

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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2019 MAR 20 A:2
TOWN OF WELLESLEY
ZONING BOARD OF APPEALS

ZBA 2019-22

Petition of Wellesley College
350 & 106 Central Street
(Athletic Field)

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 Wellesley College requesting Site Plan Approval pursuant to the provisions of Section XVIA and Section XXV of the Zoning Bylaw for a major construction project that will disturb more than 5,000 square feet to install shot put, javelin and hammer/discus throwing areas, and regrading an existing pathway to within ADA accessibility thresholds. A portion of the existing synthetic turf area will be paved with asphalt and track surfacing to provide an area for pole vault events. The Petitioner is requesting a Variance pursuant to the provisions of Section XX and Section XXIV of the Zoning Bylaw to install athletic field lighting that will exceed the maximum height allowed by right. The Petitioner is requesting a Special Permit pursuant to the provisions of Section XIVE and Section XXV of the Zoning Bylaw for a major construction project in a Water Supply Protection District. The project is located at 350 and 106 Central Street, in an Educational District, a 40,000 square foot Single Residence District and a Water Supply Protection District.

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 was Megan Buczynski, Activitas, Design Consultant. Also present were Michelle Mayhew and Chris Ridge, representing Wellesley College, the Petitioner.

Ms. Buczynski said that the proposed work involves the existing synthetic field and track area, some ADA improvements at the bleachers and pathways, and at the throwing event areas. She said that the request is for a waiver for height restrictions for 80 to 90 foot high lighting poles that will be installed at the track and field area.

Ms. Buczynski said that they will replace the synthetic turf field and resurface the existing track. She said that they will not be digging the track up but will install a new resilient surface on top. She said that they will switch out turf for track surfacing to provide a pole vault runway.

Ms. Buczynski said that there is currently only site lighting. She said that they are looking at two proposals for new light poles on each side. She said that the higher the lights, the better it is to aim the light down onto the field. She said that they met with Conservation, who reviewed and accepted the light

levels on the Photometric Plan. She said that they met with a representative from the Hunnewell family who lives across the lake and they did not have any concerns. She said that they did a balloon test so that the neighbors could understand what the height will be. She said that the proposed LED lights will be focused on the field area. She said that the Athletics Department asked that the lights be shut off at 10 pm. She said that it is not anticipated that the lights will be used year round.

Ms. Buczynski said that additional work at the practice field includes installation of a shot put area, a javelin runway, and a hammer discus cage. She said that the shot put and javelin runway will be at grade. She said that the hammer discus area will have 20 foot poles that surround the area for safety. She said that the cage will be used year round. She said that it will be tucked into the slope and will not be highly visible.

Ms. Buczynski said that the entire existing site has an Activity Use Limitation (AUL). She said that the cap surrounds the practice field and the soccer field. She said that work in the area for the net poles will be on a spread footing so that they do not penetrate down to the cap. She said that they are working with Haley & Aldrich to monitor the work during construction. She said that any material generated from the site will be kept on site on a small area with room to place the materials. She said that they expect to generate about 80 cubic yards from the track events areas and 24 cubic yards from the poles. She said that they will put everything at elevations to meet the AUL requirements.

Ms. Mayhew said that the bathroom facility is under the jurisdiction of the Athletic Department and is open during events. A Board member said that it is a wonderful amenity for the residents of Wellesley who walk around Lake Waban. He said that it would be good to post the hours when it will be open.

Ms. Buczynski said that the Wetlands Protection Committee (WPC) granted a waiver from the requirement for a five percent reduction in runoff flow and volume. A Board member said that it should have documentation of that waiver from WPC.

The Chairman said that within the Drainage Report there was an O & M Plan for the drainage but the Turf O & M Plan was more like a brochure from a turf manufacturer and not at the same level. Ms. Buczynski said that the final turf selection has not been completed yet. She said that, depending on the vendor who is selected, there will be specific requirements for their turf. She said that they included an example during the permitting phase to discuss equipment that should be used for brushing and grooming the field, how they should clean the field if a someone fell and got a cut, and those kinds of things. She said that they can add into the O & M log how often the turf is being groomed, etc. She said that in the past, the school has completed snow removal and there is ongoing agreement about where the snow is stored. She said that documentation will go into the final O & M Plan. She said that the O & M that was submitted is meant to be a draft as they finalize the vendors.

The Chairman said that he did not see a Construction Management Plan (CMP). He asked that the Applicant look at other CMPs for four recent Wellesley College projects. Ms. Buczynski said that they will follow up with that.

The Chairman discussed the waiver versus a variance for lighting. He said that there was nothing submitted that talked about how tall the poles will be, what the foundations will be, and what the light

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fixtures will look like. He said that there was narrative about the balloon tests but there was no justification for why the poles should be 80 to 90 feet rather than 45 feet. A Board member said that the Board should see the product as part of its approval for a variance for height. He said that having 45 foot poles would probably require more poles. The Chairman said that the Planning Board recommended that the Board find that the light poles are not structures, and therefore, the 45 foot limitation does not apply to them and a variance is not needed.

Victor Panak, Senior Planner, said that the language in Section XX of the Zoning Bylaw refers to rooflines and the walls of buildings and structures, and then exempts antennas, solar panels and similar things that would be affixed to the top of a building. He said that taken altogether, the terms and the language used in that section, it was his and the Planning Board's interpretation that Section XX does not apply. He said that the Building Inspector is the Zoning Enforcement Officer, so he will make a final decision on the interpretation of the bylaw. The Chairman said that there is no requirement for the height of light poles in the ZBL. He said that it is important to get information about the light poles and fixtures into the record so that the Board can see what the impacts will be and make an informed decision. Ms. Buczynski said that she can follow up with a letter to ZBA with further description of the light poles and what the light levels would be at different heights.

March 7, 2019

Ms. Buczynski said that they submitted follow up materials for the track and field lighting and the CMP. She said that the town's Engineering Department finished up its review and has no further comments on the plans.

A Board member said that the light fixtures appear to be adjustable, so they will be able to take readings on the field and adjust them to restrict light spillage.

The Chairman said that the materials that were submitted were responsive to what the Board had asked for.

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

Submittals from the Applicant

- Memorandum to Zoning Board of Appeals, dated 12/4/18, from: Meg Buczynski, Activitas, re: Wellesley College – Athletics Accessibility Renovations #18032
- Application for Site Plan Approval, Special Permit and Variance, dated 12/4/18
- Site Plan Approval Review Plans and Submittal Checklist
- Development Prospectus
- Flood Insurance Rate Map 25021C0012E, Effective July 17, 2012
- Shaw Sports Turf Maintenance Manual
- Stormwater Report, dated 12/4/18
- Memorandum to Zoning Board of Appeals, dated 1/23/19, from Megan Buczynski, P.E., re: Response to Comments from Town of Wellesley Engineering Department

- Memorandum to Zoning Board of Appeals, dated 2/14/19, from Megan Buczynski, P.E., re: Response to Comments During ZBA Hearing, with attachments:
 - Techline Sports Lighting 25 Fixture Crossarm Assembly, dated 7/14/15
 - Eaton Ephesus All Field 550/750 Sports Lighting, dated 1/26/17
 - SP1.3 Construction Management Plan, dated 11/30/18, stamped by Megan Buczynski, P.E.
 - Operation and Maintenance Plan, dated 12/4/18, revised 2/13/19
 - Shaw Sports Turf Maintenance Manual

Plan Number	Drawing Title	Date of Issue	Prepared By	Date of Revision
	Cover Sheet with Locus Map	11/30/18	Activitas	2/13/19
Sheet 1 of 3	Existing Topography Plan	12/3/18	Kenneth T. Strom, PLS	2/13/19
EX1.2	Existing Conditions Plan Sheet II	11/30/18	Activitas	2/13/19
EX1.3	Overall Site Existing Conditions	11/30/18	Activitas	2/13/19
SP1.1	Site Preparation Plan Sheet I	11/30/18	Megan E. Buczynski, P.E.	2/13/19
SP1.2	Site Preparation Plan Sheet II	11/30/18	Megan E. Buczynski, P.E.	2/13/19
SP1.3	Contractor Staging Plan	11/30/18	Megan E. Buczynski, P.E.	2/13/19
L1.1	Layout and Materials Plan – Sheet I	11/30/18	Megan E. Buczynski, P.E.	2/13/19
L1.2	Layout and Materials Plan – Sheet II	11/30/18	Megan E. Buczynski, P.E.	2/13/19
L2.1	Grading Plan	11/30/18	Megan E. Buczynski, P.E.	2/13/19
L2.2	Grading Plan – Sheet II	11/30/18	Megan E. Buczynski, P.E.	2/13/19
L3.1	Drainage Plan	11/30/18	Megan E. Buczynski, P.E.	2/13/19
L4.1	Detail Sheet I	11/30/18	Megan E. Buczynski, P.E.	2/13/19
L4.2	Detail Sheet II	12/4/18	Megan E. Buczynski, P.E.	2/13/19
P1.1	Photometric Plan	11/30/18	Activitas	2/13/19
E0.0	Electrical Legend, Notes & Abbreviations	11/30/18	Activitas	
E1.0	Electrical Site Plan	11/30/18	Activitas	

E2.0	Electrical Details	11/30/18	Activitas	
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On December 12, 2018, the Design Review Board reviewed the project and unanimously recommended, subject to recommendations.

On January 8, 2019, David Allen, Supervisory Electrical Engineer, MLP, reviewed the project and stated the MLP has no outstanding issues that should delay the approval of the project.

On January 17, 2019, George Saraceno, Senior Civil Engineer, DPW Engineering Division submitted comments regarding the proposed project. On February 27, 2019, Mr. Saraceno stated that the revised plans and documents have addressed DPW comments dated January 17, 2019, which are shown on the plans.

On January 23, 2019, Deputy Chief DiGiandomenico reviewed and approved the project with respect to Fire Department Access. He reserved the right for final approval at the time of issuing permits with a complete set of building documents.

On January 23, 2019, the Planning Board reviewed the project and recommended approval of Site Plan Approval and a special permit for a major construction project in a Water Supply Protection District.

On March 7, 2019, the Wetlands Protection Committee approved an Order of Conditions for the 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.

The Board found that the project meets the requirements of Section XIVE of the Zoning Bylaws for Water Supply Protection Districts. The Board voted unanimously to grant a Special Permit for a Major Construction Project in a Water Supply Protection District.

CONDITIONS

1. By accepting this Site Plan Approval the Applicant agrees to the terms, covenants and conditions and agreements contained herein. This Site Plan Approval shall expire one year from the date hereof unless construction has begun by that date. The Applicant may apply to the Board for reasonable extensions to this Site Plan Approval for good and sufficient reason.

2. Except for the relief granted by the Board as listed in these Conditions, the Applicant shall comply with all provisions of the Zoning Bylaw and general bylaws generally applicable to a project approved on March 19, 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. Contract documents, including working drawings and specifications for the Project shall undergo the usual and customary review and approvals of the Building Inspector, the Town Engineer, or any other applicable local inspector or board.
4. The Applicant will establish a website, or use an existing website during the duration of site construction activities, to provide Town officials and residents access to the most current scheduled activities and to notification of upcoming Project events that reasonably have the potential to impact the surrounding neighborhood.

Design Conditions

5. Design and construction of the Project shall fully comply with all applicable federal and state laws and regulations, including, but not limited to, the requirements of the Massachusetts State Building Code (780 CMR) and the Massachusetts Architectural Access Board (521 CMR). The Project shall be designed and constructed on the Site in accordance with the Plans, except as provided in this Site Plan Approval, including these Conditions. Any requirement of consistency with the Plans means as those Plans are modified by the Conditions.
6. The Applicant shall establish, apply, and maintain a reasonable procedure under which appropriate members of the Wellesley College faculty, with the Director of Environmental Health and Safety, shall review and approve a program for the delivery, use, storage, and disposal of any Toxic or Hazardous Materials (as defined in Section XIVE of the Zoning Bylaw) in any part of the Project. The procedure shall, as a minimum, meet the applicable requirements of Section XIVE(F) of the Zoning Bylaw.

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ZONING BYLAW

Construction Conditions

7. During the period of construction, all construction equipment and materials deliveries shall utilize: (1) Route 9 to Route 27 to Route 135 to the Wellesley College main entrance; or (2) Route 9 to Oak Street to Bacon Street to the designated Central Street access and exit (Route 135) shown

on Drawing SP1.3 or (3) any other such route as the Applicant shall agree with the Wellesley Police Department prior to its use.

8. During the period of construction, all deliveries of construction materials and equipment shall be made only on Monday through Friday no earlier than 7:00 a.m. and no later than 6:00 p.m. Construction work may be performed on the Site Monday through Friday commencing not earlier than 7:00 a.m. and completing not later than 6:00 p.m. Site work may be performed on Saturday commencing not earlier than 8:00 a.m. and completing not later than 4:00 p.m. Site work on Sunday or on a holiday in the Town is prohibited.
9. 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 any public way of the Town. Trucks and construction vehicles on-site shall shut off engines when not in use, or when idling time exceeds five minutes.
10. All construction and delivery vehicles entering the site shall stop at an established construction exit for a wheel wash to prevent the entrance of materials deleterious to the Water Supply Protection District onto the streets of the Town. The Applicant shall cause connecting streets to be swept as frequently as required in the event that dust, dirt and debris not completely removed by the truck wash are deposited on the street.
11. Insofar as practicable, refueling of construction equipment on the site shall be prohibited. In the event that on-site refueling cannot be avoided, such refueling shall be performed with due consideration to spill prevention and control measures that should reasonably be applied in a Water Supply Protection District, and in accordance with the Applicant's established Spill Prevention, Control and Countermeasure Plan.

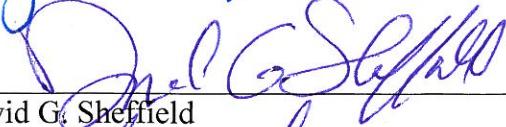
Use Conditions

12. Operation and maintenance of the stormwater run-off and drainage system shall comply with the requirements of the Town's "Municipal Stormwater Drainage System Rules and Regulations" in effect as of February 1, 2018.
13. There shall be no storage of prohibited chemicals, in accordance with Section XIV of the Zoning Bylaw.

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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.


J. Randolph Becker, Acting Chairman


David G. Sheffield


Walter B. Adams

ZBA 2019-22
Applicant Wellesley College
Address 350 & 106 Central Street (Athletic Field)

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TOWN CLERK'S OFFICE
WELLESLEY MA 02482
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NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

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