

**ZONING BOARD OF APPEALS**

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June 19, 2019
7:30 pm
Juliani Meeting Room
Town Hall

Zoning Board of Appeals Members Present: J. Randolph Becker
Richard L. Seegel
Walter B. Adams

ZBA 2019-53, CEDAR PLACE LLC, 3 BURKE LANE

Present at the public hearing on behalf of the Applicant were Lynne Sweet, Development Consultant, LDS Consulting Group, John Federico, P.E., Guerriere & Halnon, Jeffrey Dirk, Traffic Engineer, Vanasse & Associates, and Dennis DiSchino, owner.

Ms. Sweet discussed responding to questions submitted by the neighbors on June 18, 2019 and submitting a revised site plan. She said that the civil engineer will discuss pedestrian and vehicular circulation on the site. She said that the traffic engineer is also present at the hearing. She said that a lot of the issues that have been raised will be addressed in the Construction Management Plan (CMP).

Ms. Sweet stated that the Developer is agreeable to restrict all construction vehicle access to and from the site to Route 9.

Ms. Sweet said that discussion about moving materials onto and off of the site will be discussed in more detail when stormwater management is discussed.

Ms. Sweet said that the retaining wall will be constructed of prefabricated blocks such as ready rock, and will not be a gravity wall. She discussed construction of the retaining wall. She said that materials taken out for the wall will be used to re-grade the site. She said that crushed stone will be brought on-site for the building and the driveway. She said that most of the stumps will be ground on-site.

Ms. Sweet discussed the history of the commercial parking lot next door and the loss of 20 parking spaces on the front of the building due to highway improvements on Route 9. She said that the proponent has a petition for the property next door before the Zoning Board that is relevant to traffic and circulation for this project. She discussed neighbors' concerns about parking on Burke Lane.

Mr. Federico displayed a PowerPoint presentation and distributed an updated site plan, an email from the Fire Department, and a hard copy of the PowerPoint presentation.

Mr. Federico discussed pedestrian safety, extension of the sidewalk, railings, crosswalk striping, ADA compliancy, slopes, concrete berm, retaining wall, and drain pipe to Cultec chambers.

Mr. Federico discussed fire safety, turning radius using Wellesley Fire Tower #2 specs, new hydrant, extension of six inch fire line, and Fire Department request for another access on site at 170-184 Worcester Street which is closer to the hydrant on the Route 9 side. He said that the Deputy Fire Chief and the Fire Department's engineer have reviewed the plans. He said that access on the parking lot side can be provided to medical team and Police vehicles while still allowing for turning movements for fire vehicles.

Mr. Federico said that his understanding is that the existing building will not be sprinklered but the new building will be.

Mr. Dirk discussed the transportation assessment of 10 vehicle trips during peak hours, with six peak hour trips in the morning and four in the afternoon. He said that they worked with the town to determine the study parameters. He discussed the factors that were taken into consideration for the transportation impact assessment including, looking at other modes of transportation, lines of sight, existing traffic volume on Burke Lane where the site is located, measured vehicle travel speed, bus line on Cedar Street, motor vehicle crash history, and projected volumes thru 2026. Mr. Becker asked why the Tailby and other lot developments were not included in the assessment. Mr. Dirk said that it would be included in the 2 percent growth rate. He discussed vehicle trips on different days and hours, trip distribution pattern, impacts on level of service, and delays in vehicle queuing. He discussed recommendations for pedestrians, bicycle access, ADA sidewalks; sight lines and pulling the existing retaining wall back.

Mr. Becker asked why the assessment did not look at Burke and Mclean and other Burke Lane intersections. Mr. Dirk said that they focused on the ramp intersection.

Mr. Seegel asked about the distance of the site from any of the central shopping areas in the town. He asked if shopping trips were accounted for in the assessment. Mr. Dirk said that they looked at peak travel times, traffic at other times that are projected to be equal to or less than at peak hours, and typical Saturday shopping times between 11 am and 2 pm.

Mr. Becker asked about the traffic forecasting process. Mr. Dirk discussed the equipment used, collection of 48 hours of data on Tuesday and Wednesday, manual turn movement counts during peak hours at the ramp intersection with Burke Lane, and daily traffic counts to validate that they have captured the peak. He discussed monthly averages.

Mr. Becker asked about parking data and the variability in the ITE data for affordable housing developments and multi-family residential developments.

Mr. Adams asked about the process to determine parking ratios. Mr. Dirk said that someone walks the lot and records data every 15 minutes to collect data for the parking ratios.

Mr. Adams asked if there are any concerns about Burke Lane being such a narrow road. Mr. Dirk discussed the 20 foot width of the roadway, adequacy for the volume on Burke Lane and low speed. Mr. Adams asked about having a center line on Burke Lane. Mr. Dirk said that he would not recommend it.

Mr. Heep asked that the Applicant elaborate on a comment made about discussions with MassDOT. Mr. DiSchino said that the discussions are in connection with the project at 170-184 Worcester Street. He said that they are proposing to change the curb cut on the ramp at 170 Worcester Street and widen the ramp for two-way travel.

Mr. Becker asked if there was anyone present at the public hearing who wished to speak to the petition.

Jared Linder, 15 Burke Lane, asked about the location of the bus stop on Cedar Street. He said that it is not clear where bicycles will be going. He said that the traffic study does not include the expansion of the Worcester Street lot. He asked how that expansion will impact traffic on Burke Lane. He said that construction traffic will be relegated to Route 9, on and off the ramp. He asked if a traffic detail be required and if so, who will pay for it.

Mr. Dirk said that there may not be signs for a formal bus stop but riders can hail the bus. He said that the bus schedule is included in the appendix of the transportation study. He said that parking does not generate traffic but uses generate traffic. He said that there are no bicycle accommodations in the area. He said that he would not recommend it but bicycle traffic is allowed on Route 9.

Brita Heimarck, 24 Burke Lane, asked which retaining wall causes the problem with the sight lines. Mr. Becker said that it is the retaining wall in front of the existing building. Ms. Heimarck said that the retaining wall at the corner of McLean Street and Burke Lane should be looked at because of the blind spot and several near misses at the intersection. She said that they had asked for a traffic mirror there.

Ms. Heimarck said that eight vehicles from the proposed housing will not make a large difference. She questioned how many more cars might turn right from the 85 parking spots proposed for the commercial building with a gym and restaurant, etc. She said that a no right turn sign may not stop people from turning right. Mr. Becker said that the Board has not seen the traffic projections for the commercial building and there is nothing in the record that indicates what will be happening in the building next door. He said that it is a parking lot and paving project. Mr. Seegel said that most of the people using that location will be coming up Route 9 or Cedar Street. Mr. Becker said that the clear intent of the layout of the parking lot is to avoid traffic on Burke Lane.

Joseph Zani 19 Burke Lane, discussed traffic from small companies on Burke Lane and parking for the residential units and visitors. Mr. Becker said that Mr. Dirk indicated that the parking ratio is consistent with that of other similar size developments. Ms. Sweet said that an area in the center of the building has been designed for drop off and pickup for Uber, moving vehicles, food deliveries, etc.

Lan Yu 25 Burke Lane, asked about the possibility of closing Burke Lane between the residential and commercial building, with no right turn onto Burke Lane. Mr. Becker discussed safety implications for fire truck access.

Ms. Heimarck asked about access for a fire truck on the residential parking lot. Mr. Becker said that Mr. Federico showed a turning radius there for the largest Wellesley fire truck.

Mr. Becker said that it was not clear whether closing the street would come under the jurisdiction of the Board for the Comprehensive Permit or under the jurisdiction of the Board of Selectmen (BOS).

Mr. DiSchino said that the commercial buildings have been there since the 1960s. He said that the town has done traffic counts on Burke Lane and they have always been low. He said that they will be increasing parking at the commercial building to prevent overflow onto Burke Lane.

Mr. Becker briefly discussed the 40B process and the constraints that the Board is working under. He said that a more in depth discussion can be added to a future agenda.

Ms. Heimarck discussed strong safety concerns on Burke Lane because there are no sidewalks and there are two curves that result in low visibility. She said that there is an elementary school two blocks away. She questioned whether it would be safer for pedestrians and bicyclists if Burke Lane was closed near the commercial building. Mr. Heep said that the BOS and town meeting have control over the roads, acting as property owner. He said that the Zoning Board does not have the power to close roads. He said that if evidence supports it, the Board can recommend closing the road to the BOS and the Applicant. He said that the town's traffic engineer will make a presentation at a subsequent hearing.

Ms. Heimarck asked about getting the BOS involved.

Gary Miller, 150 Cedar Street, asked for clarification about the jurisdiction under the town bylaws for the project at 170 Worcester Street and jurisdiction of Massachusetts General Laws for the project at 3 Burke Lane.

Ms. Heimarck said that since the town only has 6.7 percent of affordable housing, the proposed development will double traffic on the street. Mr. Adams said that the law was developed to have affordable housing distributed throughout the town with different size developments, including multi-family, not all in one area.

Mr. Zani asked why Barton Road was not considered as affordable housing.

Mr. Zani: discussed parking issues in the past because of the medical office in the commercial building. He said that it took two years to get no parking on Burke Lane and he is afraid that it might happen again.

Mr. Heep discussed a traffic peer review by Rob Nagi, Traffic Engineer, VHB, including timeframe and price. He said that he also reached out to Cliff Boehmer regarding an architectural peer review but has not heard back from him yet. He said that the Wellesley Department of Public Works will be used for the site and drainage reviews.

The Board discussed upcoming schedules. Mr. Becker said that architecture and drainage can be discussed in the same session.

Ms. Sweet requested copies of the peer review contracts and review of ZBA consultant reports.

Mr. Adams moved, Mr. Seegel seconded the motion, and the Board voted unanimously to continue the hearing to July 18, 2019.

Respectfully submitted,

Lenore R. Mahoney
Executive Secretary