



ZONING BOARD OF APPEALS

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ZBA 2000-72

Petition of William C. Roberts
10-16/18 Washington Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 28, 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 WILLIAM C. ROBERTS requesting Site Plan Approval pursuant to the provisions of Section XVIA, Section IXB and Section XXV of the Zoning Bylaw to allow construction of an additional 388 square feet of footprint with a proposed floor area of 4,300 square feet at 10 WASHINGTON STREET, on an 8,070 square foot lot resulting in an FAR of .96; and an additional 386 square feet of footprint with a proposed floor area of 9,200 square feet at 16/18 WASHINGTON STREET, on a 31,980 square foot lot resulting in an FAR of .73. Additional landscaping and one additional parking spaces will be added to the existing 42 spaces. The property is located in the Lower Falls Commercial District.

On August 21, 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 – September 28, 2000

Presenting the case at the hearing was Russell Dion, project architect from ASI, who was accompanied by the project engineer, Conrad Nagle. Mr. Dion said the project is essentially a second floor addition to two existing structures at 10 and 16/18 Washington Street, with some modifications to the site which will improve on site pedestrian safety and aesthetics in regard to sanitary dumpsters. Over the past 18 to 22 months, they have presented to the Design Review Board, the Planning Board which granted a Special Permit for the FAR and one for a Project of Significant Impact, and the Board of Selectmen. There is one item that is still open ended relative to the Wetlands Protection Committee, as some of the development is within 200 feet of the Riparian Zone of the Charles River. The meeting with the Wetlands Committee is scheduled for October 19, 2000.

Using an enlarged site plan, Mr. Dion pointed out the locations of 10 and 16/18 Washington Street and the Charles River embankment. The 200 foot zone extends through the parking lot and driveway surface of the lot which they are improving by removing the asphalt and installing brick pavers, as well as removing some bollards and replacing them with landscaped screening and traffic direction devices. The footprint of the proposed construction lies outside of this zone.

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The Board asked if there was an existing walkway between 10 and 16 Washington Street. Mr. Dion said one can walk through the two buildings, but the area is mainly used by the tenants as their dumpster zone. They are proposing to create an improved pedestrian access from the Municipal Parking lot on River Street between the two buildings which do not have pedestrian access. They will open up the corridor, landscape and light it, and provide a walking surface to Washington Street. They will relocate the unenclosed dumpsters to a central area and enclose the area using brick piers and stockade fencing.

The Board asked if there was an alleyway from Washington Street through the building. Mr. Dion said there is an existing 4 foot by 40 foot alleyway which will be enclosed at the street level.

The Board asked if the relocated dumpster would be visible from River Street. Mr. Dion said it will not. From River Street, one will see the two brick piers and the stockade fence with locked gates behind which the dumpster will be located. Presently, one can see two dumpsters and a walk-in cooler, which will remain. In the future, there will be no visual site lines to the dumpsters or cooler from any angle.

The Board asked if the Sunoco station shared a right-of-way around the property. Mr. Dion said it did not. Mr. Roberts has a permanent easement from the Sunoco station for a turning radius so that fire engines and delivery vehicles can access the property via a one-way flow and have egress.

The Board asked if the Paparazzi traffic exits through the Town lot, and if that would change. Mr. Dion said the traffic does exit through the Town lot and there will be no change. Currently, the restaurant traffic is one-way entering from Washington Street and exiting onto River Street.

The Board asked how construction vehicles would access and exit the site, and where construction related vehicles would park. Mr. Dion explained they have not yet selected the general contractor, who will be the primary operator of the site and will be in charge of police details and pedestrian safety. The Paparazzi restaurant will be closed during the heavy construction phase and possibly for a period of time thereafter. Cranes will be needed during the steel erection process on the Paparazzi structure. The steel will be fully fabricated and available in a local stockyard. During that time, they don't envision there being a staging problem or a construction access problem. When the general contractor has been chosen, those details will be worked out and a plan submitted to the Board.

The Board was concerned that the construction phase would intensify the existing traffic nightmare in this area; and that parking spaces would be occupied by construction personnel, which would impact small businesses on the street which rely on the ability of their customers to short-term park on the street and in the Town lot. The Board does not want the street or the Town lot used for any parking for this project, and would like to see a more specific management plan to be imposed on the general contractor.

Mr. Dion said they have had informal discussions with the owners of the Grossman lot, but nothing is formalized. They have a site which is a restaurant which does not begin operations until 11 a.m., so, from a staging viewpoint, they will be operating on the same schedule for delivering materials to the site as existing deliveries to the restaurant. Once they begin the major operation, there will be front and back end mobilization which will have a more definite plan.

The Board asked where the crosswalk was located on Washington Street. Mr. Dion said it is in front of Dunkin Donuts. Relocation of the crosswalk is not anticipated. They have gotten the specifications for

the lighting and benches that will be used in the Town plan for improvement to the lower end of Washington Street and are complying with those specifications in their plans for a more pedestrian friendly front to the proposed building.

The Board asked if they anticipated many underground connections along Washington Street. Mr. Dion said there are only two areas that will be affected. There is an existing electrical vault where all the service comes in and from which they can gain their new electrical service. The water and fire mains come in from River Street and are adequately sized to handle the second floor addition. Under the PSI Special Permit, the second floor can be used only for general office space. The existing services greatly exceed the need for any new infrastructure. The only remaining issue is storm drainage. They have a catch basin which will be improved and curbing which will be relocated.

The Board asked how long the project would take to complete. Mr. Dion said they are projecting five to seven months. They would like to begin in April, 2001.

The Board voted unanimously to continue the hearing to October 26, 2000 to enable the petitioner to submit a more specific traffic management plan; and for the Wetlands Protection Committee to issue a ruling on the petition in regard to the Riparian zone.

Public Hearing – October 26, 2000

Presenting the case at the hearing was Russell Dion, who said that since the September hearing, they have met with the Design Review Board for final approval and with the Wetlands Committee from which they received a Negative Determination of Applicability. They have completed all the required review processes.

The Board discussed the possibility of determining the date when Paparazzi could reopen, but decided this was not an issue for site plan approval. Mr. Dion assured the Board that the contractor would make certain that the site is safe during construction.

The Board moved and voted unanimously to grant site plan approval for the project under the following conditions:

1. The Special Permit issued by the Planning Board for a Project of Significant Impact shall be incorporated into the ZBA decision.
2. While construction is under way, no contractor or employee vehicle shall be parked either in a municipal parking lot or along Washington Street.
3. No tractor trailer trucks or materials shall be parked or stored on Washington Street at any time.
4. Sufficient fencing shall be installed along Washington Street and the municipal parking lot boundaries of the property to ensure both pedestrian and vehicular safety during the period of construction.
5. The Notice of Determination issued by the Wetlands Protection Committee shall be incorporated into the ZBA decision.

Statement of Facts

The subject premises are located at 10-16/18 Washington Street on two abutting parcels in the Lower Falls Village Commercial District with the Municipal Parking lot at the rear. The 8,070 square foot lot at 10 Washington Street has been in a Business District from 1925, when zoning was established, until 1998, when the Lower Falls Village Commercial District was established.

Until 1978, the 31,980 square foot lot at 16/18 Washington Street was within three different zoning districts: Business A, Transportation and Industrial A. In 1978, the lot became Business District A. In 1998, all the land was rezoned to the new Lower Falls Village Commercial District.

This is the first project to be permitted under the Lower Falls Village Commercial District zoning requirements. The petitioner is requesting Site Plan Approval to allow construction of an additional 388 square feet of footprint comprising a two-story addition at 10 Washington Street to fill in an existing void and an additional 386 square feet of footprint to 16/18 Washington Street, comprising a two-story addition at the rear, as well as the addition of a second story on both buildings and the upgrading of the quality and appearance of the properties.. The floor area at 10 Washington Street will be increased by 4,300 square feet, and by 9,200 square feet at 16/18 Washington Street. One additional parking space will be added to the 42 existing spaces, together with associated landscaping, walkways and lighting.

On July 13, 1999, the Planning Board issued a Special Permit for a project within the Lower Falls Village Commercial District for an increase in the maximum floor area ratio, not to exceed a ratio of 1.0, and to provide off street parking in accordance with the provisions of Section IXB and Section XXI of the Zoning Bylaw.

On June 1, 2000, the Planning Board granted a Special Permit for a Project of Significant Impact (PSI-98-1) for the construction of 3,912 square feet of floor area at 10 Washington Street and 9,200 square feet of floor area at 16/18 Washington Street and related site work on a property containing 31,980 square feet in a Lower Falls Village Commercial District.

The following site plans were submitted: Existing Condition Site Plan (L-1) dated April 14, 2000, stamped by Douglas W. Thompson, Registered Professional Land Surveyor; Site Plan (L-2) dated July 9, 2000, stamped by Benedict J. Quirk, Jr., Registered Professional Engineer; Detail Sheet (L-3) dated July 9, 2000, stamped by Benedict J. Quirk, Jr., Registered Professional Engineer; Planter Details (L-4) dated June 11, 2000, stamped by Elliot M. Brundage, Registered Landscape Architect.

The following architectural plans were submitted: Site Lighting (SL-1); Basement Plan (A2.1); First Floor Plan (A2.2); Second Floor Plan (A2-3); Roof Plan (A2.4); Front Elevation/Washington Street (A4.1); Side Elevation/10 Washington Street (A4.2); Side Elevation/16 Washington Street (A4.3); Rear Elevation/16 Washington Street (A4.4). All architectural plans are dated 8/16/00 and stamped by Russell Dion, Registered Architect.

The following written information was submitted: Official Development Prospectus; Letter from Russell Dion dated 8/16/00 regarding Submission Application for Site Plan Approval; Letter from Michael Covello dated 9/20/00 regarding Response to Department of Health Letter of September 15, 2000; and letter from Michael Covello dated October 17, 2000 regarding Response to Construction Sequence Issues.

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A Request for a Determination of Applicability was filed by the petitioner and on October 19, 2000, the Wetlands Protection Committee voted to issue a Negative Determination of Applicability with conditions for the project.

The Design Review Board held Preliminary Reviews of the project on October 22, 1998, January 28, 1999, March 11, 1999, and a Final Review on October 12, 2000 at which the Board voted to recommend that the Board of Appeals grant Site Plan Approval.

All submitted plans and materials 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.

On September 26, 2000, the Planning Board reviewed the petition and stated that the project has been found by the Planning Board and Design Review Board to be consistent with the Lower Falls Plan. It has received a special use permit under the new Lower Falls zoning and PSI approval from the Planning Board.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the two Public Hearings. The petitioner's proposed addition of 4,300 square feet of floor area at 10 Washington Street and 9,200 square feet at 16/18 Washington Street 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 enumerated in the foregoing Statement of Facts for the additions in footprint and floor area at 10 and 16/18 Washington Street 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, insure adequate protection for water, sewerage and drainage, and comply with Section XVI, Section XXI and Section XXII of the Zoning Bylaw.

Site Plan Approval is hereby granted, as voted unanimously by this Authority at the October 26, 2000 Public Hearing, pursuant to Section XVIA and Section IXB of the Zoning Bylaw, subject to the conditions attached hereto as Addendum A.

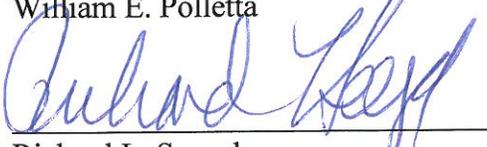
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
OFFICE OF THE TOWN CLERK.

Cc: Planning Board
Inspector of Buildings
edg

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Kendall P. Bates, Chairman


William E. Polletta


Richard L. Seegel

ADDENDUM A.

1. The Special Permit issued by the Planning Board on July 13, 1999 in regard to floor area ratio and off street parking is hereby incorporated into this decision.
2. The Special Permit for a Project of Significant Impact (PSI-98-1) issued by the Planning Board on June 1, 2000 is hereby incorporated into this decision.
3. The Negative Determination of Applicability voted on by the Wetlands Protection Committee on October 19, 2000 is hereby incorporated into this decision.
4. During the period of construction, no contractor or employee vehicle shall be parked either in a Municipal Parking lot or on Washington Street.
5. No tractor trailer trucks or materials shall be parked or stored on Washington Street or in the Municipal Parking lot at any time.
6. Subsequent to the hiring of a General Contractor, the petitioner shall submit to the office of the Board of Appeals a detailed traffic management plan.
7. The petitioner and representatives from ASI shall meet with Leonard Izzo, Environmental Health Specialist, during the month before construction begins to review the project. A report of this meeting shall be sent by Mr. Izzo to the office of the Board of Appeals.
8. All work shall be performed in accordance with plans submitted and on file with this Authority.
9. All design and construction shall comply with all applicable state and local codes.
10. All requirements of the Town of Wellesley Fire Department shall be met.
11. 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.
12. Upon completion of the project, a full set of Site Utility plans shall be submitted to the Department of Public Works.
13. A copy of the Occupancy Permit issued by the Inspector of Buildings shall be submitted to this Authority at the time of issue.

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