr. Bussa said there will be about 396 students at full enrollment and 50 teachers and support staff at the school. Trip generation was based on observations at Bates School. The new school district will be generally north of Linden and Washington Streets, and a southern area which is currently less defined. About 55% of the children will be driven to school, which translates into about 338 vehicle trips between 7:30 and 8:30 a.m. and 242 trips about 2:30 p.m. Most of the morning traffic will enter on School Street and upon leaving, will go toward the Oak/School Street intersection, and then into the neighborhood.

Mr. Bussa explained the proposed traffic mitigations which include the signals at the Crest Road/Linden Street intersection and the Linden/Everett Street intersection and the reasons for both.

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Janet Wilkinson, 75 Oak Street, expressed concern about the ability of school buses to negotiate the tight turn onto Westerly and Everett Streets with 380 cars coming down Oak Street in the morning.

Jane Batista, 21 Westerly Street, expressed concern about potential queuing at the Linden/Everett signal light.

Maura O'Brien, Selectwoman, stated that the Board of Selectmen would support reconsideration of the article regarding the traffic signal at Crest/Linden at the next Town Meeting session. Both the Town Traffic Engineer and Mr. Bussa recommended installation of the light. At no time had either recommended widening of Everett or Linden Street.

Paul Cremonini, 396 School Street, expressed concern about the proposed raised intersection, and suggested tightening the intersection radius and eliminating the raised intersection. He was concerned about the location of the retention areas. There are two catch basins at the bottom of School Street which, if clogged, create a flooding situation. If the retention systems do not work properly, more water will be added. He questioned the use of the Maintenance Shed once the school was completed, and completion of the landscape plan at the rear of the parking lot, if funds became short.

April 12, 2000

Mr. Eby addressed the following issues raised at the last hearing:

1. Traffic signal at Linden Street/Crest Road – Town Meeting voted on March 27, 2000 to appropriate funds for the signalization.
2. Apple Street (paper street) – Mr. Robinson has written an opinion that Apple Street was part of the taking that was done by the Town. A revised Plot Plan showing the paper street extending only the length of the abutter's property has been submitted to the Board.
3. Use of the Maintenance Shed – Judy Curby at DPW has written a letter the maintenance shed will return to its former use as a storage facility for maintenance materials for the fields once the restoration of Perrin Park is completed.
4. Site Investigation – A Response Action Outcome Statement concluding that the dissolved concentrations of heavy metals did not exceed the reportable concentrations for Method One Standards, and are below detection limits, was submitted to the Town and to DEP. A condition of "No Significant Risk" has been achieved at the site.
5. Traffic Report – A complete copy of the traffic report has been furnished to the Board giving the backup information and rationale for the work to be done on both Linden Street and School Street.

Peter Gubellini, Selectman, stated that the Board of Selectmen is committed to the conditions in the Planning Board decision regarding pre-occupancy off-site mitigation and to the post-occupancy monitoring which the Planning Board has asked to be ongoing with a review at six months and then a year after occupancy.

The Board expressed continued concern with the traffic flow through the Oak/Westerly/Everett/Linden Street intersections, and questioned the route to be taken by construction vehicles accessing the site. Mr. Lewis replied that the contractor will be directed to route construction vehicles to approach from Route 9 westbound to Oak Street and to exit School Street to Route 9 eastbound.

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The Board had further concerns regarding the removal of trees at the School Street entrance, and the landscaping between the parking lot and abutters. The Board was of the opinion that a gate should be installed at the head of the loop to bar traffic from accessing the Maintenance Shed area. They would also like clarification as to the membrane to be placed beneath the foundation slab, and controls on the possible gaseous nature of the fill if it is to be spread across the site.

The Board was dissatisfied with the accuracy of the location of benchmarks on the plans and requested that three benchmarks be shown at different locations on the site. The location of the detention system below the water table was questioned, if it is designed to handle overflow.

Mr. Lewis explained that the detention system is designed to store, not to leach. Although the amount of rainfall on the site will be the same, the rate of runoff will be greatly accelerated as there will be more impervious area. The water will be stored underground, directed to a pipe and into the Town storm drain system at a controlled rate.

Mr. Lewis stated that the building has been sited away from the landfill area and the area in which ash has been reported. He described the process of installing the polyethylene barrier below the slab. Most of the earth to be excavated will remain on the site. As to testing the soil, it can be tested, but that is not currently described in the scope of the contractor.

Mr. Lewis agreed that a gate should be installed beyond the traffic loop accessing the maintenance area to prevent public access. Only school and DPW vehicles would have access.

A discussion of the construction schedule followed. During Phase I, the new addition will be constructed. The rear portion of the site will be fenced to be used for parking construction vehicles and stockpiling materials. The existing parking area will remain for use by the Recreation Department. There will be no access from the site to the fields during construction. Phase II will begin in January, 2002, when renovation will begin on the existing Sprague building. By spring of 2002, there will be full access to the fields and the new parking lot.

Randy Sorenson explained that the trees at the proposed School Street driveway must be removed as the road must be 24 feet wide. They will plant additional small trees and shrubs along that edge to maintain and intensify the existing buffer. Additional trees, evergreens and shrub masses will also be planted along the fence line on the other side of the property. Snow storage has been provided in the corners of the parking lot sufficient for a 12 inch storm over all paved areas.

Mr. Sorenson stated the dumpsters will be located in the service area. As neighbors did not want the access from Oak Street, the approach will be from the fire lane. The dumpster is 5-6 feet lower than the existing tree area. Upon completion, there will be between 9-10 feet of visual buffer from the street.

Mr. Bussa reviewed the traffic issues, focusing on the traffic patterns, the Oak/School Street intersection and the installation of signalization at the Crest/Linden and Linden/Everett intersections. The Board continued to express concern regarding the sight distance and traffic flow through the Oak/Westerly/Everett/Linden Street intersections.

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Mr. Cremonini reiterated his concerns about management of the Oak/School Street intersection, and the use of the maintenance shed.

Janet Wilkinson expressed concern with the lack of fencing for the relocated soccer field, which is within 10 feet of the access road to the dumpster. Mr. Lewis said they have discussed putting a timber guard rail with openings along the length of the fire lane to separate the drive from the field.

Jane Batista again stated her concern with the traffic flow at the Linden to Oak Street intersections.

Mr. Gubellini reaffirmed the commitment to the monitoring program by the Board of Selectmen.

The Board requested another site drawing depicting the mitigation measures at the Oak/School Street intersections, and a revised plot plan with benchmarks located closer than 400 feet from the construction site.

The Board suggested that a condition be in place that a police detail should be present at the Oak/School Street crosswalk one hour before school opens and one half hour after school closes to safely control traffic and give the Selectmen time to study the issue.

April 26, 2000

Michael Eby said that the Board had received the requested plans. There had been discussion of tightening the radius at the Oak/School Street intersection. The PBC decided that the radius will be tightened to 35 degrees when the other road improvements are made. The revised plan shows the change in the radius. The plan also shows the installation of fencing to separate the soccer fields from the school property.

Mr. Duffy from HMFH explained that large dimension wood timber guard rails would be used for the fencing with gaps for access. This would provide sufficient protection as a child would have to climb over or under the fence to access the roadway.

The Board expressed dissatisfaction with the benchmarks on the revised plan, as the rear benchmark is identified in the legend, but does not appear on the plan.

Bella Wong, Assistant School Superintendent, said that in response to the Board's concern about buses using the Everett/Westerly approach to the school site, the School Department has found that the bus route could go down Kingsbury Street, through the Middle School faculty lot, and into the Sprague site.

In response to the Board's question regarding water to be used for field irrigation, Mr. Duffy explained that the water stored in the detention system would not be used. Rainwater from the roof runoff system collected in two sealed 15,000 gallon underground tanks will be used to irrigate the fields.

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The Chairman closed the Public Hearing for the Board to deliberate on conditions under which site plan approval could be granted. The following conditions were determined:

1. Inclusion of the Special Permit granted by the Planning Board and all recommendations of the Design Review Board and Engineering Department.
2. A statement regarding the legal status of Apple Street so that no further legal action would be necessary.
3. Maintenance Shed – All trash, earth and the trailer shall be removed. Once school construction has been completed, the maintenance shed shall be locked and used only in connection with the maintenance of the soccer fields and not for any other purpose by DPW. A locked gate shall be installed at the head of the loop road to ensure access to the shed shall not be through the school site.
4. For the first three months following the school opening in September, a police detail shall be in place at the Oak/School Street intersection for one hour prior to opening and for one half hour after closing.
5. No school bus or construction vehicle shall utilize the Linden/Everett/Westerly/Oak Street route for either access to or egress from the site, nor shall any route include Linden Square.
6. During construction, no deliveries shall be made to the site prior to 6:45 a.m.
7. A revised plot plan must be submitted containing proper benchmarks, and their origins. The two benchmarks at the front of the lot may be held, but one benchmark must be located in the proximity of the construction site. There should be one benchmark at the rear of the existing building.
8. Additional trees and shrubbery must be added along the property line separating the Alzheimer Center and the parking lot.
9. All requirements of Section XXI-D-3 shall be fulfilled.
10. No construction workers shall park on any street adjacent to the site.
11. Two-way signage shall be installed where required in the new parking lot.

The Board then voted unanimously to grant Site Plan Approval with all conditions discussed above as well as the standard conditions appearing in Addendum A of any Site Plan Approval decision.

STATEMENT OF FACTS

The subject property is located at 79 Oak Street, in a Single Residence District, on a 585,708 square foot lot. The property is bounded by Oak Street on the west, and School Street on the north. Most of the property on the southern and eastern perimeter is under the jurisdiction of the School Department, with the exception of several single family dwellings and a nursing home.

The existing Sprague building with a footprint of 7,288 square feet and a floor area of 15,675 square feet, provides space for the offices and programs of the Recreation and Health Departments.

On the original Existing Site Survey (X.1) drawn by Robert G. Applegate, Registered Professional Land Surveyor, dated 2/3/99, Apple Street, a 40 foot wide paper street, was shown to parallel the southern boundary line. Albert Robinson, Town Counsel rendered an opinion in a letter dated April 11, 2000, that the plan is inaccurate, as it was within two areas of eminent domain taking by the Board of Selectmen. The first taking, on June 25, 1923, was for the Sprague School site itself which included to the mid line of the entire Apple Street. By a later taking on December 12, 1955, the Town took most the remainder of Apple Street as part of the playground area. The only remaining portion of Apple Street is the "right" half

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of the portion that abuts 77 Oak Street. A revised plot plan showing the remaining portion of Apple Street, dated 4/12/00, drawn by Mr. Applegate, was submitted.

The petitioner is requesting Site Plan Approval to allow construction of a 29,305 square foot two story addition with a floor area of 50,297 square feet to contain 18 classrooms, library, gymnasium, cafeteria of the portion that abuts 77 Oak Street. A revised plot plan showing the remaining portion of Apple Street, dated 4/12/00, drawn by Mr. Applegate, was submitted.

The petitioner is requesting Site Plan Approval to allow construction of a 29,305 square foot two story addition with a floor area of 50,297 square feet to contain 18 classrooms, library, gymnasium, cafeteria and office space attached at the rear of the existing Sprague building. Associated landscaping, interior roadways, parking for 105 vehicles and drop-off spaces for 42 vehicles are also included.

Pursuant to the provisions of Section XVIA of the Zoning Bylaw, the proposed Sprague School addition is classified as a Project of Significant Impact requiring a Special Permit issued by the Planning Board, as the project will have an aggregate total of newly construction floor area of 10,000 or more square feet. It is further classified as a Major Construction Project requiring Site Plan Approval from the Zoning Board of Appeals, as it involves construction of 2,500 or more square feet of gross floor area.

The following plans were submitted:

1. Site Plans – Existing Site Survey (X.1) dated 8/20/98, revised 2/3/99, revised 4/29/00; Plot Plan, dated 2/22/00, revised 4/12/00, both drawn by Robert G. Applegate, Registered Professional Land Surveyor
2. Site Engineering Plans - Site Utility Plan (C-1) dated 2/18/00, revised 2/22/00, revised 3/15/00; Renovation of Sprague School/Detail I (C-2) dated 2/18/00, revised 2/22/00, revised 3/15/00; Renovation of Sprague School/Detail II (C-3) dated 2/18/00, revised 2/22/00, revised 3/15/00; Renovation of Sprague School/Detail III (C-4) dated 2/18/00, revised 2/22/00, revised 3/15/00, all drawn by Sandra A. Brock, Registered Professional Engineer
3. Site Development Plans - Site Development Plan (L-1), dated 2/24/00, revised 3/10/00, revised 4/19/00; Grading and Drainage Plan (L-2) dated 2/24/00, revised 3/10/00), Landscaping Plan (L-3) dated 2/24/00, Irrigation Pump System (P-1) dated 2/24/00, all submitted by Carol Johnson & Associates
4. Electrical Plans - Site Plan (EO.2) dated 3/20/00 and Electrical Site Plan (EO.2) dated 3/10/00, revised 4/6/00, both submitted by TMP Consulting Engineers.
6. Architectural Plans – Floor Plans (A1) dated 2/24/00 and Building Elevations (A2) dated 2/24/00, submitted by HMFH by J. Stephen Friedlander, Registered Architect.

The following written materials were submitted: Drainage Calculations for Renovation of the Sprague School, dated 2/18/00, prepared by Judith Nitsch Engineering, Inc.; a Traffic Summary prepared by Howard Stein Hudson ; and an Application for Site Plan Review, which included Appendix A: Fire Protection; Appendix B: Surface Drainage; Appendix C: Geotechnical and Appendix D: Traffic. An Official Development Prospectus was also submitted.

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On February 2, 2000, the Planning Board issued a Special Permit with conditions for a Project of Significant Impact (PSI 99-4), #79 Oak Street – Sprague Elementary School.

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The Design Review Board held a Preliminary Review on July 22, 1999 and a Final Review on February 10, 2000 at which time the Board voted to accept the proposal with Recommendations regarding Materials and Landscape Plan.

On March 23, 2000, the Design Review Board held a final review of the Sprague School Lighting Plan. Pursuant to the conditions in the Special Permit granted by the Planning Board, an exterior lighting plan must be reviewed and approved by the Design Review Board. The Design Review Board conditionally approved, with modification, the preliminary plan with conditions outlined in its letter to the Board of Appeals dated April 5, 2000. A revised final plan depicting the five recommendations was submitted and approved on April 18, 2000.

Copies of all submitted plans and written materials were also sent to the Planning Board, Wetlands Protection Committee, Town Engineer, Board of Health and the 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.

On March 21, 2000, the Planning Board reviewed the petition, and noted that final review of the lighting plan by the Design Review Board had not been completed, and emphasized the importance of requiring an Operation and Maintenance Plan for the stormwater drainage system.

DECISION

This Authority has made a careful study of the plans and materials submitted, as well as the information presented at the three Public Hearings. The proposed two-story 29,305 square foot addition to the Sprague School constitutes a major construction project pursuant to Section XVIA of the Zoning Bylaw because it includes the construction of 2,500 or more square feet of gross floor area.

It is the opinion of this Authority that the proposed plans listed in the foregoing Statement of Facts for the addition to the Sprague School 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 with Section XVI, Section XXI and Section XXII of the Zoning Bylaw are ensured.

Therefore, Site Plan Approval is given by this Authority, as voted unanimously at the Public Hearing held on April 26, 2000, pursuant to Section XVIA and Section II 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
Town Engineer
Design Review Board
Inspector of Buildings
edg

Kendall P. Bates

Kendall P. Bates, Chairman

William E. Polletta

William E. Polletta

Richard L. Seegel

Richard L. Seegel

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ADDENDUM A

1. All work shall be performed in accordance with the plans submitted and on file with this Authority.
2. All design and construction must comply with all applicable state and local codes.
3. Compliance with all requirements of the Town of Wellesley Fire Department shall be made.
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.
5. Prior to the issuance of an Occupancy Permit, an Operation and Maintenance Plan for the proposed stormwater controls and the person(s) responsible for performing the operation and maintenance work shall be provided to the Town Engineer.
6. Upon the completion of the project, a complete set of Site Utility Plans shall be submitted to the DPW.
7. The Special Permit including Conditions/Negotiated Improvements issued by the Planning Board (PSI 99-4) on February 2, 2000, is hereby incorporated into this decision.
8. All recommendations of the Design Review Board contained in its letter of March 7, 2000 shall be met.
9. All requirements of Section XXI-C Subpart 3 shall be met.
10. Additional landscaping in the form of between 15 and 20 mature trees and additional shrubbery shall be planted along the property line between the Alzheimer Center and the parking lot.
11. Two-way" signage shall be installed in the parking lot where necessary.
12. Prior to the issuance of any building permit, a revised plot plan showing the origin and location of a minimum of three benchmarks, with at least one within a distance of 400 feet from the proposed building, shall be submitted to the office of the Board of Appeals.
13. No school bus or any type of construction vehicle shall utilize the route from Linden/Everett/Westerly/ Oak Streets or Linden Square to provide access to or egress from the Sprague School site.
14. During the period of construction, no deliveries of materials shall be made to the site prior to 6:45 a.m.

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ADDENDUM A CONTINUED

15. During the period of construction, no vehicles of construction workers shall be parked on any neighborhood street.
16. Maintenance Shed - Prior to the issuance of an Occupancy Permit, the following conditions shall be met:
 - A. All trash, earth, and the trailer shall be removed.
 - B. The building shall be securely locked.
 - C. The building shall be used only in connection with the maintenance of the soccer fields and school grounds and not for any other purpose.
 - D. Access to the maintenance shed shall not be through the Sprague school site.
 - E. A locked gate shall be installed above the looped road to ensure compliance with the above condition.
17. Police Detail – Beginning with the first day of school and for three months thereafter, a police detail shall be in place at the Oak/School Street intersection one hour before the opening of the school day and one half hour after the closing of the school day for traffic control and to ensure the safe crossing of students.
18. A copy of the Occupancy Permit issued by the Inspector of Buildings shall be submitted to this Authority at the time of issuance.

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