

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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ZBA 2014-13
Petition of Bike Realty, LLC
951 Worcester Street

RECEIVED
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WELLESLEY MA 02482
2014 MAY 28 AM 10:18

Pursuant to due notice, the Special Permit Granting authority held a Public Hearing on Thursday, March 20, 2014 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of BIKE REALTY, LLC requesting Site Plan Approval pursuant to the provisions of Section III, Section XI, Section XIVE and Section XXV of the Zoning Bylaw for Site Plan Approval for demolition and reconstruction of the Dunkin Donuts facility with drive-through and onsite parking with additional parking to be located on a newly acquired 11,000 square foot parcel, at 951 WORCESTER STREET, in a Business District, a Residence A District and a Water Supply Protection District. The property will be improved with a new drainage system, increased landscaping and open space, drive-through separation from the parking area, improved turning radii, a drive-through bypass lane and increased queuing.

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 February 6, 2014, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Katherine Babson, who said that she had just retired from the Board of Selectmen (BOS). She said that, for the last year or so, she was the Selectman who was responsible for working on the so-called Cochituate Aqueduct Project. She said that the BOS was satisfied with her continuing with the last step of the process.

Also present at the hearing were William Donovan and Joe Murray, Bike Realty, LLC (the "Petitioner"), and Jesse Johnson, Project Manager.

Ms. Babson said that the Selectmen looked at this as being a good example of a public/private partnership. She said that the BOS worked with Bike Realty to resolve some issues that the Zoning Board of Appeals (ZBA) had been concerned about. She said that this project gives the Town the opportunity to purchase the remaining 5.5 acres of the Aqueduct land that it had purchased in 1962. She said that the purchase starts just south of Route 9 by the St. James site, which could be useful in the future. She said that it crosses behind the Dunkin Donuts property, crosses Overbrook Road to an open field and then continues on into Natick. She said that could allow for continuation of the Cochituate Aqueduct Trail.

Ms. Babson said that this matter has gone to Town Meeting twice and has been approved. She said that the State will deed the entire parcel to the Town of Wellesley and the Town will deed 11,000 square feet

of the parcel to Bike Realty on the same day. She said that Bike Realty will pay \$223,500 to the State of Massachusetts.

Ms. Babson said that it has been an arduous process to get to this point. She said that Wetlands permitting was a unique process for the Town. She said that the project required filling in wetlands but they were able to mitigate it so that most people feel that this is a positive thing for the Town. She said that the BOS are solidly behind this.

Ms. Babson said that they still need to get the Massachusetts Historical Commission letter but that should not be a problem. She said that they have looked at Aqueduct issues in the past.

Ms. Babson said that the Planning Board and Town Meeting voted to rezone the parcel to Single Residence District A. She said that the Attorney General needs to approve all Zoning changes. She said that it must be imminent because they are required to act within 90 days.

Mr. Murray said that the project involves combining two parcels to make one parcel to operate Dunkin Donuts on. He said that they were trying to create an improved parking area and drive through lane. The Board said that it had encouraged Mr. Donovan to proceed with plans to purchase the Aqueduct parcel.

Mr. Johnson said that the existing lot is triangle shaped. He said that the existing building is not properly skewed toward Worcester Street, which presents a lot of problems. He said that there is no capability of having a good queue and stacking for the drive-through or the ability to provide good on-site parking or safe separation for cars in the drive-through queue and customers who want to access the main facility.

Mr. Johnson said that the plan is to demolish the existing building and build a slightly larger building. He said that the modern facility will allow them to incorporate procedures to increase efficiencies of product order and placement.

Mr. Johnson said that by re-orienting the building toward the street, they can get a more conventional parking layout. He said that they will increase on-site parking from 9 to 15 spaces. He said that they will reconfigure a drive-through lane all around the building. He said that there will also be an area at the back for drop off and deliveries. He said that it will be a safer situation and will not interrupt the flow of traffic. He said that the dumpster will be screened. He said that they can provide a bypass lane. He said that these are all significant upgrades to the functionality of the site.

Mr. Johnson said that there are some restrictions to the project. He said that there are two different Zoning Districts. He said that the current parcel is located in a Business District. He said that the adjacent parcel is Single Residence A where the accessory parking will be located. He said that it was challenging to meet all of the standards for landscaping and screening. He said that they went back and forth with the Planning Board to try to come up with a solution that meets the regulations as much as possible. He said that they did submit a request for a Variance for relief from some of the design guidelines.

Mr. Johnson said that the landscaping along the front of the property is required to be 5 feet in width and 5 feet in height. He said that because of the stacking after coming out of the drive-through, 5 foot high

landscaping will impede the drivers' eyes. He said that they are asking to have a maximum of 2 feet on top of a 6 inch curb.

Mr. Johnson said that they are asking to have a radius that is cut into the island to go down to 2 feet, which will allow cars coming out of the parking area to make an easier turn to get into the one way circulation out of the site.

Mr. Johnson said that everything else was designed to conform to the Zoning Bylaws.

Mr. Johnson said that they provided space for on-site snow storage in the middle and back. He said that utilities will be extended and improved to the new building. He said that there is currently no on-site drainage mitigation. He said that runoff currently sheet flows to a low lying area next to the property that is getting constantly fed with sand and salt from the parking lot. He said that the plan is to install a fully compliant drainage system that will capture and treat runoff before releasing it back into the ground. He said that any overflow from that system will split between two existing wetlands.

The Board said that the property is located in a Water Supply Protection District. The Board said that salt cannot be used in the parking lot. Mr. Johnson said that there are other alternatives instead of salt. He said that they provided an Operations & Maintenance Plan (O & M) as well as Inspection Site Log forms so that a site manager will have something that is very detailed to check off for all of the Best Management Practices. He said that part of the Order of Conditions is to show proof that the system is being maintained.

The Board confirmed that the new plans show that the menu board was moved off of the residential parcel. Mr. Johnson said that it is now just inside the business district. He said that he also delineated three employee parking spaces on the revised plans. The Board confirmed that each of the three employee parking spaces is 22 feet long.

The Board said that the plans show two runoff outlets, one to the north and one to the east. The Board asked about the ultimate disposal of the runoff that goes to the east. Mr. Johnson said that it will go into the low lying area. He said that calculations showed that it will not be a flooding issue. He said that it will feed into a pool that will never back up to the level of the building for a 100 year storm. The Board confirmed that the stormwater will either infiltrate or evaporate. Mr. Johnson said that 100 year storm calculations show that runoff to the low lying area to the north is designed to dissipate to and will infiltrate into sandy soils or evaporate.

The Board said that it was concerned about the morning rush hour when customers who have parked and gone inside have to merge with vehicles exiting the drive-through lane. Mr. Johnson said that there will have to be some discretion with people coming out of the drive-through and people coming out of the parking area. He said that there will be a wider than typical exit.

The Board said that there will be inlet signs to control and direct the traffic. The Board said that, except for the stop sign, there is nothing to direct people when the two streams of traffic come together. Mr. Johnson said that they could put a yield sign in.

The Board asked about the width of the driveway. Mr. Johnson said that it will be 35 feet from curb to curb. He said that there will be enough room for two cars to come out side by side. The Board said that would not be a safe way to exit. The Board said that there needs to be some sort of signage that limits the traffic to one lane coming onto Route 9. The Board said that, not only is there not any signage, the space is wide and does not funnel the traffic to the right place.

The Board asked about the radius at the patio. Mr. Johnson said that it was there for aesthetics. The Board said that could cause confusion. The Board said that the last two cars after leaving the take out window will be cars that are moving. The Board said that there will be a merge area for the bypass lane, the drive-through window and the traffic from the parking lot. Mr. Johnson discussed extending the island and adding a stop bar. The Board said that there could be signage at the drive-through to alert people of the traffic that is merging from the left.

The Board asked why the sidewalk along Route 9 at the eastern edge of the property was not continued. Mr. Johnson said that it currently functions as a deceleration lane. He said that they have not proposed any modifications within the State's layout. He said that they wanted to keep all of the work and disturbance on their own property. The Board asked about pedestrians walking down the sidewalk. Mr. Johnson said that it will be the same situation as existing. He said that it is not a designated sidewalk. He said that it is more of a big, wide apron.

The Board asked about extending the sidewalk along the island in the roadway of Route 9. Mr. Murray said that they met with the Town Engineers and they tried to focus on not going onto the State's land.

The Board said that another sign might be needed at the inside of the landscaping that says "right turn only" to prohibit people trying to exit out of the entrance.

The Board said that the patio is on the southern side of the building with no shade or screening. The Board asked about having separation from the cars and the patio with plantings. Mr. Murray said that the Design Review Board (DRB) asked for a planter and some shrubbery. The Board said that a few little leaf linden trees might be helpful. Mr. Murray said that the plan was to use umbrellas. He said that the space will only accommodate two tables. The Board asked about demand for outside seating. Mr. Murray said that it gets enough use to make it well worth it. He said that they thought that it might be a nice feature to add to the building. He said that there will be a wrought iron fence around it with screening. The Board said that it needs to be shown on the plans.

The Board said that a new set of plans must be submitted. Mr. Johnson said that he will incorporate all of the recommendations from the various boards onto a revised set of plans.

The Board asked if Mr. Johnson had responded to Department of Public Works (DPW) Engineering's comments. Mr. Johnson said that they met with Engineering and vetted out the comments. The Board said that it will need to have a letter from Engineering stating that all of the comments have been addressed on the plans. Mr. Johnson said that he will revise the plans and send them to Planning before sending them along to Engineering for final approval.

The Board said that there is a white vinyl fence shown on the property line on the plans. Mr. Murray said that they can use a tan vinyl fence instead. The Board said that is preferable.

The Board said that the traffic study that was submitted was from 2010. The Board asked what has happened since then. The Board said that there will be a nicer store on the ground that could generate additional traffic. Mr. Johnson said that it will not generate more traffic because it is an existing destination. He said that usually additional traffic is created for something that was not there previously or along destination roadways. He said that there will just be a modest increase in square footage. He said that the renovations will improve site features and accommodate the customers better.

The Board said that drive-through traffic may increase if the restrictions are lifted from the menu. The Board said that, in granting Site Plan Approval, the Board will retain jurisdiction to see how it works for a year.

The Board said that a Construction Management Plan (CMP) must be submitted.

The Board asked about the number of parking spaces needed. Mr. Johnson said that they only needed 14 spaces because of the square footage. He said that they will be providing 15 spaces in the main parking bank plus three additional employee parking spaces. The Board questioned the need for a Variance. The Board said that Section XXI, Subpart 3. Development Standards of the Zoning Bylaw discusses parking areas of 15 spaces or more. The Board said that only 14 spaces are required here. Mr. Johnson said that they were told that the Development Standards do apply.

Michael Zehner, Planning Director, said that the matter was discussed with the Building Inspector. He said that the bylaw is not addressing required parking. He said that they are providing 18 parking spaces, so the standards are required to be met. The Board questioned the logic of being penalized for exceeding the required amount of parking. Mr. Zehner said that it addresses 15 or more parking spaces whether or not required by the bylaw. He said that the intent is to mitigate the impacts of larger parking areas. He said that the intent of the construction standards is that the parking spaces are shielded and landscaped properly. He said that they would not be required to meet the standards if they only provided 14 parking spaces but the plans show 18 parking spaces, which triggers the requirements.

Mr. Zehner said that one of the Planning Board's comments was that, if the intention was to have employee parking on the right side of the property, they would need to stripe it. He said that otherwise it would be a no parking area. The Board asked why the area could not be hatched instead. Mr. Johnson said that Dunkin Donuts does want to provide some on-site employee parking. He said that he planned the area so that it was not someplace that a customer would be inclined to turn into.

The Board said that a list of the exact construction standards that they are seeking a waiver on must be submitted. Mr. Johnson said that he submitted a letter citing the two standards of height and width of the screening. Mr. Zehner agreed that those were the two standards requiring relief from the Board.

The Board asked about the radii around the back. The Board asked how they plan to get materials into store and what has been done so that people can get in and out of the right of way. Mr. Murray said that they typically use 18 wheeler trucks. Mr. Johnson said that they provided a 65 foot loading zone. He said that the trucks will have to do some maneuvering to get out of the way of the drive-through. He said that this will not be a 24 hour store. He said that there will be off-hours when the trucks can come in to reduce any conflict with drive-through customers.

The Board asked if the limit bar detail will accommodate an 18 wheeler. Mr. Murray said that it has a release and can swing open. He said that they can locate it where it will not hit the truck. He said that it is usually over by the menu board. The Board said that it is now shown at the entrance. Mr. Murray said that they may have to re-position that. He said that the release is pretty easy to operate. He said that the drivers come twice a week during off-hours.

The Board said that it will need to see a letter from the Fire Department.

The Board asked how the snow will get to the snow storage areas. Mr. Johnson said that he put the snow storage areas where he thought the plows were most likely to push the snow. He said that the existing facility has no snow storage. He said that they have a Snow Management Plan to take the snow off-site. He said that they will have to continue the same management plan. He said that they may be afforded a little more time before that has to be implemented. The Board said that they have to make sure that they do not pile the snow up on the Route 9 side because that would block visibility. Mr. Johnson said that the loader will have to move piles on the west side to a designated spot for pick up, as is done today.

The Board asked about a Planometric Plan for lighting. Mr. Johnson said that Dunkin Donuts has standard fixtures that they use on their newer facilities. He said that the fixtures will consist of wall packs on the outside of the building and three pole mounts. He said that there will be no light spillage on the outer property limits. He said that the fixture on the side of the building was moved over as far as possible to reduce light spillage onto the car dealership. He said that the light poles will be 20 feet high. The Board said that the light poles at the adjacent car dealership appear to be 40 feet high.

The Board questioned the need for two full wall signs. The Board said that the sign facing Route 9 should be reduced in size to comply with the bylaw. The Board said that the simplest way to do that would be to eliminate the coffee cup. Mr. Murray said that they would rather eliminate the wording under the cup. The Board said that the bylaw refers to letter size, not logo size. The Board said that it does not generally allow logos. The Board said that signs should indicate where the entrance is.

The Board said that the Dunkin Donuts across the street does not have a coffee cup on its sign. Mr. Murray said that the coffee cup is on the left hand side of the sign. He said that they do not have a monolith. He said that this sign does have a monolith design. He said that the branding has changed since the store across the street went in. He said that there were other issues with the town for the store across the street.

The Board said that the requested signs for this store do not comply with the bylaw. The Board said that the store is located at the gateway to Wellesley. Mr. Murray said that as cars travel over the hill and down Route 9, they want Dunkin Donuts to be recognized as something new. He said that they are investing over \$1million in this property. He said that they want to make sure that people understand that they are there. He said that they also have Dunkin Donut brand standards to comply with. He said that their first pass at anything is the Dunkin Donuts brand standards.

The Board said that they need to keep the square footage of the signs close to what is allowed. The Board said that the coffee cup would be considered part of the square footage of the sign. The Board said that it

would prefer to see the coffee cup eliminated. The Board said that they would need to rethink the internal illumination and go with halo lighting that will be shut off when the store closes.

The Board said that sign bylaw has changed since the existing Dunkin Donuts was built. The Board said that the intent of the bylaw is to have signage for identification to bring customers in the door. The Board said that it is not to attract people traveling down Route 9.

The Board asked about the standing sign. Mr. Murray said that the request is for a new internally illuminated sign that will be 10 feet from the property line. The Board said that Mazda sign next door is halo lit and that is so much better than internally illuminated. The Board said halo lighting is what it has been asking for the businesses at the gateway.

Mr. Murray said that internal illumination shows up better. He said that people think that their store across the street is closed because the sign is not lit. He said that going with an illuminated sign will allow for more visibility. The Board said that the Dunkin Donuts sign on Central Street is halo lit and is very visible. Mr. Donovan said that Route 9 is a much different environment. He said that cars are going fast over the hill and the illuminated sign would be easier to see. The Board said that a problem is that if the Board lets this sign be internally lit, everyone else will want them.

The Board asked that when the plans are resubmitted that they include calculations for sound emissions from the roof.

Mr. Murray asked about the need for a Special Permit if the signs are not internally illuminated. The Board said that a Special Permit is required because the signs will exceed the area allowed by right. Mr. Johnson said that the menu board does not face the street. He said that it is sized to fit the menu. Mr. Murray said that the proposal is for the menu board to be internally illuminated. He said that it is the same as the sign across the street.

Mr. Johnson said that Dunkin Donuts wants as much parking as possible. He said that he got the drainage to work with the amount of pavement. He said that if they do provide 18 parking spaces and need to request relief from the design guidelines, that is the way that they would like to proceed. The Board said that it did not have a problem with the indentation in the buffer. The Board said that it would rather see enough spaces so that people do not park the way that they do now. Mr. Johnson said that they are trying to provide as much parking as possible on the site.

Ms. Babson confirmed with the Board that it will make its decision contingent on receiving the Massachusetts Historical Commission approval letter.

The Board asked if the Town's traffic engineer, BETA, reviewed the project. Mr. Zehner said that BETA did not review this. He said that it was reviewed by the DPW.

Mr. Donovan thanked all of the people from the Town of Wellesley who were involved in this effort. He said that it is coming to a fruitful conclusion. He said that a lot of people put in a lot of time and effort to get this done. He said that this was a model public/private situation where it will be a win-win for the State, the Town and Dunkin Donuts to get a much safer facility.

The Board voted unanimously to continue the hearing to April 10, 2014.

April 10, 2014

Presenting the case at the hearing were Joe Murray, Bike Realty, Jesse Johnson, Engineer, and Katherine Babson, former Selectman. Also present at the hearing were Michael Zehner, Planning Director and Catherine Johnson, Planning Board member.

The Board said that it received an updated Construction Management Plan (CMP), an Order of Conditions, a letter from the Fire Department, a job schedule that will be part of the CMP, and a letter from the Town's Engineer regarding the need for a response for permanent boundary markers for the site.

Mr. Murray said that site plans were revised based on the Board's comments at the previous hearing.

The Board said that the employee parking must be labeled as such. The Board said that an issue was raised that if there is just cross hatching and the employees park there, people will start calling the police or the Zoning Board. The Board said that it should be painted on the pavement as employee parking.

Mr. Johnson discussed the decibel levels for the rooftop mechanical structures. He said that they submitted architectural plans with the signage application that shows the maximum decibels at the rooftop to be 83 decibels.

Mr. Johnson said that the vinyl fence along the western property border will be tan colored, as shown on the Landscape Plan.

Mr. Johnson said that the Board had a number of comments related to the landscaped island at the front of the property to better control traffic exiting the site. He said that it was extended further toward the drive through. He said that they will install a stop control. He said that there will be more signage for vehicles exiting the parking area. He said that there will be a right turn only sign. He said that they have proposed to have a stop bar with a do not enter sign to make sure that vehicles coming from the drive through do not enter the one way travel lane. He said that they will put a sign on the fence to caution exiting vehicles about merging traffic.

Mr. Johnson said that the latest plans show bounds at the aqueduct property corners. He said that the front left corner bound falls within the sidewalk. He said that they will install an iron spike there, which is typical for pavement.

Mr. Johnson said that they got responses back from Planning and Engineering stating that their concerns had been addressed.

The Board said that confirmed that Ribeiro Corp. is the contractor who does the most construction work for Dunkin Donuts. The Board said that Ribeiro Corp. has never done a free standing Dunkin Donuts in Wellesley. The Board said that it must be impressed on them that will have to follow the CMP. Mr. Murray said that he has impressed that on them. He said that they have experience doing significant remodeling. He said that he is the point person and he worked with all of the Town departments when they built the store at 978 Worcester Street.

The Board asked how Dunkin Donuts proposes to deal with 18 wheelers that stop to get coffee. The Board said that they currently park parallel to Route 9 at the telephone pole. The Board said that will block Route 9 and business. Mr. Johnson said that this store would not be desirable for 18 wheelers to stop at. He said that he designed the drive through to handle a fire truck. He said that the front of the property has been designed to be more conducive to passenger vehicles.

The Board discussed the CMP. The Board said that the hours that are listed for normal construction work is at 58 hours a week. Mr. Murray said that different trades come at different times, not necessarily at the same time. He said that Dunkin Donuts is currently in business and being closed is not a good thing. He said that they are inspired to get it open again as soon as possible.

The Board said that adding up the weeks in the CMP does not equal the weeks that are on the schedule. Mr. Murray said that it should be 12 weeks.

The Board said that the CMP discusses truck traffic and deliveries and phases 1, 2, 3 and 4. The Board said that there is a fair amount of detail on the building demolition but the other phases just list the activities. The Board asked about other equipment on the site when the demolition is going on. Mr. Murray said that they will add a detail about a crane and some other equipment, in addition to the excavator that was listed in the plans.

The Board said that the schedule currently does not have any time listed for asbestos removal. Mr. Murray said that they already had an asbestos company come out to the site for a preliminary review. He said that they had the building tested and are waiting for the results. He said that if the asbestos company does find a problem, the schedule will change.

The Board asked about peak labor on-site. The Board said that the plans say that the workers will park on-site. The Board said that there is nothing in the plans that say what the number of workers will be on-site versus the number of spaces to park. Mr. Murray said that he is very familiar with remodels. He said that they usually run about 15 people. He said that, in this situation, it will be staggered. He said that workers will be there putting up the building and will then leave. He said that once the site work is done, the interior of the building will be worked on.

The Board workers will be arriving and leaving the site during peak traffic hours. Mr. Murray said that there will not be a lot of people coming to the site. The Board said that it constructs its conditions to fit to the plans that were submitted. The Board said that it has to consider the starting and stopping hours because Route 9 is a significant artery for commuter traffic. Mr. Murray said that the workers usually arrive between 6 and 7 am. He said that they listed the departure at 6 pm because 5 pm would not be a good time to get out of the area. He said that some people will leave earlier. Mr. Johnson said that the traffic during construction should be a fraction of what there is when the business is operating.

The Board asked about the likelihood of using off-site parking. Mr. Murray said that Ribeiro Corp. has company vehicles and all of his people arrive in the two company vehicles. He said that they have an arrangement with the bank down the street. He said that there is a small opportunity to park across the street at their other location. He said that he spoke with the contractor and they agreed that ideally there will not be any off-site parking but if they need to, they do have a backup plan.

Mr. Murray said that utility interconnections will occur during the site work phase. He said that he has to speak with the Water Department because they had asked that once Dunkin Donuts was done with the Zoning Board of Appeals process, they would go back to DPW to coordinate timing.

The Board asked if all of the interfaces are on site. Mr. Johnson said that the only one that is on Route 9 is the water. Mr. Murray said that the Water Department did not indicate a need for night work.

The Board said that the sign on the east side of the building will not be seen from Route 9. Mr. Murray said that he needs to have sign there. He said that it will be fully compliant. He said that he does not want to have a blank wall.

Mr. Murray said that they can re-lamp the pylon sign and dress it up a bit. He said that they will remove the fluorescent light at the top re-lamp it with LEDs. He said that they have been waiting to make the building look nicer.

There was no one present at the public hearing who wished to speak to the petition.

Ms. Babson thanked the Board for its comments to the petitioner about possible acquisition of the aqueduct land. She said that once the transaction is complete it will be beneficial all around to the petitioner, the town and the state.

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Submittals from the Petitioner

- Cover letter to ZBA, dated 2/4/14, from Jesse Johnson, P.E., David E. Ross Associates, Inc.
- Application for Site Plan Approval, dated 2/4/14
- Development Prospectus, dated 2/4/14
- Memorandum to Aharonian & Associates Inc. Architects, dated 1/29/14, from Vincent A. Di Iorio, Inc., re: Dunkin Donuts
- E.02, Proposed Power One-Line Diagram, dated 1/29/14, prepared by Vincent A. Di Iorio, Inc.
- P1.1, Domestic Service Entry Detail, dated 1/30/14, prepared by Aharonian & Associates, Inc.
- Site Plan Approval Review Plans & Submittal Checklist
- Square Steel Poles, CL-SSP Series, Cree Integrated Lighting Solutions
- STR-LWY-3M-AA, IP66 LEDway® Streetlight – Type III Medium, revised 8/11/11, BetaLED®, a division of Ruud Lighting
- 5" Cylinders, Wall Mount, Outdoor WSC-1 (bronze), revised 1/04, Progress Lighting
- Lumark, XTOR1A, Type G, XTOR Crosstour LED, 11/16/11, Cooper Lighting
- TCP Pro, LED Dimmable PAR30 Lamps, TCP, Inc.
- Definity™/PAR20 & PAR20 Hi-Output, 2012, LightingScience
- Memorandum, dated 9/2/10, to William Donovan, from Jeffrey S. Dirk, P.E., PTOE, re: Dunkin Donuts Parking and Circulation Evaluation Update
- Stormwater Management Report for 951 Worcester Street, dated 2/14, prepared by David E. Ross Associates, Inc.
- Construction Management Plan, dated 3/31/14, revised 4/9/14, prepared by Ribeiro Corp.

- Letter to Kathleen Nagle, Town Clerk, dated 3/25/14, from Margaret J. Hurley, Assistant Attorney General, re: approval of Article 10, Motion 3.
- Letter to Mary E. Gardill, Project Manager, Division of Capital Asset Management, dated 9/8/11, from Brona Simon, State Historic Preservation Officer, re: Cochituate Aqueduct Conveyance
- Letter to Brandee Loughlin, Preservation Planner, dated 11/8/13, from David Wright, Wellesley Historical Commission, re: Cochituate Aqueduct Conveyance
- Letter to ZBA, dated 3/20/14, from Jesse Johnson, P.E., re: Variance Request
- Response to Wellesley Engineering Department Review Memo dated 3/18/2014, dated 3/31/14, from Jesse Johnson, P.E., David E. Ross Associates, Inc.

ORIGINAL PLANS

Plan Number	Drawing Title	Date of Issue	Prepared By	Date of Revision
Plan #L-12251	Locus Map	2/3/14	Jesse W. Johnson, P.E.	4/1/14
Plan #L-12251 Sheet 1 of 8	Existing Conditions/Demolition Plan	2/3/14	Jesse W. Johnson, P.E.	4/1/14
Plan #L-12251 Sheet 2 of 8	951 Worcester Street Site Plan	2/3/14	Jesse W. Johnson, P.E.	4/1/14
Plan #L-12251 Sheet 3 of 8	951 Worcester Street Plot Plan	2/3/14	Michael D. Martorella, Profession Land Surveyor	4/1/14
Plan #L-12251 Sheet 4 of 8	951 Worcester Street Grading & Drainage Plan	2/3/14	Jesse W. Johnson, P.E.	4/1/14
Plan #L-12251 Sheet 5 of 8	951 Worcester Street Utilities Site Plan	2/3/14	Jesse W. Johnson, P.E.	4/1/14
Plan #L-12251 Sheet 6 of 8	951 Worcester Street Parking Plan	2/3/14	Jesse W. Johnson, P.E.	4/1/14
Plan #L-12251 Sheet 7 of 8	951 Worcester Street Landscape Plan	2/14	Lawrence Greene, Jr., Registered Landscape Architect	4/1/14
Plan #L-12251 Sheet 8 of 8	951 Worcester Street Erosion, Sedimentation, Operation & Maintenance Plan	2/3/14	Jesse W. Johnson, P.E.	4/1/14
Plan #L-12251	Lighting Plan	2/2014		4/1/14
	Cover Sheet – Architectural Zoning Submission	2/3/14	Aharonian & Associates, Inc.	
A1.1	Proposed Floor Plan & Typical Wall Section	2/3/14	John Aharonian, R.A.	
A2.1	Proposed Exterior Building Lighting Plan	2/3/14	John Aharonian, R.A.	

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A3.1	Proposed Exterior Elevations	2/3/14	John Aharonian, R.A	
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On February 10, 2014, Michael Coppellotti, Wellesley Municipal Light Plant, reviewed the plans and submitted comments.

On February 12, 2014, the Wetlands Protection Committee issued an Order of Conditions, WPB-8.

On February 28, 2014, the Design Review Board reviewed the plans and submitted a recommendation.

On March 13, 2014, the Planning Board reviewed the plans and submitted a recommendation.

On March 18, 2014 and April 7, 2014, George Saraceno, Senior Civil Engineer, reviewed the plans and submitted comments.

On April 3, 2014, the Fire Department reviewed the petition and submitted comments.

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DECISION

Based on the application and other information described in this Decision, the Board found that the proposed Major Construction Project that consists of demolition and reconstruction of the Dunkin Donuts facility with drive-through and onsite parking with additional parking to be located on a newly acquired 11,000 square foot parcel is in harmony with the general purpose and intent of the Zoning Bylaw, subject to conditions listed below, in conjunction with the Special Permits, Variance and Site Plan Approval, and voted unanimously to grant Site Plan Approval.

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

It is the opinion of this Authority that granting a variance from the Zoning Bylaw to reduce the parking area screening along the frontage from five feet in height to two feet in height and reduce the screening width to less than five feet along a 25 foot section, with respect to this particular land, is appropriate as the literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner, owing to circumstances relating to the shape of the lot, especially affecting such land or structures but not generally affecting the zoning district in which it is located; and the hardship is not self-created. Desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested Variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw is granted to allow for reduction in the parking area screening along the frontage from five feet in height to two feet in height and reduction of the screening width to less than five feet along a 25 foot section.

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

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 one year from the later to occur of: (a) the date on which this Site Plan Approval may be exercised as a matter of law; or (b) the date that all other Project zoning approvals and wetlands orders become effective. 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 May 22, 2014. 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.
4. Contract documents, including working drawings and specifications for the Project shall undergo the usual and customary review and approvals of the Inspector of Buildings, 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 WPB-8 dated as of February 12, 2014 as specified by the Wellesley Wetlands Protection Committee, as may be amended or modified under applicable law.
6. The Applicant will establish a website, or use an existing website during the duration of site construction activities, to provide Town officials and residents access to the most current scheduled activities and to notification of upcoming project events that reasonably have the potential to impact the surrounding neighborhood or the traffic on Worcester Street. 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 14 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

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the Town concerning the construction activities or compliance with the Conditions of the Site Plan Approval, including the Order of Conditions. The number 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 Board will maintain jurisdiction with respect to traffic merging and exiting from the premises and any other traffic issue

Design Conditions

8. 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 designed and constructed on the Site in 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.
9. During the post-construction period, all parking for customers and employees shall be within the open air lot on-Site, and not on Worcester Street. The Project shall include parking spaces in accordance with the Plans submitted, and the final Plans shall have no fewer than one (1) handicapped parking space, nor will the overall aggregate number of spaces be reduced below 14 without the administrative consent of the Board.
10. Employee parking areas shall be designated by signage and yellow markings on the ground.
11. The final Site lighting design shall not result in light levels outside of the Site boundary higher than those shown on drawings Plan #L-12251 as submitted with the Site Plan Application.
12. Along the southerly boundary of the Site, in the traffic island the final landscaping plans shall use no trees larger in height than those shown on the drawing Plan #L-12251 unless otherwise approved by the Board.
13. Adequate Yield, Stop and Right Turn Only signage shall be placed where traffic exits the site.

Construction Conditions

14. The Applicant shall implement its Construction Management Plan as specified in its submittal dated 3/31/14, revised 4/9/14, as modified by these Conditions.
15. During the period of construction, all construction equipment and material deliveries that do not originate locally shall utilize: (1) Route 128/I-95 to Worcester Street [Route 9] and Worcester Street to the Site; or (2) any other such route as the Applicant shall agree with the Wellesley Police Department prior to its use.
16. During the period of construction, on-site parking for construction workers and for construction equipment is specifically permitted, and no vehicles of construction supervisors or workers and no construction equipment shall be parked or staged on Worcester Street, Overbrook Drive, Ottaway

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Circle or any other public way of the Town. 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 thirty days prior to the time that such on-site parking capacity is reasonably anticipated to be exceeded, the Applicant shall submit to the Board its plan for off-street parking and transportation of workers from the off-street parking site to the Site, such submittal being for the purpose of demonstrating compliance with the requirements of this Condition (13). 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. The Applicant may perform construction work on Saturday between the hours of 8:00 a.m. and 6:00 p.m. If in exceptional circumstances or, due to delays resulting from inclement weather the Applicant determines that 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 noise levels specified in the Noise Control Regulation, 310CMR7.10. No work shall be permitted either on Sunday or on a legal holiday in the Town of Wellesley.
18. During the period of construction, noise emissions from the Site shall not exceed the values shown in the Construction Management Plan in Noise Control Regulation, 310CMR7.10.
19. 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

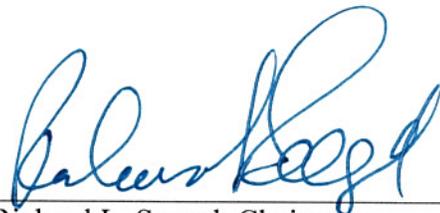
20. The stormwater run-off and drainage system shall be operated and maintained in accordance with the Order of Conditions and the Operations and Maintenance Plan submitted by the Applicant. Operation and maintenance of the stormwater run-off and drainage system shall comply with the requirements of the Town's "Municipal Stormwater Drainage System Rules and Regulations" in effect at the time of this Site Plan Approval.
21. Landscaping shall be in conformance with the Landscaping Plan and shall be maintained, repaired, or replaced as needed by the Applicant. For the plantings along the northerly and easterly boundaries, in the event that construction activities cause any of the existing trees to die within two years of the completion of construction, the Applicant will replace the failed tree(s) with the tree in the Plant Schedule shown on drawing L-12251 that is closest in species and closest in size to the tree that died. 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.

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Petition of Bike Realty, LLC
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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 G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm