

40R District Application – Preliminary Determination of Eligibility

**MASSACHUSETTS DEPARTMENT OF
HOUSING AND COMMUNITY DEVELOPMENT**

**40R DISTRICT / ZONING APPLICATION FORM
PRELIMINARY DETERMINATION OF ELIGIBILITY**

Municipality: [Town of Wellesley](#)

Name of District: [Wellesley Park Smart Growth Overlay District](#)

Smart Growth Zoning District (SGZD)

Municipal contact person: [Victor Panak; Blythe Robinson](#)

Title & Department: [Interim Planning Director, Planning Department;
Executive Director, Selectmen's Office](#)

Address: [525 Washington Street, Wellesley, MA 02482](#)

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The undersigned, chief executive of a Municipality or duly authorized designee of the City/Town of [Wellesley](#) hereby certifies that all information in this application is accurate and complete as of the date hereof.

Signed:



Name, title: [Jack Morgan, Chair, Board of Selectmen](#)

Date: [February 14, 2019](#)

Key Data from corresponding District Summary Information Spreadsheet

Complete the Smart Growth / Starter Home Residential Density Plan/Map and Density Data Spreadsheet prior to completing this application form and before completing the accompanying District Summary Information Spreadsheet, certain cells of which will automatically populate based on information from the Density Data Spreadsheet. It is highly recommended that the municipality submit a draft Smart Growth / Starter Home Residential Density Plan/Map to DHCD for informal review and feedback prior to submission of a formal application, particularly if the Developable Land within the proposed District includes land identified as Underutilized Land. Capitalized terms used but not defined in this document have the meaning set forth in the Density Data Spreadsheet and/or 760 CMR 59.02. Where other capitalized terms first appear, there is generally a corresponding hyperlink to the definitions section in the last portion of this document. Pressing the "Ctrl" key and clicking on the back arrow symbol [[↶](#)] that appears after the linked definition will bring you back to the corresponding reference in the application form.

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Type of Eligible Location (1.B, 1C, 1E or 1F): [1.C\(i\) - Existing Commercial District](#)
Estimated # of Incentive Units: [270](#)

Estimated Zoning Incentive Payment: [\\$350,000](#)

1. ELIGIBLE LOCATION

1.A Locator Map(s). Attach the Locator Map(s) of the proposed District, identifying the corresponding Eligible Location, proposed District, and any other portions or features of the surrounding area or Municipality that may be relevant to the category of Eligible Location and type of 40R District. For applications seeking qualification as an Eligible Location under the Area of Concentrated Development (ACD) category, the Locator Map(s) should illustrate that at least 51% of the proposed ACD is Substantially Developed Land or Underutilized Land. See corresponding definitions at the end of this document or in the Density Data Spreadsheet and/or consult DHCD).

See: [Attachment 1-1: Locator Maps](#)

1.B Substantial Transit Access Area. [N/A](#)

1.C(i) City / Town Center or Existing Commercial District. If the municipality is seeking eligibility of the District as located within an Area of Concentrated Development that does not qualify as an existing rural village district (see below), is the ACD currently served (yes no) or scheduled to be served within five years of the application (yes no) by public sewer(s) and/or private sewage treatment plant(s)?

Briefly describe/summarize the primary current use and zoning (*consistent with the Underlying Zoning, see Attachments 2-1 & 2-2*) of land and buildings in both the ACD and the proposed District: [The site is a contiguous, previously developed, existing commercial district used and zoned almost exclusively for offices that is substantial in the context of the Town of Wellesley. The land is served by public sewers \(to be further upgraded\) and approximately 100% of the land is either Substantially Developed Land or Underutilized Land.](#)

Is the District within land designated as a commercial center under M.G.L. c.40, § 60 (yes no)?

1.C(ii) Existing Rural Village District. [N/A](#)

1.D Adjacent Areas. [N/A](#)

1.E Starter Homes (additional Eligible Location). [N/A](#)

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- 1.F **Other Highly Suitable Location (OHSL).** [N/A](#)
2. **UNDERLYING ZONING**

2.A Underlying Zoning. Attach a copy of the text and map(s) as Attachments 2-1 and 2-2, respectively. The Underlying Zoning must be certified by the municipal clerk and the municipal clerk must also certify that such zoning was in effect one year prior to the application date. The Underlying Zoning provides the basis for determining the existing As-of-right residential densities and units that must be provided in the Density Data Spreadsheet.

See: [Attachment 2-1: Town of Wellesley Zoning Bylaw](#)
[Attachment 2-2: Town of Wellesley Zoning Map](#)

The site is zoned as an [Administrative and Professional District \(Section IX\)](#), which allows residential uses by referring to Section II. [Single Residence Districts](#). Were the site to be developed for residential purposes under the existing Underlying Zoning, it would be subject to the [10,000 Square Foot Area Regulation District](#) that was established in this area by the [1940 Town of Wellesley Annual Town Meeting](#). This area regulation district sets a minimum lot size of 10,000 sq. ft., which should be used to determine the Existing Zoned Units.

3. **SMART GROWTH RESIDENTIAL DENSITY PLAN/MAP(S) & DENSITY DATA SPREADSHEET**

3.A Smart Growth Residential Density Plan/Map(s). Attach the Smart Growth Residential Density Plan/Map(s) of the District as Attachment 3-1. The purpose of the Plan is to provide a summary illustration of the number of Existing Zoned, Future Zoned and Incentive/estimated Bonus Units on a parcel-by-parcel basis on the Developable Land / Underutilized Land and, as applicable, Substantially Developed Land, throughout the proposed District. The land plan/map should distinguish between parcels (or portions thereof) qualifying as Developable/ Underutilized Land and land that is considered Substantially Developed Land as defined in the regulations. If impractical, it is not necessary to include the corresponding unit numbers on the land plan/map, so long as individual parcels are uniquely identified and correspond to the parcel information provided in the Density Data Spreadsheet. Depending upon the scale and complexity of the proposed District, conveying this information clearly may involve more than one land plan/map. Attach the Smart Growth Residential Density Plan/Map(s) as Attachment 3-1. For Smart Growth Zoning District applications seeking qualification as an Eligible Location under the Area of Concentrated Development category, the Smart Growth Residential Density Plan/Map should illustrate that at least 51% of the proposed District is Substantially Developed Land or Underutilized Land.

See: [Attachment 3-1: Smart Growth Residential Density Map](#)

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3.B Density Data Spreadsheet. Attach the Density Data and District Summary Information Spreadsheets as Attachments 3-2 and 3-3.

The purpose of these spreadsheets is to calculate and document the number of Future Zoned and Incentive Units. These spreadsheets will also be used to estimate the number of potential Bonus Units as well as the amount of the Zoning Incentive Payment.

See: [Attachment 3-2: Density Data Spreadsheet](#)
[Attachment 3-3: District Summary Information Spreadsheet](#)

4. SMART GROWTH/STARTER HOME ZONING, DESIGN STANDARDS & ADDITIONAL MUNICIPAL STANDARDS

4.A Smart Growth / Starter Home Zoning. Attach a copy of the text and map(s) for the Smart Growth Zoning applicable to the District as Attachments 4-1 and 4-2.

The copy of the proposed SGZ text should be provided as an MS Word file with all changes to the most recent SGZ/SHZ template red-lined / made visible with track changes.

See: [Attachment 4-1: Section XIVJ. Smart Growth Overlay Districts Zoning Bylaw](#)
[Attachment 4-2: SGOD Zoning Map](#)

4.B Mixed-use Development. Does the Smart Growth / Starter Home Zoning allow Mixed-Use Development Projects As-of-right (yes no)?

If yes, what is the minimum portion of such Mixed-use Development Projects that must be devoted to residential uses: 51% .

4.C Substantially Developed Sub-districts. Does the Smart Growth / Starter Home Zoning contain any Substantially Developed sub-district(s) within the District where maximum As-of-right residential densities differ from those applicable to the Developable Land sub-district(s) (yes no)?

Identify the provisions of the Smart Growth / Starter Home Zoning that ensure the construction of infill housing on existing residential vacant lots: N/A .

For SGZDs, identify the provisions of the SGZ that permit additional housing units in existing residential buildings and permit additional housing units for additions or replacement of such buildings: N/A .

4.D Affordability - Project requirements. For SGZDs only, does the SGZ establish a project-size threshold (e.g., 13 units) for Projects that are subject to the SGZ Affordability requirement (yes no)?

For SGZD only, does the SGZ contain provisions to ensure that Projects are not segmented to evade the size threshold for Affordability (yes no)?

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4.E Affordability - District-wide Affordability target. For SGZDs only, identify the provisions of the SGZ that ensure the total number of Affordable units constructed in the District equals not less than twenty percent (20%) of the total number of all units constructed within Projects in the District:

See: [Attachment 4-1. Section XIVJ. K. 1. Number of Assisted/Affordable Units](#)

The following questions refer to the SGZ/SHZ attached as Attachment 4-1, or the Design Standards attached as Attachment 4-3.

4.G Categories of Project; Plan Approval Authority. Does the SGZ/SHZ provide for Plan Review of Projects within the District (yes X no ___)?
If yes, who is the Plan Approval Authority: [Town of Wellesley Zoning Board of Appeals](#).

4.H Design Standards. Does the SGZ/SHZ contain Design Standards (yes ___ no X)?
If no, have separate Design Standards been promulgated or drafted (yes X no ___)?

See: [Attachment 4-3: Town of Wellesley Design Guidelines Handbook](#)

Have these Design Standards been previously applied to Affordable or mixed-income residential development in the community (for example, through the Underlying Zoning) (yes X no ___)?

If yes, briefly identify the project(s) that have been approved using these standards:

[The Town of Wellesley Design Guidelines Handbook](#) was adopted on November 9, 1989 and all affordable or mixed-income residential developments that would have gone through Site Plan Review as a Major Construction Project (see Section XVIA. Project Approval of [Attachment 2-1](#)) would have been subject to the Design Guidelines Handbook as part of the Design Review process. Below are a few affordable and mixed-use residential projects that have been approved using these standards since 2008:

[ZBA-2008-19: 576 Washington Street & 53 Grove Street \(The Belclare\)](#)

[ZBA-2008-74: 978 Worcester Street](#)

[ZBA-2008-56: 27 Washington Street \(Waterstone at Wellesley\)](#)

Describe how the Municipality will ensure that its Design Standards will not Unreasonably Impair the development of Projects in the District:

[Section XIVJ. E. 6. Criteria for Conditional Approval of Attachment 4-1](#) requires that any conditions imposed by the Approving Authority to ensure compliance with the Design Guidelines must be compliant with the provisions of

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M.G.L. Ch. 40R and applicable regulations and may not unduly restrict opportunities for residential development by adding unreasonable costs or by unreasonably impairing the economic feasibility of a proposed Development Project.

In addition to this built-in protection in the SGZB, the Design Guidelines Handbook itself would not lead to such outcomes. It was produced primarily to provide standards and guidelines that would help preserve the unique and valuable character of some of Wellesley's most important neighborhoods. Part I of the Handbook lists a number of these areas, noting that some have more character than others. The area titled "Worcester Street at Cedar Street" (the area nearest to the District) is described as containing a variety of uses including medical offices, automobile dealerships, and general office uses "lack[ing] an overall definitive character". New development in this area will not be expected to conform to an existing character and the application of these guidelines would therefore be more flexible, focusing largely on the 5 Design Criteria. These criteria are generally consistent with the basics of good architectural and landscaping design and it should be within the capacity of any development project to be consistent with these guidelines.

4.I Waivers. Does the SGZ/SHZ allow the Plan Approval Authority, through the Plan Review process, to waive specific dimensional and other standards (other than Affordability requirements) otherwise applicable to a Project (yes no)?

4.J Phased Project Reviews. Does the SGZ/SHZ permit the Plan Review approvals of proposed Projects to be phased for the purpose of coordinating development with the construction of Planned Infrastructure upgrades that are identified in the application (yes no) or that are required to mitigate any extraordinary adverse Project impacts on neighboring properties (yes no)?

For Projects that are approved and developed in phases, identify the provisions of the SGZ/SHZ requiring that the percentage of Affordable units in each such phase is no less than the minimum percentage required for the Project as a whole:

See: [Attachment 4-1. Section XIVJ. K. 3. b.](#)

4.K Additional Municipal Standards. [N/A](#)

5. HOUSING PLAN REQUIREMENT

Subject to the requirements below, the housing plan requirement can generally be satisfied with a current Comprehensive Housing Plan (or acceptable equivalent) or current (i.e., approved by DHCD within the past 5 years) Housing Production Plan. DHCD has active Housing Production Plans on file, so there is no need to resubmit such plans. Comprehensive Housing Plans (or equivalent plans) should be

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attached as Attachment 5-1. Municipalities that do not have such plans can fulfill the housing plan application requirement by completing a Housing Production Summary. While any municipality can submit a Housing Production Summary, submission is only necessary and considered for the purposes of satisfying the housing plan requirement if the municipality does not have valid Comprehensive Housing Plan (or acceptable equivalent plan) or Housing Production Plan.

For Comprehensive Housing Plans or equivalent municipal plans, please confirm the following plan components:

Housing needs within the Municipality (including the needs of households in protected classes). If covered, where in the plan can this be found:

See: [Wellesley Housing Production Plan \(2018\), pages 15-30.](#)

Housing Strategies (including strategies for the development of housing that serves and provides housing choice for those in protected classes): If covered, where in the plan can this be found:

See: [Wellesley Housing Production Plan, pages 45-56.](#)

For Housing Production Plans, Comprehensive Housing Plans or equivalent municipal plans, please confirm the following plan components:

An explanation of how the proposed SGZ/SHZ will allow for the development of housing which is appropriate for a diverse population. If covered, where in the plan can this be found:

See: [Wellesley Housing Production Plan \(2018\), pg. 46, for specific reference to the potential use of Chapter 40R to encourage housing development in the Wellesley Office Park.](#)

If any these components are not covered in the submitted plan, please provide an addendum to the plan that addresses the missing component(s) and attach as Attachment 5-2.

M.G.L. c. 40R additionally requires that the plan that summarize the Existing Zoned Units, Future Zoned Units, and Incentive Units of the proposed Smart Growth Zoning District. Because many otherwise valid housing plans will not contain this level of specificity and because certain figures/information provided in the application may be revised in the course of DHCD preliminary determination of eligibility, as part of any Final or Conditional Approval of an adopted District, the municipality will need to submit evidence that its housing plan has been amended to incorporate the preliminarily-approved SGZ/SHZ and the corresponding application for preliminary determination of eligibility, as ultimately accepted and approved by DHCD.

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6. LOCAL PUBLIC NOTICE AND HEARING

6.A Public Hearing. Did the chief executive of the Municipality or designee hold a public hearing on the application as submitted to DHCD (including the draft SGZ/SHZ) for a preliminary determination of eligibility for the proposed Smart Growth District (yes X no ___)?

See: [Attachment 6-1: Notice of Public Hearing](#)

6.B Public Comments. Attach copies of any written comments received by the Municipality on the proposed SGZ/SHZ and the District, including any letters of support/concern issued by the planning board, board of health, conservation commission, or other interested parties, as Attachment 6-2.

See: [Attachment 6-2: Written Comments](#)

Attach any transcript or a summary of any oral comments received by the Municipality at the public hearing as Attachment 6-3.

See: [Attachment 6-3: Summary of Oral Comments](#)

Summarize briefly any modifications that were made in the proposed SGZ/SHZ or other documents in response to the comments received: [N/A](#)

7. INFRASTRUCTURE IMPACTS AND UPGRADES

In order for a proposed District to ultimately receive Final (vs. Conditional) Approval and qualify for all or a portion, as applicable, of any corresponding Zoning Incentive Payment, the Municipality must document and certify that the impacts of Future Zoned Units within the District will not over burden transportation, water, public and/or private wastewater systems, and other relevant Infrastructure, as it exists or may be practicably upgraded. The purpose of this requirement is both to ensure consistency with Smart Growth principles by supporting growth in areas with sufficient existing or Planned Infrastructure and to ensure that any required Infrastructure that does exist or is insufficient and cannot be practicably upgraded is identified and addressed before the Department issues any associated Zoning Incentive Payment(s).

The attachment must be certified by a municipal engineer or public works official.

See: [Attachment 7-1: Infrastructure Certification](#)

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Check List of Attachments

Identify documents submitted with the Smart Growth / Starter Home application in the following manner:

Submitted?	Attachment #	Description
<input checked="" type="checkbox"/>	1-1	Locator Map(s) of the Municipality, including, as applicable, a map showing the relationship of the proposed District to the applicable Area of Concentrated Development (required)
<input type="checkbox"/>	1-2	Copy of designation letter under M.G.L. c.40, § 60 (if applicable under I.D)
<input type="checkbox"/>	1-3	Copy of relevant portions of plan document (if applicable under 1.G)
<input type="checkbox"/>	1-4	Copy of designation letter under M.G.L. c.40Q (if applicable under 1.G)
<input type="checkbox"/>	1-5	Evidence of District's consistency with statutory goals for smart growth (if applicable under 1.G)
<input checked="" type="checkbox"/>	2-1	Underlying Zoning Text (required)
<input checked="" type="checkbox"/>	2-2	Underlying Zoning Map(s) (required)
<input checked="" type="checkbox"/>	3-1	SG / SH Residential Density Plan/Map(s) of District (required)
<input checked="" type="checkbox"/>	3-2	Density Data Spreadsheet (required)
<input checked="" type="checkbox"/>	3-3	District Summary Information Spreadsheet (required)
<input checked="" type="checkbox"/>	4-1	Smart Growth Zoning / Starter Home Zoning
<input checked="" type="checkbox"/>	4-2	Smart Growth/Starter Home Zoning Map(s) (required)
<input checked="" type="checkbox"/>	4-3	Design Standards (if not contained within Smart Growth Zoning)
<input type="checkbox"/>	4-4 & 4-5	Additional Municipal Standards and associated documentation (SHZDs only)
<input checked="" type="checkbox"/>	On file with DHCD	Comprehensive Housing Plan, Housing Production Plan or Housing Production Summary (required)
<input type="checkbox"/>	5-2	Plan enhancements/ updates (if applicable)
<input checked="" type="checkbox"/>	6-1	Notice of public hearing (required)
<input checked="" type="checkbox"/>	6-2	Written comments on Smart Growth Zoning and District (required)
<input checked="" type="checkbox"/>	6-3	Summary or transcript of oral comments on Smart Growth Zoning and District (required)
<input checked="" type="checkbox"/>	7-1	Information on Infrastructure impacts and Planned Infrastructure upgrades, certified by municipal official (required)

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