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ZONING BOARD OF APPEALS

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ZBA 2014-94
Petition of FR Linden Square Inc.
231 Linden Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 23, 2014, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of FR LINDEN SQUARE INC. requesting amendment of Site Plan Approval, ZBA 2006-28, that was granted on June 2, 2006 and amended as ZBA 2010-50 on July 1, 2010, pursuant to the provisions of Section XI, Section XIII, Section XIVG, Section XVIA and Section XXV of the Zoning Bylaw, for amendment of Site Plan Approvals, ZBA 2006-28 & ZBA 2010-50, for improvements including reconfiguration of customer parking, relocation of existing parking lot lights, incorporation of a new stormwater management system, incorporation of landscape areas within the site and adjacent to Linden Street, installation of new concrete pedestrian sidewalks along the south side of Linden Street, and closure of the eastern curb cut to Linden Street. The site is located at 231 LINDEN STREET, in a Business District, an Industrial District and the Linden Street Corridor Overlay District.

On September 16, 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 David Webster, Federal Realty Investment Trust, (the Petitioner), who said that he worked on the initial Linden Square Development Project and has recently come back to work on this aspect of the project. Also present were Rob Adams, Registered Landscape Architect, Halvorson Design, and Griffin Ryder, Civil Engineer, VHB. Mr. Webster said that they are the Design Team that has been intimately involved with this from the beginning.

Mr. Adams said that Halvorson Design is a landscape architecture firm in Boston. He said that they did the original improvements to Linden Square a few years ago and they are proud of how they came out. He said that they were present at this hearing to close the final chapter on improvements in the Town's right of way and the private realm of the VW dealership. He said that this will not be as intensive as the original project but a continuation of the improvements.

Mr. Adams said that the site includes from the back of the curb to the MBTA tracks and a somewhat fictional property line between the VW parking lot and the adjacent development. He said that on the eastern side is a landscaped buffer between VW and the adjacent owner. He said that the site contains a public way as well as private space.

Mr. Adams said that the improvements are limited to the streetscape as well as some minor interior improvements to customer parking and interior circulation. He said that they will continue the streetscape from Linden Square down to the eastern property line of this site. He said that there will be a street curb, trees over lawn area, Washington Post Top Fixtures that are identical to fixtures that are further west, 6 to 6.5 foot concrete sidewalk that is identical to the remainder, a landscaped buffer that varies in its depth and intensity, and a continuation of some linear feet of the stone wall to act as a retaining wall moving easterly. He said that they will be removing the existing overhead fixtures in the VW lot and replacing them with full cut off LED fixtures. He said that there will be more organization of customer parking on the west end, clearly demarcated and following the Zoning principles. He said that there will be stormwater improvements that follow the original Development Plan. He said that there will also be improvements to the façade of the VW Dealership.

The Board confirmed that there will be a vehicular pass through at the front of the property.

Mr. Adams said that they will be eliminating the eastern curb cut. He said that the horizontal alignment of the curb will remain. Mr. Ryder said that there are three existing curb cuts. He said that they eliminated one curb cut and formalized the other two curb cuts. He said that the curb cuts will come into the site a little bit more. He said that there will be stop bar and a stop sign for pedestrian safety. He said that they will continue the driveway treatment that they have throughout the rest of the development. He said that through the Design Review Process (DRB) they increased the radii for the curb cuts to allow for larger vehicles to come in and out of the site. The Board confirmed that the radii were increased for both of the curb cuts. Mr. Ryder said that there will be a sign demarcating the customer entrance. He said that, as you come in, there will be 21 surface spaces available for customer parking. He said that there will be a couple of ADA spaces in front of the building with a sidewalk to get to the front door. He said that circulation will be provided to allow customers to get in and out easily. He said that dimensionally everything will meet the Zoning requirements with standard sized parking spaces and drive aisle widths. He said that they will also incorporate a couple of landscaped islands in the parking area.

Mr. Ryder said that they will extend the greenscape along Linden Street and some buffer behind the sidewalk. He said that overall it will result in an increase of 4,750 square feet of pervious area which will help to reduce stormwater rates for the site.

Mr. Ryder said that the existing site has old catch basins and catch basin to catch basin connections that are no longer allowed by DEP Regulations. He said that they will replace all of the catch basins with 4 foot deep sump hooded catch basins and will put a trunk line in through the front of the site. He said that the trunk line will tie into a stub that was developed as part of the Phase 2 Development, which involved the southern half of Linden Square. He said that ties into an existing stormwater quality structure located near the front of what used to be the Roche Bros. site. He said that was designed to treat the stormwater as part of the overall improvements that were approved in 2006.

The Board asked where the water will go from there once it is treated. Mr. Ryder said that it will go to a culvert that runs under the south building where Roche Bros. used to be. He said that the treated stormwater will go to the culvert and then to the wetland behind it on the south side of the railroad tracks. He said that they did a large study with the original development that encapsulated the whole town to make sure that the development would not negatively impact other properties downstream.

Mr. Ryder said that there will be better circulation, better arrangement of the curb cuts, better safety with stop signs, increased water quality treatment and reduction of peak rates of stormwater runoff. He said that they added a fire hydrant at the front of the site to provide better coverage around the building.

Mr. Adams said that the plant material will be a continuation of the same plant materials that they have used around the other parts of the development. He said that 4 inch caliper Ulmus Patriot Elms will be the street trees. He said that they are durable, have fall color and are hardy trees.

Mr. Adams said that they will remove the existing lighting poles and add 22 foot poles with a clean LED fixture with full cut off. He said that foot candles readings in the front display area will range from 9.5 to 10 and a little bit hotter beneath the lights. He said that it will be to 3 to 3.5 for the remainder of the lots. He said that there have been discussions about turning the LED lights down after hours to about 25 percent, similar to the front display lights. He said that they will be fully dimmable. He said that they will go out into the field to figure out the right level where everything is safe at night and after hours but not so bright that it still feels like it is working hours. The Board asked if the existing lighting is turned off at night. Mr. Adams said that the intention is that the lighting fixtures will be turned off at night. He said that he was not sure if that currently happens or not.

The Board asked about the height of the existing poles. Mr. Adams said that they are a little bit taller than 22 feet. He said that the proposed fixtures will be similar in height. The Board said that the existing array has a larger light and a smaller one on the pole. Mr. Adams said that the new fixtures will be very thin and elegant. He said that they are about as benign as you can get for a lighting fixture. He said that the existing poles have double heads. He said that the proposed fixture has a single head on the street side, doubles on the interior and two quads. He said that they will augment 9 to 10 fixtures along the front with very small flood fixtures to get more illumination along the display area at the VW Dealership. The Board said that there was no information submitted to it regarding that. Mr. Adams said that the plans have been slightly revised. He said that they originally had double heads on the front section. He said that they were able to eliminate those and go with a single head by adding two 9 by 16 by 5 flood lights halfway up the pole for higher foot candles along the front row without the broadcast of the double fixtures. He said that there will be full cut off of the small fixtures and they will be slightly angled toward the middle of the property.

The Board asked about the expected growth of the vegetated buffer. Mr. Adams said that some of the plant materials will be deciduous, some of it will be woody, and some of it will be herbaceous, such as ornamental grasses, so it will grow and fall back. He said that there is some evergreen material in there as well. He said that in the middle of the summer it will be 24 to 30 inches tall. The Board said that it is decorative as well as shielding the chrome, the lights and shiny things. Mr. Adams said that it will be very similar plant material to what is up and down the road.

Mr. Adams said that the Washington Post Top Light fixtures are standard on Linden Street. He said that a section of the stone wall will continue and the existing signs will remain. The Board asked about the existing retaining wall. Mr. Adams said that the retaining wall will be removed and a section of stone wall will be established and will jump across the curb cut to form a foreground for the VW Dealership. He said that the keystone wall will be eliminated and the fieldstone wall will be continued. The Board confirmed that there will still be a retaining wall. The Board said that there was some preference by some neighbors that the wall concept be continued further east on Linden Street. The Board asked if that is still

under consideration. Mr. Adams said that it is. He said that they felt that they had done a good job in extending the streetscape and the wall. He said that they started to get into constricted areas. He said that where they terminated the wall was logical. He said that they used plant materials for beautification continuing east.

The Board said that this property serves as the transition property to the other commercial properties to the east. The Board said that it has to carefully figure out how to deal with the lighting because there are residential properties across the street. The Board said that there should be a way to improve on the existing conditions. The Board asked about existing lighting levels. Mr. Adams said that their lighting designer measured the existing levels. The Board said that the Photometrics Plan that was submitted is no longer accurate. Mr. Adams said that the revised plan is very similar. He said that they were able to eliminate some heads and put some smaller floods in, which they felt was a vast improvement. The Board said that information regarding the existing lighting levels should be submitted before the Board approves its decision. Mr. Adams said that there are a lot of hot and cold spots with the existing conditions. He said that what is proposed is more monolithic continuous lighting. He said that with the existing conditions, the levels range far greater in some places and far less in between the fixtures that are proposed. He said that the idea is that this will be a more uniform lighting and from a perception point of view there will not be the hot spots or glare. He said that the plan is to even the lighting out. The Board said that the reason for the lighting is to advertise that there are vehicles for sale there and at the same time there needs to be a balance so that the lighting is not over the top for the residents and passersby. Mr. Adams said that the lighting is adjustable.

The Board confirmed that the proposal is for new fixtures on the western edge of the parcel as well. Mr. Adams said that they are proposing three single head fixtures along the western edge to properly illuminate some of the customer parking. He said that those fixtures will be similar to the taller fixtures on Linden Street without the secondary smaller floodlights. The Board confirmed that the smaller floodlights are to highlight vehicles.

The Board confirmed that the taller 22 foot LED fixtures are for general illumination. Mr. Adams said that the 22 foot fixtures will yield approximately 8 foot candles at a hot spot going down to 3 foot candles between fixtures. He said that they supplemented along the front edge with smaller heads to get a brighter display along the front.

The Board asked if there is a requirement for security lighting. Mr. Adams said that lighting will be a maximum of $\frac{3}{4}$ to 1 foot candle so that the police can monitor after hours.

The Board said that it had recently addressed neighbors' concerns about lighting for the Fiske School project. The Board said that it was willing to allow adding lighting to a previously unlit parking lot subject to a condition that there be a specific Lighting Management Program implemented. The Board said that it may expect a similar plan for this project as well. The Board said that it will need to have confidence that whoever is responsible will know how to operate the lighting system. The Board said that even with sophisticated lighting systems, there needs to be someone assigned who knows how to operate it.

Mr. Adams said that one of the major improvements will be that the lighting system will be modernized. He said that currently it is operated by someone throwing a switch and if they forget to flip the switch, the

lights do not turn off. He said that the new system will be on a photometric or clock timer that will dim the fixtures after hours for security lighting.

The Board asked about the fixtures on the western edge of the property. The Board asked if they will have a similar ability for cutoff since they are turned 90 degrees to the ones on Linden Street. The Board confirmed that the light fixtures will not throw side light or direct glare. Mr. Adams said that the head is slightly tipped to get a little bit of forward display. He said that overhead Cobra Head LED fixtures are very point specific, almost to a fault. He said that the foot candle pattern is almost a box coming out from the fixture. The Board asked if the heads will be adjustable. Mr. Adams said that they are not adjustable. He said that they will be at a 90 degree angle. The Board said that the lot lighting that is on Linden Street is tilted toward the railroad tracks and presumably will not spill back onto Linden Street or worse, across the street onto the sidewalk or onto neighbors' properties. The Board said that if the fixtures are not positioned properly, especially at 22 feet, there is potential for the light source to be visible. Mr. Adams said that they will confirm that those fixtures will not create point source glare. He said that there may be the ability to recess the LED fixtures deeper into the housing or have an extended housing with more of a deeper cutoff.

The Board said that the second set of plans that was submitted represented changes that were made as a result of meetings with the Planning Board and the Department of Public Works (DPW). The Board said that the plans did not highlight the changes and it took a bit of effort to find all of the changes. The Board asked that future drawings highlight the changes to make it easier for the Board to confirm. Mr. Ryder said that they will be submitting revised drawings that are in response to DPW comments. He said that they can highlight all of the changes that have been made since the original submission.

The Board asked if VHB met with DPW to discuss their comments. Mr. Ryder said that he spoke with Doug Stewart over the phone and they went over the comments. The Board confirmed that there was nothing contentious and that it will receive a follow up letter from DPW.

The Board asked how the numbers were derived for the proposed parking. The Board asked that the numbers be related to the requirement and also the split between the building with first floor retail, second floor office, and industrial service bay area. Mr. Ryder said that Plan C3 shows customer parking. He said that the building is in three segments with the showroom, the office, and the service area. He said that the Linden Square Overlay District has specific parking requirements, which are either A or B on the plans. He said that it is either 5 parking spaces per 1,000 square feet of ground coverage of non-residential buildings but not less than 3.2 spaces per 1,000 square feet of floor area of non-residential buildings. He said that they ran both calculations using the office and the showroom. He said that the service area does not count in the calculation, according to the Planning Director. He said that they took the greater of the two calculations, which was 3.2 spaces per 1,000 square feet of floor area of non-residential buildings, which equates to 42 spaces. He said that there is precedent for the interior service bays to count as spaces. He said that they counted 21 interior service bays and netted them out of the total calculation for 42 spaces. The Board said that counting interior spaces may have been approved for a different project but there may have been specific conditions for the Board to allow that. Mr. Ryder said that they spoke with the Planning Director regarding the parking requirements and the Planning Director indicated that the 21 interior spaces would count and the balance could be provided on the site.

A Board member read the Planning Staff recommendation. He said that it is Michael Grant's role as Building Inspector to interpret the Zoning Bylaw, not the Planning Department. He said that the Board received a different interpretation from Mr. Grant. The Board asked that the Applicant put into writing why they think it is reasonable to count the interior spaces as applying to the required parking spaces for the public.

Catherine Johnson, Planning Board, said that she was speaking on behalf of Ethan Parsons, Assistant Planning Director. She said that Mr. Parsons spoke with Mr. Grant about the interior spaces and Mr. Grant's opinion was that, without knowing any details about how wide the garage door is with respect to the required 18 feet, and without knowing about the maneuverability within the building, it would be hard for him to make a determination as to whether the interior spaces count or not. The Board said that, logically, it would be in the best interest of VW to make the parking and the sequence of customer service work well.

The Board questioned how the parking would work. The Board said that a customer cannot just drive into a service bay to park. Mr. Ryder said that many customers come to site to get service. He said that they leave their car and the car gets pulled into the bay. The Board said that there is no requirement for parking in the industrial space but the plan is to use the spaces to cover the retail requirement. Mr. Adams said that this specialized Zoning district has a different method for calculating required parking spaces. Mr. Webster said that some of the customers are there to put their cars in for service. The Board said that there is no direct link to say that a car that is there for service will immediately be moved to a service bay or that it will have to be stored on the lot somewhere. The Board said that there are a lot of inventory spaces on the lot that staff could move the cars to. The Board discussed parking demand and requirements. The Board said that some people wait for their car while others leave for the day. The Board said that the cars that are left for the day do not stay in the service bay. The Board questioned whether the service bay can be counted in the parking calculation.

The Board asked if there will be any excavation or paving work done in the parking lot to re-jigger the way the parking spaces are lined up and installation of the islands. Mr. Ryder said that they are looking to maintain the majority of the existing pavement. He said that there will be a little bit of repaving at the entrances because of the changes in grade.

The Board said that that the new drainage will connect with the pre-planned master drainage that was designed in 2006. The Board asked if the existing drainage currently goes to that system. The Board said that there have been problems throughout town with all the crossings with the MBTA because it is difficult to enlarge the old infrastructure. The Board asked if the site is currently draining under the MBTA tracks. Mr. Ryder said that there are a couple catch basins that go into the street. He said that the street system flows to the culvert and bypasses the water quality structure. He said that the proposed system will send the runoff to the water quality structure, which will improve the quality of stormwater leaving the site. The Board confirmed that runoff flow will be decreased from the site to the culvert.

The Board said that pervious surface will be increased. The Board asked about the size of the trenches. Mr. Ryder said that the trunk line is 15 inches and will tie into 18 inches, probably with a trench box that is four to five wide. He said that they will not go all that deep with them.

Collette Aufranc, 5 Hill Top Rd, said that her street is across from the curb cut that will be closed. She said that her house is one in from Linden Street. She said that she sent a letter to Board. She said that the neighborhood has a loosely organized neighborhood organization. She said that she has been working with Federal Realty for several years and they are very aware of the neighborhood concerns.

Ms. Aufranc said that the neighbors had spoken with DRB about the extension of the look and feel of Linden Street. She said that she thought that there was going to be a few pieces of wall and plantings included further down to the end. She said that she was surprised to not see that on the plans that were presented tonight. She said that, other than that, they had come to a good compromise on the landscaping.

Ms. Aufranc said that there are still two concerns for the neighbors, one is the lighting and the other is deliveries. She said that she recently had to buy blackout curtains for her bedroom to block the night time security lights from Sovereign Bank and Dunkin Donuts. She said that she is very concerned about an increase in lighting. She said that she is concerned about looking at a car park that was previously dark. She said that when she looks out of her front room now, all that she sees is the neighborhood. She said that her children's bedrooms are at the front of the house, so now she will have to buy blackout curtains for their rooms because of the disturbance of night lighting to morning light. She said that it is better for them to wake up to gradual light. She said that she was concerned about having a certain level of lighting all night. She said that there is currently no street lighting in front of VW. She said that there has been no night lighting there before. She said that she sent pictures to the Board of her lighting survey. She said that she appreciated that the new fixtures will be more attractive but highway lighting is highway lighting. She said that the lower lights will reflect off of cars. She said that the façade of the building will be changed from a brown unattractive building to a bright shiny white and silver reflective building. She said that she has lived in her house for 18 years and plans to live there a lot longer. She said that she appreciated that the Board asked for a Lighting Management person because it is important for the neighbors to have someone to go to with their concerns. She said that over the years the neighbors have had concerns, some of them minor, that have taken a long time to resolve with VW. She said that it took a long time to resolve a problem with loudspeakers that woke her children up.

Ms. Aufranc said that she is concerned about the deliveries that happen on a consistent basis. She said that there is a designed flow where the big trucks come in and park on Linden Street and neighborhood streets to unload. She said that is not safe and not fair. She said that she takes a picture every time she sees it happening and shares it with Federal Realty. She said that every month they have a number of trucks unloading on the street. She said that there are a lot of children in that area. She said that the Middle School students come up her street for their physical education. She said that it should be safe for them. She said that whatever is done now will be for the next twenty years for the neighbors.

Ms. Aufranc said that there is a large contingent of neighbors who share her concerns. The Board commended Ms. Aufranc and her neighbors for attending the Planning Board meetings as well because it is important for them to share their concerns.

The Board asked about vehicle deliveries. The Board said that it does not seem possible for the trucks to turn around on the site. Mr. Ryder said that the proposed curb cut will be wider to allow for a standard 50 foot tractor trailer to get onto the site. He said that he did not know how the trucks will operate once they are on the site because that is more of an operational issue. He said that VHB would have to work with the dealership to define that. The Board said that it will be looking for some sort of vehicular plan that

provides for fire truck access. The Board said that the Vehicle Management Plan could include more detail about the parking and how it is counted and what can be done in a management way to facilitate streamlining operations because it is unfair to the neighbors to have trucks parked in their neighborhood.

Mr. Webster asked if there is any signage on the street that prohibits loading or unloading. Ms. Aufranc said that it is either part of the Development Agreement or the Lease Extension Agreement to deliver on-site. She said that some of the trucks are so long that they block the driveway.

The Board said that the Management Plan should be produced by the VW General Manager, who can make it happen. The Board said that with the turning and maneuvering of large trucks there are other operations involved with moving cars and things like that, which would be acceptable but would fall within the general management of operations on the site. The Board said that it is not asking the General Manager to produce the plan but it is one step closer to reality if the General Manager is involved. The Board said that, in its conditions, it can appoint the General Manager to be the responsible person who neighbors could contact in the event that there are issues. The Board said that truck drivers do not always do what they have been told to do. The Board said that sometimes a truck driver will get to a site earlier than they are supposed to and park someplace where they are not supposed to. The Board said that the General Manager should be the oversight person so that whatever is planned is adhered to.

The Board said that there will be regular street lighting involved with the Washington Post Tops. The Board confirmed that those fixtures will be normal street lighting that will be on all night. The Board said that, for the neighbors, there has to be a distinction made between street lighting that is town owned and will operate all night and the actual dealership's lighting. Mr. Adams said that those lights will be on completely different circuit. He said that the Washington Post Top lights will be connected to the town's lighting control boxes and power supply. The Board said that some of the development will be in the right of way. Mr. Adams said that it will be similar to the existing development.

Laura Fragasso, 166 Oakland Street, asked about the color of the light. She said that there is a lot of research that blue light is harmful, has more scatter and is very bright. She said that some people refer to them as white lights but they are really blue lights with a yellow refractor. Mr. Adams said that he did not know the answer to that but will find out.

The Board confirmed that the lower lights that will shine on the cars will be turned off after hours. The Board said that the 22 foot cobra lights will be dimmed down to security level after hours. Mr. Adams said that the security lighting should not shine in the neighbors' bedrooms. He said that there will be no direct light. He said that some ambient light will occur.

Brian Lafferty, Colonial Auto Group, said that the lights will be off within a half hour of closing time unless there is a security issue going on. He said that they will use a low level of light that is typically around 1 candle foot to allow infra-red cameras to work. The Board said that it is asking for a written statement about how the lighting will be managed.

Mr. Lafferty said that the existing lights at the dealership are probably 40 years old. He said that the lighting that they use today is more sophisticated and is not left to someone's memory to shut off when they go home. He said that the lights are set on an astronomical clock with no human intervention.

The Board said that the plans show some signage and there was reference to existing signage that will be maintained for now. Mr. Adams said that there is a pole sign near what is now the middle curb cut, soon to be the eastern curb cut. He said that there is a small pylon sign near the front door of the dealership. The Board said that the existing nonconforming standing sign is allowed to remain.

The Board said that the agreement with the Engineering Department is still outstanding. The Board said that the Board of Selectmen (BOS) have jurisdiction over the right of way. The Board said that it will need to see something that shows BOS approval of the proposed work in the right of way, as well as final approval from Engineering. Mr. Webster asked if BOS approval is something that is needed before coming back before the Board. The Board said that ZBA is usually the last stop so that it does not have to issue conditions based upon assumptions. The Board said that the BOS may issue conditions. Mr. Webster said that the work is referenced in the Development Agreement. The Board said that at the time of the original plan, it was for a different use and the Board does not know if that will make a difference in the plan.

The Board asked about the trigger for Site Plan Approval. Mr. Ryder said that they will be disturbing more than 5,000 square feet of vegetated cover for site work. The Board asked if the original agreement triggered any architectural changes that were part of the overall Linden Square Development. The Board said that there were developments on the south and north sides for signage controls and landscaping standards that were approved and subsequently revised and approved by the Board.

A Board member said that he was pleased to see that the exterior of the building will no longer be white but rather a warm gray on the larger panels. He said that will reduce the reflectivity of the building in terms of night lighting.

The Board asked about vehicle parking and other deliveries such as parts. Mr. Lafferty said that in most communities they do include the spaces inside the building as counting toward the parking requirements. He said that every town has different parking requirements. He said that at this dealership they probably have 30 to 35 cars a day for service, of which probably 60 to 70 percent are customers who wait in the waiting area. He said that 20 to 30 percent of the cars that they take in on an average day come in for express lube and are in and out in approximately 40 minutes. He said that they typically distinguish between parking spaces that the public drive into and other parking. He said that customers check in at Service Desk and they park their car themselves. He said that the majority of the service customers come in prior to 9 am. He said that they do not have many parts or sales customers at that time. He said that after the repair order is written up, the customer either goes to the waiting area or takes the shuttle van to work. He said that once the repair order is written up, the car is then moved. He said that the first 20 cars in the morning are typically moved into the shop. He said that sometimes the vehicles are moved to a holding area where there is more room. He said that it is in the dealership's best interest to make it easy for the customer to show up, park the car and do business. He said that the dealership tries to have a reasonable amount of space and a simple flow for the customers. He said that the sales customers are typically at the dealership in the evening or on Saturdays and Sundays. He said that service customers are usually there between 7:30 and 9:30 am and again between 3:30 and 5:30 pm when they pick their cars up. He said that there are not a lot of sales customers during the day.

Mr. Lafferty said that parts customers are typically commercial. He said that parts deliveries come during the night. He said that they now do "just in time" parts. He said that they do not stock a lot of parts

anymore because they get them within 24 hours. He said that the parts usually come in between 8 pm and 5 am. He said that the drivers have access codes to the building. He said that there may be a UPS or Fedex truck coming during the day.

The Board confirmed that the parts delivery trucks drive into the building. Mr. Lafferty said that in the newer buildings there are small overhead doors that open up for the driver to put a pallet in and then they leave. He said that he was not sure if this dealership is equipped that way. He said that there are no parts deliveries during the day. He said that vehicles are delivered during the day. The Board confirmed that vehicle deliveries are only the ones that come on big trucks. Mr. Lafferty said that sometimes parts deliveries come in box trucks.

The Board said that the vehicle delivery trucks sometimes end up in the neighborhoods. The Board said that this particular area is close to the Middle School and the High School and there are a lot of kids walking back and forth. The Board said that it would prefer to see a management plan that allows the car deliveries to be on-site. The Board said that it should be that when a truck comes in, everyone at the dealership knows what to do to provide the circulation, turning radii and off-loading spaces that are needed. Mr. Lafferty said that they keep that in mind when they design new dealerships. He said that typically the dealerships are in non- metro areas and they design the facility with the ability to bring a truck in and out. He said that he did not know if this dealership ever had that ability. The Board said that if they were able to do an overlay of how the trucks would maneuver and how to bring the trucks off, they would be able to identify those areas of inventory that would be disturbed in order to accommodate circulation.

The Board asked how often the vehicles get moved around the lot on a given day or week. Mr. Lafferty said that it does not happen often, if at all. He said that there is no plan to maneuver cars around. He said that the automobile business is different these days. He said that most people have done their research on the internet before coming to the dealership.

The Board asked if it is the practice to maximize the inventory on the site. Mr. Lafferty said that just in time inventory is the most effective way for them to run their business. He said that they like to have between 30 to 45 day supplies of vehicles. He said that anything over 60 days would be excess inventory and would cost too much to keep it there. He said that they do not have total control over how the stock level works. He said that they are at the mercy of VW, overseas deliveries, weather conditions and other factors. He said that there are times when they will have 30 days supply and other times when they will have 90 days supply. He said that it is in their best interest to minimize it. The Board said that it is not unreasonable for the Board to request a management plan as to how to handle the large delivery vehicles on-site. Mr. Lafferty said that would be something that the engineers should look at.

The Board asked the neighbors if the parts deliveries at night have been causing inconveniences or disturbances. Ms. Aufranc said that there was disturbance with trash pickup at night but that has stopped after the neighbors spoke with Federal Realty. She said that she has not heard the parts deliveries at night. She said that the neighbors have been talking with Federal Realty for several years to stop deliveries on the street and it has not been successful. She questioned whether it was unreasonable to ask for an alley coming in and have space for a truck to do what it has to do and turn around and come out. She said that the trucks currently go to the entrance across from Hill Top Road and back up and forward on Hill Top Road until they can get onto the site. She said that there is not enough designated space for them now.

The Board said that it has asked for an engineering plan that shows turning radii on-site that will allow the trucks to turn on-site. The Board discussed conditioning its approval subject to that occurring. The Board said that there is a pass through to the parking lot that is beyond VW's. Mr. Adams said that there is an easement along the MBTA. The Board said that Roche Bros has its own efficient truck delivery system.

The Board asked that the Applicant go back and take another look to see if it is feasible to add additional stone walls along Linden Street, as was anticipated by the neighbors to enhance the design aesthetic. The Board said that there may be good reasons that that is not feasible. The Board said that some of the area that does not have the low planting screening will have parked cars and the other will be for circulation. The Board said that there is also the issue of building visibility. The Board said that there may be some things that Halvorson can look at so that the aesthetic might be improved.

The Board asked if there was any discussion with the Planning Board about screening requirements for inventory versus customer parking. The Board said that the Planning Board has been concerned about screening parking. Ms. Johnson said that the issue for screening inventory storage parking did not come up. She said that the Design Review Board (DRB) and the neighbors were very concerned about the continuation of the stone wall, which is a different type of screening. She said that the building is tall and there should not be a problem seeing it. She said that the VW logo is in two places. The Board said that it is a destination not an impulse purchase. The Board said that car dealers like to show their cars and they line them up for people who are driving by to see. Ms. Johnson said that the cars are directly behind the window and you can see into the showroom. She said that the white framing of the building does set it off.

Mr. Ryder said that there are landscape requirements shown on Plan C-3. He said that the requirements applied only to the customer parking area. He said that they added the interior and exterior customer parking and provided the required landscaped area.

Mr. Lafferty said that people do come to the site as a destination. He said that 40 percent of the business is used vehicles, of which 50 to 60 percent are not Volkswagens. He said that, from a marketing perspective, it is critical that people can see the vehicles. He said that it is not a simple fact that VW is there because it is only a part of the business.

The Board discussed continuing the hearing until sometime after the BOS agrees that the requirements for the right of way have been satisfied. The Board said that before the continued ZBA hearing, the Board will have to have updated plans for what will be implemented, a Vehicular Parking and Deliveries Management Plan, a Lighting Management Plan, and discussion about continuation of the stone wall and whether that is feasible or not.

Ms. Aufranc asked if it would be possible at the next presentation that the hours of lighting be specified as to when they are turned on and off and night time lighting for security purposes. The Board said that should be part of the Lighting Management Plan.

The Board voted unanimously to continue the hearing to a date to be determined.

June 18, 2015

Presenting the case at the hearing were David Webster, Federal Realty Investment Trust, Rob Adams, Halvorson Design, and Nick Skoly, VHB.

Mr. Webster said that they provided additional information and made some moderate changes to the plans in response to what they heard the last time they came before the Board. He said that they got approval from the BOS for work within the right of way. He said that the key changes to the plan were the addition of another landscape stone wall at the eastern curb cut. Mr. Adams said that the Design Review Board (DRB) had requested the addition of 20 linear feet of wall and an increased amount of plant material at the entrances.

Mr. Webster said that the Board had requested more details from the tenant about how their parking operation works. He said that they provided a memo from the tenant. He said that they provided confirmation from the Building Inspector that their methodology for calculating the required number of parking spaces conformed to his understanding of how it should work. He said that they provided an email from the Building Inspector that confirmed that he was in agreement with the calculations.

The Board asked about operational changes including deliveries. The Board said that the tenant has agreed that all car deliveries will occur on site and there will be no car deliveries in the street. The Board said that a truck turning template that shows how that occurs was submitted.

Mr. Webster said that they provided a photometric plan that said that site lighting will be turned off at 10 pm. He said that since that was submitted they received comments from George Saraceno, Town Engineering Department, who recommended that the site lighting be turned off at 9 pm. He said that the tenant has agreed to do that.

Mr. Webster said that the Engineer pointed out that they will need an easement from the Town for the sidewalk. He said that will have to go through the BOS and Town Meeting.

Mr. Webster reviewed the entering and exiting movements of the car delivery trucks. He said that the trucks will enter the site head in and will back out to Linden Street to exit.

The Board said that according to the photometric plan, the light will not make its way to the opposite side of the street to the residential properties. Mr. Adams confirmed that they will be LED fully dimmable full cut off fixtures.

The Board said that there was a memo from George Saraceno, dated June 17, 2015 that had a number of comments. Mr. Webster said that they can accommodate the recommendations except for one issue. He said that he spoke with Mr. Saraceno about the time restriction for car carrier deliveries. He said that, by demonstrating that deliveries will occur on site eliminates the problems associated with delivering the cars on Linden Street. He said that Mr. Saraceno was not aware of that problem. He said that the tenant does not have control over the time of deliveries because the schedule comes from Volkswagen. He said that during the busiest time from March to September, the tenant receives one to two deliveries per week, most of which occur between 10 am and 4 pm. He said that from October to March it averages one truck a week. He said that Mr. Saraceno was comfortable with that.

The Board said that it typically asks for a response to Mr. Saraceno's comments. Mr. Webster said that they could provide that.

Mr. Webster said that the Site Plan Approval was enabled through amendment to the Development Agreement with the Town. He said that there is a milestone in that agreement that says that if Federal Realty does not have all of the approvals by June 30th, the Town can choose to not proceed. He asked that the Board grant a conditional approval pending final approval from DPW.

The Board said that a general manager whose is at VW on daily basis should have information in his records as to how to deal with deliveries. The Board said that there should be an Operation and Maintenance (O & M) plan that shows that there is every attempt to know when the cars are going to arrive. The Board said that they should try to have the deliveries between the hours of 10 am and 4 pm and that the dealership will move cars to accommodate the truck when it gets to the site. The Board said that there should be a bullet list that the Board can say that it asked for as part of the approval. The Board said that it would be something that the neighbors could refer to if things get forgotten five years down the road.

The Board said that given that they have established a way to off load the cars on site, the Board would expect them to say that, in the event that the vehicle arrives before or after normal hours of operation, it will pull onto the site, turn off the engine and leave it until such time that proper off loading could be effected. The Board said that the assurance that off loading will occur on site is a major improvement over the previous assertion that the dealership would try to do that.

Colette Aufranc, 5 Hill Top Road, said that she had a chance to look at the plans in the Zoning Office. She said that it was still not clear to her about the extension of the stone wall down to Hill Top Road. She said that she could not find it on the plans. She said that they had talked about lighting and how bright it was going to be from the neighbors' perspective. She said that she could not understand the technical Lighting Plans. She said that the plan is for delivery trucks to drive in and back out. She said that affects anyone driving on Linden Street. She said that deliveries tend to be during busy times of the day. She said that there has been off-loading on the street in the past. She asked about enforcement of the on-site off loading.

Mr. Webster said that the truck turning radius and the curb cuts are designed to allow off loading on-site. He said that the Town could post signs to prohibit street deliveries. The Board said that if there was a condition in the decision that no off site off loading would be allowed, the Building Inspector could enforce that. The Board said that the Dealership needs to manage the process of getting the deliveries on-site and minimize trucks idling on the street. The Board said that the dealership could be notified by the truck drivers who are in transit with an estimated time of arrival. The Board said that the property owner is responsible for making sure that the Dealership takes responsibility to honor the conditions of the decision.

The Board said that, as part of the Operations Memo to be submitted to the Board, the contact information and telephone number of the current general manager should be included. The Board said that residents can get that information from the ZBA Office. The Board said that further down the road, people will see that this was a goodwill agreement that was put into place.

Mr. Adams said that the lighting will be better than what is there now. He said that it will not spill over to the residential properties. He said that a good point of reference is the Shaw's in Chestnut Hill. He said that the parking lot has an average of two foot candles that is pretty consistent across the lot. He said that it is a soft glow but you can still see everything without glare. He said that the current dealership has 32 foot candles in some locations, some 6 foot candles, and along the property line at 15 to 40 foot candles. He said that spillover is approximately 1 to 2 foot candles on the opposite sidewalk. He said that the maximum foot candles on the new plans will be 16 to 20 at the property line. He said that spillover to the opposite sidewalk will be 0 to .1. He said that the existing fixtures are not full cut off. He said that the new LED fixtures will shine down and will be full cut off from behind. He said that the new lighting will be much better and more consistent. He said that the fixtures will be streamlined. He said that the lighting will be turned on a half hour before dusk and shut off at 9 pm.

The Board said that there is a hedgerow at the sidewalk that should help to reduce the reflectivity of the windshields on the cars.

Mr. Adams displayed the location of the stone walls. He said that there are stone walls intermittently along Linden Street. He said that there will be a vegetated buffer at the end, which makes a good transition from the walls as you go down Linden Street. He said that it seemed like a good idea to place the stone walls at the entrances. He said that the vegetated buffer will be irrigated, so it should be robust. He said that they worked with the DRB on the vegetated buffer.

Ms. Aufranc asked about timing the lighting. Mr. Adams said that they are going to specify a new timer box that also has a photoelectric cell. He said that the boxes have calendars within them as well as the light sensor.

Ms. Aufranc said that she was somewhat disappointed about the stone wall. She said that it was her understanding at the previous meeting that there would be pieces of stone wall along the property. The Board said that it had discussed that but left it up to the designers to solve the issues.

Ellen Beck, 27 Hill Top Road, asked how much foliage will be planted. Mr. Adams said that it will be a 6 foot deep bed with a mix of herbaceous and evergreen, half of it being woody and half of it not. He displayed the Planting Plan. He said that it will consist of roses, yews and grasses, similar to other locations in Linden Square. Ms. Beck said that Federal Realty does a good job at Linden Square. Mr. Webster said that it will be the same property manager and the same maintenance.

The Board asked about plans for resurfacing the parking lot. The Board said that there was a note on the plan about a specific Linden Street pavement section. Mr. Webster said that the plan is to retain as much of the existing pavement as possible. He said that they will be patching trenches as necessary. He said that closer to the sidewalk, based on recommendations from the DPW, there is a new heavy duty pavement section at both entrances and the one way driveway. The Board confirmed that they will only be paving small areas. The Board said that because there will be no significant paving, there is no concern about moving the cars.

The Board said that it had discussed a condition for a Procedure Plan that will be available to the manager of the dealership that talks about managing deliveries of vehicles and ensuring that there is no off loading

on the street and if the vehicles arrive off hours, the trucks would come onto the site and park and wait until the appropriate time. The Board said that the manual should probably be updated from time to time. The Board said that contact information for the manager should be made available to members of the public. The Board said that the approval will be based on implementation of the latest changes from DPW.

Submittals from the Applicant

- Site Plan Proposed Changes at Linden Square – VW Frontage
- Application for Site Plan Approval, dated 9/15/14 & 4/8/15
- Site Plan Approval Review Plans and Submittal Checklist, dated 7/9/14 & 4/8/15
- Official Development Prospectus, dated 7/9/14 & 4/8/15
- Memorandum to Zoning Board of Appeals, dated 7/9/14, from Griffin Ryder, P.E., VHB, re: Linden Square Landscape and Pedestrian Improvements, Stormwater Impact Memorandum
- Memorandum to Zoning Board of Appeals, dated 3/9/15, from David Webster, re: Wellesley VW with attachments for Turning Template – Car Carrier, Figure 1 & 2, dated 4/15, prepared by VHB
- Memorandum to Douglas R. Stewart, Assistant Town Engineer, dated 4/7/15, from Hugh G. Hahn, PE, VHB
- Memorandum to George J. Saraceno, Senior Civil Engineer, dated 6/25/15, from Nick Skoly, VHB
- Memorandum to Zoning Board of Appeals, dated 3/9/06, from VHB Land Development, re: Linden Square Stormwater Management
- Appendix A: Hydrologic/Hydraulic Analysis
- Appendix B: O'Brien & Gere Culvert Modeling Memorandum
- Appendix C: TSS Removal Calculations
- Appendix D: Bernardi Autobody Drainage
- Appendix D: Bernardi Autobody Drainage Maintenance Agreement
- Appendix E: Long Term Stormwater Operation and Maintenance Measures
- Appendix F: Erosion and Sedimentation Control Measures
- Photosimulation of site along 231 Linden Street

Plan Number	Drawing Title	Date of Issue	Prepared By	Date of Revision
	Title Page	7/9/14	Griffin J. Ryder, P.E.	
C-1	Legend and General Notes	7/9/14	Griffin J. Ryder, P.E.	
C-2	Plot Plan	7/9/14	Griffin J. Ryder, P.E.	
C-3	Layout and Materials Plan	7/9/14	Griffin J. Ryder, P.E.	9/10/14, 9/11/14, 4/8/15 & 6/23/15
C-4	Parking Plan	7/9/14	Griffin J. Ryder,	4/8/15 & 6/23/15

			P.E.	
C-5	Grading, Utility and Erosion Control Plan	7/9/14	Griffin J. Ryder, P.E.	9/11/14, 4/8/15 & 6/23/15
C-6	Drainage Utility Profile	7/9/14	Griffin J. Ryder, P.E.	4/8/15
C-7	Site Details	7/9/14	Griffin J. Ryder, P.E.	4/8/15 & 6/23/15
C-8	Site Details	7/9/14	Griffin J. Ryder, P.E.	6/23/15
SV-1	Existing Conditions Plan of Land Update	2/28/14	Russell J. Bousquet, Professional Land Surveyor	
L-1	Planting Plan	7/8/14	Robert J. Adams, RLA	9/10/14, 9/1/14 & 4/8/15
L1.1	Demolition and Materials	3/13/14	Halvorson Design Partnership	
L1.1	Site Plan	1/20/14	Regent Associates, Inc.	
L-2	Landscape Details	7/8/14	Robert J. Adams, RLA	9/10/14, 9/11/14 & 4/8/15
L-3	Lighting Plan	7/8/14	VHB	9/10/14, 9/11/14 & 4/8/15
L-4	Landscape Lighting Details	7/8/14	VHB	
L-4.1	Lighting Plan Full Display (Western)	4/8/15	VHB	6/18/15
L-4.2	Lighting Plan Full Display (Eastern)	4/8/15	VHB	6/18/15
AD1.1	Existing Demolition Floor Plan	1/20/14	Christopher Jon Wall, RA	
A1.1	Main Level Floor Plan	1/20/14	Christopher Jon Wall, RA	
A1.2	Mezzanine Level Floor Plan	1/20/14	Christopher Jon Wall, RA	
A3.1	Main Level Reflected Ceiling Plan	1/20/14	Christopher Jon Wall, RA	
A3.2	Mezzanine Level Reflected Ceiling Plan	1/20/14	Christopher Jon Wall, RA	
A5.1	Exterior Elevations	1/20/14	Christopher Jon Wall, RA	
A9.1	Main Level Finish Plan	1/20/14	Christopher Jon Wall, RA	
A9.2	Mezzanine Level Finish Plan	1/20/14	Christopher Jon Wall, RA	

On September 25, 2014, the Design Review Board reviewed the petition and voted unanimously to recommend Site Plan Approval, with plan changes and building renovations, as presented. On October 28, 2014, the Design Review Board clarified its recommendation.

On October 20, 2014, Douglas R. Stewart, P.E., Assistant Town Engineer, Town of Wellesley, submitted comments regarding the proposed project. On June 17, 2015, George J. Saraceno, Senior Civil Engineer, Town of Wellesley, submitted comments regarding the proposed project.

On October 21, 2014, the Planning Board reviewed the petition and recommended that the ZBA defer granting Site Plan Approval as presented. On June 18, 2015, the Planning Board reviewed the petition and recommended that Site Plan Approval be granted.

On October 22, 2014 and April 6, 2015, Michael T. Grant, Inspector of Buildings, submitted comments regarding the proposed project.

On May 5, 2015, Deputy DiGiandomenico, Wellesley Fire Department, reviewed the petition and approved the revised application for the project. The Fire Department reserves the right for final approval at time of issuing a building permit.

On May 6, 2015, Jim Verner, Superintendent, MLP, reviewed the project and determined that MLP will be able to adequately provide electric service for the project.

On May 21, 2015, Pam Helinek, Wetlands Administrator, reviewed the project and determined that there are no wetlands or other resource areas protected by the Wetlands Protection Act or municipal Wetlands Protection Bylaw

DECISION

The Board's approval of the Site Plan for the Project is premised on the Applicant's and Project's compliance with the following conditions (the "Conditions"). All requirements imposed by the Conditions or this Site Plan Approval shall be applicable to the entity responsible for the administration of the Project regardless of whether the condition specifically identifies the Applicant, the responsible entity, or no entity as having responsibility for a particular condition. By accepting this Site Plan Approval, the Applicant agrees to the terms, covenants, conditions, and agreements contained herein.

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 date hereof unless construction has begun by that date. 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 these Conditions, the Applicant shall comply with all provisions of the Zoning Bylaw and general bylaws generally applicable to a project approved on July 15, 2015. 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. Contract documents, including working drawings and specifications for the Project shall undergo the usual and customary review and approvals of the Building Inspector, the Town Engineer, or any other applicable local inspector or board.
4. 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.
5. All car deliveries shall be on site. A General Manager who is on site on a daily basis shall have information in his records as to how to deal with deliveries.
6. There shall be an Operation and Maintenance (O & M) Plan that shows that every attempt has been made to know when the car deliveries will arrive. The O & M Plan shall show that the Dealership has made every attempt to schedule car deliveries between the hours of 10 am and 4 pm. The O & M Plan shall show that the Dealership will move cars, if necessary, to accommodate car delivery trucks when they get to the site. This Plan shall be available to the public for future reference. The Plan shall contain contact information and the telephone number of the current General Manager. The Plan shall be updated from time to time.
7. In the event that a car delivery vehicle arrives at the site before or after normal hours of operation, it will pull onto the site, turn off the engine and leave it until such time that proper off loading can be effected.
8. Site Lighting shall be turned off at 9 pm.
9. Approval is subject to final approval from the Town Engineer, Department of Public Works, Town of Wellesley.

Design Conditions

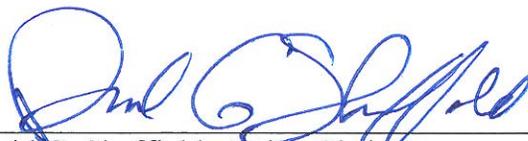
10. Design and construction of the Project shall fully comply with all applicable federal and state laws and regulations, including, but not limited to, the requirements of the Massachusetts State Building Code (780 CMR) and the Massachusetts Architectural Access Board (521 CMR). The Project shall be 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.

Use Conditions

14. 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".
15. Landscaping shall be in conformance with the Landscaping Plan and shall be maintained, repaired, or replaced as needed by the Applicant.

ZBA 2014-94
Petition of FR Linden Square Inc.
231 Linden Street

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.



David G. Sheffield, Acting Chairman



Walter B. Adams



Derek B. Redgate

cc: Planning Board
Inspector of Buildings

lrn

Adams said that the Petitioner should follow the same Construction Management Plan (CMP) and the work should be done during business hours.

Mr. Redgate moved and Mr. Adams seconded the motion to approve the proposed change and make the determination that it is a minor modification that does not require a public hearing. The Board voted unanimously to approve the proposed change, determining that it is a minor modification that does not require a public hearing.