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ZBA 2017-11

Petition of Proprietors of Woodlawn Cemetery
148 Brook Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 16, 2017, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Proprietors Of Woodlawn Cemetery requesting Site Plan Approval pursuant to the provisions of Section XVIA and Section XXV of the Zoning Bylaw for a Major Construction Project which involves a change in the outside appearance of the premises at 148 Brook Street, including grading or regrading of land to planned elevations, and/or removal or disturbance of the existing vegetative cover over an area of five thousand (5,000) square feet for expansion of grave sites. The property is located in a Single Residence District.

On January 4, 2017, 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 Himmelberger, Esq., representing the Proprietors of Woodlawn Cemetery, the Petitioner. He said that also present were Jim White, Civil Engineer, HM Moore, Sam Siccio, Clerk of the Works, Dave Hoffman, and Phillip Rolph, Clerk & Director, Woodlawn Cemetery.

Mr. Himmelberger said that the request is for Site Plan Approval. He said that it is a major construction project that involves re-grading land for additional gravesites. He said that Woodlawn is the oldest cemetery in town and pre-dates the town. He said that they are running out of gravesites with an inventory of probably less than a year at this point. He said that part of the request for Site Plan Approval will address a future need.

Mr. Himmelberger said that the Applicant first met with the Engineering Department in September and they reviewed the application. He said that the application package that was submitted to the Board was not transmitted in full to the Engineering Department. He said that although he dropped the stormwater calculations off at the Engineering Department this morning, it was not clear to him whether Mr. Saraceno would have an opportunity to review them today. He said that the Applicant did not expect the Board to make its decision at this hearing.

Mr. Himmelberger said that he received an email late this afternoon from Mr. Izzo at the Board of Health raising concerns about the permitting process. He said that Mr. Izzo questioned whether State regulations would come into play with the expansion of the gravesites. He said that the Cemetery is not buying

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additional land. He said that whenever the Cemetery purchased additional land, it was approved by Town Meeting. He said that this is not an expansion but rather internal improvements.

Mr. White said that the cemetery consists of approximately 47 acres with its entrance off of Brook Street. He said that there is a wetland and a perennial stream along the east side of the site. He said that this project involves clearing and re-grading of land within the cemetery to provide additional gravesites. He said that they will remove boulders with excavators, grade it off smooth and then loam and seed the areas. He said that they will also put in some driveways for access. He said that the project involves two main areas, one high on the site on the north side and the other in a low area on the south side. He said that some of the material from the top part will be moved to the low area in the south. He said that trucks will use an access drive so that they do not have to go through the cemetery. He said that they anticipate that the cut and fill operation will not involve removal of fill from the site. He said that they can always find areas on site to use any additional material.

Mr. White said that the temporary construction access off of Brook Street will have crushed stone to prevent dirt going out onto the street. He said that they will try to minimize the number of trucks exiting the site will fill. He said that when they are clearing the site, logging trucks will be leaving the site.

Mr. White said that the intent was to use low impact stormwater management systems to mitigate any increase in stormwater runoff and to provide stormwater recharge to groundwater, as required by EPA Regulations. He said that there will be no increase in runoff and no loss of groundwater recharge. He said that there will be a water quality basin in the southerly portion of the site and a water quality swale along the eastern portion of the site. He said that almost all of the water flows east toward Fuller Brook. He said that they will not be disturbing any wetland area, buffer zone or riverfront area. He said that the project is more than 200 feet from Fuller Brook.

Mr. White said Area A will have an access road. He said that it has a small area that drains to the west. He said that area will have an underground catch basin infiltration system under the road. He said that they do not want to have it someplace where the graves will go. He said that the systems are designed for H 20 or truck loading. He said that water will get into the system via the catch basin. He said that they will have a water quality swale close to the end of the site. He said that it is permeable soil and the system works well with that type of soil.

Mr. White said that Area B is next to Brook Street. He said that it is currently a hole in the ground that is bone dry because the water tapers down to sandy soil and disappears there. He said that they will fill the hole in and level the area off so that it is suitable for gravesites. He said that downstream of there will be a water quality basin that was designed to mitigate increase in flow and provide stormwater infiltration.

Mr. White said that the access road at Area C will wrap around to provide access to additional gravesites. He said that the area is partially cleared and will be finished with this project.

Mr. White discussed construction management. He said that a contractor has not been selected yet. He said that the plan is to take the surface material from Area A and bring it down to Area B. He said that one of the first steps will be to construct the roadway. He said that they can use the areas along the roadway for staging on the west side.

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A Board member said that Area A is the only area that is adjacent to private residential properties. He said that will be the most impactful area during construction. Mr. White said that they provided the required 20 foot no disturb area along that edge. The Chairman asked if any tree location drawings were done for the perimeter that might affect adjacent properties. He said that the design pushes the roads to the perimeter which could take away from any potential screening that exists there now. Mr. White said that the road is not at the 20 foot mark. He said that the 20 foot no disturb area is currently wooded. He said that the intention is to not touch that area.

A Board member said that it is very steep between the road and the residential properties. Mr. Himmelberger said that the property contours from 218 feet down to 210 feet on the upper left at the back of the lot that where it says, "Sharma" on the plan. He said that it drops down at the edge of the catch basin to 210 feet, so it runs away from the neighbors. He said that the neighbors are 12 to 15 feet lower.

A Board member said that a DPW comment was to provide a landscaping plan that shows what trees will be protected, what trees and other vegetation will be removed and what, if anything, is proposed to be added. He said that the Board is more sensitive to that particular area because it is closest to residential properties. He said that the comment would also pertain to Work Area B, which is adjacent to Brook Street. Mr. White said that they designed it so that they are not touching within 20 feet of the property line at Brook Street. The Chairman said that 20 feet is not a lot in terms of trees. He said that a Tree Location and Landscaping Plan for at least the areas around the perimeters should be submitted. He said that the 20 foot buffer is an area where vegetation or trees could be added to provide some screening for the neighbors.

A Board member asked for a description of customary procedures for development of new areas of cemeteries. Mr. White said that once graves have been established, trees are planted. He said that the older areas of the cemetery have large beautiful trees. He said that you cannot plant trees ahead of time. He said that they have to wait until the burial sites are established.

Laurence Shind, Esq., said that he was representing the abutters at 41 Swarthmore Road, Alyssa Duffy and Steve Foraste. He said that an overriding concern of his clients is that the current plan to develop the gravesites and roadways bumping right up to the 20 foot setback will have a significant impact on the houses that abut the property. He said that the existing green space and the tree buffer will be significantly diminished and construction of the new interior road approximately 25 feet from the property line will have a significant visual impact. He said that there are no other interior roads in the cemetery that are anywhere near as close to residences as the newly proposed roads are. He said that they urge development of a plan that preserves more green space and relocates the perimeter roadway, which they do not see as necessary in that location, to keep additional screening and keep cars from being as close to the residences.

Mr. Shind said that the Town Engineer raised the issue that no Landscape Plan submitted. He said that his clients feel that it should be required so that they get some specifics on maintenance of existing trees in the 20 foot required buffer and if any new plantings are proposed.

Mr. Shind said that his clients are concerned that because of the change in grading and construction of the road abutting them, the proposed drainage installation will not prevent runoff and water infiltration toward their property. A Board member asked if that is Mr. Shind's clients' opinion or if it is based on an

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engineering analysis. Mr. Shind said that he was taking that from the drainage arrows that were shown on Plan C.5. He said that there are at least three arrows that appear to point toward his client's and neighboring properties on Swarthmore Road. He said that the proposed drainage system will be down gradient from that and away from that direction. He said that it does not appear than anything is being done from an engineering standpoint to capture the runoff that will run in the direction toward those properties. The Board member said that Plan C.5 shows erosion control and does not reflect the final grading. He said that the Board has to rely to some degree on the professional engineer's statements that all of the runoff will be retained on the property. He said that the Board is prepared to be educated about some possible disagreement with the engineer's statement if there is some substance to it. Mr. Shind said that his clients urged the DPW to provide its opinion on the Stormwater Report.

Mr. Shind said that there appears to be a minor technical discrepancy in the Development Prospectus in Section VI. He said that there is reference to installation of a deep sump catch basin and oil trap for water detention. He said that the next section, Section VII, has it checked that there are no catch basins fitted with oil traps.

Mr. Shind said that the Board needs a letter from the Board of Health, more information from the Town Engineer, and DPW review of the Stormwater Report. He said that he did not see a letter from the Wetlands Protection Committee, Police or Fire Departments. He said that those letters should be required before the Board takes a vote. The Chairman said that the Board did receive a letter from the Fire Department.

Mr. Foraste said that he is a mechanical engineer. He said that his understanding of the project is to maximize the number of gravesites while considering costs, impacts of maintenance and stormwater issues. He said that the access road is more of an issue. He said that it will be closer to the residential properties than any of the other roads in the cemetery. He said that putting an access road through Area A takes away a significant amount of land that could otherwise be used for plots. He said that if all of the other accesses throughout the cemetery come into Area A, there could be just as many gravesite opportunities without the access road through it. The Chairman said that it raises the question that, if the perimeter road is brought to the edge of the green, would there be gravesites on the other side of the road. He asked if the gravesites are currently within the interior of the perimeter roads. Mr. Foraste said that they are not. He said that along Radcliffe Road, Brook Street and a little corner on Swarthmore Road, there are graves outside of the perimeter roads. He said that they do not have to build a road. He said that they would not have to plow that road, worry about drainage, a catch basin, or working with the DEP about infiltration. He said that he did not think that private property and cemetery uses should mix that closely. He said that by having gravesites outside of the existing road and not adding a new access road along the crest of the property, they can still retain the same number of gravesites but with reduced costs and impacts. A Board member said that there would still be a need to re-grade that area because it is not flat enough to accommodate the plots.

Mr. Foraste said that the Stormwater Report was written at a macro level. He said that the directions that they talk about are north and east. He said that the residences and the brook are at a low point. He said that the swale can only protect downhill a little bit. He said that it cannot wrap around to where the residential properties are. He said that there is a good chance that water will go through the backyards to get to the brook.

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Mr. Siccio said that he is very familiar with the operations of the cemetery. He said that there is a fairly steep slope there now that levels out at the top. He said that the intention is to re-grade for a more gentle slope. He said that one of things considered when developing gravesites is that you do not just dig a hole to put a casket in. He said that they have to have access for equipment and trucks to get to the gravesite to put a concrete vault in. He said that the road is also for visitors. He said that a lot of elderly people visit the cemetery. He said that it is not in their best interest to expect people to walk far to get to the gravesites. He said that the road is outside of the 20 foot buffer. He said that the buffer is currently heavily treed. He said that the intention was to take out some of the underbrush. He said that if they add to the trees, it will be a good buffer. He said that on the other side, the houses do not have a buffer. He said that he spoke with the Cemetery Supervisor earlier today and they would have no problem adding trees to the areas around the development. He said that they are willing to do tree replacements.

A Board member asked if the installation of concrete chambers is new to the cemetery. Mr. Siccio said that in the oldest parts of the cemetery a grave was dug and the casket was put in. He said that, currently due to cemetery requirements, there has to be a concrete vault. He said that cemetery personnel have to have access for maintenance and general care of the cemetery as well. He said that their first thought was to not have the road but access would be difficult on the side of the hill.

The Chairman asked if gravesites could be outside of the proposed perimeter road. Mr. Siccio said that they sited the road in its present location because it flattens out at the end. He said that if they put a road through the middle on the side of a slope, they would run into other issues. He said that the land is not too steep at the left side but becomes steeper at the high point. He said that, looking at the existing contours, there is a slight level area right next to the existing road, a steep bank and a flat area at the top. He said that an alternative was to not cut the steep slope and access on the left hand side and develop to the right. He said that they would still need access.

A Board member asked about the number of potential gravesites. Mr. Rolph said that they have estimated 2,500 new graves. He said that will probably give the cemetery 25 to 30 more years. He said that they inter about 80 people a year. He said that you never know how many will be existing owners. He said that this will max out the site.

A Board member asked if there are any existing permits for the cemetery. Mr. Himmelberger said there are not. He said that the last time that land was acquired was 1967. He said that the use of the land as a cemetery is permitted by Town Meeting.

The Chairman asked that the Applicant look at enhancement of the buffer between Brook Street and the access road and the properties on Swarthmore Road and the access road. He asked that they look at increasing the buffer so that there can be more vegetation and more separation between the cemetery function and the perimeter and gravesites on the other side of the access road. He said that there could be more buffer where the gravesites are. Mr. Himmelberger said that if the road moved and the gravesites were on the other side, the practice is to remove the trees so that you can put graves in. He said that the issue of the buffer is one of distance. The Chairman said that it is also replanting, occasional cars parked and runoff from the pavement. He said that enhancing the buffer is worth looking at.

Leo Troy, 54 Radcliffe Road, asked if the project will result in enlargement of the maintenance area. Mr. Rolph said that there will be no change to it. Mr. Troy asked if cemetery operations will increase. He

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said that the cemetery is a big bowl that faces Radcliffe Road. Mr. Rolph said that it will be the same operations and the same number of burials every year. Mr. Troy said that operations during the summer are fairly intolerable. He said that you cannot function in a home on the eastern side of Radcliffe Road because of the perpetual care that goes on well into the evening. He said that it is impossible to sit on your deck to talk with someone because operations go on in the cemetery up to 7 or 8 pm. He said that it would not make sense to increase the operations since they are already intolerable in the summer.

Mr. Troy asked about the temporary road. A Board member said that it is planned south of the permanent road. He said that it is shown on the plan. He said that they are proposing a temporary road so that they can still function as a cemetery during the time that they are doing the work. He said that the temporary road will be removed and restored to its original condition after the construction is done.

A Board member said that it might make sense for the Proprietors of Woodlawn Cemetery to get together with the neighbors to explain the plans and discuss possible alternatives.

Jacqueline Segall, 37 Swarthmore Road, invited the Board members to come to Swarthmore Road to look at the backyards. She said that they are quite lovely. She said that one of the reasons that she moved to Swarthmore Road was the cul de sac and the green space in her backyard. She said that it makes her sad that there will be a road literally added to her backyard. She said that she will see cars and people frequently. She said that we are in a world of negotiation and there are other ways that this can be looked at. She said that she understands that people have to be able to get to the gravesites. She said that she thinks that they need to look more closely at preserving the buffer area.

The Board said that it was hopeful that the operators of the cemetery will revisit the design and hold a meeting with interested parties to consider the plusses and minuses of proposed changes.

The Board unanimously to continue the hearing to March 23, 2017.

March 23, 2017

Presenting the case at the hearing was David Himmelberger, Esq., who said that some concerns were raised at the previous hearing by abutters on Swarthmore Road regarding one of the proposed work areas. He said that the plans were revised to re-site the road, as shown on Plan C 2. He said that an infiltration system is shown at an intersection at the upper left quadrant.

Mr. Himmelberger said that his client made a decision to offer evergreen screening as a condition to Site Plan Approval. He said that the screening would be within the 20 foot setback. He said that it is unclear whether it will be a hedgerow or staggered but the intent is to have a continuous evergreen screen that will initially be five to six feet tall. The Chairman said that it could be a more casual screening with some of it not contained in the 20 foot setback. He asked if there will be gravesites between the road and the 20 foot setback. Mr. Himmelberger said that the gravesites will be up to the 20 foot setback. He said that the thought is to get the screening planted now before the graves go in.

The Chairman asked if there is opportunity to landscape and plant trees in the expanded plot area. Mr. Himmelberger said that the practice of the Cemetery is that once the graves are placed, the trees are placed. The Board confirmed that there is no Landscaping Plan.

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Mr. Siccio said that the graves are typically ten feet long and three feet, three inches wide, or 34 square feet per grave. He said that they typically leave a walking path between headstones. He said that when the area is leveled, they will lay out the graves. The Chairman said that there has to be circulation for maintenance vehicles as well.

The Chairman asked if this could become one of the more densely populated areas because of the topography. Mr. Siccio said that it would not be any more populated than other areas. He said that they will plant trees along the outside and the middle. He said that in this case with the road going in the middle, they will gain a few trees on either side of the roadway. He said that landscaping around the gravestones is done by the families. Mr. Himmelberger said that there will be trees along the road and the outer perimeter area, consistent with what is there now in some of the newer areas.

A Board member asked if it would be possible to landscape within the 20 foot buffer on the steeper slope. Mr. Himmelberger said that it is not that steep and landscaping will be possible. The Chairman asked if there is a Landscape Architect involved. Mr. Siccio said that the Superintendent of the Cemetery is a professional landscaper. The Chairman said that hopefully the landscaping will not be the same species and height as the screening. Mr. Himmelberger said that they can vary it.

Mr. Himmelberger said that an email came out on March 22nd from the Town Engineer that said to accept it as Engineering's updated memo. The memo said that the revised plans were acceptable to the Engineering Department. The memo said that there should be a condition regarding subsoil conditions, among other things. Mr. Himmelberger said that said his clients feel that they have satisfied the Town's Engineering Department's concerns. He said that they added a map to the Construction Management Plan (CMP) showing that construction traffic has to enter and exit through Needham.

The Chairman said that Engineering had concerns about stormwater runoff on the hard surfaces of the new roads and that there are no curbs to control the direction of flow. He said that the site is adjacent to Fuller Brook. He said that the Board is concerned about where the runoff goes and how these changes will affect that. Mr. Himmelberger said that was one of the items that was addressed. He said that it was noted that a Cape Cod berm would be installed with a berm behind that.

The Chairman said that the slope of the road is not something that the Town Engineer would design. He said that Engineering indicated that since it is located on private property, it is not an issue for them. Mr. Siccio said that the slope is not unusual at 14 percent. He said that there are other roads in the Cemetery that are as steep.

The Board asked if the Petitioner met with the neighbors and showed them the revised design. Mr. Himmelberger said that he spoke with Mr. Shind and shared the revised roadway plan. He said that he told Mr. Shind that his clients would commit to evergreen screening. He said that they did not physically meet with the neighbors. He said that his clients took the neighbors' comments about wanting greater attenuation and moved the road and have committed to the screening. A Board member said that at the previous hearing he was very impressed and pleased with the work that some of the neighbors had done to look at this with fresh eyes and make appropriate suggestions. He said that it is reassuring to him that there are ways for property owners and neighbors to come together to come up with a solution that works

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better for everyone. Mr. Himmelberger said that he thought that it is a better design as a result of the neighbors' comments.

A Board member asked how many gravesites are anticipated in the new areas. Mr. Himmelberger said that there will be approximately 300 for the 10,000 square foot area on the north side. Mr. Siccio said that does not necessarily mean that there will be 300 headstones. He said that looking at some of the newer areas in the Cemetery gives an idea of the spacing of the graves. He said that it is a rural cemetery. The Board confirmed that there is no lighting.

A Board member said that there were some concerns at the previous hearing about leaf blowers and other equipment. Mr. Himmelberger said that they spoke with the Superintendent. He said that there is no noise going on outside of the permitted hours of 7 am to 7 pm on Monday through Friday, 8 am to 7 pm on Saturday and nothing on Sunday. He said that anyone who thinks that there is should contact the Superintendent or the Police because that is something that the Cemetery does adhere to. Mr. Himmelberger said that snow plowing is exempt, in accordance with the Town Bylaw.

Mr. Shind said that he appreciated Mr. Himmelberger reaching out to him. He said that his clients appreciated that the road has been moved back a good amount and that the Applicant has undertaken to plant screening in the area that they described. He said that they would still like to see and would encourage the Board to require that a Landscape Plan be presented and approved because it is customary in situations like this. He said that the Town Engineer asked for that in his initial letter. He said that the new plantings and efforts to preserve existing plantings should be memorialized in an actual Landscape Plan. He said that it is important because they would like to know the size and number of new screening plantings to be added and also efforts to preserve existing mature trees that could add to the landscaping buffer as well. He said that his clients are concerned about the lack of definition for the interior landscaping in the new area. He said that the overriding concern for his clients is that this is a dramatic change in the visual for the neighbors. He said that they understand that the Cemetery has every right to proceed to provide more sites. He said that given that it is currently vegetated by mature trees that give a great deal of screening, they would like to see that whatever screening can be added or preserved be detailed in a Landscape Plan.

Mr. Foraste said that the major issues from the previous hearing were to have a meeting with the neighbors and have a Landscape Plan submitted to the Board. He said that neither has been done. He said that he is not quite ready to agree. He said that nobody wants to be buried under or next to a road. He said that the average distance from the road to a grave is eight to twenty-six feet. He said that putting buffers on the side of the road ends up being a rather expensive proposition for the Cemetery with lost revenue as well as a significant amount of maintenance and the additional burden of coming up with a Landscape Plan. He said that he had done some approximate figures from what he could ascertain gravesites cost and square footages. He said that it is a couple of million dollars and a couple hundred plots that the Cemetery Trustees are foregoing. He said that the stated case is that they have as many plots as possible. He said that they will be re-grading the areas. He asked about re-grading a false hill between the neighborhood and the Cemetery to provide a nice wide screening area. He said that they would not have to put in formal plantings to break up the distance back and forth. He displayed photographs of the roads in the Cemetery. He said that the new road does not create any better access. He said that taking a 50 foot swath through the new area for an 18 foot road and a buffer to plant trees along the road cuts away so much. He said that blowing out the tree line and leveling everything out to

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create a false hill would be a win-win. He said that it would involve less money laid out by the Cemetery, give them the same number of plots or more, and provide more screening for the neighborhood. He said that if they added the 50 foot swath to the 20 foot buffer, what is left is the distance that people already walk to the graves. He said that there would be no hard surface for drainage issues and no catch basin that they have to write a maintenance plan for. He said that they will not need snow plow trucks up there after hours. He said that there would be no need for artificial plantings that may or may not thrive.

Mr. Foraste said that he would prefer to meet face to face with the Petitioner rather than communicate through emails and to see a formal Landscape Plan. The Chairman said that it would be more of a Layout Plan that describes the zones. Mr. Himmelberger said that this is way beyond the scope of Site Plan Approval. He said that he appreciated the abutters' concerns but Site Plan Approval is to ensure that the site does not impact off-site municipal infrastructure. He said that he did not think that it controls how the Cemetery lays out internal roads and whether or not they choose to have them. He said that it would be a marked departure from the scope of Site Plan Approval to have the Cemetery obligated to re-design its design. The Board asked Mr. Himmelberger if he thought it was outside of the scope of Site Plan Approval for the Board to require a Landscape Plan. Mr. Himmelberger said that he thought that is starting to push it. He said that all of the land outside of the 20 foot buffer is being cleared for graves. He said that it is the practice of the Cemetery to plant trees after the grave areas have been filled in. He said that there is a certain fluidity to how the graves fill in. He said that he did not believe that at any time the Cemetery has been laid out with future graves set forth in a grid. He said that they are organically spread out, determined in part by how many people want a particular site. He said that is a micro level that exceeds the Site Plan Approval. A Board member said that he did not think that it is in the Board's purview to direct that there be an Interior Landscaping Plan. He said that the Petitioner told the Board that they will provide a buffer in the 20 foot buffer. He said that he was not sure that the Board has to see a totally detailed Landscape Plan. He said that it is in the Cemetery's best interest to have what they plant survive. He said that he was not suggesting that the Petitioner hire a licensed arborist to come up with a plan. He said that there could be significant expense to that. He said that it would be reasonable to expect some sort of a drawing prepared that represented the Cemetery's ideas for the plantings. Mr. Himmelberger said that the bylaw only requires a 20 foot buffer zone. He said that the bylaw says that natural growth of trees and shrubs shall be maintained within said 20 feet. He said that they committed to plantings that are above and beyond anything that is required in the bylaw. He said that his client made the commitment to have an evergreen screening, five to six feet in height at inception. The Chairman said that an orderly row of arbor vitae or something like that could look very artificial in a natural landscape. Mr. Himmelberger said that doing that on a piece of paper is one thing but his clients have not had an arborist go out to assess the 20 foot buffer. He said that if they are now being required to go out to assess the 20 foot buffer to plot on a plan where each tree is to go, that would be a considerable expense. He said that if it is a conceptual intent or design that shows how a series of species could inter-relate, that might be something different. He said that the screening is not part of the scope of Site Plan Approval. He said that the Cemetery has a long history of being quite tasteful in its landscape design. He said that his client would prefer that the Board issue as one of its conditions that there be staggered and varied planting of evergreens of varied species as screening but the details of that be left to implementation as the project progresses. He said that would be articulated in whatever particular fashion is warranted. He said that the Cemetery should be given the benefit of the doubt with the evergreen screening and if there is an issue, the Board always retains jurisdiction to say that it is not in compliance with the Site Plan Approval.

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The Chairman asked about establishing a contract for the planting zone that shows the intent and can be discussed with the neighbors. Mr. Himmelberger said that he did not believe that it will be a contract. He said that it will be internal, not outsourced. He said that he will communicate to the Superintendent that it has to be a staggered screen. He said that the planting will be determined in part by what is in the 20 foot buffer. He said that they can identify the species. He said that they will have to plant on the Cemetery side of the buffer because they bylaw says that they have to maintain natural growth in the buffer. He said that they will plant a staggered, varied species screen with five to six foot stock. He said that it can be articulated so that it achieves the result that the Board is seeking. He said that they will have to abide by the articulated condition. He said that the options are limited if the condition says that the species have to be native evergreen.

Mr. Himmelberger said that in addition to the articulated evergreen screening planting description, his client would agree to a condition that prior to installation of the plantings a plan be submitted to the Board and shared with the neighbors to confirm that the Board is satisfied and to allow for neighbor input. The Board said that once it closes the hearing and issues its decision, it will not open another public hearing to review a plan. The Chairman said that the plan can allow for appropriate changes because the ground is always changing. Mr. Shind said that his clients did want to see a Landscape Plan and think that the Board should request it because the Town Engineer mentioned it. He said that his reading of Site Plan Review is that there is a Design Review Board component involved. He said that it is up to the Zoning Board to enforce the bylaw with respect to Design Review. He said that part of that is preservation and enhancement of landscaping. He said that in similar situations that he has been involved in, the Board has asked for a Landscape Plan. He said that he did not see how they can know that the preservation and enhancement have occurred unless there is a plan that has to be carried out. He said that his clients would really like to see that done. He said that his belief is that the bylaw just prevented structures from going into the 20 foot buffer. Mr. Himmelberger said that the project did go for Design Review and there were no issues with the proposal. He said that they had no concern about screening. He said that they will not be preserving or enhancing any landscaping in the areas to be cleared.

The Chairman said that they will be enhancing the screening on the Cemetery side. Mr. Himmelberger said that within the 20 foot buffer they are to maintain the natural growth. He said that he did not believe that authorizes them to put any screening within the 20 foot buffer. He said that they would defer to the Board's interpretation of the bylaw. He said that if the Board authorizes them to do it, they would be happy to put the screening within the 20 foot buffer. A Board member said that the bylaw implies that existing natural growth of trees and shrubs shall be maintained. He said that he was not sure if the bylaw prohibits it. He said that the Board would like to see some augmentation of growth in the 20 foot buffer. He said that he shared the Chairman's concerns that there not just be a fence of trees. Mr. Himmelberger said that if they are permitted to go into the 20 foot buffer with the staggered, varied evergreen species screening, the trees that go in after the graves go in would typically be hardwoods. He said that given the varied nature of the 20 foot buffer, they would like to have the ability to do the screening as they go, with the understanding that if someone believes that the plantings are not up to snuff, they can contact the Cemetery or the Building Inspector. He said that the Cemetery has committed to the screening to screen out views of homes. He said that the neighbors' homes are situated anywhere from five to twelve feet below the Cemetery's grade. He said that the view from the Cemetery is the top of the houses but the neighbors do not necessarily see up and over into the Cemetery. He said that for the Cemetery the screening is quite important. He said that five to six feet screening is not small. The Chairman said that it is an appropriate solution for the topography on both sides of the property line.

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Mr. Foraste said that he appreciates that the Cemetery has done a very good job over the last 100 years. He said that there is no other place in the Cemetery where they have gone up to 20 feet, except for one small corner where it did not turn out well. He said that since this will be the new normal and because the Town Engineer would like to have a mutual agreement about what will be happening out there, that is what he is asking the Board to ensure to happen. The Chairman said that it would be difficult to have a pre-determined landscape plan with species and accounting for the existing trees because it will all change as the plant materials go in. Mr. Foraste said that if they plant trees after the graves are filled, they may take another fifty to sixty years. He said that he would like to see something that shows what they will be working with. Mr. Himmelberger said that the screening will go in contemporaneous with this work being done. He said that it will not be done sixty years down the road. He said that the trees within the Cemetery that will go in after the graves. A Board member said that he did not think that the Board has to authority to tell the Cemetery that it has to plant any trees in the Cemetery itself. He said that the bylaw does establish an expectation and a requirement that there be a vegetated buffer. He said that the Board would like to see some variation in the location and species of the plantings that will provide a visual buffer. He said that at the time of the initial work, the screening will serve to further separate plots from the neighbors.

Mr. Himmelberger and the Board discussed the definition of natural vegetation in relation to the bylaw and the 20 foot buffer. A Board member said that the bylaw is specific to the 20 foot buffer for cemeteries. The Board said that the Applicant should discuss what can be planted within the 20 foot buffer with the Building Inspector. The Board said that it would not make that determination.

Mr. Himmelberger said that the Wednesday, March 22nd 2:53 pm email says that it is DPW's updated memo for the project. He said that should be adequate but could be augmented with the March 23rd email where the Town Engineer comments on the revised plans. He said that the March 23rd email contains far fewer conditions. The Chairman said that he would prefer to see a letter from DPW on letterhead. He asked that the issue of the slope of the road be addressed. The Board said that it will formulate a condition for that to be approved at a public meeting at a later date. The Chairman said that the conditions will also discuss the intent for a varied evergreen screen of not less than three species, five to six feet, interspersed in a non-linear manner. He said that it shall be a natural appearing screening.

Mr. Himmelberger discussed the CMP. He said that construction traffic will all be entering and exiting through Needham. A Board member said that there was a representation that the temporary entrance would be continued as a permanent emergency access. He said that was not presented at the previous hearing. Mr. Himmelberger said that the DPW, in their memo of March 22nd said that they took no issue with making the temporary entrance a permanent gated secondary point. He said that it is a gated, locked access for construction vehicles only and for service vehicles in the future. The Board member said that is a significant change from the notion that it would only be there during construction activity. He said that if there was a serious tree problem, they could always make an arrangement to get into the Cemetery. Mr. Himmelberger said that using the access avoids bringing construction and service vehicles over the newly paved Cemetery roads. The Board member said that it was his understanding that once the project was done, it would be removed and returned to its previous condition. He said that the original plan called it a temporary construction access drive. Mr. Himmelberger said that it was never the Applicant's intent to give the Board that impression. He said that they do want it to remain as a permanent, gated and locked access.

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A Board member asked if there is a design of the gate that the Board can look at. Mr. Himmelberger said that it would pretty much be what is there now. Mr. White said that there is currently a chain affixed to two trees at that location. He said that it will be a gate. Mr. Himmelberger said that the intent is that it will always be kept closed except when being used by construction or service vehicles. The Board confirmed that there is an existing road surface there. The Chairman confirmed that the access gate is located within 50 feet of the pavement on Brook Street. He asked if that is something that the DRB would be interested in. Mr. Himmelberger said that the Applicant would be willing to have DRB review the gate and get its approval. He said that the Applicant would like to remove the gate element from this project. He said that, in the interest of trying to move this project forward, they would go back to the condition that it be a temporary gate. Mr. Siccio said that there is already binder on the access. He said that when they rebuilt the roads in the Cemetery they used it as access for construction trucks and when they were not able to use the front entrance. He said that it turned out to be very useful for bringing in the burial vaults. He said that at the time of the paving, they had extra binder. He said that they can remove it. The Board said that the intent seems to be for maintenance as well as emergency access. The Board said that it sounds like it is there now but what is not there is the gate. The Board confirmed that it is a service entrance, not a public entrance. The Board said that there is no reason to not have a service entrance. Mr. Himmelberger said that to allow the Board to have control over its final implementation and design, he said that it could remain as a temporary construction access for now with the understanding that if they wish to make it permanent, they would come back to modify the Site Plan Approval. He said that they would go back to DRB and then come back before the Board. He said that would allow them, at this point, to move forward with Site Plan Approval. The Board said that they can use crushed stone if there are any problems with the surface during construction.

Mr. Foraste said that he felt that there was unfinished business from the previous hearing. He said that it had been suggested that the Applicant meet with the neighbors. He said that has not happened yet. The Board said that it does not have the authority to direct the Applicant to meet with the neighbors. The Board said that the input and work that Mr. Foraste put in has greatly improved this project even though it may not meet all of his goals.

Submittals from the Applicant

- Application for Site Plan Approval, dated January 3, 2017
- Site Plan Approval Review Plans and Submittal Checklist
- Project Overview Letter, 1/3/17, from David Himmelberger, Esq.
- Development Prospectus, dated 1/3/17
- Stormwater Report, dated 8/18/16, prepared by James White, Professional Civil Engineer, H.W. Moore Associates, Inc.
- Cover Letter for Revised Submission prepared by James M. White of H.W. Moore Associates, Inc., dated March 15, 2017

Plan Number	Drawing Title	Date of Issue	Prepared By	Date of Revision
	Cover Sheet	12/13/16		3/7/17

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Sheet 1 of 2	Wetland Flagging & Buffer Zones	5/13/15	Feldman Land Surveyors	
Sheet 2 of 2	Wetland Flagging & Buffer Zones	5/13/15	Feldman Land Surveyors	
C-1	Index	12/13/16	James White, P.E.	3/7/17
C-2	Site Development, Grading & Drainage Plan A	12/13/16	James White, P.E.	3/7/17
C-3	Site Development, Grading & Drainage Plan B	12/13/16	James White, P.E.	3/7/17
C-4	Site Development, Grading & Drainage Plan C	12/13/16	James White, P.E.	3/7/17
C-5	Erosion Control Plan	12/13/16	James White, P.E.	3/7/17
C-6	Traffic Management Plan	12/13/16	James White, P.E.	3/7/17
C-7	Site Details Plan	12/13/16	James White, P.E.	3/7/17

The Board did not receive any comments from the Wetlands Protection Committee or the Natural Resources Commission.

On February 6, 2017, Captain DiGiandomenico, Wellesley Fire Department reviewed the petition and recommended approval.

On February 15, 2017, the Design Review Board reviewed the petition and voted unanimously to approve the project.

On February 15, 2017, the Planning Board reviewed the petition and recommended approval.

On February 16, 2017 and March 20, 2017, March 22, 2017 and March 23, 2017, DPW Engineering Division submitted comments regarding the proposed project.

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.

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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 two years 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 this Site Plan Approval, the Applicant shall comply with all provisions of the Zoning Bylaw and general bylaws generally applicable to a project approved on April 20, 2017.
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 shall 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 notification of upcoming Project events that reasonably have the potential to impact the surrounding neighborhood.
5. The Department of Public Works – Engineering Division shall submit a final memo on official letterhead that confirms their satisfaction with the proposed work.

Design Conditions

6. 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).
7. The Project shall be designed and constructed on the Site in accordance with the plans, drawings, and data submitted with the Application for Site Plan Approval, 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.
8. Contract documents, including working drawings and specifications for the Project shall undergo the usual and customary review and approvals of the Building Inspector, 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.
9. The Applicant shall install and maintain a vegetative buffer between the Cemetery and adjacent properties (31, 33, 37, 41 Swarthmore Road) along the north-northwest property line in "Work Area A" as shown on plan sheet C-2 titled "Site Development, Grading & Drainage Plan A", dated December 13, 2016 and revised through March 21, 2017. The Zoning Board of Appeals'

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interpretation of Section II. 9A. a. allows for new plantings among the existing trees and shrubs within the 20-foot buffer zone, and therefore the Applicant shall supplant the existing vegetation with additional plantings. Such plantings shall consist of no less than 3 native evergreen species, including both trees and shrubs, of suitable size and quantity to provide a visual buffer between the residential properties and the cemetery, and installed in a non-uniform and non-linear manner to provide the appearance of natural growth. The Applicant is encouraged to consult with the Natural Resources Director and/or Tree Warden to determine which species are most appropriate for this purpose.

Construction Conditions

10. The Applicant shall implement its Traffic Management Plan (Sheet C-6), dated December 13, 2016 and revised March 7, 2017, as modified or clarified by these Conditions.
11. During the period of construction, all construction equipment and materials deliveries shall utilize a travel route that has been coordinated with the Police Department prior to its use. Every effort shall be made to avoid streets where schools are located and residential streets.
12. 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 am and no later than 4:00 pm. Construction work may be performed on the Site Monday through Friday commencing not earlier than 7:00 am and completing not later than 7:00 pm and on Saturday commencing not earlier than 8:00 am and completing not later than 7:00 pm. Any work before 7:00 am or later than 7:00 pm shall only take place in case of emergency with the permission of the Police.
13. During the period of construction, on-site parking for construction equipment and parking for construction workers at 148 Brook Street is specifically permitted. No vehicles of construction workers and no construction equipment shall be parked on any other public way of the Town. Construction vehicles waiting to access the site shall shut off engines when not in use, or when idling time exceeds five minutes. If a truck comes early, there shall be a plan as to where the truck may wait with its engine shut off.
14. All construction and delivery vehicles exiting the site shall stop at an established construction exit for a wheel wash to prevent mud and debris from falling into the street abutting the site. The Applicant shall cause the street abutting the site to be swept as frequently as required to ensure that dust, dirt, and debris not completely removed by the truck wash are not deposited onto the street.
15. All construction waste shall be kept in dumpsters. The dumpsters shall be kept covered and only picked up during normal working hours, Monday through Friday, 7 am to 4 pm.
16. A sign on the outer fence shall have all contact information for the contractor and the Department of Public Works Engineering Division.

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Use Conditions

17. The "Emergency Access Gate" and the "Paved Emergency Access Drive" shown on plan sheet C-6 titled "Traffic Management Plan", dated December 13, 2016 and revised through March 21, 2017 shall be temporary. Should the Applicant choose to make the access drive and gate permanent, further approval from the Design Review Board and Zoning Board of Appeals shall be required.

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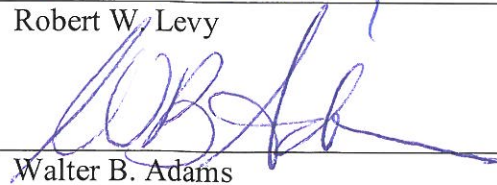
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



David G. Sheffield, Acting Chairman



Robert W. Levy



Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrn