

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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ZBA 2019-21
Petition of 80 Walnut Street LLC
80 Walnut Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 24, 2019, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of 80 Walnut Street LLC requesting Site Plan Approval pursuant to the provisions of Section XVIA and Section XXV of the Zoning Bylaw for a major construction project that includes demolition of an existing single family dwelling and construction of a three-story office building and associated parking, on a 9,704 square foot lot in a Business A District, at 80 Walnut Street.

On December 26, 2018, 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 were Stanley Brooks, Esq., Viktor Gyuris, Manager, 80 Walnut Street LLC, Christie Dennis and Martin Smargiassi, Architects, Innovative Collaborations, Inc., and Michael Kosmo, E.M. Brooks Engineering.

Mr. Brooks said that the proposal is for Site Plan Approval for a major construction project to construct 2,900 plus square feet of new building, which will exceed the 2,500 square foot threshold. He said that the property is located on a 9,704 square foot lot, is triangularly shaped, and topographically runs from Walnut Street down gradient towards the Charles River. He said that currently there is a blue Dutch colonial house surrounded by a fence at the property. He said that the property is located at the traffic light at the intersection of Cedar, Walnut and River Streets, in a commercial area with multiple story office buildings and converted mill buildings to the north on both sides of the street, and the Cochituate Aqueduct, Ardemore Apartments and residences south of the property. He said that opposite the site at the intersection of Walnut and Cedar Streets is a park. He said that there is a residential dwelling on the corner of Walnut and River Streets. He said that directly across the street on the opposite corner of Walnut and River Streets is a house that has been converted to an office building.

Mr. Brooks said that the proposal is to construct a single tenant pediatric medical practice occupied building that will fit in with the existing neighborhood. He said that, due to the topography, the front of the building will appear to be two stories at street level. He said the third level will only appear as you get to the rear of the building. He said that the project will be in full compliance with the Zoning Bylaw. He said that most of the Design Review Board (DRB) recommendations were incorporated into the plans that were submitted to the Board. He said that the application was reviewed with Police, Fire, Engineering,

Water & Sewer, and the Board of Health and some of their recommendations were incorporated in the plans.

Mr. Brooks said that the only requirement in the regulations is for a front setback of at least 35 feet. He said that this building will be set back 46 feet. He said that there is a bump out where the traffic signal, control box, fire hydrant and light pole are located, which effectively sets the building back in excess of 65 feet from the street. He said that the flat area at the front of the lot will be used for parking. He said that 11 parking spaces are required and 12 will be provided. He said that the maneuvering aisles will all be proper widths. He said that the Fire Department signed off on the plans with respect to access. He said that because there will be less than 15 parking spaces, development standards in Section XXI of the Zoning Bylaw are not applicable.

Mr. Brooks said that the height of the structure at street level will be 32.2 feet. He said that the DRB signed off on the wall sign. He said that the project will be in compliance with all retaining wall requirements. He said that all of the roof runoff and runoff from the parking lot will be collected, go into two leaching basins underneath the parking lot, and will percolate to groundwater.

Mr. Brooks said that the Police Department had no concerns regarding public safety.

A Board member asked if the Architects looked at bringing the crosswalk to the sidewalk closer to the entrance. Mr. Smargiassi said that they needed a longer run to achieve a five percent slope to address accessibility requirements.

The Chairman asked about anticipated use of the parking space, turnover during the day, and impacts on the street. Mr. Brooks said that his understanding is that a parent will come to the facility with a child or children, see an administrative staff member, then a nurse, and if necessary, a doctor. He said that they believe that there is sufficient parking for staff and scheduled well visits, with some excess parking for sick visits. A Board member said that the number of proposed parking spaces on the site exceed the requirements of the Zoning Bylaw.

Mr. Brooks said that Victor Gyuris is the manager of the limited liability company and his wife is a doctor who currently has her practice at 25 Walnut Street with one other doctor, two nurses and two front desk people who greet the patients. He said that phone calls are off loaded to their Newton office. He said that there are usually two to three patients in the rooms with two to three waiting. He said that the maximum is four to six families at the same time in the building.

A Board member said that on Page 10 in the application package, the last paragraph talks about negotiations with the Natural Resources Commission (NRC) and the Selectmen's Office regarding a shrubbery screen along the easterly lot line within the Town's right of way. He confirmed that should read as the westerly lot line. Mr. Brooks said that since filing the application, they went before the NRC and received permission to remove two Norway Maples at the front of the lot that are within the right of way, subject to a contribution to the tree fund. He said that they had a conversation with NRC about shrubbery but they were not inclined to have that installed. The Board member said that the shrubbery may have been helpful to dissipate headlights.

The Chairman said that in the application package, it was stated in one place that solid waste would go to a dumpster at the back of the building and in another place it said that there will not be any dumpsters. He asked about the daily operations for solid waste, recycling and medical waste. Mr. Brooks said that a cleaning company will be engaged to take care of the premises and they will be responsible for removal of all waste except medical waste, which will be handled in accordance with statutory requirements. He said that recycling bins on the property will be removed by a private contractor. He said that the receptacles will be located inside the building. The Chairman confirmed that cleaning will take place after business hours. Mr. Brooks said that the original plan had an area for a dumpster or trash receptacles but they deemed it more appropriate to move that function inside and keep more open space outside.

A Board member said that the Photometric Plan shows that there will be a bit of a spillover to the Aqueduct Path. He said that there is a wide path before it gets to the apartment building. Ms. Dennis said that to get the requisite parking spaces, they had limited places to put the fixtures. Mr. Smargiassi said that they may be able to tweak some fixtures by turning them. Mr. Brooks said that they will look at the lighting plan again.

The Chairman asked about Fedex deliveries. Mr. Brooks said that the trucks will probably just pull in to the corner and the driver will run into the building.

The Chairman said that his plan shows the English system for traffic going in and out instead of the US system, which creates conflicts with turning movements. Mr. Brooks said that they will revise the parking plan to the American version.

The Chairman said that parking space #5 is shown as employee long term parking. Mr. Brooks said that they designated that spot for someone who will show up in the morning to stay for the day because it is the most difficult space to get in and out of. The Chairman confirmed that the space is not intended for overnight use.

A Board member said that there appears to be only one exit on the first floor. He questioned whether the door at the elevator has to swing in or out. Mr. Smargiassi said that there is an exit at the rear from the lower level and an exit at the front. Ms. Dennis said that the exits will meet the Massachusetts Building Code, based on the maximum travel distance. Mr. Brooks said that issue was reviewed in some detail by the Town. A Board member said this his concern is the three story open stair.

A Board member confirmed that the building will not be sprinklered.

The Chairman said that he did not see anything on the drawings that addressed snow removal. He said that the parking lot will be principally full and there will be little space to push or store snow. Mr. Brooks said that the triangle to the right of parking space number four is the area where they had considered locating a dumpster. He said that can be a snow storage area. He said that the intention is to have snow removed off-site. The Chairman said that a snow handling note should be added to the drawing that identifies where the snow will be going, so the Board has a record of what it is approving.

The Chairman discussed information about stormwater that the Board will need to see, including text about the flow and volume, pre and post construction, calculations for runoff, comparison of the whole runoff scheme to MA DEP Guidelines, and grease traps or oil separators to take care of things that come

out of the parking lot. Mr. Kosmo said that they will be providing sanitary tees and deep sumps in the catch basins. He said that they can provide a Stormwater Report that includes flow and runoff information in tabular form and a narrative, as well as an O & M Plan for the drainage features. The Chairman said that if the drawings already shown something for oil separation, it should be called to the Board's attention or add a detail that shows that.

The Chairman discussed the series of retaining walls along the property line adjacent to the Aqueduct. He said that he did not see details of the retaining wall that convinced him that construction of the walls will not require access to town property. Mr. Brooks said that everything will be within the site. He said that they will submit a cross section plan of the wall. Mr. Smargiassi said that Plan L6.1 shows a typical VersaLok System unreinforced wall.

Mr. Brooks discussed the Applicant's accommodation of all but one of the DRB's recommendations in their letter of October 31, 2018.

A Board member asked about the plantings on the low roof at the entrance that is shown on Plan A0.0 and on the sign plan. Mr. Smargiassi said that planter boxes are intended to go up on the flat roof and can be accessed by going through the casement windows on the front.

The Chairman asked about manufacturer's specifications for the ac unit that is shown on the plans at the left rear of the property. Mr. Smargiassi said that they do not have that information yet but they do have a mechanical engineer on board.

A Board member asked about the crawl space to the mechanical area. Mr. Smargiassi said that the crawl space to get to the mechanicals and plumbing was due to site slope and square footage limitations.

A Board member said that lettering on the sign will be less than 14 inches but the logo will be larger. He said that although the logo does not comply with the bylaw, it will be subsumed in the Site Plan Approval.

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

Submittals from the Applicant

- Application for Site Plan Approval, dated 11/30/18
- Memorandum to Zoning Board of Appeals, from Stanley A. Brooks, Esq., on behalf of 80 Walnut Street LLC
- Site Plan Approval Review Plans and Submittal Checklist
- Development Prospectus
- Photographs of 80 Walnut Street and adjacent buildings
- Aerial photographs of Walnut Street
- Street views of River Street and Walnut Street
- Photographs of existing structure at 80 Walnut Street
- Property Record Card
- Locus

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MUNICIPAL RECORDS SYSTEM
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- Application for Abandonment of Subsurface Sewage Disposal System to Wellesley Health Department, dated 7/19/17
- Letter to Michael Grant, Inspector of Buildings, dated 7/25/17, re: Razing Inspection 80 Walnut Street, from Steven Calichman, R.S., C.H.O., Environmental Health Specialist, Town of Wellesley Health Department
- Construction Management Plan, dated 11/28/18, prepared by The Han Group
- Pre-Post Peak Flow Drainage Summary, dated 10/25/18, stamped by Michael S. Kosmo, P.E.
- Memorandum to Design Review Board
- Sign Permit Application

Plan Number	Drawing Title	Date of Issue	Prepared By	Date of Revision
Sheet 1 of 3	Site Plan of Land in Wellesley, MA – 80 Walnut Street	4/19/17	Bruce Bradford, Professional Land Surveyor & Michael S. Kosmo, P.E.	6/6/17, 1/9/18, 2/7/18, 2/14/18, 8/22/18, 10/9/18, 10/25/18 & 11/27/18, 2/19/19
Sheet 2 of 3	Site Plan of Land in Wellesley, MA – 80 Walnut Street	4/19/17	Michael S. Kosmo, P.E.	6/6/17, 1/9/18, 2/7/18, 2/14/18, 8/22/18, 10/9/18, 10/25/18 & 11/27/18, 2/19/19
Sheet 3 of 3	Site Plan of Land in Wellesley, MA – 80 Walnut Street	4/19/17	Michael S. Kosmo, P.E.	6/6/17, 1/9/18, 2/7/18, 2/14/18, 8/22/18, 10/9/18, 10/25/18 & 11/27/18, 2/19/19
	Drainage Summary with accompanying Project Description, Operations & Maintenance Plan and MDEP Checklist for Stormwater Report	4/19/17	Michael S. Kosmo, P.E.	10/25/18, 2/19/19 <i>2019 MDP - A</i>
	Rendering – Newton Pediatrics			<i>LOWE GATE STATION - WELLESLEY MASS</i>
A 0.0	Cover Sheet	11/20/18	Martin A. Smargiassi, R.A.	10/10/18 & 11/26/18
A 1.1	First Floor Plan	11/20/18	Martin A. Smargiassi, R.A.	10/10/18 & 11/26/18
A 1.2	Second Floor Plan	11/20/18	Martin A. Smargiassi, R.A.	10/10/18 & 11/26/18
A 1.3	Lower Level Plan	11/20/18	Martin A. Smargiassi, R.A.	10/10/18 & 11/26/18

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A 2.1	Front and Rear Elevation	11/20/18	Martin A. Smargiassi, R.A.	10/10/18 & 11/26/18
A 2.2	Side Elevations	11/20/18	Martin A. Smargiassi, R.A.	10/10/18 & 11/26/18
A 3.1	Building Sections	11/20/18	Martin A. Smargiassi, R.A.	10/10/18 & 11/26/18
E 4.1	Photometric Plan	11/20/18	Martin A. Smargiassi, R.A.	10/10/18 & 11/26/18, 2/7/19
L 1.1	Landscape Site Plan	11/20/18	Martin A. Smargiassi, R.A.	10/10/18 & 11/26/18
L 6.1	Typical Landscape Details	11/20/18	Martin A. Smargiassi, R.A.	10/10/18 & 11/26/18, 2/7/19
A 6.1	Signage	10/10/18	Innovative Collaborations, Inc.	
	Specification Sheet for Mitsubishi Electric 12,000 BTU/H Wall-Mounted Air- Conditioning System; PKA- A12HA7 & PUY A12NKA7(-BS)			
	Specification Sheet for Mitsubishi Electric Outdoor VRF Heat Pump with Heat Recovery System; 16-TON PURY-HP192TSKMU-A-H			2019 MAR - 1 A 11:03 FBI-DOJ-2019-02481 FBI-DOJ-2019-02481

On October 16, 2018, the Historical Commission, by a vote of 6-1, determined that the building (dwelling) at 80 Walnut Street is not deemed Preferably Preserved.

On October 25, 2018, the Design Review Board reviewed a sign permit application and unanimously recommended approval.

On October 31, 2018, the Design Review Board reviewed a Major Construction application and unanimously recommended approval, subject to conditions.

On January 8, 2019, David Allen, Supervisory Electrical Engineer, Municipal Light Plant, reviewed the project and submitted comments.

On January 23, 2019, the Deputy Chief Charles DiGiandomenico reviewed the project and submitted comments.

On January 23, 2019, the Planning Board reviewed the project and submitted comments.

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.

Approval of installation of a wall sign with a 3 foot 5 ½ inch logo and 14 inch letters is subsumed in the Site Plan Approval, as the sign scale will be will in reasonable relation to development scale, viewer distance and travel speed, and sign sizes on nearby structures; sign size, shape, and placement will serve to define or enhance architectural elements of the building and will not unreasonably interrupt, obscure or hide them; sign design will be in reasonable continuity with the mounting location, height, proportions and materials of other signage on the same or adjacent structures; sign materials, colors, lettering style, illumination and form are reasonably compatible with building design, neighborhood context and use; and sign size, location design and illumination are not judged to present a safety hazard to vehicular or pedestrian traffic.

Site plan approval for the construction of the building proposed to be used for a pediatric medical practice located at 80 Walnut Street is granted, as voted unanimously by the Board at the Open Meeting, pursuant to Section XXV and Section XIVA of the Zoning Bylaw; subject to the following conditions:

General Conditions

1. By accepting this Site Plan Approval the Petitioner 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 Petitioner 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 Petitioner shall comply with all provisions of the Zoning Bylaw, general bylaws, and all the rules and regulations of the Planning Board and the Board of Health generally applicable to a project approved on February 28, 2019. No fees are waived in connection with the Project. Fees shall be those then in effect at the time of application for the permit or approval subject to the fee.
3. The Project shall be designed and constructed substantially in compliance with the drawings and data submitted with the Application for Site Plan Approval.
4. Contract documents, including working drawings and specifications for the Project shall undergo the usual and customary review and approvals of the 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.

5. The Petitioner will establish a website, or use an existing website, 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, the traffic on Walnut, Cedar or River Streets. Such scheduled activities shall be shown in a two-week or three-week (whichever the Petitioner normally uses in its project planning and construction management) look-ahead schedule that shall be updated not less than bi-weekly, and provided the Petitioner has such advance knowledge of such events, such notifications shall be posted not less than 14 calendar days prior to the referenced events or otherwise as far in advance thereof as is reasonably possible. In addition to the website, the Petitioner shall establish a telephone number for receiving and responding to questions or concerns expressed by residents of the Town concerning the project construction activities or compliance with the Conditions of the Site Plan Approval. The number will be provided to Town officials, and posted at the Site in a conspicuous location visible to the public from Walnut or Cedar Street.

Design Conditions

6. Design and construction of the Project shall fully comply with all applicable provisions of 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 substantially 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.
7. During the post-construction period, all parking for patients, guests, and employees shall be within the parking lot on the Site. The Project shall include parking spaces in accordance with the Plans submitted, and the final Plans shall have no fewer than twelve (12) spaces without the consent of the Board.
8. The final Site lighting design shall not result in light levels outside of the Site boundary higher than those shown on drawings E4.1, dated as of February 7, 2019.

WILMINGTON
TOWN PLANNING
DEPARTMENT
WILMINGTON, MA 01845
(978) 772-0016

Construction Conditions

9. The Applicant shall implement its Construction Management Plan as specified in its submittal dated November 28, 2018, as modified by these Conditions.
10. During the period of construction, all construction equipment and material deliveries made by trucks larger than 15' (roughly 760 CF) shall utilize: (1) Route 128/I-95 to Walnut Street; or (2) any other such route as the Applicant shall agree with the Wellesley Police Department prior to its use.
11. During the period of construction, on-site parking for construction workers and for construction equipment is specifically permitted, and no vehicles of construction workers and no construction equipment shall be parked on Walnut Street, Cedar Street, River Street or any other public way of the Town, or in any public parking lot within 600 feet of the Site. The Applicant may park vehicles of employees and construction vehicles on-site in the areas shown on its drawings incorporated into its Construction Management Plan until such time as the number of vehicles exceeds the capacity of the on-site area. At least thirty days prior to the time that such on-site parking capacity is exceeded, or such shorter time as is reasonably possible based on construction conditions, the Petitioner shall submit to the Board its plan for off-street parking and transportation of workers from the off-street parking site to the Site, such submittal being for the purpose of demonstrating compliance with the requirements of this Condition (17). Trucks and construction vehicles on-site shall shut off engines when not in use, or when idling time exceeds five minutes.
12. Construction work may be performed on the Site Monday through Friday commencing not earlier than 7:00 a.m. and completing not later than 6:00 p.m. No work shall be permitted either on Sunday or on a legal holiday in the Town of Wellesley.
13. For the abatement of any asbestos containing material found on the Site, this Site Plan Approval is subject to the Petitioner's compliance with the 453 CMR 6.00, Removal, Containment or Encapsulation of Asbestos as promulgated by the Department of Labor and Workforce Development.

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02481
A II

Use Conditions

14. The stormwater run-off and drainage system shall be operated and maintained in accordance with the Operations and Maintenance Plan submitted by the Petitioner. 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".

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80 Walnut 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.

ZBA 2019-21
Applicant 80 Walnut Street LLC
Address 80 Walnut Street


J. Randolph Becker, Acting Chairman

David G. Sheffield

Walter B. Adams

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

MASSACHUSETTS
TOWN CLERK'S OFFICE
WELLESLEY, MA 02481
2019 MAR - 1 A 03

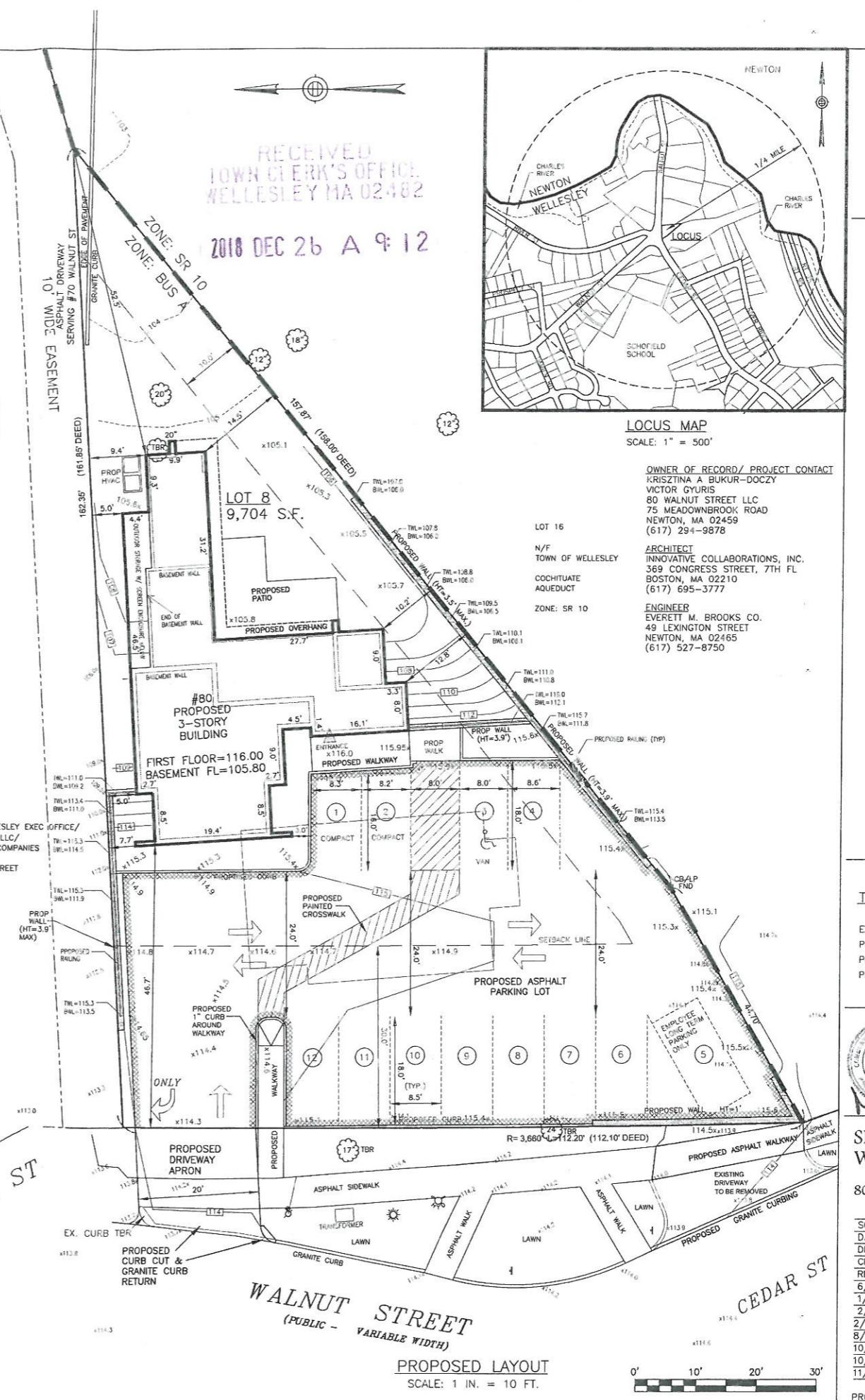
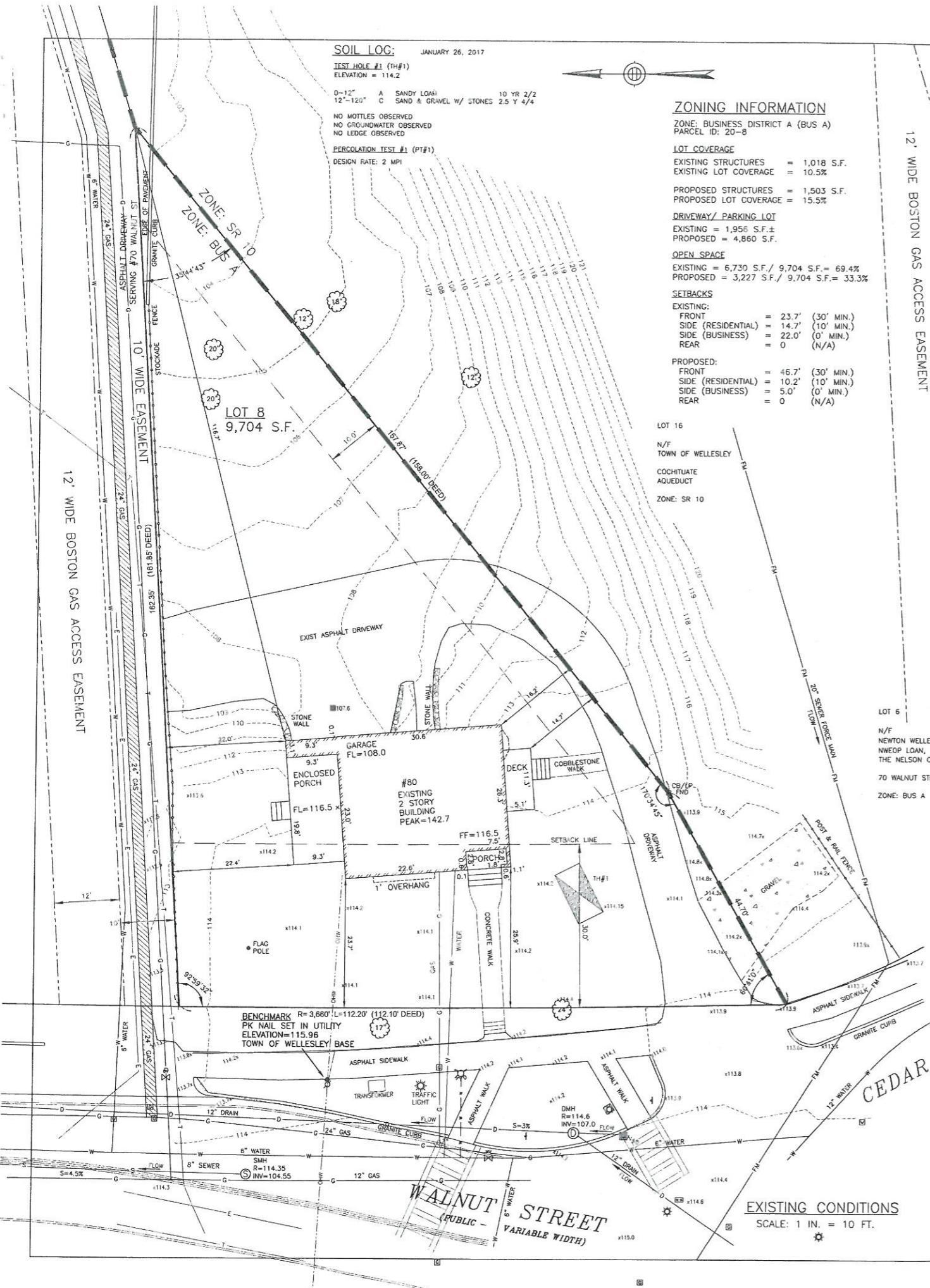
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Date:

Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm



EMB
EVERETT M. BROOKS CO.
SURVEYORS & ENGINEERS
49 LEXINGTON STREET
WEST NEWTON, MA 02465

(617) 527-8750
info@everettbrooks.com

LEGEND	
	UTILITY POLE
	WATER GATE
	HYDRANT
	GAS GATE
	CATCH BASIN
	SEWER MANHOLE
	DRAIN MANHOLE
	TREE
	LIGHT POLE
	SIGN
TBR	TO BE REMOVED
TBA	TO BE ABANDONED
TWL	TOP OF WALL
BWL	BOTTOM OF WALL
FF	FIRST FLOOR
BFL	BASEMENT FLOOR
	HANDICAP SPACE
THIN	DEEP TEST HOLE
THICK	PERCOLATION TEST
71.4 %	SPOT ELEVATION
	PROPOSED CONTOUR
	EXISTING CONTOUR
— D —	DRAIN LINE
— RD —	ROOF DRAIN
— FD —	FOUNDATION DRAIN
— W —	WATER LINE
— S —	SEWER LINE
— G —	GAS LINE
— E —	ELECTRIC LINE
— T —	TELEPHONE LINE
— OHW —	OVERHEAD WIRE
— X —	FENCE
	HEDGE
	TREE LINE

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PROPOSED LAYOUT SHEET 1
PROPOSED UTILITIES & GRADING SHEET 2
PROFILES & DETAILS SHEET 3

SITE PLAN OF LAND IN
WELLESLEY, MA

80 WALNUT STREET

SCALE: AS NOTED
 DATE: APRIL 19, 2017
 DRAWN: ES
 CHECK: BB & MSK
 REVISIONS:

6/6/17	VARIOUS REVISIONS	ES
1/9/18	VARIOUS REVISIONS	ES
2/7/18	VARIOUS REVISIONS	ES
2/14/18	VARIOUS REVISIONS	ES
8/22/18	VARIOUS REVISIONS	ES
10/9/18	VARIOUS REVISIONS	ES
10/25/18	VARIOUS REVISIONS	ES
11/27/18	VARIOUS REVISIONS	ES

PROJECT NO. 25153 SHEET 1 OF 3

