

# TOWN OF WELLESLEY



## SUPPLEMENTAL REPORT TO THE SPECIAL TOWN MEETING

**MONDAY, MAY 13, 2019  
7:00 P.M.**

**at the  
MIDDLE SCHOOL AUDITORIUM  
WELLESLEY MIDDLE SCHOOL**

**by the  
ADVISORY COMMITTEE**

**Please read this Report and bring it with you to Town Meeting.**

**For more information and updates, please visit [www.WellesleyMA.gov](http://www.WellesleyMA.gov).**

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**TOWN OF WELLESLEY**



**ADVISORY COMMITTEE**

**TERM ENDS 2019**

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Andrea Ward, Secretary

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To the Town Meeting Members of the Town of Wellesley:

May 10, 2019

The material on the following pages reflects new information and/or updates relating to the upcoming Special Town Meeting (STM), including votes by the Planning Board, the Board of Selectmen and the Advisory Committee, which have occurred since the printing of the *STM Advisory Report*. See <https://www.wellesleyma.gov/DocumentCenter/View/15792/2019-May-Special-Town-Meeting-Advisory-Report>. This supplemental report should be read in conjunction with the main *STM Advisory Report*.

We appreciate all your efforts to remain informed and look forward to seeing you on Monday.

Sincerely,

Tom Skelly, Chair

**ARTICLE 2: ZONING BYLAW AMENDMENT (ADOPTION OF SMART GROWTH OVERLAY DISTRICTS)** To see if the Town will vote to amend the Zoning Bylaw to adopt two new sections; Section XIVJ (14J) Smart Growth Overlay Districts and Section XIVJ.1. (14J.1) Wellesley Park Smart Growth Overlay District, or take any other action in relation thereto.

Please see pages 5-11 of the *STM Advisory Report* for background on this Article.

### **Updates**

On April 30, the state Department of Housing and Community Development transmitted to the Town a letter of conditional eligibility stating that the proposed zoning provisions (Section 14J, Smart Growth Overlay Districts, and Section 14J.1, Wellesley Park Smart Growth Overlay District) satisfy the applicable statutory and regulatory eligibility requirements. That letter is posted on the Special Town Meeting page of the Town website. See <https://wellesleyma.gov/DocumentCenter/View/15928/DHCD-Letter-of-Conditional-Eligibility>.

On May 6, the Planning Board voted 5-0 to support the adoption of Sections 14J and 14J.1 into the Zoning Bylaw. At its meeting later that evening, the Board of Selectmen voted 4-0 in support of Article 2.

### **Advisory Considerations**

Beginning in November with the first presentation to Advisory and continuing through its May 8 discussion and vote on Article 2, Advisory members acknowledged the significant benefits that the redevelopment of the Wellesley Office Park site as a high-density, mixed-use residential project could bring to the Town.

Advisory members noted that the project would increase the diversity and affordability of housing, goals specifically set forth in the Town's Housing Production Plan and Unified Plan. With 25% of the planned rental units restricted as affordable, the Wellesley Office Park redevelopment would be an important addition not only to the type and diversity of affordable housing currently available in Town, but to the quantity of such housing, as well. Moreover, Advisory members were pleased that the Town would be able to include all the project's rental units (not just the affordable units) on the Town's Subsidized Housing Index, thereby allowing the Town via Phase I of the project to satisfy the 10% affordable housing statutory minimum and providing a buffer, should additional affordable units be required following the 2020 census. As discussed in the main *STM Advisory Report*, once the Town eliminates its deficit in affordable housing units, it will have greater control over the location and scope of developments proposed under Chapter 40B. Apart from the direct impact on affordable housing, Advisory members viewed the proposed mixed-use redevelopment as a higher and better use of the current parcels, one that would create a desirable enclave with improved residential, accessory retail and recreational amenities.

Advisory members acknowledged that, over the course of the past several months, questions had been raised on a variety of issues, including:

- The current traffic situation in the area, the projected impact of the redevelopment on traffic, and plans for phased solutions to and continued analysis of traffic issues;
- The ability for public safety vehicles and school buses to access the site;
- Required Town expenditures (e.g., infrastructure upgrades);
- Ongoing municipal service costs/impacts (especially for the Town's schools);
- Financial benefits to the Town (e.g., state incentive/bonus payments, building permits,

- increased tax and other municipal revenues);
- The interrelationship between the development agreement (the Agreement) and the Zoning Bylaw provisions;
- The mechanisms within the Agreement and/or Zoning Bylaw provisions for ensuring that residential units designated as affordable would remain affordable, that all residential units would remain rental, and that any future owner(s) of the site would be bound by the terms of the Agreement; and
- Environmental goals and considerations.

Advisory members noted the significant work that had been undertaken to address such questions and commended the thoroughness of the process, which included Town staff representing many different departments, Town board members, Town Counsel and John Hancock. Advisory members pointed to the proposed zoning provisions, the Agreement, and the supporting analyses and studies that accompanied the Agreement as important informational resources.

With respect to the agreed-upon infrastructure improvements, which will support the full build-out of the site, Advisory members noted that the Agreement caps the Town's required contribution and makes that contribution contingent upon receipt of Chapter 40R incentive and bonus payments from the state. With respect to traffic, several Advisory members acknowledged the work that lies ahead on this issue, but pointed to the provisions in the Agreement that mandate initial improvements and more significant design submissions for Phase I of the project, as well as continued study and implementation of mitigation measures for future phases of development. Several Advisory members also noted that, in addition to generating meaningful one-time financial benefits in the form of state incentive and bonus payments and Town building permit fees, the project was anticipated to be net positive on an ongoing fiscal basis, with annual tax and other revenues projected to exceed the increased costs of providing municipal services to the redeveloped site.

Significant to many Advisory members were the opportunities for ongoing review of the project as it proceeds through development. While Chapter 40R requires the development of the residential components to be by-right, subject only to the conditions laid out in Sections 14J and 14J.1, all non-residential components of the project are subject to the Town's existing Project Approval special permit process. Project Approval requires design review by the Design Review Board, off-site infrastructure review by the Planning Board as part of the Project of Significant Impact process, and on-site review of landscape, design, parking, etc., by the Zoning Board of Appeals as part of Site Plan Review.

Several Advisory members noted that the proposed zoning provisions – particularly Section 14J.1, the specific Wellesley Park Smart Growth Overlay District – spell out the contours for the redevelopment. The potential uses at the site are specified and limited in scope (e.g., maximum number of residential units, maximum number of hotel rooms, total square footage of office space, total square footage of accessory retail), as are dimensional requirements like building heights (individually and in the aggregate). For these Advisory members, the existence of such parameters within the Zoning Bylaw, which can be altered only by a two-thirds vote of a future Town Meeting, provides some certainty as to what the total potential build-out of the site could include.

In summary, Advisory believes that the phased redevelopment of the Wellesley Office Park site into a high-density, mixed-use residential site is an important and beneficial opportunity for the Town. Advisory accordingly supports the addition of Sections 14J and 14J.1 to the Zoning Bylaw.

**Passage requires a two-thirds vote.**

**Advisory recommends favorable action, 12 to 0.**

**ARTICLE 3: ZONING MAP AMENDMENT (WELLESLEY PARK SMART GROWTH OVERLAY DISTRICT)** To see if the Town will vote to amend the Zoning Map to rezone properties located at 20 William Street, 40 William Street, 45 William Street, 55 William Street, 60 William Street, 65 William Street, 80 William Street, and 100 William Street (Assessor's Parcel ID#s 2-1, 4-1-A, 3-4, 3-3, 3-1, 3-2, 3-1-B, 3-1-A), the area to be rezoned totaling approximately 26 acres in area, into the Wellesley Park Smart Growth Overlay District; the underlying zoning of the properties would remain unaffected, or take any other action in relation thereto.

Please see page 11 of the *STM Advisory Report* for background on this Article.

On May 6, the Planning Board voted 5-0 to support amending the Zoning Map to place the parcels on William Street comprising the current Wellesley Office Park into the Wellesley Park Smart Growth Overlay District. The Board of Selectmen subsequently voted 4-0 in support of Article 3.

**Advisory Considerations**

If Town Meeting approves the adoption of the Smart Growth Overlay Districts proposed in Article 2, then a corresponding change in the Zoning Map is also required. As noted above, Advisory supports the adoption of Sections 14J and 14J.1, and therefore also supports rezoning the parcels on William Street into the Wellesley Park Smart Growth Overlay District to enable the redevelopment of the Wellesley Office Park site to proceed.

**Passage requires a two-thirds vote.**

**Advisory recommends favorable action, 12 to 0.**

**ARTICLE 4: ZONING BYLAW AMENDMENT (RESIDENTIAL INCENTIVE OVERLAY DISTRICT)** To see if the Town will vote to amend the Zoning Bylaw to modify Section XIVF (14F) Residential Incentive Overlay for the purposes of allowing its application over a greater number of zoning districts, allowing for additional levels of residential density, and making other associated changes, or take any other action in relation thereto.

Please see pages 12-15 of the *STM Advisory Report* for background on this Article.

On May 6, the Planning Board voted 4-0 to support the proposed amendments to Section 14F of the Zoning Bylaw, the Residential Incentive Overlay (RIO) District, to allow its use in Single Residence and General Residence Districts and to reduce the minimum lot size and certain other requirements. The Board of Selectmen subsequently voted 5-0 in support of Article 4.

### **Advisory Considerations**

Advisory members commended the Board of Selectmen and the Planning Board for their thoughtful evaluation of the existing RIO provisions, which had originally been drafted with a specific area of Town in mind. In the view of these members, the proposed amendments will allow greater flexibility in application of the RIO and thereby assist the Town in achieving its goals of increasing housing diversity and alternatives.

Several Advisory members responded to concerns that the proposed amendments could cause RIO developments to spring up in the future throughout the Town's residential districts. These members emphasized that, before any future RIO project could proceed, Town Meeting must first approve, via a two-thirds vote, the application of the RIO District onto the parcels in question. No development pursuant to the RIO provisions can occur without prior Town Meeting approval. Other Advisory members pointed out that, by its terms, the RIO District is restricted to parcels that are "located in close proximity to the Town's commercial districts and public transportation," a requirement that will limit its application to areas of Town suitable for denser development.

Advisory members expressed their appreciation for the thoughtful and professional involvement of the residents in the neighborhoods surrounding the Delanson Circle and Weston Road projects over the past months. These members felt that the neighbors' contributions, and their willingness to work with the developer and the Town to forge a compromise to the original, much denser Chapter 40B proposals at each site, served as a model for citizen input.

Advisory members noted that, should Article 4 fail to pass, the result would not be a continuation of the status quo at the Delanson Circle and Weston Road sites. Instead, development pursuant to the original Chapter 40B proposals – which are already pending before the Zoning Board of Appeals for comprehensive permits – will move forward. In the view of these members, adoption of the RIO and other Zoning Bylaw amendments necessary to facilitate the redesigned, lower density projects is in the Town's best interests.

**Passage requires a two-thirds vote.**

**Advisory recommends favorable action, 11 to 0, with one member abstaining.**

**ARTICLE 5: ZONING BYLAW AMENDMENT (YARD REGULATIONS)** To see if the Town will vote to amend the Zoning Bylaw to modify Section XIX (19) Yard Regulations to provide for exemption of parcels in the Residential Incentive Overlay district from certain dimensional requirements, or take any other action in relation thereto.

Please see page 16 of the *STM Advisory Report* for background on this Article.

On May 6, the Planning Board voted 4-0 to support amending Section 19 of the Zoning Bylaw, Yard Regulations, to eliminate the frontage requirements for lots located in a Residential Incentive Overlay (RIO) District. The Board of Selectmen subsequently voted 5-0 in support of Article 5.

### **Advisory Considerations**

In Advisory's view, the proposed amendment to the Yard Regulations follows from the expansion of the RIO provisions to the Single Residence and General Residence Districts that is proposed in Article 4. Absent the amendment, the frontage requirements of Section 19 would apply to some properties in RIO Districts (i.e., where the underlying zoning is in the Single Residence or General Residence Districts), but not to other properties (i.e., where the

underlying zoning is in one of the six districts that are already exempt from the frontage requirements of Section 19). Eliminating the frontage requirements for *all* parcels located within a RIO District, as Article 5 proposes to do, will eliminate potential disparate treatment of properties within a RIO District. Moreover, Advisory understands that the amendment is necessary as a practical matter to facilitate the Weston Road project, as neither the 148 Weston Road parcel (the site of the proposed RIO development) nor the 140 Weston Road parcel (the future site of the two affordable units) would be able to satisfy the frontage requirements of Section 19 as currently drafted.

**Passage requires a two-thirds vote.**

**Advisory recommends favorable action, 11 to 0, with one member abstaining.**

**ARTICLE 6: ZONING MAP AMENDMENT (RIO DISTRICT)** To see if the Town will vote to amend the Zoning Map to rezone properties to the Residential Incentive Overlay district located at:

- 1-3 Delanson Circle, 2-4 Delanson Circle, 6 Delanson Circle, 8 Delanson Circle, 5-7 Delanson Circle, 12-18 Hollis Street (Assessor's Parcel ID#s 123-13, 123-9, 123-10, 123-11, 123-12, 123-14), the area to be rezoned totaling approximately 82,000 square feet in area, into the Residential Incentive Overlay district; and
- 112 Weston Road, 134 Weston Road, 138 Weston Road, 140 Weston Road, 144 Weston Road, and 148 Weston Road (Assessor's Parcel ID#s 137-36, 150-1, 149-1, 149-2, 149-3, 149-4), the area to be rezoned totaling approximately 155,000 square feet in area, into the Residential Incentive Overlay district.

Or take any other action in relation thereto.

Please see page 17 of the *STM Advisory Report* for background on this Article.

On May 6, the Planning Board voted 4-0 to support amending the Zoning Map to place certain parcels on Delanson Circle, Hollis Street and Weston Road in the Residential Incentive Overlay (RIO) District. The Board of Selectmen subsequently voted 5-0 in support of Article 6.

#### **Advisory Considerations**

Having supported the Zoning Bylaw amendments proposed in Articles 4 (RIO District) and 5 (Yard Regulations), Advisory also supports the Zoning Map amendments necessary to allow the Delanson Circle and Weston Road projects to be redeveloped using the RIO provisions.

**Passage requires a two-thirds vote.**

**Advisory recommends favorable action, 11 to 0, with one member abstaining.**

**ARTICLE 7: ZONING MAP AMENDMENT (GENERAL RESIDENCE DISTRICT)** To see if the Town will vote to amend the Zoning Map to rezone property located at:

- 6 Delanson Circle (Assessor's Parcel ID# 123-10) and portions of properties located at 2-4 Delanson Circle and 8 Delanson Circle (Assessor's Parcel ID#s 123-9 and 123-11), the area to be rezoned totaling approximately 20,000 square feet in area, from the Single Residence District and 10,000 Square Foot Area Regulation District to the General Residence District; and
- 138 Weston Road, 140 Weston Road, 144 Weston Road, and 148 Weston Road (Assessor's Parcel ID#s 149-1, 149-2, 149-3, 149-4), the area to be rezoned totaling approximately 77,000 square feet in area, from the Single Residence District and 15,000 Square Foot Area Regulation District to the General Residence District.

Or take any other action in relation thereto.

Please see pages 18-19 of the *STM Advisory Report* for background on this Article, which proposes to amend the Zoning Map to rezone certain properties on Delanson Circle and Weston Road from the Single Residence District to the General Residence District.

The proposed amendments are presented in two separate motions: Motion 1 addresses the parcels, or portions thereof, on Delanson Circle; Motion 2 addresses the parcels on Weston Road. On May 6, the Planning Board voted 4-0 in support of both motions. The Board of Selectmen subsequently voted its unanimous support (5-0).

#### **Advisory Considerations**

Advisory considers these two motions, like the Zoning Map amendments proposed in Article 6, to be corollaries to the Zoning Bylaw amendments proposed in Articles 4 and 5.

Motion 1 will eliminate the current split-zoning on some of the Delanson Circle properties and will make the underlying zoning on all the parcels in the RIO District uniform.

In addition to promoting uniformity of the underlying zoning in the RIO District, Motion 2 will further two other goals. Changing the underlying zoning from the Single Residence District and 15,000 Square Foot Area Regulation District to the General Residence District will: (1) make the properties more conforming, since three of the properties are less than 15,000 square feet in size and the General Residence District has a lower, 10,000 square foot minimum lot size; and (2) allow the house at 140 Weston Road to be developed into the two future affordable units, which would not be possible under the current Single Residence District zoning. One Advisory member expressed concern about changing the underlying zoning of the property at 144 Weston Road given the possible objections of the owner.

**Passage requires a two-thirds vote.**

**Motion 1: Advisory recommends favorable action, 11 to 0, with one member abstaining.**

**Motion 2: Advisory recommends favorable action, 10 to 1, with one member abstaining.**

**ARTICLE 8: ZONING BYLAW AMENDMENT (ESTABLISHMENT OF DISTRICTS)** To see if the Town will vote to amend the Zoning Bylaw to modify Section 1 to add to the list of zoning districts the Smart Growth Overlay Districts, Wellesley Park Smart Growth Overlay District and Commercial Recreation Overlay District, or take any action in relation thereto.

Please see page 19 of the *STM Advisory Report* for background on this Article.

On May 6, the Planning Board voted 5-0 to support the addition of the three items to the list of districts in Section 1A of the Zoning Bylaw, Establishment of Districts. The Board of Selectmen subsequently voted 5-0 in support of Article 8.

**Advisory Considerations**

Advisory considers these additions to the list of zoning districts to be housekeeping matters. Updating the list of zoning districts ensures that the Zoning Bylaw is internally consistent and assists with ease of use. Advisory understands that one other district – the Large-Scale Solar Overlay District (Section 14H), adopted at the 2017 Annual Town Meeting – will need to be added to the list of zoning districts at a future Town Meeting, as the STM warrant language was not broad enough to allow its inclusion here.

**Passage requires a two-thirds vote.**

**Advisory recommends favorable action, 12 to 0.**