

**ZONING BOARD OF APPEALS**

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DEREK B. REDGATE

April 30, 2019
7:30 pm
Juliani Meeting Room
Town Hall

Zoning Board of Appeals Members Present:

Robert W. Levy
J. Randolph Becker
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 were Christopher Heep, Town Counsel, Judi Barrett, Consultant, Lt. Scott Showstead, Police Department, David Hickey, Town Engineer, and Robert Nagi, Vanasse Brustlin.

Present on behalf of the Applicant was Geoff Engler, representing 680 Worcester Road LLC and 16 Stearns Road LLC William Bergeron, P.E., Hayes Engineering.

Mr. Levy reviewed the project. He said that it was opened on September 6, 2018. He reviewed the Chapter 40B statute, Wellesley's status at 6.5 percent, Zoning Board of Appeals (ZBA) as sole permit granting authority for municipal approvals, satisfying State requirements for Wetlands Protection and MassDOT, project eligibility from MassHousing, ZBA authority to grant waivers for certain municipal requirements, need to balance the need for affordable housing with the only real criteria that the Board can impose related to health and safety issues, ability of developer to appeal to the Housing Appeals Court (HAC) if conditions of approval make the project uneconomic, and consequences of being overruled by HAC. He said that this is the eighth hearing on the project. He said that the Board spent considerable time reviewing materials, asked for revisions, had peer reviews done for traffic and architecture, had the benefit of review of the project by DPW engineers, the Deputy Fire Chief, a Chapter 40B consultant and Town Counsel. He briefly discussed the background of the Board members.

Mr. Levy discussed the status of the two projects and options for moving further along. Mr. Heep discussed requirements for closing the hearing and timeline for final vote.

Mr. Engler said that he had just received comments from the Town's traffic peer reviewer, Mr. Nagi, today. He said that his team was able to tweak the plans to accommodate SU-40 trucks. He said that they submitted materials for the retaining wall and anticipated some discussion about the height of the building at 680 Worcester Street. He said that he did not have anything more to add to the 16 Stearns Road project.

Lieutenant Showstead discussed Police Department concerns regarding the size of the entry and exit on Route 9 for multiple emergency vehicles and potential traffic back up on Route 9.

Mr. Nagi said that he reviewed the modified plan. He discussed concerns about delivery truck and emergency vehicle access at 680 Worcester Street, and operational issues if truck loading interferes with internal circulation.

Mr. Bergeron displayed a plan that shows access and parking at 680 Worcester Street. He discussed movement of SU-30, SU-40 and emergency vehicles. He discussed a possible restriction to SU-30 trucks. Mr. Heep said that would not be enforceable by the Police or the Building Inspector.

Mr. Levy discussed the Board's preference for fewer units, more open space and better site circulation by eliminating three units on the top floor. Mr. Becker said that stepping the building back on the east face was a good change. Mr. Engler was not comfortable about losing the top level.

The Board discussed the option of closing the hearing for 680 Worcester Street versus extending. Mr. Engler said that he would consider losing two to four units but would need time to prepare revised plans and have more interaction with the traffic consultants.

Mr. Levy said that the record should show that the Applicant has agreed to extend the date for closing the public hearing to May 28, 2019. Mr. Heep said that a letter of extension should be submitted to the Board tomorrow.

Mr. Redgate moved, Mr. Becker seconded the motion, and the Board voted unanimously to continue the hearing for 680 Worcester Street to May 28, 2019.

Mr. Levy asked Mr. Hickey if he had any further issues with 680 Worcester Street. Mr. Hickey said that he had not reviewed the latest version of the plans. He said that DPW had concerns about the entrance, constructability of the project, safe place to park, construction management, and sewer capacity with respect to serviceability, reliability, and maintenance. Mr. Engler said that he does not expect the footprint of the building to change. He said that they will not be digging up neighbors' backyards. He said that they may lose some units at the higher levels but there will be no major redesign at the ground level.

Mr. Hickey discussed the opportunity to upsize the eight inch sewer pipe. He said that the existing pipe is approximately 40 years old. He said that there have been no reports about integrity issues. Mr. Engler said that the Applicant would accept a condition that the pipe be videoed.

The Board discussed 16 Stearns Road. Mr. Engler said that he had no updates. Mr. Levy asked about open issues and requests for waivers.

Mr. Heep said that Mr. Boehmer had recommended breaking up the articulation on the building facing Sprague Field. He said that would require the Applicant to revise the plans. He said that it could be addressed in the form of a condition. He said that Mr. Boehmer's main objection to the project is not the building but the impact of the number of additional units on the roadway. Mr. Nagi discussed further study by the Town and working with the neighbors to try to improve the pedestrian environment. Ms. Barrett said that the road will change because the number of units at the end of the road will make it the project's driveway. She said that the question is how to achieve equitable space for everyone. Mr. Levy said that based on prior testimony, the neighbors prefer to not see substantial changes. He said that it is not uncommon for developers to make contributions to a town for off-site improvements. Mr. Engler said that the Applicant would probably be comfortable with contributing to study and design but not the work. Mr. Nagi discussed cost and scope of various roadway studies.

Mr. Becker asked about the DPW recommendation for looping the water main. Mr. Heep said that there is a letter from Mr. Hickey that says that it is not necessary for this project but is something that DPW would like to see done eventually.

The Board reviewed the requested waivers from February 6, 2019.

Mr. Levy said that he got a letter from the direct abutter on Route 9 that talks about the Applicant acquiring the property. Mr. Engler said that is no longer up for discussion.

Quentin Walsh, 10 Francis Road, said that he and his wife have lived there for 43 years. He said that his daughter addressed the Board on their behalf in February and read a written statement regarding concerns about mass, scale, height, density, traffic, and character of the neighborhood. He discussed the previous denial of site eligibility from the State and the Planning Board recommendation of November 20, 2018. He said that the project will destabilize the long term viability of the single family neighborhood. He said that the structure is too large. He said that the Applicant needs to come up with better site and building design in relation to the surroundings. He said that unless the project is scaled back, it should be denied.

Sridhar Tallapragada, 33 Oak Street, said that she has a son who goes to Sprague School. She discussed concerns about two major projects close to the school, environmental impact and land fill.

Santash Chitalia and Marianne Clark said that they represent the Newton Wellesley Alzheimer's Center. They read a letter to the Board that discussed concerns about the impacts of blasting on the patients, added traffic and reduced sunlight.

Paul Cremonini, 396 School Street, said that he has lived there since 1950 and has been involved with the Sprague site for 30 years. He discussed issues associated with building the Sprague School, the landfill and capping the landfill in 2010. He displayed aerial views that show two major culverts that cross under School Street, proceed on the boundary of the school entrance. He said that an extensive grid of pipes and connections go under the landfill to the softball area and join up with the culvert that handles north of Route 9. He discussed the culvert at the entrance to the Newton Wellesley Alzheimer's Center and basins near Stearns Road. He discussed concerns about the effects of blasting and drilling near the aging culverts and who will take responsibility. He discussed concerns about effects on the Alzheimer's Center, the blasting company, the impact of construction vehicles and where they will park, and impact on the fields. He said that the Italo American Club submitted a letter to the Applicant stating that it will not allow construction vehicles on its lot.

Pete Buhler, 10 Stearns Road, said that he submitted a letter to the Board today. He discussed concerns about health and safety and achieving equity for the neighborhood. He discussed reducing the density, high water table and cancer rates, amount of cars, 22 foot wide street with no sidewalks, old beautiful trees on the road, lack of economic justification for the height, and blasting in proximity to an AUL.

Mr. Buhler said that the Board has asked for the developer's experience working on projects of this scale but has not received it.

Mr. Buhler asked about inserting a condition for escrow to cover any damage during blasting.

Mr. Levy said that the CMP discussed an agreement for construction parking at the Italo American Club. He said that the Board received a letter changing that position. Mr. Engler said that they expect conditions to deal with that issue.

Scott Lainer, 31 Sunset Road, discussed statements made at the hearing about safety for the Alzheimer's patients and parking for construction vehicles. Mr. Levy said that the permit will be conditioned so that no parking will be allowed on public ways or on private without the owner's permission.

Mr. Engler commended Mr. Buhler for his involvement with neighborhood concerns. He said that the laws are clear about the criteria for approval. He said that technical experts have evaluated the data over the past eight months. He said that there are legitimate concerns but supporting documents, only speculation about what might happen. He said

that they will be operating within the law and regulations of Chapter 40B. He said that the Board has the power of conditions.

Mr. Becker moved, Mr. Redgate seconded the motion, and the Board voted unanimously to close the public hearing. The Board said that it has 40 days to render a decision, which they will deliberate at a public meeting.

As there was no further business to come before the Board, the hearing was adjourned at 9:57 pm.

Respectfully submitted,

Lenore R. Mahoney
Executive Secretary

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