



ZONING BOARD OF APPEALS

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ROBERT W. LEVY, VICE CHAIRMAN
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March 12, 2019
7:15 pm
Juliani Meeting Room
Town Hall

Zoning Board of Appeals Members Present: J. Randolph Becker
Robert W. Levy
Derek B. Redgate

ZBA 2018-64, 680 WORCESTER ROAD LLC, 680 WORCESTER STREET &
ZBA 2018-65, 16 STEARNS ROAD LLC, 16 STEARNS ROAD

Present on behalf of the Town of Wellesley was Christopher Heep, Esq., Town Counsel, and Captain Charles DiGiandomenico, Deputy Chief, Fire Prevention, Wellesley Fire Department.

Present on behalf of the Applicant were Geoffrey Engler and William Bergeron, P.E., Hayes Engineering.

Mr. Levy asked that Captain DiGiandomenico discuss circulation for fire and emergency apparatus and the Blasting Plan.

Mr. Engler said that his expectation for the hearing was to present the Construction Management Plan (CMP), blasting as part of the 16 Stearns Road construction, architecture, and modest site changes. He said that they met with Rob Nagi, VHB, who is the Town's Peer Review Consultant.

680 WORCESTER STREET

Mr. Levy asked that the Applicant talk about what has changed since the last hearing. He asked that the Applicant discuss 680 Worcester Street first.

Mr. Bergeron discussed increasing the width of the driveway at the entrance to Route 9 from 24 to 28 feet. He said that they created a chart to show that if an SU 30 vehicle was coming in, it would not interfere with passenger cars going in or out.

Captain DiGiandomenico said that he oversees the plans for special projects that involve water supply access.

Mr. Levy said that there has been a lot of concern because it is a dense site that will be occupied almost entirely site by the building. He asked about accessibility from Route 9 for fire apparatus and ambulances. Captain DiGiandomenico discussed 527 CMR MA Fire Code and swept path analysis. He said that the

project meets the State requirements. Mr. Levy asked if there are any concerns about the ability to respond to emergencies at the site. Captain DiGiandomenico discussed concerns about interference with Route 9. He said that the ladder truck can reach the front of the building from Route 9.

Captain DiGiandomenico discussed access and egress for ambulances, police and small fire apparatus. He said that there is access to pull under the garage if needed to make space for an ambulance and there will be a turnaround for a truck to come back out to Route 9. He said that circulation on the site will also depend on other factors such as snow and the time of day.

Mr. Redgate said that the project was reviewed by Mr. Nagi, the Town's Traffic Peer Reviewer, and DPW and they had overlapping comments about fire access to three sides of the building, acknowledging that the Fire Department has final approval. Captain DiGiandomenico discussed Chapter 18 of the 2015 Fire Code and the required distances for sprinklered buildings.

Captain DiGiandomenico said that the water supply was reviewed and found to be adequate. Mr. Bergeron that a new hydrant will come off of a 12 inch main.

Mr. Heep confirmed that a standard medical response team of fire, police, and ambulance will all be able to pull onto the site and leave enough room for cars that are parked in the garage to get out. Captain DiGiandomenico described the location of the command car, engine and ladder truck for a fire call on the site. He discussed parking the ladder truck on Route 9.

Mr. Levy asked if the Fire Department has any preferences to mark fire lanes. Captain DiGiandomenico said that a fire lane maintain should be 20 feet wide. He said that there should be something in the front. Mr. Levy discussed making that a condition.

The Board confirmed that the height of the building at five stories will not be an issue for the Fire Department.

16 STEARNS ROAD

Mr. Bergeron said that they met with VHB to discuss parking spaces in the circular parking area, Code requirements, moving the curb line out to allow for an easier turn, removal of two compact spaces, how rubbish truck will go in and out of the site, use of turnaround easement and incorporation into circular driveway, two driveways, and fire trucks access.

Mr. Bergeron discussed the location of fences that are shown on the Landscaping Plan.

Mr. Bergeron said that Fire Flow tests were done and show that they have more capacity than needed.

Captain DiGiandomenico said that the project was reviewed by a Fire Department Engineer, who found that it will meet all required codes. He discussed turnaround, ladder truck and other engine access, fully sprinklered buildings and annual testing. Mr. Levy discussed concerns about Stearns Road being dead end and narrow. He asked about a designated no parking or fire lane. Captain DiGiandomenico said that all fire apparatus can make a three point turn to turn around. He said that there should be no issues as long as the circle is open. Mr. Engler said that they can designate no parking areas.

Mr. Levy asked if there was anyone present at the public hearing who wished to address fire related or emergency access concerns.

Pete Buhler, 10 Stearns Road, said that 10 years ago no parking signs were put on Francis and Stearns Roads because Sprague was designated as a medi vac emergency evacuation. Captain DiGiandomenico said that there is a gate at the end that needs to be kept clear.

Mr. Buhler discussed fire access to the Alzheimer's Center. Captain DiGiandomenico said that the engines park on Route 9.

Mr. Levy asked about blasting. Captain DiGiandomenico said that it is regulated by the Fire Department.

Andy Dufore, Maine Drilling & Blasting, Milford, MA, discussed the blasting process, regulations under 527 CMR 1 Chapter 65, company background information, pre-blast surveys within 250 feet of the closest loaded bore hole, documentation of existing condition of homes, protections for company and homeowners, narrated video, and letters to homeowners. Mr. Becker asked about the specificity of the video. Mr. Dufore said that they go from room to room and document the conditions.

Mr. Redgate asked which houses will be located 250 feet from the closest loaded bore hole. Mr. Dufore said that approximately five houses should be affected. He discussed the blasting area and potential issues with utilities. He said that they are willing to do a survey for houses located beyond 250 feet, within reason. He said that they encourage pre-blast surveys because they help to educate the neighbors about the blasting process. He said that the company will obtain bond insurance after reviewing the surveys.

Mr. Dufore said that they are willing to provide notification by text, email or phone to interested parties approximately one half hour before blasting.

Mr. Levy asked if blasting occurs at a particular time of day. Mr. Dufore said that they might blast two times a day but the preference is to shoot once, typically at mid-day, depending on site conditions. He said that they have a fire detail on site every day that they blast. He said seismographs are set for the weakest materials to hold vibration levels to safe limits. He said that after blasting the fire detail collects readings to ensure compliance with code.

Mr. Dufore described drilling patterns to control vibrations. He discussed timing the blasts and blasting mats.

Mr. Levy asked if there are regulations for blasting close to a school. Mr. Dufore said that there are not. He said that they design the blast to be safe and cause no damage to homes. He said that there will be a written site security plan.

Mr. Levy said that because this is an active school site where the playground is used often for sports and after school activities, it is important to understand what hours blasting will occur. Captain DiGiandomenico said that blasting is usually done by the time that school gets out. Mr. Dufore said that they will work with the school to coordinate the best time for blasting.

Mr. Levy asked about the noise level of the blasting. Mr. Dufore described it as being similar to the sound of a truck rumbling on the road. He said that you will feel the blasts but they are designed to protect structural integrity. Mr. Levy asked that the blasting company communicate with the school, the neighbors including the Alzheimers Center, and the police.

Mr. Levy asked about the duration of blasting. Mr. Dufore said that it should involve 20 working days of continuous activity of drilling in various locations, loading the holes, setting the mats and blasting. He discussed the process for drilling and blasting. He discussed the process for registering complaints about damage to homes.

Captain DiGiandomenico said that the Fire Department has only had one complaint about damage from blasting in six and a half years. He said that the fire fighter detail monitors the seismograph in the ground. Mr. Becker asked who controls the data that is collected. Mr. Dufore said that they keep a blast report with the seismic data. He said that if there is a complaint, the Fire Department will request the documents. Captain DiGiandomenico said that he keeps a folder with the permit application, pre-blast plan and survey, and a post-blast analysis. Mr. Becker asked if the data is retained. Mr. Dufore said that the data is used as feedback for the next blast. He said that they cannot predict vibrations due to variables in the ground but use the actual data to redesign for the most efficient blasting at the safest level. He said that they are required to notify the Fire Department if they exceed the levels.

Mr. Levy asked if special precautions are taken for gas lines. Mr. Dufore said that they work with the gas companies to be sure that they comply with the regulations.

Mr. Levy asked about the bond. Mr. Dufore said that they post a \$20,000 and the company provides \$10 million in insurance.

Captain DiGiandomenico said that the Fire Department looks at the company's information and makes sure that the licenses are up to date.

Mr. Levy discussed liability and damages. Mr. Dufore said that claims are handled by the company's risk manager.

Mr. Redgate asked about workers' licenses. Mr. Dufore discussed the workers involved and registration with the State. He said that blasting companies are highly regulated.

Mr. Engler said that blasting has nothing to do with 40B. He said that the Applicant is not asking for any waivers or special consideration. He said that the process will be regulated according to industry standards. Mr. Levy said that the Board had concerns about safety. Mr. Heep discussed State Statute Chapter 148, Section 20 regarding blasting and liability.

Mr. Becker asked Mr. Dufore to describe the daily operations, safety and security.

Mr. Redgate asked Mr. Dufore to talk about any similar 20 day blasting projects that the company has done locally.

Mr. Levy asked if stone removal will affect the water table or have other geological effects.

The Board discussed possible effects that blasting may have on the AUL at Sprague field.

Mr. Levy asked if there was anyone present who wished to speak to the petition.

Scott Lainer, 31 Sunset Road, said that he is the parent of a student at Sprague School. He discussed concerns about 20 days of blasting during school and blasting near the Alzheimer's Center. Mr. Levy said that blasting will last less than 5 minutes for 20 consecutive days. Mr. Dufore said that they can speak with the school. Mr. Lainer said that the parents want to know what is going on.

Mr. Levy asked if the Applicant anticipated when the site work will be done if the project is approved. Mr. Engler said that a fair amount of time elapses between approval of a Comprehensive Permit and when construction begins. He said that they are willing to accept a condition to notify the Principal of Sprague School in advance of activity, provide a plan and have a discussion. Mr. Levy asked that they also coordinate with the Recreation Department to avoid interference with activities on the playing field at Sprague.

Scott Fraser, 4 Stearns Road, discussed concerns about 20 days of blasting on children and Alzheimer's patients. He asked about liability for psychic trauma. Mr. Levy said that is beyond the statute, which is for property damage.

Mr. Fraser asked if there are standards and codes for blasting closed to remediated toxic landfills. He asked about effects of blasting on movement of water. Mr. Becker discussed water movement and pressure.

Mr. Dufore said that they will work with management at the Alzheimer's Center. Mr. Levy said that the blasting is permitted by law, is highly regulated, and is not up to the Board's discretion. He said that the Applicant is not requesting relief for blasting under 40B. He said that the Board asked that the blasting process be explained to the community.

Mr. Fraser discusses concerns about the effects on the gas line. Mr. Dufore said that the gas company will be highly involved.

Debbie Buhler, 10 Stearns Road, said that she works from home and has a good idea of when the school children go by, when people come home, school recesses, when games are being played, where cars park, buses, and daily schedules at Sprague. She discussed concerns about the magnitude and 20 days of blasting.

Pete Buhler, 10 Stearns Road, discussed concerns about a tree house on his property. He asked about using alternatives such as hydraulic hammering or chemical removal of rock. Mr. Dufore discussed the issues associated with the alternative methods.

Mr. Buhler said that the Alzheimer's Center was built on a pile foundation. He asked if there are any concerns about the blasting affecting it. Mr. Dufore said that they will design the blast so that the vibration there will have decayed by a substantial amount.

Mr. Buhler asked about the effects of blasting on cars in driveways. Mr. Dufore said that moving the cars is not required.

Mr. Buhler discussed complaints and settlements that he had read about Maine Drilling & Blasting.

Sara McRoberts, representing her parents at 10 Francis Road, said that they have lived there for over 40 years. She discussed concerns about blasting and with cars parked on the street and the ability of a fire truck to get down the road.

Mr. Levy asked Captain DiGiandomenico how many blasting projects he has supervised. Captain DiGiandomenico that he has supervised approximately 20 projects. He said that he did not anticipate any problems as long as everyone does what they are supposed to do. He said that he has been a detail officer and they take extreme cautions. He said that he never worked on a project that had flying rock or an explosion. He said that it is a very quick rumble. Mr. Dufore said that they have blasted at schools when they are in session and around hospitals. He said that they have done a lot to reach out to facilities managers and principals. Captain DiGiandomenico said that State Regulations have guidelines that have to be followed by do not limit where you can blast. He discussed issues with a prior project on Pleasant Street.

Mr. Levy discussed inserting a condition to coordinate with the School Department and the Recreation Department about any activities on the fields.

Following a brief recess, Mr. Levy asked Mr. Engler to discuss the Construction Management Plans (CMP). Mr. Engler said that in many ways the CMP's for 16 Stearns Road and 680 Worcester are similar. He said

that the focus will be on the distinct differences. He said that they will discuss particular areas that were highlighted at the previous hearing.

Dominic DeSimone, Jay Derenzo Properties, gave an overview of the revised CMP, pre-construction meetings with the Town and subcontractors, perimeter protection and public safety, signage, access, and police details. He said that Mr. Derenzo intends to be the general contractor. He discussed construction worker parking, access for superintendents and foremen, no parking on Stearns, Francis or Worcester, carpooling, public transportation, parking lots in Wellesley, and renting parking spaces on private property. Mr. Engler discussed a possible parking agreement with the Italo American Club. Mr. Heep discussed a condition for dedicated parking without impact to downtown.

Mr. DeSimone discussed project phasing and timeline, number of employees on the site, delivery schedules, and queuing for cement trucks.

Mr. Becker asked about interactions between the two projects with respect to construction management.

Mr. Levy said that the Board typically requires site signage with phone numbers, email addresses with contact information, and a website.

Mr. Levy said that there will be no parking allowed on Route 9 or town roads.

Scott Fraser, 4 Stearns Road, asked if there are any plans to use the 16 Stearns Road site as staging for 680 Worcester Street.

Brian Nichols, 676 Worcester Street, said that he has experience working on commercial and residential construction. He suggested that the Board put together a strong order of conditions. He discussed concerns about unpreparedness, lack of more distinct information from the Fire Department, traffic, issues with construction vehicles on both sites, 680 Worcester Street driveway, and parking.

Pete Buhler, 10 Stearns Road, discussed concerns about vehicles blocking Stearns and Francis roads and driving over private property to get around construction vehicles. He asked about updates to the Soil Management Plan. Mr. Engler said that soil management is part of the Building Permit, not the CMP.

The Board discussed having Mr. Boehmer come back to discuss further articulation on the back side of the building.

Mr. Redgate said that the Board will need to see a final approval letter from DPW.

Mr. Engler said that Mr. Velleco reached out to Mr. Boehmer three times and has not had a response.

Mr. Levy asked that the Applicant identify some other projects that he has built so that the Board can get an idea of the quality of workmanship.

Mr. Becker moved, Mr. Redgate seconded the motion, and the Board voted unanimously to continue the hearing to March 206, 2019.

As there was no further business to come before the Board, the hearing was adjourned at 10:20 pm.

Respectfully submitted,

Lenore R. Mahoney
Executive Secretary