

REPORT OF THE PLANNING BOARD

In accordance with the provisions of Section 26, *Notice for Public Hearings*, of the Zoning Bylaws, and Chapter 40A of the General Laws of the Commonwealth of Massachusetts, the Planning Board convened a duly advertised public hearing on Wednesday, April 10, 2019, on the proposed amendments to the Zoning Bylaws and Zoning Map as contained in the Warrant for the May 13, 2019, Special Town Meeting (Articles 2,3,4,5,6,7, and 8). The Planning Board also convened a duly advertised continuation of the public hearing on Monday, May 6, 2019, on the same Warrant Articles. Following the public hearing on May 6, 2019 and as further required by the Zoning Bylaws and General Laws of the Commonwealth of Massachusetts, the Planning Board produced this Report with recommendations on the Articles for consideration by Town Meeting.

Article 2 – Smart Growth Zoning (40R) - Wellesley Office Park Final Recommendation – Adoption (Planning Board voted 5-0)

Article 2 was initiated and is sponsored by the Board of Selectmen. Article 2 proposes to adopt two new sections to the Zoning Bylaws: Section 14J, which enables the Town of Wellesley, using the provisions of Chapter 40R of Massachusetts General Laws, to create Smart Growth Overlay Districts; and Section 14J.1, which establishes the Wellesley Park Smart Growth Overlay District, a Smart Growth Overlay District created specifically for the Wellesley Office Park.

These new sections of the Zoning Bylaws are intended to permit the redevelopment of the approximately twenty-six (26) acre area, known as the Wellesley Office Park, located on William Street in the eastern end of Wellesley at the intersection of Routes 9 and 128/95. The Wellesley Office Park is bordered by the Charles River to the north and west, by 128/95 to the south, and by Route 9 to the east. Currently, the Wellesley Office Park comprises eight (8) parcels that were developed between 1961 and 1984 to contain office buildings, surface parking, a small café, and a fitness center. All eight parcels are currently zoned in the Administrative/Professional District. The buildings contain 649,000 square feet of useable area and 1,927 surface parking spaces. The properties comprising the Wellesley Office Park include significant wetlands, river front buffer, and FEMA floodplain zones.

The existing Administrative/Professional zoning allows both office uses and uses permitted under Single Resident Districts. Importantly, Administrative/Professional Zoning does not allow multi-family uses, hotel uses, or retail uses. The proposed Wellesley Park Smart Growth Overlay District would allow the property owner to develop the site under the overlay zoning district provisions which allow for mixed-use development that includes multi-family residential housing by right, limited accessory retail development, office uses, and other related uses.

As stated above, the proposed Smart Growth Zoning Districts are pursuant to, and subject to, the provisions of MGL Chapter 40R. Chapter 40R requires that Smart Growth Zoning Districts provide a minimum by-right housing density of 8 units of single-family homes per acre, or 12 units of townhouses per acre, or 20 units of multi-family housing per acre. It also requires that a minimum of 20% of the required housing is comprised of deed-restricted affordable units. The provisions of Chapter 40R allow by-right housing development to undergo site plan review only. While this process is similar to site plan review under Section 16A, *Project Approval*, of the Town of Wellesley Zoning Bylaw, it is nonetheless different and limited by the provisions of Chapter 40R.

According to the Development Agreement between the Town and the owner of the Wellesley Office Park, and proposed Section 14.J.1, there will be a maximum of 600 units of rental residential housing with 345-350 in Phase 1 of the redevelopment and approximately 250 units of

rental residential housing in a subsequent phase of the redevelopment. The Wellesley Park Smart Growth Overlay Zoning requires that 25% of these units will be affordable, thus ensuring that all housing units will count towards the Town's Subsidized Housing Inventory. Any non-housing development or redevelopment in excess of the area standards established in Section 16A or further established in proposed Section 14J.1. C.2. will, in addition to site plan review as established by proposed Section 14J, be subject to the Town's Project of Significant Impact process from Section 16A.

The Unified Plan, adopted by the Planning Board as the Town's Comprehensive Plan on April 24, 2019, and the Housing Production Plan, adopted jointly by the Board of Selectmen and Planning Board and approved by the Department of Housing and Community Development on October 22, 2018, both call for the creation of affordable housing within older office park parcels. This was expressed as a high-priority goal for the Town in both plans. The redevelopment of the Wellesley Office Park into a mixed-use district with multi-family affordable housing is perfectly consistent with these high-priority goals for the Town and consistent with the significant community input received as part of the development of these two master-planning documents.

Phase One of the redevelopment (a 345-350-unit rental housing project) will allow Wellesley to achieve the 10% minimum of affordable housing (as listed on the Town's Subsidized Housing Inventory) required by MGL Chapter 40B - a high-priority goal also set forth by the Housing Production Plan. Achieving this state-required 10% affordability threshold will grant the Town control over the permitting of housing developments pursued under Chapter 40B, and will give the Town permitting agencies the ability to deny Chapter 40B housing developments if they are found to be inconsistent with local needs.

Therefore, based on the above, the Planning Board supports the amendments to the Zoning Bylaw proposed under Article 2, by a vote of 5-0.

**Article 3 – Smart Growth Zoning (40R) Map Amendments - Wellesley Office Park
Final Recommendation – Adoption
(Planning Board voted 5-0)**

Article 3 was initiated and is sponsored by the Board of Selectmen, and proposes to amend the Zoning Map by placing the properties that comprise the 26-acre Wellesley Office Park into the Wellesley Park Smart Growth Overlay District. This rezoning would not affect the underlying Administrative/Professional zoning that currently exists at the subject properties. An overlay district offers a property owner the option to develop under the provisions of the overlay district, but opting to do so requires that development conform with all provisions of the overlay district instead of the underlying zoning district.

This rezoning is necessary if the Sections 14J and 14J.1 proposed under Article 2 are to have an effect on the Wellesley Office Park. Therefore, if Article 2 is approved by Special Town Meeting, approval of Article 3 is legally necessary to carry out the intent of Article 2.

Based on the above, the Planning Board supports the amendment to the Zoning Map proposed under Article 3, by a vote of 5-0.

**Article 4 – Residential Incentive Overlay Amendment, Delanson Circle & 140, 148 Weston Road Projects
Final Recommendation – Adoption
(Planning Board votes 4-0 (one recusal))**

Article 4 was initiated and is sponsored by the Board of Selectmen and proposes to amend the Zoning Bylaws by rewriting the existing Section 14F, *Residential Incentive Overlay* (RIO), so that the RIO can be applied to additional areas within Wellesley. Currently, the RIO can only be applied over Business Districts, Business A Districts, Industrial Districts, Industrial A Districts, Transportation Districts, and the Lower Falls Village Commercial District. As yet, the RIO district has only been established over specific areas of Lower Falls. The RIO facilitated the development of the Waterstone multi-unit residential development and may accommodate the redevelopment of the adjacent properties on Mica Lane. Article 4 seeks to amend the RIO district so that it can be applied to the properties incorporated into the Delanson Circle development and the 148 Weston Road development. It allows for additional levels of residential density and makes other associated changes.

When first adopted by Town Meeting, the RIO District was an amendment to the Zoning Bylaws designed to add residential density within the Lower Falls Village Commercial District. It applied to parcels containing two or more acres of land and referenced proposed development of public amenities specific to Lower Falls, such as small parks or pedestrian access to the river.

In order to apply this Section of the Bylaw to other areas within Wellesley, and for it to accommodate the alternative development proposals at Delanson Circle and 148 Weston Road, it is necessary to alter some of the Bylaw's provisions. These revisions include:

- Revising the "Purpose" section in Subsection A to allow for the use of the RIO in areas of Town that are within close proximity to commercial districts and along public transportation corridors;
- Eliminating the "Applicability" language in Subsection B that currently limits use of the RIO to the Business District, Business District A, Industrial District, Industrial District A, Transportation District, and the Lower Falls Village Commercial District;
- Reducing the Minimum Lot or Building Site Area in Subsection E from two acres to 45,000 square feet (approximately one acre);
- Reducing the side and rear yard setbacks from 40 feet to 10 feet. A setback of 60 feet is still required if a project is proposed in a commercial zoning district that abuts a residential zoning district;
- Establishing new requirements for Signs in Subsection L; and
- Expanding the Project Approval/Special Permit provisions in Subsection O to allow the Planning Board to waive certain dimensional requirements in cases where the Board finds that a project provides and/or contributes to pedestrian and bicycle amenities, public transit, access to a river, open space, public trails, or other public amenities, while the provisions in the existing Subsection O remain when the RIO is applied to Lower Falls.

Broadening the applicability of the RIO section supports development of a diverse housing stock accessible to transportation and commercial corridors by allowing increased density in certain areas of Wellesley. It makes discreet amendments to an existing zoning tool that the Town can use to foster higher-density housing developments in appropriate locations. Any application of the RIO district onto new areas in the future would require Town Meeting action. Creating such zoning tools is a goal specified by both the Unified Plan and the Housing Production Plan.

Revising the RIO district and establishing it over the Delanson Circle and 148 Weston Road properties (as proposed under Article 7) to allow for denser development within the Weston Road and Delanson Circle projects enables the Town to follow the normal permitting process consisting of Project of Significant Impact and Site Plan Review as required under Section 16A, *Project Approval*. In contrast, if the developments were to proceed under Chapter 40B of Massachusetts General Laws, the Town has a greatly reduced oversight role in permitting such projects.

Based on the above and specifically on the belief that amending the RIO district and applying it to these projects will produce more appropriately-sized projects than under Chapter 40B, the Planning Board supports the amendments to the Zoning Bylaw proposed under Article 4, by a vote of 4-0 (one recusal).

Article 5 – Yard Regulations Amendment – Delanson Circle & 140, 148 Weston Road Projects

**Final Recommendation – Adoption
(Planning Board votes 4-0 (one recusal))**

Article 5 was initiated and is sponsored by the Board of Selectmen and proposes to amend the Zoning Bylaws by amending the existing Section 19, *Yard Regulations*. The amendments would exempt parcels within the Residential Incentive Overlay (RIO) from frontage requirements, whether or not they are development under the provisions of the RIO district.

The existing provisions of the RIO district can only be applied to the Lower Falls Village Commercial District, Business Districts, Business A Districts, Industrial Districts, and Industrial A Districts, and Transportation Districts. Under Section 19, these Districts are already exempt from frontage requirements. The amendment proposed under this article would extend this exemption to all properties within a RIO district, regardless of their underlying zoning, thereby granting equal treatment to all properties in a RIO district.

In addition to equalizing treatment of all parcels within RIO districts, the change is necessary as a practical matter to facilitate the Weston Road project. Following the transfer of the approximately 10,000 square feet of land from 140 Weston Road to 148 Weston Road (as proposed under the Development Agreement), neither parcel would be able to satisfy the existing frontage requirements for the Single Residence District (current zoning) or General Residence District (proposed zoning per Article 7). The inability to satisfy the frontage requirements would impact the future redevelopment of the 140 Weston Road home, following termination of the life estate, into the two affordable units contemplated under the project.

Therefore, based on the above, the Planning Board supports the amendment to the Zoning Bylaw proposed under Article 5, by a vote of 4-0 (one recusal).

Article 6 – Zoning Map Amendment – RIO – Delanson Circle & Weston Road Projects

**Final Recommendation – Adoption
(Planning Board votes 4-0 (one recusal))**

Article 6 was initiated and is sponsored by the Board of Selectmen, and proposes to amend the Zoning Map to place the properties that comprise the Delanson Circle development and the properties on the western side of Weston Road at 112-148 Weston Road into the Residential Incentive Overlay (RIO) District.

If Town Meeting approves Article 4 and Article 5, then amending the Zoning Map as proposed in Article 6 necessarily follows. Together with Article 7, these steps will permit the Delanson Circle and Weston Road redevelopment projects to proceed. The Zoning Map must be amended to show the borders of each RIO district in the following manner. First, the Article will place the RIO District onto the six parcels of land on Delanson Circle and Hollis Street (1-3 Delanson Circle, 2-4 Delanson Circle, 6 Delanson Circle, 8 Delanson Circle, 5-7 Delanson Circle and 12-18 Hollis Street), totaling approximately 82,000 square feet, at which the Delanson Circle project will take place. Second, this Article will amend the Zoning Map to place the RIO District onto an additional six properties, totaling approximately 155,000 square feet, on Weston Road (112 Weston, 134

Weston, 138 Weston, 140 Weston, 144 Weston, and 148 Weston).

On Weston Road, the RIO district will be overlaid onto not only the two parcels of land at issue in the Weston Road project – 140 and 148 Weston Road – but also the four other parcels located between 148 Weston Road and Central Street. Extending the General Residence District (as proposed under Article 7) and establishing the RIO district across the properties that comprise the Delanson Circle development and the Weston Road properties from #112 through #148 permits denser residential development that constitutes an appropriate transition from nearby walkable commercial areas to abutting residential neighborhoods. Establishing areas of higher residential density near transportation nodes and commercial districts is a general principle of good municipal planning and is a goal of the Town's Unified Plan.

As with other overlay districts in the Zoning Bylaw and on the Zoning Map, the RIO district will be superimposed onto the underlying zoning for the parcels. See Section 14F.B, *Applicability*. The underlying zoning for the Delanson Circle, Hollis Street and Weston Road parcels is currently a mix of the Single Residence and General Residence Districts. Should the amendments proposed in Article 7 be approved, however, all those properties will be within the General Residence District.

Therefore, based on the practical considerations above, the Planning Board supports the amendments to the Zoning Map proposed under Article 6, by a vote of 4-0 (one recusal).

Article 7 – Zoning Map Amendment – General Residence – Delanson Circle & Weston Road Projects

Final Recommendation – Adoption (Planning Board votes 4-0 (one recusal))

Article 7 was initiated and is sponsored by the Board of Selectmen, and proposes to amend the Zoning Map by extending the General Residence District over certain parcels, or portions thereof, on Delanson Circle and Weston Road.

The first change concerns parcels on Delanson Circle. Most of the parcels on Delanson Circle and Hollis Street that will be zoned into the RIO district pursuant to Article 6 are currently within the General Residence District. Only 6 Delanson Circle and portions of 8 Delanson Circle and 2-4 Delanson Circle are currently within the Single Residence District and 10,000 Square Foot Area Regulation District. Passage of Article 7 would eliminate the split-zoning on 8 Delanson Circle and 2-4 Delanson Circle and make the underlying zoning on all the parcels in this RIO district uniform.

The second proposed change concerns the properties on Weston Road. Of the six properties onto which Article 6 overlays the RIO district, two (112 Weston and 134 Weston) are currently zoned within the General Residence District. The remaining four properties (138 Weston, 140 Weston, 144 Weston and 148 Weston) are currently zoned within the Single Residence District and 15,000 Square Foot Area Regulation District. Rezoning those four properties into the General Residence District will produce these benefits:

- The smaller, 10,000 square foot minimum lot size in the General Residence District will make the properties more conforming, as 138 Weston Road (12,652 square feet), 144 Weston Road (8,100 square feet) and 140 Weston Road (10,000 square feet) do not currently conform to the current 15,000 Square Foot Area Regulation District in which they are located. Note that, currently, the property at 140 Weston Road is 20,445 square feet. Pursuant to Article 4, 10,445 square feet of that lot will be split off for use as part of

- the Weston Road project.
- The allowance for two-family housing within the General Residence District will facilitate the future redevelopment of the house at 140 Weston Road into the two affordable units that are part the Weston Road project.

Therefore, based on the practical considerations above, the Planning Board supports the amendments to the Zoning Map proposed under Article 7, by a vote of 4-0 (one recusal).

Article 8 – Zoning Bylaw Amendment – List of Zoning Districts
Final Recommendation – Adoption
(Planning Board votes 5-0)

Article 8 was initiated and is sponsored by the Board of Selectmen, and proposes to amend Section 1A, *Establishment of Districts*, of the Zoning Bylaws. Specifically, if Town Meeting adopts this Article, three items would be added to the list of districts:

- “28. Commercial Recreation Overlay District (Section 14I)”
- “29. Smart Growth Overlay Districts (Section 14J)”
- “30. Wellesley Park Smart Growth Overlay District (Section 14J.1)”

As to the first item: The 2017 Special Town Meeting approved the adoption of the Commercial Recreation Overlay District, but no corresponding addition to the list of districts was made at that time. Adding this item to Section 1A would be a corrective measure.

As to the remaining items: assuming Town Meeting approves the adoption of both the Smart Growth Overlay Districts and the Wellesley Park Smart Growth Overlay District proposed in Article 2, these districts need to be added to the list of districts.

Therefore, based on the above, the Planning Board supports the amendments to the Zoning Bylaw proposed under Article 8, by a vote of 5-0.