

**ZONING BOARD OF APPEALS**

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

J. RANDOLPH BECKER, CHAIRMAN
RICHARD L. SEEGEL
DAVID G. SHEFFIELD

LENORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 2208

ROBERT W. LEVY, VICE CHAIRMAN
WALTER B. ADAMS
DEREK B. REDGATE

August 6, 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, Dennis DiSchino, owner, and John Federico, PE.

Present on behalf of the town were David Hickey, Town Engineer, and Rob Nagi, Traffic Consultant, VHB.

Mr. Becker discussed comments from the public regarding the video of the previous hearing. He said that it was too early to address detailed questions at this stage of the development of the project. He said that commitments that are made by the Developer will be incorporated into the decision.

Mr. Nagi discussed review of the memo from Vanasse, expected impacts of the project around Burke Lane, impact of traffic generated by 16 units, and focus on safety and the operational side of the driveway and the site. He said that he was comfortable with the proposed 1.62 spaces per unit for resident and visitor parking, given the parking controls that are proposed to lease or rent apartments with a single parking space and additional spaces negotiated through a lease agreement.

Mr. Nagi said that the study area was reasonable. He said that they looked at the intersection of Burke Lane and Route 9, collected volumes in January and then adjusted for seasonal variations.

Mr. Nagi discussed pedestrian and bicycle accommodations. He said that there are no sidewalks on Burke Lane or in the immediate area of the site. He discussed the potential for a MetroWest bus stop nearby.

Mr. Nagi discussed the driveway, the retaining wall at the front of the property and sight line issues. He discussed having a sidewalk in front of the site to connect to the potential bus stop. He discussed a school bus waiting area, an electric vehicle charging station on the site, bicycle parking, vehicle loading areas, and request for truck turning movements.

Mr. Nagi discussed coordination with the property manager to ensure that tenants are not all moving at the same time.

Mr. Nagi discussed the Construction Management Plan (CMP), traffic impacts, construction worker parking, and staging materials.

Mr. Becker asked about the scope of the focus of the traffic study. Mr. Nagi said that the size of the project did not warrant expanding the study to look at the streets that are further away because the impacts would not rise to a level where they would make recommendations to fix it.

Mr. Becker asked about the mix of pedestrian and vehicular traffic and the impact of the project. Mr. Nagi said that the size of the project will not impact a pedestrian's ability to walk up and down Burke Lane safely. He said that sidewalks are a good idea but this project will not significantly impact the number of pedestrians or bicyclists.

Ms. Sweet discussed issues with bicycle storage and ADA regulations.

Brian Germani, 22 Willow Park, said that his property abuts the corner of Burke Lane and Route 9 eastbound at the ramp. He discussed traffic accident history. He said that the only thing between the ramp and his back yard is a wooden fence. He asked about potential additional traffic on the ramp and coming from the new development on Burke Lane. Mr. Becker said that Mr. Nagi talked about a small increase in traffic on Burke Lane due to the project.

Mr. Germani discussed concerns about construction traffic and safety. He asked about enforcement of representations made by the developer. Mr. Becker said that they will be in the documents that were submitted, addressed in the building permit, or included as conditions in the permit. He said that the building inspector ensures that the conditions are complied with. He said that the Board requires the developer to post a construction information board that includes a phone number and other contact information to allow the public to alert the developer of problems or questions.

Mr. Germani asked about enhancing the safety barriers along the corner of Route 9 and Burke Lane with curbing and a potential guard rail. He discussed safety and traffic concerns because his two small children play downhill in their back yard. Mr. Nagi said that the Applicant indicated to him that he would be willing to initiate a conversation with the Town and the State to see what safety opportunities could be implemented. He commented further on Route 9 and Burke Lane traffic volumes. He said that Burke Lane carries about 10 cars an hour and Route 9 carries about 3,000 cars an hour at its peak. He said that the ramp ranges around 400 to 500 cars an hour.

Gary Miller, 150 Cedar Street, discussed the proposed sidewalk that will tie into the sidewalks coming up the ramp area. He discussed the proximity of the poles to the street. He discussed snowplowing on the sidewalks and the ramp.

Joseph Zani, 19 Burke Lane, asked when the traffic was done. Mr. Becker said that it was done in January when school was in session and it was adjusted because is a lower than average month for traffic.

Mr. Zani discussed the number of parking spaces associated with the units. Mr. Becker said that the traffic consultant said that the percentage of 1.5 cars per unit should be adequate for this project. He said that

arrangements for additional parking per unit will be negotiated with the management company. Mr. Adams said that enforcement actions will be taken if people park on Burke Lane.

Brita Heimarck, 24 Burke Lane, said that 300 to 500 cars on the ramp is significant. She said that they will be adding five to ten cars an hour to an intersection that is already renowned for accidents. Mr. Becker discussed MA DOT jurisdiction of the ramp.

Ms. Heimarck asked about reducing the density of the project. Mr. Seegel discussed 40B projects and ZBA's inability to make the project uneconomic.

Ms. Heimarck questioned whether 16 units is appropriate for that space. She discussed the increase of 10 cars, seriousness of accidents and concern about the cliff at the corner. She said that she disagreed with Mr. Nagi's statement that the additional traffic will be a low impact. She asked about balancing the regional need for affordable housing with the local concerns that originate from this project.

Mr. Hickey said that the Board received comments from DPW that get into detailed changes in the plan that the site engineer is working on or has worked on. He said that having a CMP would be helpful. He discussed concerns about constructability on the site due to the slope. He discussed having a detail on how the walls will be built, OSHA standards on sloping, and impact of the walls close to the property line. Mr. Federico said that they have reached out to Ready Rock for shop drawings.

Mr. Hickey discussed concerns about the walls and the high density of this project, the stormwater infiltration system and maintenance, porous pavement in a parking lot with a 5 percent slope, design and lack of surplus capacity.

Mr. Adams said that he shared Mr. Hickey's concerns about retaining walls and soil and agrees that additional catchment area should be added. He said that the Board will need more details for a system that will handle retention of that much soil. He said that the topographic change requires a large retaining wall. Mr. Becker said that retaining walls over four feet are regulated by the building code.

Mr. Federico said that in addition to asking for shop drawings, they have noted the concerns over any sort of cuts for construction of the wall. He discussed preliminary numbers for the walls, shoring the walls, groundwater concerns, soils, baffles, fabric lining, and underdrain systems. Ms. Sweet said that they will get a certificate from a structural engineer.

Mr. Hickey said that all of the trees on the hill will need to be cleared to scoop out the soil to build the wall. He said that the impact may go beyond the property line and cause loss of trees that are not reflected in the plan. He said that boring data will be required and test pits are shallow and are not indicative of other areas on the property. Mr. Federico said that Ready Rock did not have any concerns about significant impacts to neighbors. Mr. DiSchino said that the trees will not survive without a retaining wall.

Mr. Federico discussed revised plans and addressed DPW's comments.

Ms. Sweet discussed architectural updates including accessibility on first floor units, ramping, taking the management office out, entertainment center and three bedroom unit and garage. She said that updated plans will be provided.

The Board discussed working sessions with the engineers, continued hearing date, draft CMP, waiver list, and an update on Mr. DiSchino's discussions with the State.

Mr. Seegel said that he would not approve the proposal to rent parking spaces.

The Board voted unanimously to continue the hearing to September 5, 2019, at which time it will address public comments and questions.

Respectfully submitted,

Lenore R. Mahoney
Executive Secretary

DRAFT