

**ZONING BOARD OF APPEALS**

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October 29, 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 were Christopher Heep and Ivria Freed, Town Counsel, representing the Town of Wellesley.

Present on behalf of the Applicant were Lynne Sweet and Dennis Dischino.

Ms. Sweet said that since the last meeting, they provide a revised CMP, revised sign plan, and a revised landscape plan. She said that the Applicant is agreeable to make the sign smaller but not to providing a stone post for it. Mr. Seegel said that he agreed with the DRB recommendation for the sign. He discussed positioning the sign.

Mr. Dischino discussed landscaping. He said that the latest revision is on the southern property line. He said that he met with the abutter to discuss plantings, permanent year-round green screen, flowering bushes, and trees on the wall. He said that there are trees along Burke Lane in front the single family home.

Mr. Seegel discussed the CMP. He said that he did not see anything about snow removal, watering down the site before it is pave, or Police details for when heavy equipment is going down Burke Lane. Ms. Sweet said that there will be a water truck on site. She said that they can expand the language in the CMP regarding dust control. She said that most of the construction is anticipated during the spring and summer but they can add language about snow removal instead of storage. Mr. Seegel said that there should be language about the contractor hiring a Police detail when required.

Mr. Becker discussed time restrictions for large truck deliveries.

Ms. Sweet discussed the Mass Housing Project Eligibility Letter that was issued on March 27, 2019, that discussed town and neighbor concerns about access to Burke Lane, pedestrian sight lines, sidewalk for pedestrian access between the two properties and Route 9, striping the walkways, improvement in vehicular and pedestrian safety. She discussed having a sidewalk in front of the existing single family home for school

pickup. She said that they will work with DPW about rear grade and screening for abutting properties. She said that they could not address the request to reduce the size of the project due to economics. She discussed community concerns for noise, lack of vehicle parking, light pollution, stormwater runoff and erosion, and five retaining walls.

Mr. Adams asked about a Police detail. He said that it is likely that the project will require 25 to 26 large trucks to remove the soil. Mr. Becker said that the CMP is not quantified. Mr. Seegel said that the size of the trucks delivering the lumber should be regulated. Ms. Sweet said that she will speak to the contractor about the Board's recommendations.

Ms. Sweet discussed the requested Waivers.

Ms. Sweet said that all units will be assigned one parking space and other spaces will be regulated by the developer. Mr. Seegel said that he is opposed to renting spaces to the tenants. He said that there is a lack of public transportation in Wellesley. Ms. Sweet said that they were trying to discourage people from having two cars, so they see it as an environmental reason.

Ms. Sweet discussed not using the basement of the 15 unit building because it does not comply with Building Code for accessibility. Mr. Seegel said that he did not want the basement used to store anything from the commercial property. Mr. Dischino discussed the possibility of installing a chair lift in the future to make the space ADA compliant.

Mr. Heep discussed language in Condition 11 regarding all utilities to serve the property.

Ms. Sweet discussed the owner's obligation to clear the sidewalk in front of his property.

The Board said that DPW requested plans using Wellesley datum.

Ms. Sweet asked that the requirement for the Parking Management Plan be deleted from the conditions. Mr. Dischino said that there will be 82 spaces with approximately six to eight commercial vehicles on-site at a time. Mr. Becker discussed concerns about turning radius for fire trucks. The Board discussed no parking on the street or the ramp to Cedar Street.

Ms. Sweet asked that the waiver for blasting be removed because there will be no blasting. Mr. Seegel said that the waiver can discuss non applicability. Mr. Becker said that the Board is putting requirements on the Developer based on the project as they know it at the time. Mr. Heep said that there was another 40B project in town that indicated that there would be no blasting and now realize that there does have to be blasting.

Mr. DiSchino discussed the website. He said that they would prefer to use their basic one page website. Mr. Becker said that the intent is to have the Developer identify in real time things that affect the town and/or the neighbors. Ms. Sweet said that the Developer has all of the neighbors' email addresses and can email them when there are milestones or issues that would impact them. Mr. Seegel said that the email address will have to be on the sign. Mr. Becker discussed possibly using the Wellesley Channel to accomplish the same thing.

The Board discussed submission requirements. The Board said that the Building Inspector will need to see a complete set of plans.

Mr. Becker asked if the existing building on the site had been tested for asbestos. Mr. DiSchino said that it was tested and the results were negative.

The Board discussed limiting rental agreements to 12 months. Mr. Seegel said that the Board does not want the Developer or the tenant to have short term leases. Mr. DiSchino said that sometimes there is a need for

temporary housing for six months while people are having a home constructed elsewhere. Ms. Sweet suggested that she work with Town Counsel off-line on the language concerning the length of stay.

Mr. Heep said that he would speak with Judi Barrett, Consultant, regarding the limited dividend requirement and the Town of Wellesley Regulatory Agreement. Ms. Sweet said that 25 percent of the units will be affordable and will remain so in perpetuity.

The Board discussed the move in/move out schedule. Mr. Seegel said that there should not be two moving trucks there at the same time.

The Board discussed the traffic study.

Mr. Becker said that the existing building on the lot has setback issues.

Mr. Adams requested that revised plans have the revision dates on them.

Mr. Heep said that the deadline to close the public hearing is December 6, 2019.

The Board voted unanimously to continue the hearing to November 14, 2019.

Respectfully submitted,

Lenore Mahoney
Executive Secretary

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