

## SECTION 14J.1. WELLESLEY PARK SMART GROWTH OVERLAY DISTRICT

### A. Purpose

The purposes of this Section are:

1. To establish a specific District pursuant to the provisions of Section 14J;
2. To establish the Wellesley Park Smart Growth Overlay District to promote the redevelopment of the Wellesley Office Park into a vibrant, workable, livable community with a rich sense of place in a form that meets the objectives of “smart growth” within the purposes of Mass. Gen. Laws Ch. 40R;
3. To provide for a more diversified housing stock within the Town of Wellesley, including affordable housing and housing types that meet the needs of the Town’s population, all as currently identified in the Wellesley Housing Production Plan;
4. To promote advanced site planning, sustainable design, improved transportation management, and environmental enhancements in the mixed-use redevelopment of the Wellesley Park Smart Growth Overlay District; and
5. To the extent not in conflict with the purposes of Mass. Gen. Laws Ch. 40S and the provisions for As-of-Right development under the Governing Laws, generate positive tax revenue, and to benefit from the financial incentives provided by Mass. Gen. Laws Ch. 40R, while providing the opportunity for new business growth and additional local jobs.

### B. Establishment and Delineation of District

This District, to be known as the Wellesley Park Smart Growth Overlay District (the “Wellesley Park Overlay District”), is established pursuant to and subject to the provisions of Section 14J. The Wellesley Park Overlay District is an overlay district having a land area of approximately 26 acres in size that is superimposed over the underlying zoning district. The boundaries of the Wellesley Park Overlay District are delineated as the “Wellesley Park Smart Growth Overlay District” on the Zoning Map of the Town of Wellesley.

### C. Permitted Uses

1. The following Principal Uses, either alone or in any combination thereof, as well as any Accessory Uses to the following Principal Uses, shall be permitted upon Site Plan Approval pursuant to the provisions of this Section and Section 14J. All uses not expressly allowed are prohibited.
  - a. Multi-Family Dwellings;
  - b. Small-Scale Retail Establishments
  - c. Restaurants, excluding drive-through windows or service;

- d. Assisted Elderly Housing;
  - e. Independent Elderly Housing;
  - f. Nursing Homes and Skilled Nursing Facility;
  - g. Child Care;
  - h. Offices;
  - i. Office-High Tech;
  - j. Hotels;
  - k. Banks;
  - l. Conservation Uses;
  - m. Recreational Uses; and
  - n. Parking accessory to any of the above Principal Uses, including surface parking, parking under buildings, and above- and below-grade structured parking.
2. The following Principal Uses in excess of the area standards established under Section 16A, or as otherwise provided for below, shall require the issuance of a Project of Significant Impact Special Permit pursuant to Section 16A as a prerequisite to Site Plan Approval. If such Principal Use is proposed in combination with another, otherwise permitted use, the otherwise permitted use shall not be subject to issuance of a Project of Significant Impact Special Permit.
- a. Restaurants, which shall not include drive-through windows or service, in excess of 5,000 square feet;
  - b. Assisted Elderly Housing;
  - c. Independent Elderly Housing;
  - d. Nursing Homes and Skilled Nursing Facility;
  - e. Child Care;
  - f. Offices and Office-High Tech; and
  - g. Hotels.

D. Dimensional and Other Requirements

Buildings and Development Lots within the Wellesley Park Overlay District shall be subject to the following requirements:

1. Density

Development of the following uses within the Wellesley Park Overlay District shall be limited, as follows:

- a. Multi-Family Dwellings: no more than six hundred (600) total Dwelling Units or twenty (20) units per acre based on the entire area of the District, whichever is greater;
- b. Small-Scale Retail Establishments: not to exceed a total of 19,500 gross square feet;
- c. Offices and Office-High Tech: not to exceed a total of 700,000 gross square feet; and
- d. Hotels: not to exceed a total of 175 rooms.

2. Total Allowable New Non-Residential Uses

The total non-residential Gross Leasable Floor Area within the District, including but not limited to Small-Scale Retail, Restaurant, Assisted Elderly Housing, Independent Elderly Housing, Nursing Homes and Skilled Nursing Facility, Child Care, Office, Hotel, Bank, Office-High Tech, and Recreational Uses, but excluding all existing Gross Leasable Floor Area within the District in existence on the date of adoption of this Section (“Existing Floor Area”), shall not exceed 49% of the residential Gross Leasable Floor Area (constructed and planned). To the extent the Existing Floor Area is reduced for any reason whatsoever, it may be replaced with new non-residential Gross Leasable Floor Area without impacting this calculation.

3. Minimum Area

There shall be no minimum area of a Development Lot within the Wellesley Park Overlay District.

4. Setbacks/Yards

There shall be no minimum setback or yard requirements within the Wellesley Park Overlay District, except for the buffer from Adjacent Property requirement described in paragraph 5.

5. Buffer from Adjacent Property

A minimum buffer of twenty-five (25) feet shall be maintained where such a buffer is present at the time of the adoption of this Section along the perimeter of the Wellesley Park Overlay District boundary. No vertical construction or pavement shall be allowed within this minimum buffer, provided that the following elements shall be

permitted: pedestrian paths and sidewalks; vehicular access points to the District; cart paths to serve adjacent recreational uses; such emergency access and egress as may be required by the Town of Wellesley; drainage facilities; utilities and related easements but not including a wastewater treatment facility; landscaping; plantings; fences and walls; and signage and lighting approved by the Approving Authority pursuant to this Section.

#### 6. Height

The maximum height of buildings and structures in a Development Project in the Wellesley Park Overlay District shall be eighty-five (85) feet, and the aggregate height of all buildings in the Wellesley Park Overlay District shall not exceed five hundred and seventy-five (575) feet based on the maximum height of each individual building. Independent parking structures shall not be included in the calculation of aggregate height.

For the purposes of Development Projects within the Wellesley Park Overlay District, building or structure height shall be the distance between average finished grade adjacent to the building, exclusive of basements, and the ceiling of the upper-most occupied space in the building in the case of flat roofs and, in the case of buildings with pitched roofs, at the point at which such ceiling intersects with the exterior portion of the building. The calculation of building height shall not apply to roof tanks and their supports, roof decks, parapets, ventilating, air conditioning and similar building service equipment, chimneys, railings, skylights, mechanical penthouses, and other similar features of buildings which are in no way designed or used for living purposes nor the portion of the pitched roof above the intersection of the ceiling of the upper-most heated space and the exterior of the building.

#### 7. Non-Frontage Development

In the Wellesley Park Overlay District and on parcels that are contiguous to the Wellesley Park Overlay District, a Development Lot lacking frontage may be developed and used without regard to the lack of frontage, provided that the non-frontage development has permanent access to a private or public way that is located within the Wellesley Park Overlay District through easements recorded with the Norfolk County Registry of Deeds and appropriate provisions are made for parking, drainage and utilities. The development and use of such non-frontage development located entirely within the District shall be consistent with the requirements of this Section. Such non-frontage development may be subdivided and sold or transferred, provided that each Development Lot so subdivided retains or is granted such cross access, drainage and utility easements to serve such non-frontage development. Should such transfer occur after an approval hereunder, in addition to the easements referenced above, the transferee shall demonstrate to the Approving Authority that the non-frontage development shall remain in compliance with any conditions of Site Plan Approval and, for parcels that are contiguous to the Wellesley Park Overlay District, with applicable zoning requirements.

#### 8. Number of Buildings on a Development Lot

In the Wellesley Park Overlay District, more than one principal building may be erected on a Development Lot. Buildings may also be erected in the Wellesley Park Overlay District across Development Lot lines.

E. Parking

Parking provided in the Wellesley Park Development District, including structured parking, shall comply with these provisions and shall not be subject to Section 21 or any other provisions of the Zoning Bylaw. Regardless of these requirements, parking shall be designed and constructed to comply with all applicable disability access requirements including, but not limited to, the Americans with Disabilities Act.

1. Required Parking

Parking shall be provided for uses according to Table 1, Required Parking, below. When application of the requirements set forth below results in a number that includes a fraction, the fraction shall be rounded up to the next whole number.

<b>Table 1 - Required Parking</b>		
<b>Use</b>	<b>Minimum Parking Required</b>	<b>Maximum Allowable Parking</b>
Multi-Family Dwelling Unit	1 space per unit	2 spaces per unit
Small-Scale Retail Establishments	None, if individual establishments are less than 10,000 gross square feet; 3 spaces per 1,000 gross square feet in excess of 10,000 gross square feet	4 spaces per 1,000 gross square feet in excess of 10,000 gross square feet
Banks		
Child Care		
Restaurant		
Recreational Uses		
Assisted Elderly Housing or Independent Elderly Housing or Nursing Homes and Skilled Nursing Facility	0.25 spaces per bed	1 space per bed
Office or Office-High Tech	2 spaces per 1,000 gross square feet	4 spaces per 1,000 gross square feet
Hotel	0.5 spaces per room	1 space per room
Conservation Use	5 dedicated spaces	No maximum

2. On-Street Parking Offset

Parking spaces within the public right-of-way may be counted toward the minimum parking required pursuant to paragraph 1., Required Parking.

### 3. Parking Design and Construction Standards

The design and construction standards for parking shall be approved by the Approving Authority in conjunction with the Site Plan Approval of a Development Project; such design and construction standards shall address the dimensions for parking spaces, maneuvering aisles, driveways, and landscape islands, and materials and specifications for paving, curbing, lighting, and landscaping.

### 4. Modification in Parking Requirements

Notwithstanding anything to the contrary herein, any minimum required or maximum permitted amount of parking may be modified by the Approving Authority through the Site Plan Approval process, if the Applicant can demonstrate that the modified amount of parking will not cause excessive congestion, endanger public safety, or that a modified amount of parking will provide positive environmental or other benefits, taking into consideration:

- a. The availability of public or commercial parking facilities in the vicinity of the use being served;
- b. Shared use of parking spaces serving other uses having peak user demands at different times;
- c. Age or other occupancy restrictions which are likely to resulting a lower level of auto usage; and
- d. Such other factors, including the availability of valet parking, shuttle service, or a transportation management plan as may be considered by the Approving Authority. Where such reduction is authorized, the Approving Authority may impose conditions of use or occupancy appropriate to such reductions.

### F. Signage

All new signage in the Wellesley Park Overlay District shall be approved by the Approving Authority in conjunction with the Site Plan Approval of a Development Project. The Applicant shall submit, as part of its Site Plan Review filing, a master signage plan for approval by the Approving Authority establishing allowances, requirements, and limitations for all new signage within the Wellesley Park Overlay District. The master signage plan, as may be updated and revised with the approval of the Approving Authority, shall, with respect to both existing and future signs, specify all applicable sign types, dimensions, materials, quantities and other standards for review by the Approving Authority in the course of Site Plan Approval. Upon approval by the Approving Authority, the master signage plan shall become the sole governing source of standards and requirements for all new signage within the Wellesley Park Overlay District under the Zoning Bylaw. Sign permits for any sign meeting these established standards may be issued by the Inspector of Buildings of the Town of Wellesley upon approval of the master signage plan.