

WELLESLEY PLANNING BOARD

RESIDENTIAL INCENTIVE OVERLAY DISTRICT

27 WASHINGTON STREET

SPECIAL PERMIT DECISION

The Wellesley Planning Board, acting as Special Permit Granting Authority under the provisions of the Zoning Bylaw, Section XIVF., RESIDENTIAL INCENTIVE OVERLAY DISTRICT, has heard and considered the application of NDNE Lower Falls LLC, 2310 Washington Street, Newton Lower Falls, MA 02462 (hereinafter referred to as the “Applicant”) regarding the request for a special permit for a project within the Residential Incentive Overlay District (RIO).

The project will consist of a combined Independent Living and Assisted Living rental community containing 138 units within a single structure comprised of three and four story building elements and related site improvements on the land (5.27 acres) known as 27 Washington Street (formerly Grossman’s), Wellesley Lower Falls. The senior rental community will provide a total of 138 units of housing, at least 29 units of which will be assisted/affordable under Wellesley’s Inclusionary Zoning bylaw. In conjunction with the residential project, a two-story retail/office building will be developed on the adjoining portion of the site fronting on Washington Street. The residential structure will contain approximately 149,607 square feet of floor area.

An application to the Planning Board was made on December 23, 2009 for a special permit under Zoning Bylaw Part O. of Section XIVF. Residential Incentive Overlay District.

All five Planning Board members (Donald S. McCauley, Chairman; Stephanie Wasser, Vice Chairman; Jeanne S. Conroy, Secretary; Rose Mary Donahue; and Christopher Chan) attended the public hearing which was opened on February 3, 2010. After comments were concluded (all of which were favorable to the project) on February 3, 2010 the Planning Board moved, seconded and voted to close the public hearing. The public hearing was digitally recorded with the file retained at the Planning Board office. During the course of the public hearing the full submission package was available for public examination at the Town Hall, Planning Board Office.

The project is shown on the following plans which were available for examination at the Planning Board Office for at least two weeks prior to the public hearing and were available either in hard copy and/or displayed at the public hearing:

- a. L-1, RIO Development Site Area, 27 Washington Street, Wellesley, MA, dated 12/23/09, by Stantec Consulting Services Inc., 141 Portland Street, Boston, MA 02114.
- b. L-2, RIO Open Space Compliance, 27 Washington Street, Wellesley, MA, dated 12/23/09, by Stantec Consulting Services Inc., 141 Portland Street, Boston, MA 02114.

- c. L-3, Planting Plan, 27 Washington Street, Wellesley, MA, dated 12/23/09, by Stantec Consulting Services Inc., 141 Portland Street, Boston, MA 02114.
- d. L-4, Retail Building Landscape Enlargement, 27 Washington Street, Wellesley, MA, dated 12/23/09, by Stantec Consulting Services Inc., 141 Portland Street, Boston, MA 02114.
- e. E001, Electrical Site Lighting Photometrics Plan, 27 Washington Street, Wellesley, MA, dated 12/23/09, by Elkus Manfredi Architects, 300 A Street, Boston, MA 02210.

Additional Reports/Correspondence Received

- 06/16/08 **Project of Significant Impact Decision** PSI-07-02 issued in June 16, 2008.
- 12/23/09 **Application** for Special Permit Lower Falls Village Commercial District Residential Incentive Overlay District, Mixed Use Office/ Retail Building and Residential Senior Housing, 27 Washington Street. Prepared by NDNE Lower Falls LLC, 2310 Washington Street, Newton Lower Falls, MA 02462.
- 01/15/10 **Letter** to Board of Selectmen from Mass Housing to approve Official Action Status for the Wellesley Senior Living housing development to be located at 27 Washington Street.

Design Review Board Findings: PSI, DRB # 16-09M and Report Relative to Residential Incentive Overlay and Retaining Wall 10-01.
- 01/28/10 **Email** to Meghan Jop, From Sheila Tucker, RE: 27 Washington Street Meeting Dates
- 01/29/10 **Email** to Meghan Jop, From Sheila Tucker, RE: DRB Meeting Dates
- 02/03/10 **Email** to Meghan Jop, From Martin Kane: RE: 27 Washington Street

SPECIAL PERMIT FINDINGS

Following the closing of the public hearing on February 3, 2010, the Planning Board discussed the application and accompanying submission materials. The Board subsequently moved, seconded and voted unanimously (5-0) to approve the application as presented, subject to the following findings:

1. The project's development site area is within a Residential Incentive Overlay District. The project does not require any waiver pursuant to Part O. of Section XIVF. The project has been submitted in accordance with the requirements of Part O. of Section XIVF. Residential Incentive Overlay District of the Zoning Bylaw, which provides that projects determined by the Design Review Board to satisfy the recommendations of the Wellesley Lower Falls, Zoning, Urban Design and Landscape Guidelines ("Lower Falls Guidelines") and the other requirements of Part O. may be entitled to a special permit issued by the Planning Board.

2. The RIO District specifies that in order to qualify for a special permit for a residential reuse incentive, the proposed project parcel must meet one or more of the district purposes as follows:

- a) General site conditions and access constraints impede long term successful commercial or industrial use;
- b) The parcels that border the residential districts and their residential re-use would extend and complement the character and function of the existing surrounding neighborhood;
- c) The parcels border unique natural features, open space, or historic resources which would be better preserved and enjoyed by the public over the long term through residential rather than commercial or industrial uses.

The development of the project on the subject parcel is consistent with all of these purposes. The existing building on the RIO development site area has remained substantially vacant for fifteen years with no redevelopment and during this time the site has been closed, with no public access through the site to the bordering Charles River. Furthermore, the existing traffic volumes on Washington Street have constrained the reuse of the existing building on the site for commercial or industrial purposes. The reuse of the subject parcel predominantly for senior housing, rather than industrial or commercial uses, is consistent with the Town's planning and zoning objectives for this portion of the site and will result in lesser impacts on traffic and circulation than the reuse of the existing building for commercial purposes.

There is also state-owned public parkland under the administrative jurisdiction of the Division of Conservation Resources (formerly the Metropolitan District Commission) bordering the site. As part of the residential redevelopment of the site, the Applicant has committed to removing much of the existing impervious surface existing along the river, and restoring portions of the riverfront area, while providing public access (currently lacking) and granting a conservation restriction that provides, among other things, perpetual public access through the site via improved sidewalks and pathways along the river linking the public parkland parcels. This access is to be provided from Washington Street to and along the river behind the senior rental building. The Applicant has also committed to cleaning and removing debris from the river and riverbank area of the lot and maintaining this area. A stone-dust pathway along the river is intended to be designed, constructed and maintained by the Applicant.

The project, in efforts to respect the single family neighborhood to the west, has located the three story elements of the building on the west side of the site. To minimize the visual impact of the structure on the neighborhood, the three story elements have been designed around a courtyard or drop off plaza to reduce the length of the wings facing the neighborhood. Parking on the west property line has been limited to 13 spaces with a

retaining wall to be constructed at the property line to mitigate the impact of car lights. The installation of an enhanced landscaped buffer area has also been provided along the entire western property line.

The Board notes that the project complies with all zoning requirements, including but not limited to: (i) the town-wide maximum building height for all but single family, two family and town house style buildings of forty-five (45) feet and (ii) the RIO district requirement of an increased setback sixty (60) feet, where RIO buildings abut residential districts.

The Board further notes that the Applicant has committed to provide \$10,000 to be used by the Town for additional landscaping on /and or general enhancement of the Town (former railroad) right-of-way which abuts the project site.

The Board is satisfied that a conscientious effort has been made by the Applicant to respond and address to the neighbors concerns.

3. RIO “Part O”

- a) A report has been received from the Design Review Board finding that the proposed project is consistent with the Lower Falls Guidelines.
- b) The Design Review Board has found that the project is consistent with the design criteria listed in Section XXII of the Zoning Bylaw.
- c) These written findings and detailed recommendations of the Design Review Board dated January 15, 2010 are attached hereto and shall be incorporated as part of this special permit decision.
- d) The proposed project contributes to pedestrian and bicycle safety in accordance with the Lower Falls Guidelines and nationally recognized safety standards. Bicycle racks are to be provided to serve the commercial building as well as the residential complex and the river walk area. The Applicant has committed to design and install improved cross walks at Washington Street.
- e) Pedestrian and bicycle access to the Charles River, that does not exist today, will be provided as described above.
- f) The proposed project will contribute to the creation of a village center and enhance the pedestrian experience in Lower Falls.

4. PSI Findings:

The Board incorporates in this Decision the findings it has made as part of its PSI review.

In the opinion of the Planning Board the application meets the requirements of the Residential Incentive Overlay District based on the above findings. At its meeting of February 3, 2010, the Board moved, seconded and voted unanimously to approve this special permit as applied for regarding 27 Washington Street in the Residential Incentive Overlay District, subject to compliance with conditions hereinafter set forth.

SPECIAL PERMIT CONDITIONS

1. With respect to the special permit purposes and criteria of the RIO District the project shall be materially in accord with the drawings, architectural renderings and plans submitted and representations made by the applicant during the hearing in conjunction with the application.
2. With respect to zoning compliance, the grant of this special permit shall not relieve the Applicant of its obligations to comply with other provisions of the Town's Zoning Bylaws with respect to this and future projects on this property and any subsequent change or modification including, without limitation, Section XVIC. Project Approval and the Section XXIIA. Signs and Advertising Devices.
3. As applicable the project shall comply with the requirements of the:

Wellesley Fire Department;
Wellesley Board of Health;
Wellesley Department of Public Works; and
Wellesley Municipal Light Plant.
4. The Applicant shall, at its expense, continue to be obligated to perform and complete all elements that have not been completed as contained and as provided in a letter submitted under the Project of Significant Impact review; dated May 28, 2008 from National Development to Christopher Chan, Chairman, Wellesley Planning Board, Re: Redevelopment of 27 Washington Street, further identified in the thereto attached Schedules A through E, on file with the Planning Board office.

Appeals from this decision, if any, shall be made pursuant to general laws, Chapter 40A, Section 17, M.G.L. and shall be filed within 20 days after the date of the filing of this decision in the office of the town clerk.

This special permit shall be recorded at the registry of deeds in accordance with the provision of Chapter 40A, Section 11, M.G.L.

WELLESLEY PLANNING BOARD

Donald S. McCauley, Chairman

Stephanie S. Wasser, Vice Chairman

Jeanne S. Conroy, Secretary

Christopher W. Chan

Rose Mary Donahue