



Oct 18 2 00 PM '89

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman
ROBERT R. CUNNINGHAM
KENDALL P. BATES

ELLEN D. GORDON
Executive Secretary
Telephone
431-1019

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ZBA 89-50
Petition of Thomas J. Cummings
11 Forest Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 28, 1989 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley, on the petition of THOMAS J. CUMMINGS, requesting a Special Permit for Site Plan Approval pursuant to Section XVIA, Section XXI Section XI, Section XII, Section XV and Section XXV of the Zoning Bylaw to allow construction of a one-story building for retail use, approximately 5,758 square feet and a 39 car parking lot approximately 11,579 square feet with associated landscaping at 11 FOREST STREET on a 29,420 square foot lot in a Business District, a Business A District and a General Residence District.

On August 22, 1989, the petitioner requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Thomas Cummings, who was accompanied by Paul Palmieri, engineer for the project; John Staniunas, architect; and William Carlson, traffic consultant. Mr. Cummings submitted letters of support from Harold Bennett, 5 Grant Avenue and Edward G. Kelley, 406 Washington Street, and stated that he had support from Mr. Grignaffini, owner of 6 of the 11 units at the Grant Avenue Condominiums, the principal residential development in the area.

Stanley Spear, lessee of property at 9 Forest Street, expressed support for the request and stated that he had encountered no traffic problems.

Mr. Cummings discussed the split zoning of the lot. He then submitted a Memorandum, dated September 28, 1989, which detailed responses to comments in reviews of various Boards. He submitted a new site plan delineating the walkways from the parking lot to the building, and a lighting plan showing the location of four 24 foot poles. All lighting will be directed down to the parking lot.

Mr. Cummings also submitted an Easement Agreement for the proposed dumpster, which he said will be finalized if the Special Permit is granted. The dumpster which will serve the proposed building is not located on the building lot, but on an abutting property.

Mr. Staniunas presented a photographic study of the site and described the facade of the proposed building. He said the use will be for retail stores. He added that the parking lot had been designed to retain the existing trees.

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A discussion followed regarding the impact of the proposed project on the traffic on Forest Street, and particularly as to the impact on the intersection of Washington and Forest Streets. A traffic survey done by William Carlson was submitted. The focus of the traffic survey was the Level of Service (LOS) at the driveway into the parking lot of the proposed project. The Board felt that the focus of the study should have been the impact on the LOS at the Washington/Forest Street intersection, which, according to the 1986 Vanesse-Hangen Report, was at a D level at that time. Mr. Carlson responded that the project was not going to change the present LOS with the addition of only 40 trips at peak hours.

The Board stated its interest in seeing figures on the present LOS at the intersection, the impact on that LOS by the proposed project and recommendations for ameliorating a deteriorating situation. The Board suggested that a change in the signalization at the intersection and the elimination of the parking spaces on the eastbound side of Washington Street before the intersection might lessen the problem.

Mr. Cummings stated that the contribution of his project to the existing traffic problem would be insignificant.

Felix Juliani, owner of an abutting property at 408 Washington Street expressed support for the petition.

The Board questioned how identification of the retail stores would be accomplished as the building is sited so far from Forest Street that signage would be almost invisible. Mr. Cummings responded that the signs would be similar to those on his building on Washington Street, and that he was willing to take the risk.

In response to the Board's question about possible replacement of trees in the parking lot, Mr. Cummings said that he would comply with any condition regarding replacement.

Statement of Facts

The property in question is located at 11 Forest Street on a 29,420 square foot lot of which 5,920 square feet is zoned Business; 17,767 square feet is zoned Business A; and 5,733 square feet is zoned General Residence. An existing dwelling is located on the property of which 1,152 square feet of floor area is in the Business District and 1,548 square feet of floor area is in the General Residence District. A garage with a floor area of 400 square feet is also located in the General Residence District of the property.

The petitioner is requesting a Special Permit for Site Plan Approval to allow the construction of a 5,758 square foot one-story building for retail use to be built totally in the Business A District. A parking lot approximately 11,579 square feet, providing 39 parking spaces with associated landscaping would be constructed overlapping the Business A and Business Districts. Two parking spaces presently exist in the General Residence District portion of the property.

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The following plans were submitted: Site Plans (E-3), dated August 2, 1989, drawn by Paul Palmieri, Registered Professional Engineer; Existing Property Plan (E-4), dated October, 1989, drawn by Paul Palmieri, Registered Professional Engineer; Plan of Land (E-5), dated August 1, 1989, drawn by Paul T. Grover, Registered Land Surveyor; Floor Plan (A-1), dated July 17, 1989, revised July 31, 1989, revised August 15, 1989; Front and North Elevations (A-2), dated July 14, 1989, revised July 31, 1989; Elevations (A-3), dated July 17, 1989, revised July 31, 1989, revised August 8, 1989; Cross-Section (A-4), dated July 12, 1989; Facade (A-5), dated July 14, 1989. Plans A1-5 were drawn by John Stanionas, Registered Architect. An Official Development Prospectus was also submitted.

On September 28, 1989, a Lighting Plan, dated September 25, 1989, from C.D. White Co.; a Traffic Memorandum, dated September 27, 1989, done by William Carlson; a revised Site Plan (E-4), dated August 2, 1989, drawn by Paul Palmieri; a notarized Easement Agreement, dated September 27, 1989, signed by Thomas J. Cummings; and a Memorandum of Cummings Development Company, dated September 28, 1989, were submitted.

On September 12, 1989, the Planning Board signed an "Approval Not Required" Plan (PBC 89-14) submitted by Thomas J. Cummings in regard to the property in question.

On August 10, 1989, the Design Review Board held a preliminary review and recommended further study of the building placement, incorporation of the 9 Forest Street parcel, redesign of the building, and noted a potential signage problem as to visibility due to the location of the building.

The Design Review Board held a final review on September 14, 1989 and noted that none of the previous recommendations had been incorporated. The Board expressed concern regarding location of the dumpster on adjacent property and its screening. The Board also expressed concern about the survival of existing trees in the proposed parking lot and reiterated its concern regarding future signage and the possibility of applications for standing signs and internally illuminated signs in inappropriate areas. The Design Review Board voted to recommend that the Board of Appeals deny the Special Permit for Site Plan Approval.

Site plans and other submission materials were sent to the Planning Board, Wetlands Protection Committee, Town Engineer, Board of Health and the Fire Chief as required by Section XVIA of the Zoning Bylaw. Written responses from each of the above were received and are on file at the ZBA office.

The Planning Board, on September 12, 1989, voted to convey concerns regarding the absence of walkways and lighting on the site plan; the absence of an easement agreement for the dumpster; sufficient parking to remain for 404 Washington Street and the data source for the traffic information provided in the Official Development Survey.

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Decision

This Authority has made a careful study of the evidence submitted. The petitioner's proposed 5,758 square foot one-story building at 11 Forest Street constitutes a major construction project under Section XVIA of the Zoning Bylaw as it includes the construction of 2,500 or more square feet of gross floor area. The petition is also pursuant to Section XXI of the Zoning Bylaw as compliance with this Section is required according to Section XVIA of the Zoning Bylaw.

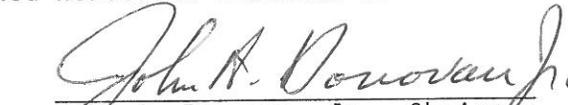
It is the opinion of this Authority that the proposed plans for the construction of the one-story building, parking lot and associated landscaping, as shown on the plans enumerated in the foregoing Statement of Facts, comply with the Zoning Bylaws of the Town, protect the safety, convenience and welfare of the public, insure adequate protection for water, sewerage and drainage, and will minimize additional congestion in public and private ways upon compliance with the conditions itemized in Addendum A. Furthermore, it insures compliance with Section XVI, Section XXI, and Section XXII of the Zoning Bylaw.

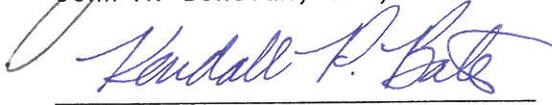
A Special Permit is hereby granted and Site Plan Approval is given by this Authority pursuant to Section XVIA, Section XI, Section XII, Section IV and Section XXV of the Zoning Bylaw, subject to the conditions attached hereto as Addendum A.

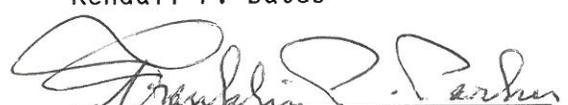
APPEALS FROM THIS DECISION, IF ANY, SHALL BE MADE PURSUANT TO GENERAL LAWS, CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK.

cc: Planning Board
Inspector of Buildings
Board of Selectmen
Wetlands Protection Committee

edg


John A. Donovan, Jr., Chairman


Kendall P. Bates


Franklin P. Parker

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Addendum A

1. That certification of filing of PBC 89-14 with the Norfolk Registry of Deeds be submitted to the office of the Board of Appeals prior to the issuance of any Building Permit.
2. That a perpetual Easement Agreement providing for use and location of the dumpster and a Site Plan showing the location and screening of said dumpster be filed with the Norfolk Registry of Deeds and certification of filing be submitted to the office of the Board of Appeals prior to the issuance of any Building Permit.
3. That monies in the amount of two thousand (\$2,000.00) dollars be submitted to the Board of Selectmen, prior to the issuance of any Building Permit, to accept for the purpose of reimbursing the Town for expenses incurred by a Traffic Study to be done by Bruce Campbell and Associates to evaluate the present condition and future impact of the proposed project at 11 Forest Street on traffic circulation and safety in the Washington/Forest Street area. This Study will include recommendations regarding operations improvements. Any monies not used for this purpose will be returned to the petitioner.
4. That monies in the amount of five thousand (\$5,000.00) dollars be submitted to the Board of Selectmen, prior to the issuance of any Building Permit, to accept and hold in escrow to be used to pay for the implementation of any remedial traffic engineering actions necessary in order to correct conditions likely to be caused or exacerbated by the construction of the proposed project, which have been recommended in the Traffic Study to be done by Bruce Campbell and Associates. Any funds not committed within a year of the issuance of a Certificate of Occupancy will be returned to the petitioner.
5. That all work be performed in accordance with plans submitted and on file with this Authority.
6. That all design and construction must comply with all applicable state and local codes.
7. That all requirements of the Town of Wellesley Fire Department be complied with.
8. That all requirements of the Department of Public Works be met, including but not limited to the requirement that water, sewer and electric connections, together with drainage connections, be made in accordance with DPW standards and installed and maintained at no cost to the Town of Wellesley.
9. That Site Utility Plans be submitted to the Department of Public Works.
10. That the aforesaid dumpster be suitably screened.

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Addendum A Continued

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11. That inspection and maintenance of catchbasins be done on an annual basis and that certification of inspection shall be submitted to the Wetlands Protection Committee by July 1st of every year.
12. That in the event any trees shown on Site Plan (E1) do not survive following installation of the parking lot, replacement shall be made with trees suitable for planting in parking lot conditions.
13. That a copy of the Occupancy Permit issued by the Inspector of Buildings be submitted to this Authority at the time of issuance.