TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5918

ZBA 2020-64
Petition of Wellesley Park LLC
140-148 Weston Road

INTRODUCTION

Wellesley Park, LLC (the "Applicant") has requested from the Zoning Board of Appeals (the "Board") four actions: (1) the issuance of a site plan approval permit subject to the Zoning Bylaw Section 16A, §§.(C)(2)(a) and (b), authorizing the Applicant to construct 26 condominium units in a single building on lots located at 140-148 Weston Road and containing in the aggregate 55,698 sf (1.278 acres) of land (the "Site") lying in a General Residence District with a residential incentive overlay (the "Project"); (2) the issuance of special permit subject to Zoning Bylaw Section 14E(F), §§ (1)-(7) authorizing construction in a Water Supply Protection District; (3) the issuance of special permit subject to Zoning Bylaw Section 22D, §§ (E)(1) and (2) authorizing retaining walls greater than 4.0 ft in height within 10 ft of the property boundary; and (3) the issuance of a variance subject to Zoning Bylaw Section 24, §§(D) (1)-(8) authorizing the construction of a building or structure in excess of 36 ft in height.

THE PROJECT

1. Description

The Project consists of the redevelopment of the lots at 140-148 Weston Road with a proposed three story, 26-unit multi-family, market rate, condominium housing project. The proposed building includes an underground base pedestal story for parking, and three residential floors above, together with an adjacent historic single-family dwelling, known as the Deming-Peabody House, that is to have an exterior rehabilitation and an interior renovation, including a 1,000 sf addition at the rear, but the Deming Peabody House is separate from the requested zoning relief in this case.

The garage level contains 12 single parking spaces, 18 tandem spaces, 20 stacker spaces and two handicap spaces, for a total of 52 parking spaces. The garage level also houses one 2-bedroom unit, the fitness center, storage space for each of the units in the building, elevator lobby, trash storage room, and various mechanical rooms. The first residential level contains the public spaces, including security station, lobby, sitting area, conference room, mail and package centers, as well as two 1-bedroom and six 2-bedroom units. The second residential floor houses two 1-bedroom units, seven 2-bedroom units, and one 1-bedroom unit, in addition to an elevator lobby and a trash holding room. The third residential floor four 2-bedroom units and three 3-bedroom units, in addition to an elevator lobby and trash holding room. The average sizes of the units are as shown in Table 1.

Table 1 – Unit Analysis (sf)

Type	Garage		Res-1		Res-2		Res-3		Total	
	Units	Average	Units	Average	Units	Average	Units	Average	Units	Average
Studio	0	0	0	0	0	0	0	0	0	0
1-BR	0	0	2	1,093	2	1,164	0	0	4	1,128
2-BR	1	1,710	6	1,948	7	1,712	4	1,435	18	1,729
3-BR	0	0	0	0	1	1,912	3	2,064	4	2,026

Vertical access throughout the building is provided via an elevator that extends from the garage to the third residential floor, and via two stairways extending from the garage level to the third residential level. Horizontal access at each floor is provided via a central corridor connecting the units to the elevator lobby and the stair towers.

The building form is faceted on all four faces and stepped to create shadows at the façade to break up mass, and to present a series of dormers, gabled roofs, and windows with internal muntins in order to blend a multi-unit building into a general residence and single-family neighborhood. The building features complementary color shading, using different materials typical of New England residences to minimize the visual impact of the building mass. In addition, the building is set back from Weston Road by 114 ft.

2. ***The site and surrounds***

The Site is the aggregate of three component lots, 140, 144, and 148 Weston Road, comprising 55,698 sf (1.278 acres), and is located on the western-most side of Weston Road approximately 420 ft north of the Weston Road/Linden Street intersection in central Wellesley. At present the Site is occupied by a single-family dwelling at 140 Weston Road, and a single- family dwelling at 144 Weston Road, the dwelling on 148 Weston Road having been demolished prior to the submittal of application. The single-family home and associated outbuildings and appurtenances at 144 Weston will be demolished to make way for the Project, while the home at 140 Weston has been acquired under a "life estate" plan that will allow the prior owner to live in the home until his death, at which time the dwelling will be renovated and expanded to house two affordable condominium units.

The Site is bounded on the northerly and westerly sides by conservation land (known colloquially as the North 40) owned by the Town. On the easterly side the Site is bounded by Weston Road, and across Weston Road by the College Heights neighborhood of single-family residences in an SR-10 District. Along the southerly side the Site is bounded by a General Residence District on both sides of Weston Road. Land use on the westerly side of Weston Road includes single family residences at 112 and 138 Weston Road and a parcel at 134 Weston used by the Municipal Light Plant to house an electrical substation. Along the easterly side of Weston Road land use is multi-family housing along Linden Street.

The Site exhibits relief of about 14 ft. The high point at about elevation 152 ft is found generally in the north eastern corner of the Site along the Weston Road side of the property, with slopes to the south and west grading down to elevation 136 ft along the southern property line and to elevation 142 ft in a depression at the central portion of the lot at 148 Weston Road, where the land flattens out. At the rear of the lot, the land rises steeply to return to elevation 152 ft at the adjoining North 40 conservation land.

Six test borings were performed at the Site using standard hollow stem auger methods to assess the subsurface conditions. The borings generally show fine to medium sands to depths of 10 to 12 ft below ground surface, with the auger unable to penetrate the materials at 12 to 13 ft below ground surface, with groundwater noted at approximately 11 ft depth. When the results of the soil borings are viewed in conjunction with the building sections on the submitted civil drawings, it is clear the building has been arranged to avoid bedrock removal.

Access to the Project will be provided by way of two driveways that will intersect the west side of Weston Road, with the southern-most driveway 345 ft north of Linden Street serving as a one-way entrance driveway and the northern-most driveway 420 ft north of Linden Street accommodating a one-way exit.

RECORD OF DISCUSSIONS

On September 21, 2020, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

The Board opened a public hearing on December 8, 2020, continued to and closed the hearing on January 7, 2021.

FINDINGS OF FACT

1. **Zoning**

The Zoning Bylaw provides, for each zoning district, requirements for the use of land and structures, as well as dimensional requirements for the land and structures erected upon the land.

a. Use Requirements

The Project is located in a General Residence District, within a Residential Incentive Overlay (RIO) District, and within a Water Supply Protection District. Among the uses allowed in the RIO District are: (1) conventional market-rate dwelling units; (2) assisted elderly living; (3) independent elderly housing; and (4) nursing homes and skilled nursing facilities. None of the proposed uses is prohibited in a Water Supply Protection District

As multi-unit, multi-family, conventional market-rate dwelling units, the use of the Project is allowed by right in the RIO District.

b. *Dimensional Requirements*

The Zoning Bylaw provides for each zoning district dimensional requirements for the lot, for the placement of buildings and structures on the land, and for the structures themselves. The dimensional requirements for the RIO District, and the corresponding dimensional information from the Project are summarized in Table 2.

Table 2 – RIO Dimensional Comparison

Zoning Analysis (RIO)				
Category	Units	Required	Existing	Proposed
Lot Area	sf	45,000	ND	55,698
Frontage	ft	NR	ND	NR
Minimum Front Yard Width	ft	NR	ND	NR
Minimum Front Yard Depth	ft	25	ND	114.4
Minimum Side Yard Width	ft	10	ND	11.2
Minimum Rear Yard Depth	ft	10	ND	10.0
Maximum Building Coverage	%	NR	ND	38.7%
Minimum Building Coverage	sf/DU	1,800	ND	2,142
Maximum Building Height	ft	36/3-story	ND	Open

NR=No requirement ND=No Data

With respect to the dimensional requirements for the lot, the Project meets the RIO District requirements for lot area with no requirement for lot frontage. With respect to those requirements for the placement of the structure on the lot, the Project meets the front yard depth requirements for the RIO District, as well as the side yard width and rear yard depth requirements. For the dimensional requirements for the structures themselves, the Project fails to meet the RIO District requirements for maximum building height., giving rise to the variance request for building height.

2. **Land Use and Planning**

As noted above, under the Zoning Bylaw, multi-family residential use is allowed in the RIO District, so the Project is consistent with the Town's land use and planning requirement as set forth in the Zoning Bylaw.

3. The Architecture

a. Density

The only completed project in a RIO District is Waterstone at Wellesley at 27 Washington Street. According to data presented by the Planning Department staff, the density of that project is 1,664 sf per dwelling unit, which meets the RIO District density requirements for an assisted living project.
Since the Project has 26 units on 1.278 acres, the density of the Project is 20.3 units/acre or 2,141 sf per dwelling unit. Since the RIO District requirement for minimum building density of a conventional market-rate project is 1,800 sf per dwelling unit, the Project meets the RIO density requirements.

b. Height and Bulk

Under the terms of the Zoning Bylaw, the height of a building is measured from the average grade to the peak of the roof. For the Project, that height is approximately 40.3 ft, approximately 4.3 ft higher than the height allowed in the RIO District. That notwithstanding, the building is sited vertically such that the garage level is below grade and the first residential floor is sited at approximately the elevation of Weston Road. Hence, the apparent height of the building when viewed from Weston Road is approximately 36 ft, and the roof elevation is approximately the same as 140 Weston Road, which is located in front of the southern wing of the Project, and slightly lower than 153 Weston Road, which is located across Weston Road from the Project.
Similarly, the shape and orientation of the building and its location set back to the rear of the lot mean that the longest dimension of the building is not seen in full view from Weston Road. When viewed from Weston Road the apparent width of the building is approximately 150 ft. While this dimension is proportional to the frontage of the Site, this distance is perhaps three to four times wider than the neighboring homes across Weston Road. Overall the height and bulk of the building is significant when compared to the other single-family residential structures in the neighborhood beyond the conservation land.

c. Architectural Details

The exterior of the building has been designed in a way to play off of architectural elements found throughout the neighboring homes. With the implementation of sloped roof elements, dormers, articulated bays and a handful of fiber cement clapboard siding, board and trim details will further work to breakdown the scale of the Project. Windows throughout will be designed with muntins to give a more traditional feel while also providing plentiful natural light. At the heart of the Project will be a recessed courtyard and amenity space on the ground floor that has a direct walkway to Weston Road and the Crosstown Trail. The recessed courtyard is designed to maximize functionality and can accommodate handicapped access for resident use.
The Board acknowledges that the proposed architectural elements will not eliminate the mass of the building but these features should help to mitigate its visual impact.

d. Site Retaining Walls

The siting of the first residential floor at substantially the same elevation as Weston Road depresses the garage level well below grade. As a consequence, the Site design includes retaining walls along much of the length of the northern and western sides of the Site, and along a considerable length of the southern wall as well. While most of these walls are of low height, three feet or less, in nine separate cases, the retaining walls are either within ten feet of the property line, or are in excess of four feet in height.
By far, the largest of these is the retaining wall (R1-1)[1] that parallels the northern property line and which forms the access to the underground garage and the fire lane at the northwest corner of the building. Wall R1-1 is within the 10-foot setback, and while overall the wall is approximately 300 feet long, the top of the wall

[1] Retaining wall designations used here are those shown in the Approved Plans.

follows the existing topography so it starts at three feet in height and increases in height to 10.5 feet at its southern end. Overall, about 100 feet of its southern length is between four feet and 10.5 feet in height. At its southern end, this wall connects from R1-1 to the building wall and maintains the 10.5-foot height (R1-2) at the terminus of the fire lane. A portion of R1-2 is within the 10-foot setback.
The retaining wall along the western side of the property follows the property line, but is less than four feet in height except at the southwestern corner. Here there is a four foot long portion of the corner (R1-3) that varies in height from four feet to 4.5 feet in height. Similarly, around the corner on the southerly retaining wall there is an 11-foot long section that varies in height from 4.5 feet to 6.7-feet (R1-4).
The retaining walls along the southern side of the property are generally less than four feet in height except for two areas (R2-1 and R2-2) in which a 13-foot long section of the wall varies from four feet to 4.8 feet in height. In addition, along the southerly side of the amenity area in the southeast corner of the building, there are three sections of retaining wall (R2-3, R2-4, and R2-5) that are within the ten-foot setback and that vary in length from nine inches to 11-feet, and in height from four-feet to 7.2-feet.
The design of the retaining walls is of two different types, depending on whether the wall is principally functional or architectural. Functional walls R1-1 and R1-2 along the northern property line are soldier pile with precast concrete lagging topped by a wrought iron safety fence. The architectural walls are decorative masonry block gravity retaining walls topped by a wooden fence to provide privacy to the patio and amenity areas which the retaining walls abut.
Of all of the retaining walls on-site, none is visible from Weston Road. Of the nine wall segments that are either greater than four feet in height or are within ten-feet of the property line, four (R1-1, R1-2, R2-1 and R2-2) have the low side of the wall on the building side of the wall so that the retaining wall is not visible to the public when viewed from either the North Forty to the north of the Site or from the Crosstown Trail to the south of the Site. Of the remaining five segments (R1-3, R1-4, R2-3, R2-4, R2-5) all are visible from the Crosstown Trail and all are the architectural decorative masonry walls.

e. Stormwater Management

The stormwater management system will utilize an on-site subsurface infiltration system for stormwater storage and treatment. The subsurface infiltration chamber systems were designed to accommodate peak flow generated by all storms up to the 100-year storm event. Parking areas will be contained within the building and will drain to oil/sediment traps prior to discharge into the municipal sewer system.
In the pre-development and post-development stormwater analysis, the watershed area analyzed was approximately 1.28 acres consisting of the Site and offsite tributary areas. Drainage calculations were performed by employing accepted industry practice for the 2, 10, 25, and 100-year Type III storm events.
A comparison of the pre-development and post-development peak rates of runoff indicates that the peak rates of runoff and runoff volumes for the post-development condition will be equal or less than the pre-development condition for all storm events.

4. *On-site Parking*

On-site parking will be provided for 64 vehicles consisting of 12 surface parking spaces and 52 parking spaces in a parking garage located beneath the proposed building, or a parking ratio of approximately 2.46 spaces per dwelling unit, meeting the RIO parking requirements.
The garage level contains 12 single parking spaces, 18 tandem spaces, 20 stacker spaces and two handicap spaces, for a total of 52 parking spaces. The surface parking includes ten standard spaces, no compact spaces, and two accessible spaces.

5. Off-Site Impacts

a. Transportation Assessment

Transportation impacts due to the Project were studied in two parts, through the evolution of the Project. In the first part, the Project comprised a 55-unit, multi-family residential apartment community for which the Applicant engaged Vanasse & Associates, Inc. (VAI) to conduct a "Transportation Impact Assessment" dated

February 2018 (the "2018 TIA") in order to determine the potential impacts on the transportation infrastructure associated with the proposed construction. In the second part, the Project was re-designed to a 26-unit, multi-family residential condominium, and the Applicant engaged VAI to prepare a letter report entitled "Supplemental Transportation Impact Assessment" dated February 20, 2020 (the "TIA") that assessed the potential impact on 2018 TIA due to the reduction in dwelling units in the second part.
The 2018 TIA was prepared in consultation with the Massachusetts Department of Transportation (MassDOT) and the Town; was performed in accordance with MassDOT's Transportation Impact Assessment Guidelines and the traffic review standards for a Project of Significant Impact as defined in the Zoning Bylaw; and was conducted pursuant to the standards of the traffic engineering and transportation planning professions for the preparation of such reports.
The 2018 TIA evaluated i) access requirements; ii) potential off-site improvements; and iii) safety considerations; under existing and future conditions, both with and without the Project. The Board engaged VHB/Vanasse Hangen Bruslin, Inc. to perform a peer review of the 2018 TIA, and VHB concluded that the information contained in the 2018 TIA is both technically accurate and portrays the likely impacts of the Project on the surrounding roadway system. Because the TIA had undergone a peer review as part of the Planning Board's Project of Significant Impact review, the Board elected not to engage a separate peer reviewer for the TIA. The results of the TIA are described below.
Under the 2018 TIA, the Site access has been assessed by both VAI and VHB, the Board's traffic peer reviewer, who concurred safe and efficient vehicular, pedestrian and bicycle access will be provided to the Site and the Project can be accommodated within the confines of the existing and improved transportation system.

b. Public Transportation

Public transportation services are provided within the study area by the Massachusetts Bay Transportation Authority (MBTA) and the MetroWest Regional Transit Authority (MWRTA) (fixed-route bus service), and are accessible to residents of the Project. Wellesley Square Station on the Framingham/Worcester Line of the MBTA commuter rail system is located at 1 Grove Street which is within a 10-minute walking distance of the Site. MWRTA bus Route 8 provides service along Linden Street and Central Street with a stop at Cross Street which is within a 5-minute walking distance of the Site. In addition to scheduled stops, MWRTA buses also operate in a passenger demand service mode and will stop anywhere along the service route where it is safe to pick-up or discharge a passenger. The MWRTA also operates Paratransit Services for passengers who meet ADA requirements and provides transportation services for seniors and the disabled through the Wellesley Council on Aging.
In an effort to encourage the use of alternative modes of transportation to single-occupant vehicles, the Project includes the collection and distribution of educational materials to make new residents aware of the public transportation opportunities available to them as new residents.

c. *Vehicular Traffic*

Since Weston Road provides the only access to the Project, the only roadway assessed in both the 2018 TIA and the TIA is Weston Road. The intersections assessed in the 2018 TIA include (1) Weston Road/Central Street; (2) Weston Road/Linden Street; and (3) Weston Road/Howe Street, while the TIA did not separately assess these intersections.
Given the availability of public transportation services to the Site (MBTA commuter rail and MWRTA bus service), the interconnected network of sidewalks and on-road bicycle accommodations, VAI expected that a portion of the residents of the Project will use public transportation services, walk or bicycle, thereby reducing the volume of automobile traffic generated by the Project. In order to determine the proportion of residents that may use public transportation, walk or bicycle as their primary mode of transportation, VAI reviewed travel mode data obtained from the 2011-2015 American Community Survey (ACS) for the Town of Wellesley. In order to provide a conservative (high) analysis condition from which to assess the potential impact of the Project on the transportation infrastructure, VAI assumed that 80 percent of the trips generated by the Project would consist of automobile trips, with 10 percent of trips assumed to be made using public

transportation and 10 percent consisting of pedestrian/bicycle trips. Both the public transportation and pedestrian/bicycle rates are slightly lower than 11 percent and 14 percent utilization documented in the ACS, respectively.

Using trip-generation statistics published by the ITE, after applying appropriate adjustments to account for the use of public transportation and pedestrian and bicycle trips, Project is expected to generate approximately 112 automobile trips, 16 transit trips and 16 pedestrian/bicycle trips on an average weekday (two-way, 24-hour volumes), with seven automobile trips (two vehicles entering and five exiting), one transit trip and one pedestrian/bicycle trip expected during the weekday morning peak-hour, and10 automobile trips (five vehicles entering and five exiting), two transit trips and one pedestrian/bicycle trip expected during the weekday evening peak-hour.

Independent of the Project, both the Weston Road/Linden Street and Weston Road/Central Street intersections were found to have motor vehicle crash rates that were above the MassDOT average crash rates for a signalized or unsignalized intersection, as appropriate. In an effort to advance safety improvements at this location that are warranted as a result of existing conditions, the Applicant will facilitate the completion of a Road Safety Audit in order to identify improvements strategies for this intersection. In addition, the Applicant will design and implement an optimal traffic signal timing plan to improve overall traffic operations. With implementation of an optimal traffic signal timing plan overall intersection operations are predicted to remain at LOS F during the weekday morning peak-hour with reduced motorist delay, and to improve to LOS D (from LOS E) during the weekday evening peak-hour (an improvement over No-Build conditions).

Finally, lines of sight to and from the Project driveways were found to exceed or could be made to exceed the required minimum distance for the intersection to function in a safe manner; clear line of sight is provided to and from the Project driveways along Weston Road.

In consideration of the above, the 2018 TIA concluded that the Project can be accommodated within the confines of the existing transportation infrastructure in a safe manner with implementation of the recommendations provided in the 2018 TIA.

d. Pedestrian Facilities

A comprehensive field inventory of pedestrian and bicycle facilities within the study area was undertaken in January 2018, consisting of a review of the location of sidewalks and pedestrian crossing locations along the study roadways and at the study intersections, as well as the location of existing and planned future bicycle facilities.

The 2018 TIA reports that sidewalks are generally provided along one or both sides of the study area roadways, with marked crosswalks provided for crossing one or more approaches of the study intersections. An inventory of sidewalk conditions along the Project site frontage and within 600 feet of the Project site indicates that the sidewalks are generally in good condition, with Americans with Disabilities Act (ADA) compliant wheelchair ramps provided at pedestrian crossings and detectable panels provided at the crossings at the Weston Road/Linden Street intersection. In addition, the Crosstown Trail, a pedestrian trail along the Cochituate Aqueduct, is located south of the Site and is accessible from Weston Road.

The pedestrian volume data at the study intersections indicates that the largest number of pedestrian crossings occurred at the south crossing of Weston Road at the Weston Road/Central Street intersection during both the weekday morning and evening peak hours (30 to 38 crossings were observed).

e. Bicycle Facilities

Linden Street, Weston Road and portions of Central Street generally provide sufficient width (combined travel lane and paved shoulder) to support bicycle travel in a shared traveled-way configuration. Given the seasonality of the bicycle count data (January), bicycle activity within the study area was found to be relatively modest, with bi-directional bicycle volumes found to range from approximately one to two bicyclists during the peak hours.

6. <u>Utilities</u>

Within Weston Road, the Site is served by a variety of public utilities including water, sewer, natural gas, stormwater, electric, telephone and cable.

a. *Water and Sewer*

The Project will include abandoning all existing water service connections and proposing one new 6-inch service to the existing ten inch main in Weston Road. The domestic water service and fire service will tap into the 6-inch service. The daily water usage for the Project is estimated at 21,736 gpd (0.034 cfs).
The Project will include abandoning all existing sewer services and adding a proposed new sewer connection. The new sewer connection will be a new eight-inch PVC sewer pipe connection into the existing 10-inch sewer main in Weston Road. The total estimated sewage flow is 21,736 gpd (0.034 cfs). This is an increase of 19,228 gpd over pre-development conditions.

b. Solid Waste

Solid waste will be collected from the garage-level storage area by a private removal company presumably engaged by the condominium association. The collection will be scheduled at off peak hours so as to minimize any disruption to entering or exiting traffic from tenants/guests.
Therefore, the Project will not adversely affect the Town's Recycling and Disposal Facility

c. Electric Service

The building electric service will be fed from Weston Road to a transformer located in the green space adjacent to Weston Road within the on-site circulation roadway. The electric service will consist one 1,200amps, 120/208V, 3 phase, 4 wire switchboard to be located in the main electrical room at the garage level and distribute power throughout the entire building via a riser run through each residential level. The riser will consist of combination of conduits and wires. Based on the calculations the Project demand load will be 745kVA and will require approximately 2,000 amps at 120/208V, 3phase, 4 wire service. All apartments will be separately metered. There will be a separate house meter to feed the common area loads. The Wellesley Municipal Light Plant has confirmed that existing facilities available in Weston Road can support such electric service.

d. Private Utilities

Natural gas, telephone service, and cable service can be provided on the same basis as to other residences in the Town.

7. <u>Environmental Considerations</u>

There are no wetlands located on the Site. The Site is located within Wellesley College's Zone II Wellhead Protection Area, and the Town of Wellesley's Water Supply Protection District. Review of available environmental databases such as MassGIS reveals that the Site is not located within a mapped Natural Heritage Endangered Species Area, FEMA Flood Insurance Rate Map Panel No. 25021C0016E, or a Contributing Watershed to Outstanding Resource Water.
Other than customary snow and ice control chemicals and fuel stored in the automobiles parked in the garage, storage of chemicals that would threaten groundwater or surface water is not part of the Project.

8. <u>Signage</u>

The submitted drawings show the eastern façade of the building indicates a numerical sign indicating the address of the building is "148", and also show a back-lit standing sign at the driveway entrance with the name and address of the Project as "Wellesley Park, 148 Weston Road". These signs meet the sign requirements of the RIO District.
The submitted drawings indicate that signage related to traffic and parking control on the Site will comply with the applicable standards of the Manual of Uniform Traffic Controls.

RESOLUTION OF PRINCIPAL CONCERNS

1. Height

The building height shown on the Approved Plans (as defined below) is approximately 40.3 feet, in excess of the height allowed in Section 14E of the Zoning Bylaw. The Board has examined the Development Agreement, the record of the Planning Board's PSI proceeding, the topography of the Site, the relationship of the building roof elevation to 140 Weston Road and 153 Weston Road as shown in the Approved Plans, and the Board finds that literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the Applicant owing to circumstances relating to topography of such land or structures, especially affecting such land or structures but not generally affecting the zoning district in which it is located; and the hardship has not been self-created; and further that desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of this Zoning Bylaw.

2. **Retaining Walls**

The Approved Plans (as defined below) show nine segments of retaining walls that are in excess of four feet in height or within ten feet of the property line, and hence subject to the provisions of Section 22D of the Zoning Bylaw. The Board has examined aerial photographs of the Site and its surroundings, those Approved Plans showing the location and extent of the retaining walls, the proposed designs of the different sections of retaining walls, and the oral testimony. The Board concludes that, except for the height and proximity to the property lines of the nine segments, the segments are in compliance with Section 22D of the Zoning Bylaw; such segments will not adversely impact adjacent property or the public, and the segments are the minimum structure necessary to allow the Site to be reasonably utilized.

Water Supply Protection

The Site is located in a Water Supply Protection District, and hence is subject to Section 14E of the Zoning Bylaw. The Board examined the Approved Plans, the Construction Management Plan, the Drainage Calculations and Stormwater Management Plan, and the oral testimony and concludes that the Project meets the applicable design and operation standards of Section 14E(F), and therefore allows the construction and operation of the Project in a Water Supply Protection District.

3. **Traffic**

To assess the transportation impacts of the Project, the Applicant submitted the 2018 TIA (a full analysis of the traffic impacts of a predecessor project with 55 units) as an analysis of the off-site impacts, along with a supplemental assessment that considered the traffic generated from the Project with only 26 units. The Planning Board, as part of the PSI process under Section 16A of the Zoning Bylaw, commissioned a peer review. While the Board commissioned a peer review for the 2018 TIA, in light of the peer review for the PSI, the Board concluded that another peer review was not required, and elected not to engage its own peer review. Nonetheless, the Board accepts the results of the 2018 TIA and the TIA.
In consideration of the above, the Board concludes that the Project can be accommodated within the confines of the existing transportation infrastructure in a safe manner with implementation of the recommendations provided in the 2018 TIA.

4. **Signage**

The Approved Plans show two signs, one wall sign showing the address, and one back-lit monument sign providing the name of the building and the address. The Board compared these signs to the requirements of Section 14F and concluded that the signs met the requirements. The Board finds that the Inspector of Buildings can issue a sign permit for these signs.

Submittals from the Applicant

- Application for Site Plan Approval
- Application for a Special Permit for Retaining Wall setback

- Application for a Variance for Height of Buildings
- Development Prospectus
- Site Plan Approval Review Plans and Submittal Checklist
- Letter to Dan Chen, dated February 24, 2020, from Salim Afsar, P.E., Wozny/Barbar & Associates, Inc., re: WBA #20040 140-8 Weston Rd Wellesley, MA Electrical Loads
- Letter to Dan Chen, dated February 26, 2020, from Casey Archacki, P.E., Wozny/Barbar & Associates, Inc., re: Residential Building, 148 Weston Rd Wellesley, Fire Protection System Narrative
- Letter to Richard McLaren, National Grid, Gas Sales Support, dated February 24, 2020, from John J. Del Tufo, LEED AP, Senior Associate, Director of Plumbing/Fire Protection, re: 8 Weston Road, Wellesley, MA. 02481
- Drainage Calculations and Stormwater Management Plan, dated February 28, 2020, revised July 1, 2020, revised September 4, 2020, stamped Bradley C. McKenzie, P.E.
- Addendum – Supplemental Information – Winter Maintenance & Gas Service
- Letter to Wellesley Park LLC, dated February 20, 2020, Supplemental Transportation Impact Assessment, from Jeffrey S. Dirk, P.E., PTOE, FITE, Vanasse & Associates, Inc., with attachments
    - Trip-Generation Calculations (26 Unit Development Proposal)
    - February 2018 Transportation Impact Assessment
    - October 4, 2018 Transportation Peer Review Commentary
    - October 9, 2018 Response to Transportation Peer Review Commentary
    - October 18, 2018 Supplement to the October 9, 2018 Response to Transportation Peer Review Commentary
- Letter to Meghan C. Jop, AIC, Executive Director, dated May 28, 2020, re: Response to Transportation Impact Assessment Peer Review, from Jeffrey S. Dirk, P.E., PTOE, FITE, Vanasse & Associates, Inc.
- Addendum – Trash Management Summary
- Second Amendment to Development Agreement
- Construction Management Plan, dated August 3, 2020, prepared by Wellesley Park LLC
    - Outbound Trucking
    - Inbound Trucking
    - Proposed Parking Logistics Plan
- Project Narrative, dated December 21, 2020

Plan Number	Drawing Title	Date of Issue	Prepared By	Date of Revision
	Cover Sheet – with Locus Map	09/04/20	Bargmann Hendrie + Archetype, Inc., Cheng-Ta Chen, RA	7/20/20, 09/04/20, 12/18/20
ANR-1	Plan of Land – Approval Not Required	12/11/20	McKenzie Engineering Group	
C-1.3	Existing Conditions	09/04/20	Richard J. Hood, PLS	7/20/20, 09/04/20
C-2.3	Boring Log Plan	09/04/20	Bradley C. McKenzie, P.E.	7/20/20, 09/04/20

C-3.3 C-3.4	Site Development Plan	09/04/20	Bradley C. McKenzie, P.E.	7/20/20, 09/04/20, 12/18/20
C-4.3 C-4.4	Grading & Drainage Plan	09/04/20	Bradley C. McKenzie, P.E.	7/20/20, 09/04/20, 12/18/20
C-5.3 C-5.4	Utilities Plan	09/04/20	Bradley C. McKenzie, P.E.	7/20/20, 09/04/20, 12/18/20
C-6.3 C-6.4	Site Cross Section A-A & B-B Plan	09/04/20	Bradley C. McKenzie, P.E.	7/20/20, 09/04/20, 12/18/20
C-7.3 C-7.4	Site Cross Section C-C Plan	09/04/20	Bradley C. McKenzie, P.E.	7/20/20, 09/04/20, 12/18/20
C-8.3 C-8.4	Sewer Profile	09/04/20	Bradley C. McKenzie, P.E.	7/20/20, 09/04/20, 12/18/20
C-9.3 C-9.4	Construction Details	09/04/20	Bradley C. McKenzie, P.E.	7/20/20, 09/04/20, 12/18/20
C-10.3 C-10.4	Construction Details	09/04/20	Bradley C. McKenzie, P.E.	7/20/20, 09/04/20, 12/18/20
C-11.3 C-11.4	Construction Details	09/04/20	Bradley C. McKenzie, P.E.	7/20/20, 09/04/20, 12/18/20
C-12.3 C-12.4	Construction Details	09/04/20	Bradley C. McKenzie, P.E.	7/20/20, 09/04/20, 12/18/20
C-13.3 C-13.4	Construction Details	09/04/20	Bradley C. McKenzie, P.E.	7/20/20, 09/04/20, 12/18/20
C-14.3 C-14.4	Erosion & Sedimentation Plan	09/04/20	Bradley C. McKenzie, P.E.	7/20/20, 09/04/20, 12/18/20
C-15.3 C-15.4	Fire Truck Access Plan	09/04/20	Bradley C. McKenzie, P.E.	7/20/20, 09/04/20, 12/18/20
C-16.3 C-16.4	Fire Truck Access Plan	09/04/20	Bradley C. McKenzie, P.E.	7/20/20, 09/04/20, 12/18/20
C-17.3 C-17.4	Refuse Truck Access Plan	09/04/20	Bradley C. McKenzie, P.E.	7/20/20, 09/04/20, 12/18/20

C-18.3 C-18.4	Proposed Sidewalk 138 Weston Road to Howe Street Sewer Main Improvements	09/04/20	Bradley C. McKenzie, P.E.	7/20/20, 09/04/20, 12/18/20
L1.3 L1.4	Landscape Plan	09/04/20	Katya Podsiadlo RLA	7/20/20, 09/04/20, 12/18/20
L2.3 L2.4	Site Details	09/04/20	Katya Podsiadlo, RLA	7/20/20, 09/04/20, 12/18/20
A0.3 A0.4	Ground Floor Plan	09/04/20	Cheng-Ta Chen, RA	7/20/20, 09/04/20, 12/18/20
A1.3 A1.4	First Floor Plan	09/04/20	Cheng-Ta Chen, RA	7/20/20, 09/04/20, 12/18/20
A2.3 A2.4	Second Floor Plan	09/04/20	Cheng-Ta Chen, RA	7/20/20, 09/04/20, 12/18/20
A3.3 A3.4	Third Floor Plan	09/04/20	Cheng-Ta Chen, RA	7/20/20, 09/04/20, 12/18/20
A3.5.3 A3.5.4	Roof Plan	09/04/20	Cheng-Ta Chen, RA	7/20/20, 09/04/20, 12/18/20
A4.3 A4.4	Elevations	09/04/20	Cheng-Ta Chen, RA	7/20/20, 09/04/20, 12/18/20
A5.3 A5.4	Elevations	09/04/20	Cheng-Ta Chen, RA	7/20/20, 09/04/20, 12/18/20
A6.3 A6.4	Aerial Views	09/04/20	Cheng-Ta Chen, RA	7/20/20, 09/04/20, 12/18/20
A7.3 A7.4	Sections	09/04/20	Cheng-Ta Chen, RA	7/20/20, 09/04/20, 12/18/20
A8.3	Exterior Materials	09/04/20	Cheng-Ta Chen	7/20/20, 09/04/20
	Front Door Signage	09/04/20	Bargmann Hendrie + Archetype	
	Driveway Signage	09/04/20	Bargmann Hendrie + Archetype	
	Retaining Walls 1-4 Key Plan	08/20/20		

	Retaining Walls 5-9 Key Plan	08/20/20		
Page 1 of 1	Site and Landscape Lighting	02/24/20	Reflex Lighting	
Page 1 of 1	Site and Landscape Lighting	02/24/20	Reflex Lighting	
	Lighting Renderings			
Sheet 1 of 4	Permanent Retaining Wall – Plan and Schedule		Geotechnical Consultants, Inc.	
Sheet 2 of 4	Permanent Retaining Wall – Sections A-A thru C-C		Geotechnical Consultants, Inc.	
Sheet 3 of 4	Permanent Retaining Wall – Section D-D thru F-F		Geotechnical Consultants, Inc.	
Sheet 4 of 4	Permanent Retaining Wall – Detail and Notes		Geotechnical Consultants, Inc.	

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(collectively, the "Approved Plans")

Submittals on behalf of the Town of Wellesley:

On November 30, 2020, January 5, 2021 & January 6, 2021, George Saraceno, Senior Civil Engineer, Town of Wellesley, Department of Public Works, Engineering Division, reviewed the project and submitted comments.

On December 8, 2020, the Planning Board reviewed the project and submitted comments and attached Wellesley Planning Board Residential Incentive Overlay District 140, 144, 148 Weston Road Special Permit Decision and Project of Significant Impact Special Permit, PSI-20-01.

On December 8, 2020, the Design Review Board reviewed the project and submitted comments.

On October 1, 2020, Deputy Chief Mortarelli, Wellesley Fire Department, reviewed the project and approved the plans.

DECISION

The Applicant has requested from the Board four actions: (1) the issuance of a site plan approval permit subject to the Zoning Bylaw Section 16A, §§.(C)(2)(a) and (b), authorizing the Applicant to construct the Project; (2) the issuance of special permit subject to Zoning Bylaw Section 14E(F), §§ (1)-(7) authorizing construction in a Water Supply Protection District; (3) the issuance of special permit subject to Zoning Bylaw Section 22D, §§ (E)(1) and (2) authorizing retaining walls greater than 4.0 ft in height within 10 ft of the property boundary; and (3) the issuance of a variance subject to Zoning Bylaw Section 24, §§(D) (1)-(8) authorizing the construction of a building or structure in excess of 36 ft in height.
The Board has made a careful study of the materials submitted and the information presented at the hearing, and has documented the results of the study above. Based on the results of the study, on February 24, 2021 the Board voted unanimously to:

1. Grant the Special Permit pursuant to Section 16A of the Zoning Bylaw for a Major Construction Project subject to Site Plan Review;
2. Grant the Special Permit pursuant to Section 14E of the Zoning Bylaw for a Major Construction Project in a Water Supply Protection District;
3. Grant the Special Permit pursuant to Section 22D for retaining walls over four feet in height and within 10-feet of the property line; and
4. Grant the variance pursuant to Section 14F for building height in excess of the maximum allowed.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed constructions plans. If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

CONDITIONS TO THE DECISION

The Board's approval of: (1) the Site Plan Approval Permit; (2) the Special Permit for construction in a Water Supply Protection District; (3) Special Permit for retaining walls; and (4) variance for building height for the Project is subject to the Applicant's and the Project's compliance with the following conditions. All requirements imposed by these conditions or this Site Plan Approval Permit shall be applicable to the Applicant, its successors and assigns, and all owners and residents of the Project, regardless of whether the condition specifically identifies the Applicant or no entity as having responsibility for a particular condition.

General

1. This Permit authorizes the construction, use and occupancy of a project comprised of one residential building containing twenty-six (26) dwelling units, along with associated parking and infrastructure as shown on the Approved Plans (listed and defined in Condition 2) below.

2. The Project shall be constructed in accordance with the Approved Plans and written materials specified above, subject to modifications required below:

3. By accepting this Site Plan Approval the Applicant agrees to the terms, covenants and conditions and agreements contained herein.

4. Except for the relief granted by the Board as listed in these Conditions, the Applicant shall comply with all provisions of the Zoning Bylaw and general bylaws generally applicable to a project approved on February, 2021. No fees are waived in connection with the Project. Fees shall be those then in effect at the time of application for the permit or approval subject to the fee.

5. Contract documents, including working drawings and specifications for the Project shall undergo the usual and customary review and approvals of the Building Inspector, the Town Engineer, or any other applicable local inspector or board.

6. The Project shall be designed and constructed substantially in compliance with the drawings and data submitted with the Application for Site Plan Approval and for the Special Permit for construction in a Water Supply Protection District, except as modified by these Conditions.

Design Conditions

7. Design and construction of the Project shall fully comply with all applicable federal and state laws and regulations, including, but not limited to, the requirements of the Massachusetts State Building Code (780 CMR) and the Massachusetts Architectural Access Board (521 CMR). The Project shall be designed and constructed on the Site in accordance with the Plans, except as provided in this Site Plan Approval, including these Conditions. Any requirement of consistency with the Plans means as those Plans are modified by the Conditions.

8. The Project shall contain a total of sixty-four (64) parking spaces, with fifty-two (52) garage parking spaces and twelve (12) surface parking spaces, as shown on the Approved Plans.

9. There shall be no pavement added to the Project beyond that which is depicted on the Approved Plans and there shall be no additional accessory structures added to the Project or to the Site other than what is shown on the Approved Plans.

10. All utilities to serve the Site shall be installed underground (with the exception of junction boxes, transformers and similar appurtenances) by the Applicant using methods standard to those installations. Utilities shall include electric service lines, gas service, telephone lines, water service lines, CATV lines, municipal conduit, and the like.

11. The water, wastewater, drainage, and stormwater management systems servicing the buildings shall be installed and tested in accordance with applicable Town standard requirements and protocols.

Construction Conditions

12. The Applicant shall implement its Construction Management Plan dated August 3, 2020, as modified by these Conditions.

13. During the period of construction, all construction equipment and materials deliveries shall utilize: (1) Route 9 to Weston Road to Site; or (2) any other such route as specified in the Construction Management Plan; or (3) any other such route not prohibited in the Construction Management Plan as the Applicant shall agree with the Wellesley Police Department prior to its use.

14. During the period of construction, all deliveries of construction materials and equipment shall be made only on Monday through Friday no earlier than 7:00 a.m. and no later than 6:00 p.m. Construction work may be performed on the Site Monday through Friday commencing not earlier than 7:00 a.m. and completing not later than 6:00 p.m., or Saturday commencing not earlier than 8:00 a.m. and completing not later than 4:00 p.m. No work shall be performed on Sundays or local, state or national holidays celebrated in the Town.

15. During the period of construction, on-site parking for construction workers and for construction equipment is specifically permitted, and no vehicles of construction workers and no construction equipment shall be parked on Weston Road, Linden Street, Howe Street or any other public way of the Town. Trucks and construction vehicles on-site shall shut off engines when not in use, or when idling time exceeds five minutes.

16. All construction and delivery vehicles entering the Site shall stop at an established construction exit for a wheel wash to prevent the entrance of materials deleterious to the Water Supply Protection District onto the streets of the Town. The Applicant shall cause Weston Road to be swept as frequently as required in the event that dust, dirt and debris not completely removed by the truck wash are deposited on Weston Road.

17. Insofar as practicable, refueling of construction equipment on the Site shall be prohibited. In the event that on-site refueling cannot be avoided, such refueling shall be performed with due consideration to spill prevention and control measures that should reasonably be applied in a Water Supply Protection District.

Use Conditions

18. The stormwater management system design shall function consistent with the Approved Plans, and with the "Drainage Calculations and Stormwater Management Plan," prepared by McKenzie Engineering Group, Inc. dated September 4, 2020, and shall be maintained by the Applicant or condominium association in accordance with the "Post-Development Phase Best Management Practices Operation and Maintenance Plan/Long-Term Pollution Prevention Plan" dated September 4, 2020.

19. There shall be no parking on the internal Site driveways, outside of designated parking areas shown on the Approved Plans, and there shall be no parking on Weston Road. Residents shall be informed of the parking restrictions upon execution of the purchase documents and this restriction shall be included in the terms of any tenants' subleases.

20. Landscaping shall be in conformance with the Landscaping Plan and shall be maintained, repaired, or replaced as needed by the Applicant.

21. There shall be no storage of prohibited chemicals, in accordance with Section 14E of the Zoning Bylaw.

ZBA 2020-64
Petition of Wellesley Park LLC
140-148 Weston Road

APPEALS FROM THIS DECISION, IF ANY, SHALL BE MADE PURSUANT TO GENERAL LAWS, CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK.

J. Randolph Becker (A.M.)
J. Randolph Becker, Chairman

David G. Sheffield (A.M.)
David G. Sheffield

Derek B. Redgate (A.M.)
Derek B. Redgate

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ZBA 2020-64
Applicant Wellesley Park LLC
Address 140-148 Weston Road

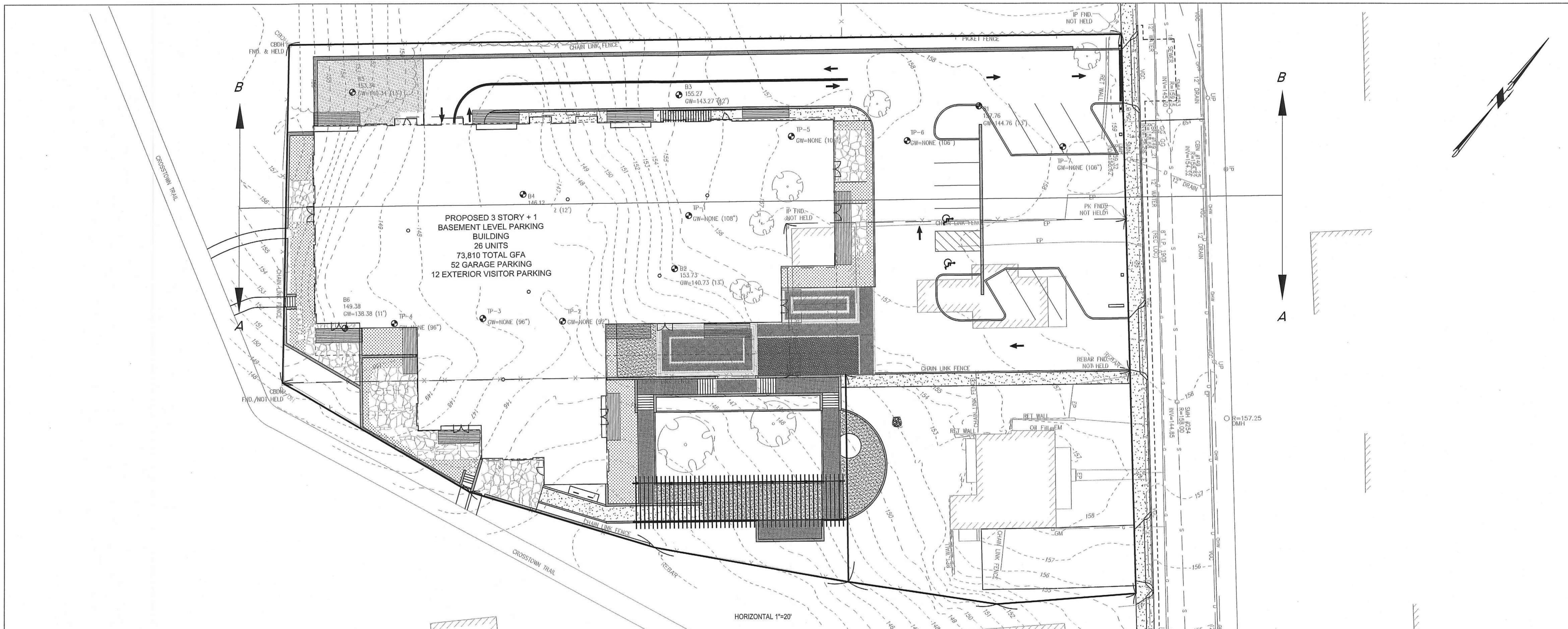
NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

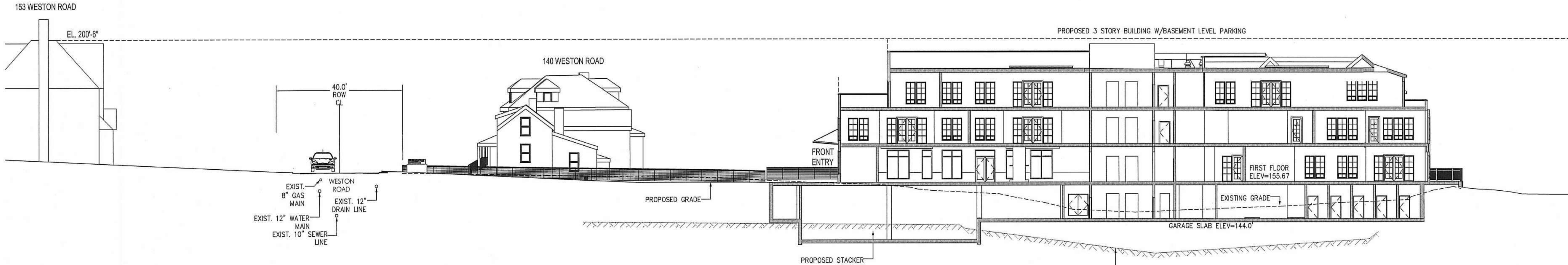
Date:

Attest: _____
Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm



SECTION B-B
HORIZONTAL 1"=20'
VERTICAL 1"=20'



SECTION A-A
HORIZONTAL 1"=20'
VERTICAL 1"=20'

LANDSCAPE BEDS
CHECKER BLOCK PERMEABLE PAVERS
PERMEABLE PAVERS
CEM. CONC. SIDEWALK
PEA GRAVEL SYSTEM
PATIO ABOVE

20 40 60

ARCHITECT

bh+a

Bargmann Hendrie + Archetype, Inc.
9 Channel Center Street, Suite 300
Boston, MA 02210
617 350-0450 Tel

PROJECT NAME

148 Weston Road

140-148 Weston Road
Wellesley, MA 02482

CLIENT

Wellesley Park

49 Coolidge Street, Brookline, MA 02446

PROJECT TEAM

CIVIL ENGINEER
McKenzie Engineering Group
Assinippi Office Park,
150 Longwater Drive, Suite 101
Norwell, MA 02061
TEL:781.792.3900

LANDSCAPE ARCHITECT
Verdant Landscape Architecture
318 Harvard Street, Suite 25
Brookline, MA 02446
TEL: 617.735.1180

MEP/FP ENGINEER
Wozny/Barbar & Associates, Inc.
1076 Washington Street
Hanover, MA 02339
TEL: 781.826.4144

STRUCTURAL ENGINEER
Veitas & Veitas Engineers Inc
639 Granite Street
Braintree, MA 02184
TEL: 781.843.2863

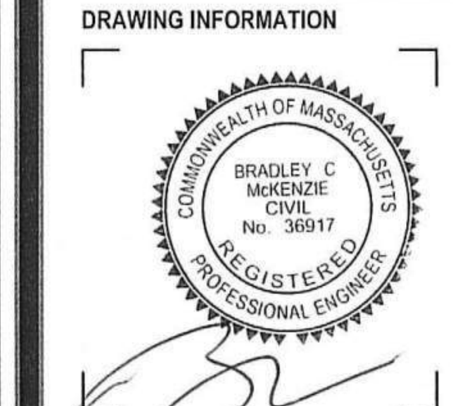
REVISIONS

1 REVISION 07/20/2020
2 REVISION 09/04/2020
3
4
5
DATE

DRAWING TITLE

Site Cross Section A-A & B-B Plan

DRAWING INFORMATION



09/04/20
DATE OF ISSUE

ZBA - SITE PLAN APPROVAL
DESCRIPTION

1"=10' SCALE
SBS DRAWN BY

217-177 PROJECT #
FILE NAME

DRAWING NUMBER

C-6.3