

DECISION
20 and 40 William Street, Wellesley, Massachusetts
40R Site Plan Approval

Decision Number: ZBA 2019-82

Date Application Filed: September 11 and supplemented on September 23, 2019

Applicant: John Hancock Life Insurance Company (U.S.A.)

Premises Affected: 20 and 40 William Street

Relief Requested: Site Plan Approval, M.G.L. c. 40R, § 11 and Town of Wellesley Zoning Bylaw § 14J.E.4.

Public Notice: October 10 and October 17, 2019

Public Hearing(s) Held: October 31, November 21, December 3, and December 17, 2019.

Decision of the Board: Approved with Conditions

Members Participating: J. Randolph Becker, Richard L. Seegel, David. G. Sheffield

Date of Decision: January 7, 2020

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2020 JAN -9 P 12:25

THE PROJECT

I. General Introduction

John Hancock Life Insurance Company (U.S.A.) (the “Applicant”) has requested from the Zoning Board of Appeals (the “Board”) of the Town of Wellesley (the “Town”) the issuance of a site plan approval subject to Section 14J and 14.J.1 of the Town Zoning Bylaw, authorizing the Applicant to construct 350 residential rental units in a single building on 212,573 sf (4.88 acres) of land comprised of all of 40 William Street and a portion of 20 William Street (the “Development Lot”) lying within the Wellesley Park Smart Growth Overlay District (the “Development Project”).

The Development Project consists of the demolition of the office building at 40 William Street and the construction of a six story, mixed use, 350-unit multi-family rental housing building with a small-scale retail establishment, along with an above grade car garage designed for 591 parking spaces, as well as the design and installation of improved water and sewer facilities. The proposed building includes a base story for retail, amenity, and residential space, and five residential floors above. As of the date of this decision, the six residential floors are planned to contain 39 studio units, 173 one-bedroom units, 112 two-bedroom units, and 26 three-bedroom units. Of the planned 350 units, 88 will be restricted to households earning less than 80 percent of the area median income. The development of affordable housing with significant amenities in a neighborhood that is reasonably proximate to transportation options advances the Town’s goals of smart growth and provides a diversity of housing option alluded to in the *Wellesley Unified Plan* (the “Unified Plan”), drafted in February 2018, and the Town’s *Housing Production Plan* (the “HPP”), adopted September 24, 2018.

The development of the Development Lot and the Development Project is also informed by the Development Agreement entered into April 9, 2019, by and between the Applicant and the Town (the “Development Agreement”), on file with the Board.

II. The Site and Surroundings

The Development Lot is located in the Wellesley Office Park, in the Administrative/Professional District and in the Wellesley Park Smart Growth Overlay District, and containing eight parcels of land aggregating to approximately 26 acres, all currently owned by the Applicant. The Development Lot itself is currently occupied by a 76,676 sf office building and surface parking areas.

The Development Lot is found at the southern-most side of William Street, approximately 1,000 feet north and west of the intersection of William Street with Worcester Street (Route 9). The Development Lot is bounded on the westernmost, northernmost, and easternmost sides by other lots in the Wellesley Office Park. On the southernmost side the Development Lot is bounded by land owned by the Massachusetts Department of Transportation (“MassDOT”), containing the I-95 interchange with Route 9. The nearest residences to the Development Lot are located at a distance of about 1,000 feet, and are located across the Charles River in Newton to the northeast and across Route 9 to the south in Needham.

The predominant land use surrounding the Development Lot is office buildings that were built between 1961 and 1984, with building heights of three to four stories and a total area of about 649,000 gross square feet. The office buildings are sited on lots that range between 1.75 and 5.14 acres in area.

Topographically, the Development Lot exhibits moderate relief. The high point at about elevation 101 is in the southeastern section of the Development Lot at an elevation approximately 17 ft higher than William Street. From the high point, the land slopes downward both toward William Street to the north, and downward about 36 feet to the western boundary at about elevation 65.

Seven borings were performed at the Development Lot to depths ranging from 3.5 feet below ground surface to 25.7 feet below ground surface. The general soil profile was fill underlain by sand and gravel, over either rock or silt. In certain areas of the proposed parking garage the bottom of the proposed facilities is below the depth at which rock was encountered, so controlled rock blasting and excavation is proposed. Seasonal high groundwater levels were not indicated in the borings.

GOVERNING LAW

- I. Massachusetts General Laws, Chapter 40R, § 11, known as the Smart Growth Zoning Overlay District Act (the “Act”), and the regulations promulgated by the Department of Housing and Community Development (“DHCD”) thereunder, 760 CMR 59.00 et seq. (the “Regulations”) encourage communities to create dense residential or mixed-use smart growth zoning districts, including a high percentage of affordable housing units, to be located near transit stations, in areas of concentrated development, and in other highly suitable locations.
- II. Specifically, the Act seeks to foster increased housing production in Massachusetts and smart growth. “Smart growth” is a principle of land development that: (a) increases the availability of affordable housing by creating a range of housing opportunities in neighborhoods; (b) emphasizes mixing land uses; (c) takes advantage of compact design; (d) fosters distinctive and attractive communities; (e) preserves open space, farmland, natural beauty and critical environmental areas; (f) strengthens existing communities; (g) provides a variety of transportation choices; (h) makes development decisions predictable, fair and cost effective; and (i) encourages community and stakeholder collaboration in development decisions.
- III. In accordance with the Act, the Town of Wellesley established the Wellesley Park Smart Growth Overlay District (the “District”). Sections 14J and 14J.1 of the Town of Wellesley Zoning Bylaw (the “40R Bylaw”) outline the policies and procedures that govern new development within the District, including the Site Plan Review (as defined in the 40R Bylaw) process. Both the Act and the Town’s 40R Bylaw govern the Board’s review of this application.

IV. Pursuant to the 40R Bylaw, the Board shall approve a Development Project (as defined in the 40R Bylaw) seeking Site Plan Review upon a finding that (1) the Applicant has submitted the required fees and information as set forth in applicable regulations; (2) the proposed Development Project as described in the Application meets all of the requirements and standards set forth in the 40R Bylaw and applicable Design Guidelines (as defined in the 40R Bylaw), or a waiver has been granted therefrom; and (3) any extraordinary adverse potential impacts of the Development Project on nearby properties can be adequately mitigated.

PROCEDURAL HISTORY

The Applicant submitted its application to the Board on September 11, 2019. On September 23, 2019, the Applicant filed a supplement to its earlier submission.

The ZBA published notice on October 10 and October 17, 2019, and sent notice to all parties in interest. The Board opened the public hearing on this application on October 31, 2019, and held continued sessions of the hearing on November 21, December 3, and December 17.

Over the course of the public hearing, the Board heard and considered extensive testimony from the Applicant and its consultants.

At a meeting held on January 7, 2020, the Board voted unanimously to approve the Development Project subject to the findings and the conditions set forth herein.

RECEIVED
JOHN CLERMONT'S OFFICE
WELLESLEY MA 02482
2020 JAN -9 P 12:25

FINDINGS OF FACT

I. Architecture

As noted above, the proposed building includes a base story for retail, amenity, and residential space, and five residential floors above. The base story includes approximately 4,000 sf of retail space at the westernmost end of the building, an arrival court that accesses the leasing office, mail room and amenity space, and an outdoor court with amenity space, as well as 28 market units and nine affordable units. The five residential floors generally contain 46 market units (five studio units, 23 one bedroom units, 15 two bedroom units and four three bedroom units) and 16 affordable units (two studio units, eight one bedroom units, five two bedroom units, and one three bedroom units). The unit sizes average 975 sf, from the studio units at 585 sf to the three bedroom units at 1,510 sf. The overall residential space is approximately 409,800 sf, with an amenity space of approximately 11,450 sf, and the aforementioned retail space of 4,000 sf, bringing the total net rentable space to approximately 425,200 sf. The affordable units are reasonably distributed throughout the residential spaces.

The building takes advantage of the minimal set-backs set forth in the Wellesley Park Smart Growth Overlay District to extend the façade to the sidewalk along William Street, and to the parking and roadways along the eastern, southern and western sides of the Development Lot.

The building also takes advantage of the topography, with the easternmost end of the building tucked into the high side of the Development Lot and showing five stories when viewed from William Street, though at the westernmost end the full six stories is seen from William Street. The full 68 ft height is seen from the I-95 northbound ramp along the southern side of the building.

The height and scale make the building among the largest in both the Wellesley Office Park and in Wellesley. To mitigate the scale and massing, the building uses a combination of form, materials, color and architectural details. Along William Street, the façade is not in a single plane, but rather curves and steps back from the streetscape to avoid a single massive front. Further, the arrival court provides a visual relief from the long wall, and creates apparent separation of the building into three distinct parts. The façade design includes step-backs at the top level to minimize the appearance of the height, and balcony coves to provide shadows and breakup the mass when viewed from the streetscape. The design includes 10 different combinations of materials and color to further minimize the appearance of the scale and bulk of the building.

II. Zoning

The Zoning Bylaw provides, for each zoning district, requirements for the use of land and structures, as well as dimensional requirements for the land and structures erected upon the land.

a. Use Requirements

The Development Project is located in the Wellesley Park Smart Growth Overlay District. The residential and small commercial uses inherent in the Development Project are specifically allowed in the district, so the Development Project meets the use requirements

b. Dimensional Requirements

The Zoning Bylaw provides for each zoning district dimensional requirements for the lot, for the placement of buildings and structures on the land, and for the structures themselves. The dimensional requirements for the Wellesley Park Smart Growth Overlay District, and the corresponding dimensional information from the Development Project are summarized in Table 1.

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2020 JAN -9 P 12: 25

Table 1

Category	Required	Development Project
Lot Area	None	N/A
Frontage	None	N/A
Minimum Front Yard Width	None	N/A
Minimum Front Yard Depth	None	N/A
Minimum Side Yard Width	None	N/A
Minimum Rear Yard Depth	None	N/A
Maximum Building Coverage	None	N/A
Maximum Building Height	85 ft	68.1 ft
Aggregate Building Height	575 ft	Approx. 395.4 ft
District Buffer	25 ft (to the extent present at adoption of 40R Bylaw)	Meets requirement
Minimum Parking Required (Development Lot Alone)	350 spaces	662 spaces
Maximum Parking Permitted (Development Lot Alone)	700 spaces	662 spaces
Minimum Parking Required (20 and 40 William Street Shared)	624 spaces	827 spaces
Maximum Parking Permitted (20 and 40 William Street Shared)	1,247 spaces	827 spaces

2020 JAN -9 P 12:25

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02481

Because the Wellesley Park Smart Growth Overlay District does not regulate the lot or the setbacks or yard dimensions, the Development Project has no such requirements to meet. The Development Project meets the individual building height, aggregate building height, district buffer, and parking requirements.

c. Density

The Wellesley Park Smart Growth Overlay District limits density of the multi-family residential use to the larger of 600 units or 20 units per acre based on the entire area of the District. Since the District has approximately 26 acres, the 600-unit limit is the operative requirement and the Development Project complies with that limitation.

The Wellesley Park Smart Growth Overlay District also limits small scale retail establishments to a total of 19,500 gross square feet. Since the Development Project includes just under 4,000 sf of small-scale retail space, without any other retail establishments presently in existence within the District, it meets this density requirement as well.

III. Land Use and Planning

Participants in the Unified Plan public meetings saw the commercial, office and industrial districts as the most acceptable locations to construct new housing that is not single-family

housing. A mixed-use approach, combining housing with retail stores, was often mentioned, and Section 14J and 14J.1 of the Zoning Bylaw were enacted specifically to implement this strategy. The Development Project complies with the objectives of the Unified Plan and the HPP, as well as complying with the land use and planning goals of the Zoning Bylaw.

IV. Controlled Blasting

As noted above, the subsurface investigation revealed that rock excavation will be required in order to install the building foundations at the southern reaches of the parking garage. As set forth in the Construction Management Plan, the proposed controlled blasting program is regulated by the Commonwealth and will require permitting from the Fire Department under 527 CMR 1.00. Fire Department personnel will be on site to monitor actual controlled blasting operations. The Board is aware of other sites in Town that required controlled blasting, in other site plan approval projects, in comprehensive permit projects, and in as-of-right residential construction. If the controlled blast program is implemented as proposed, the Board believes that the controlled blasting will be safe.

V. Transportation and Access

a. Public Transportation

Public transportation services are provided within the study area by the Massachusetts Bay Transportation Authority (“MBTA”) by way of bus Route 59, Needham Junction – Watertown Square. MBTA bus Route 59 provides service to/from Needham Junction and Watertown Square, with the closest regularly scheduled bus stop located approximately 0.7 miles south of the Development Project site at the intersection of Chestnut Street at Elliot Street in Newton. Further, the MBTA provides subway service via the Eliot and Waban Stations on the D Branch of the Green Line subway system, both stations located approximately 1.0 mile east of the Development Lot (an approximate 7-minute driving distance).

The Wellesley Office Park operates a private shuttle service for office tenants through a contract with a third-party vendor that provides weekday peak period service (morning and evening) between the office park and Riverside Station on the on the D Branch of the MBTA Green Line subway system. In addition, the Metro-West Regional Transit Authority operates Paratransit Services for passengers who meet ADA requirements and provides transportation services for seniors and the disabled through the Wellesley Council on Aging.

In an effort to encourage the use of alternative modes of transportation to single-occupant vehicles, the Development Project includes the collection and distribution of educational materials to make new residents aware of the public transportation opportunities available to them as new residents.

b. Site Access

Access to the Development Lot will be provided by way of four driveways that will intersect the south side of William Street, with the east and west driveways serving a ring-road

2020 JAN - 9 11 55
TOWN CLERK'S OFFICE
WELLESLEY, MA 02459

that will circulate around the perimeter of the Development Project and provide access to the proposed parking garage, surface parking spaces and to the abutting office buildings to the east and west of the Development Lot. The two center driveways will provide paired one-way access to an arrival court that includes eight parking spaces.

On-site parking will be provided for 662 vehicles consisting of 71 surface parking spaces around the perimeter of the residential building and 591 parking spaces within an attached parking garage along the east side of the building at 40 William Street. A portion of the parking garage (178 spaces) will be shared with the adjacent 20 William Street office building.

The Development Lot access has been reviewed by the Applicant's traffic engineer, who concludes safe and efficient vehicular, pedestrian and bicycle access will be provided to the Development Project Lot and the Development Project can be accommodated within the confines of the existing and improved transportation system.

VI. Traffic and Parking

To assess the traffic impacts of the Development Project, the Applicant commissioned the "Transportation Impact Assessment" prepared by Vanasse & Associates, Inc. dated September 2019 (the "TIA"). The TIA was prepared in consultation with MassDOT and the Town; was performed in accordance with MassDOT's Transportation Impact Assessment Guidelines and the traffic review standards for a Project of Significant Impact as defined in the Zoning Bylaw; and was conducted pursuant to the standards of the traffic engineering and transportation planning professionals for the preparation of such reports.

The TIA evaluated i) access requirements; ii) potential off-site improvements; and iii) safety considerations; under existing and future conditions, both with and without the Development Project. This section presents the findings of the TIA for vehicular traffic, including both roadways and intersections, and pedestrian traffic.

a. Vehicular Traffic

The roadways assessed in the TIA included Worcester Street (Route 9) and William Street, and the six intersections from the Route 9/Wellesley Gateway/Sun Life intersection on the west to the Frontage Road/Ellis Street/Quinobequin Road intersection on the east, and including the Frontage Road/William Street at the entrance to the Wellesley Office Park.

Using trip-generation statistics published by the ITE, the Development Project is forecast to generate approximately 1,906 vehicle trips on an average weekday and 1,482 vehicle trips on a Saturday (both two-way, 24 hour volumes over the operational day), with 117 vehicle trips expected during the weekday morning peak-hour, 147 vehicle trips expected during the weekday evening peak-hour and 154 vehicle trips expected during the Saturday midday peak-hour. After accounting for trips generated by the existing office building that occupies the Development Lot and will be removed to accommodate the residential building, the Development Project is expected to generate approximately 1,260 additional vehicle trips on an average weekday and 1,433 additional vehicle trips on a Saturday (both two-way, 24-hour volumes), with 17 additional

2020 JAN -9 10:22:26
TOWN CLERK'S OFFICE
WELLESLEY MASS 02482

vehicle trips expected during the weekday morning peak-hour, 53 additional vehicle trips expected during the weekday evening peak-hour and 150 additional vehicle trips expected during the Saturday midday peak-hour. Further, it should be noted that traffic flow due to the Development Project is generally opposite to the traffic flow due to the office uses in the Wellesley Office Park.

The signalized intersections within the study area (i.e., the western-most intersections within the I-95 interchange) were shown to continue to operate under acceptable conditions (defined as a level-of-service (LOS) of “D” or better) during the peak hours with the addition of project-related traffic, with no changes in LOS identified to occur.

Independent of the Development Project, one or more movements at the Route 9 westbound Frontage Road/Quinobequin Road and Route 9 eastbound Frontage Road/Ellis Street intersections were shown to be operating at or over capacity (defined as LOS “E” or “F”, respectively) during the weekday morning and/or evening peak hours, with Development Project-related impacts on these movements defined as an increase in vehicle queuing of up to three (3) vehicles. Further, the Route 9/I-95/Route 128 southbound ramps, Route 9 westbound Frontage Road/Quinobequin Road and Route 9 eastbound Frontage Road/ Ellis Street intersections were identified as having motor vehicle crash rates that are above the MassDOT average crash rates for similar intersections. The Route 9/I-95 ramp intersections (north and southbound) were recently reconstructed as a part of MassDOT’s I-95/Route 128 Add-A-Lane project, which included specific roadway, intersection and traffic control improvements to improve traffic operations and enhance safety.

Finally, lines of sight at the four Development Lot driveway intersections with William Street and at the Route 9 westbound Frontage Road/William Street intersection were found to exceed or could be made to meet or exceed the recommended minimum sight distance to function in a safe manner for the appropriate approach speed along the intersecting roadway with the recommendations defined in the TIA.

In consideration of the above, the TIA concluded that the Development Project can be accommodated within the confines of the existing transportation infrastructure in a safe manner with implementation of the recommendations provided in the TIA. The recommendations from the TIA are included in the Development Project by inclusion in the Approved Drawings, enumeration in the Development Agreement, or specification in the conditions attached to the site plan approval.

b. *Pedestrian Traffic*

A comprehensive field inventory of pedestrian and bicycle facilities within the study area was undertaken in September 2019, consisting of a review of the location of sidewalks and pedestrian crossing locations along the study roadways and at the study intersections, as well as the location of existing and planned future bicycle facilities.

The TIA reports that sidewalks are generally provided along one or both sides of the study area roadways, with marked crosswalks provided for crossing one or more approaches of

the study intersections. The crossings at the signalized study area intersections are included as a part of the traffic signal system at the intersections (pedestrian pushbuttons, signal indications and phasing are provided for the crossings). An inventory of sidewalk conditions along Route 9 and William Street within 1,000 feet of the Development Lot indicates that the sidewalks are generally in good condition, with Americans with Disabilities Act (ADA) compliant wheelchair ramps provided at pedestrian crossings and detectable panels provided at the crossings along Route 9 and at the intersection of the Route 9 westbound Frontage Road at William Street.

No formal bicycle accommodations are provided within the study area, however, Route 9, the Route 9 east and westbound Frontage Roads, William Street, Quinobequin Road and Ellis Street generally provide sufficient width (combined travel lane and paved shoulder) to support bicycle travel in a shared traveled-way configuration.

c. On-Site and Off-Site Parking

On-site parking will be provided for 662 vehicles consisting of 71 surface parking spaces around the perimeter of the Development Project (including eight spaces at the arrival court adjacent to the marketing office) and 591 parking spaces within an attached parking garage along the east side of the building. Because the Development Lot and the Development Project expand into space formerly used for surface parking at 20 William Street, a portion of the parking garage (178 spaces) will be shared with 20 William Street. The Applicant provided a shared parking analysis to demonstrate both that parking for the Development Project meets the parking requirements of the Wellesley Park Smart Growth Overlay District, and that the shared space within the garage is sufficient to replace the 20 William Street parking spaces displaced by the Development Project.

The shared parking analysis used data from the Urban Land Institute to forecast the parking demand for the residential and offices uses for each hour of the day from 06:00 until 23:59. The shared parking analysis assumed that all buildings were fully occupied with no vacancy factor, and with no float for the residential use to account for sickness and vacations. The results of the analysis show that the parking for the residential use meets the requirements for the Wellesley Park Smart Growth Overlay District, and that the office use of the parking garage (178 spaces) can be accommodated.

To limit the parking in the garage to within the limits set forth in the shared parking analysis, the garage will be equipped with an electronic access system. The Applicant will include one parking space with each base lease for a unit, will rent spaces for a second car up to an aggregate of 525 spaces, and will provide 178 access keys to the building management of 20 William Street for distribution to the office users. In accordance with Section 14J.1.E.4 of the 40R Bylaw, the Applicant has demonstrated that the shared parking will not cause excessive congestion, endanger public safety, and that the amount of parking will provide positive environmental benefits.

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02481
2020 JAN -9 P 12:26

d. *Off-Site Transportation Improvements*

The elements of the off-site transportation improvements offered by the Applicant are designed to: i) improve traffic operations along Route 9 and within the Route 9 at I-95/Route 128 interchange; and ii) advance the planning, design and permitting of future access improvements for the Wellesley Office Park. The elements of the off-site transportation improvement program include:

- (1) Design and implementation traffic signal timing, phasing and coordination for the signalized intersections of the Route 9 at I-95 interchange to improve or maintain operating conditions at acceptable levels;
- (2) Design and construct minor geometric improvements to the William Street/Route 9 Westbound Frontage Road intersection to improve access, enhance pedestrian and bicycle safety, and create a parking area for a police vehicle;
- (3) Review, design and construct enhanced signs and pavement marking at the Route 9 (eastbound) Frontage Road at Ellis Street and the Route 9 (westbound) Frontage Road at Quinobequin Road to improve operations and safety;
- (4) Reconstruct or construct sidewalks and wheelchair ramps to provide an ADA accessible travel route for pedestrians to and from Route 9 and the Route 9 westbound Frontage Road.

In addition, to advance the planning, design and permitting of future access improvements for the Wellesley Office Park, the necessary plans, studies and documentation required to support a formal 25 percent design submission to MassDOT for additional improvements to the Route 9 westbound Frontage Road/William Street intersection will be advanced. The improvements will include the addition of a right-turn slip-lane from William Street to the I-95/Route 128 northbound on-ramp and any associated roadway, traffic control or related improvements.

Since all of the off-site transportation improvements impact roadways controlled by MassDOT, implementation is subject to rights, permits and approvals from MassDOT.

e. *Transportation Demand Management*

Wellesley Office Park currently offers a free shuttle bus service that operates during the peak traffic hours during the morning and evening between the Green Line's Riverside Station and the Wellesley Office Park. This shuttle service will continue to be operated until such time as an improved service or other alterations may supplement or replace it.

The owner or property manager of the Wellesley Office Park will implement a transportation demand management program as may be necessary as future development occurs within the Wellesley Office Park. Development of the TDM Program will include consideration of the following measures, among others. The owner or property manager of the Wellesley Office Park will:

- (1) Become a member of the Route 128 Business Council, which will assist in the design and implementation of specific measures to encourage the use of alternative modes of transportation to single-occupant vehicles;
- (2) Coordinate with the Route 128 Business Council and other area businesses (i.e., Sun Life, Wellesley Gateway) to establish a dedicated shuttle service for the Route 9 at I-95/Route 128 interchange area;
- (3) Initiate discussions with the Town and the MetroWest Regional Transit Authority to expand regularly scheduled bus service to William Street;
- (4) Provide a “welcome packet” to new employees and residents detailing available public transportation services, bicycle and walking alternatives, and commuter options available through the Route 128 Business Council; and
- (5) Install real-time transportation display technologies in building lobbies.

VII. Stormwater Management

The stormwater management system consists of four parts, (1) southern and western; (2) building and arrival court; (3) eastern parking; and (4) sidewalk/bike path, each draining a different part of the Development Lot. The stormwater run-off from the southern and western portions of the Development Lot are collected through sheet flow by catch basins and conveyed to the existing District drainage system that discharges to the Charles River. Run-off from the building and arrival court is collected and directed to subsurface reinjection chambers that store the run-off until it can be transferred to groundwater. Overflow from large or sequential storms is directed to the existing storage pond on the northern side of William Street for ultimate disposal into the Charles River. Run-off from the eastern parking areas, including the eastern driveway, the eastern surface parking, and the parking garage, is collected and directed to a second set of subsurface reinjection chambers located beneath the eastern driveway. Overflow is again directed to the existing storage pond at William Street. Run-off from the sidewalk along William Street, the modified portions of William Street, and the bike path is collected by a system of rain gardens and stormwater planters to a biofiltration system that allows the run-off to seep to the groundwater table. Overflow is directed to the existing William Street storage pond for disposal to the Charles River.

Consistent with accepted engineering practice, the Applicant prepared and submitted the “Stormwater Report” dated September 10, 2019 (the “Stormwater Report”) that compared the runoff from the existing lot to the runoff from the Development Project. In addition, the Stormwater Report analyzed the stormwater management system to determine compliance with MassDEP Stormwater Management Policy.

The Stormwater Report indicates that in general the Development Project will improve water quality and reduce peak runoff rates, and is in compliance with the MassDEP Stormwater Management Policy.

VIII. Utilities

Within William Street, the Development Lot is served by a variety of public and private utilities including water, sewer, natural gas, storm water, electric, telephone and cable.

a. *Water and Sewer*

The Applicant has indicated that the Development Project will consume about 35,500 gallons per day of water. The initial assessment of the Town Department of Public Works (the “DPW”) is that, while the overall Town access to water resources is sufficient to supply the Development Project, the existing infrastructure in William Street is insufficient to meet that estimated need. To provide for water and sewer services, in conjunction with the DPW, the Development Project will install a new 12-inch water main from existing infrastructure in the Wellesley Gateway development to the west of the Development Project under Route I-95 to a new connection to the existing water service in the Wellesley Office Park. The Development Project will design and install a replacement sewer pump station to be located in the Wellesley Office Park, and will design and install a new 6-inch force (sewer) main from existing infrastructure at the Wellesley Gateway under Route I-95 to the new sewer pump station.

b. *Solid Waste*

All residents of the Development Project will collect their waste and dispose of it via chutes from each floor to a central collection room at the ground floor. Waste will be collected from the ground-level storage area by a private rubbish removal company engaged by the property manager.

c. *Electric Service*

Electric service to the existing Wellesley Office Park buildings on William Street is provided by two Wellesley Municipal Light Plant (“WMLP”) supply lines extending from Eversource’s Station 292 in Newton to Wellesley Office Park’s auto transfer switch gear located near the intersection of Route 9 and William Street. WMLP service terminates at the source side of the switch gear. The WMLP has evaluated its use rights at Station 292, and has determined the existing infrastructure up to the auto transfer switch gear has capacity available to serve the proposed electrical load of the Development Project. The Development Project includes the design and installation of significant modifications to the existing electric infrastructure within the Wellesley Office Park that are required to implement use of the added capacity and energy.

The Applicant has indicated that the Development Project will be a full-service electric facility, subject to a satisfactory term and price for electric service.

d. *Private Utilities*

Natural gas, telephone service, and cable service can be provided on the same basis as to other residences in the Town.

IX. Environmental Considerations

The principal environmental considerations for the Development Project arise from sustainability commitments in the Development Agreement and features included in the design.

Among these are energy efficiency and green strategies that include: (1) LEED silver certification; (2) greenhouse gas reductions; (3) managed cooling loads and heat events; (4) lower energy use than allowed by the Massachusetts Stretch Code; and (5) using electricity for space heating, water heating and cooking.

Environmental considerations related to the impacts on the surrounding wetlands are covered in a separate proceeding and permit under the auspices of the Wetlands Protection Committee.

X. Public Safety and Life Safety

During testimony at the public hearing, the Applicant stated that the Development Project will be provided with a full sprinkler system. The Applicant also provided technical memoranda as part of its Application that showed that a hydrant test was performed, and that sufficient flow and volume is available to meet the fire protection needs of the Development Project.

The Applicant submitted a fire vehicle access plan showing computer simulations of pumper truck and ladder truck turning movements demonstrating that the vehicles could safely access and egress the Development Lot. Hence, firefighting vehicles and firefighters will be able to access the combined building/parking garage from all sides.

XI. Signage

The Approved Drawings indicate two principal signs. The main sign is a two-sided, ground mounted monument sign located at the arrival court along William Street. The second sign is a single-sided wall sign mounted on the southerly side of the building at the western corner, just under the eave and facing the I-95 interchange. The two signs are consistent with the requirements of Section 14J.1 for signage and the master signage plan for the District and may be revised and updated pursuant to the 40R Bylaw and the Approved Plans (defined herein).

The Approved Drawings indicate that signage related to traffic and parking control on the Development Lot will comply with the applicable standards of the Manual of Uniform Traffic Controls.

XII. 40R Bylaw

Pursuant to the 40R Bylaw, the Board finds that (1) the Applicant has submitted the required fees and information as set forth in applicable regulations; (2) the proposed Development Project as described in the Application meets all of the requirements and standards set forth in the 40R Bylaw and applicable Design Guidelines (as defined in the 40R Bylaw); and (3) any extraordinary adverse potential impacts of the Development Project on nearby properties can be adequately mitigated.

WAIVERS

No waivers have been granted from the 40R Bylaw or applicable Design Guidelines. This Site Plan Approval (as defined in the 40R Bylaw) permit (this “Permit”) authorizes construction of the Development Project as shown on the Approved Plans.

CONDITIONS TO THE SITE PLAN APPROVAL PERMIT

The Board’s approval of this Permit for the Development Project is subject to the Applicant’s and the Development Project’s compliance with the following conditions (collectively, the “Conditions of Approval”). All requirements imposed by the Conditions of Approval or this Permit shall be applicable to the Applicant.

General

1. The Development Project shall be constructed in accordance with the following plans, reports, and documents, including all revisions received in the course of the hearing and on file with the Board, specifically provided for in the Conditions of Approval set forth herein:
 - Hanover Wellesley Site Plan Approval Set, 40 William Street, Wellesley MA, which includes the following:

Plan Number	Drawing Title	Date of Issuance/ Drawing Date	Prepared By	Submission Update
A-000	Cover Sheet	9/10/19	Cube3	11/14/19
A-001	Drawing Lists	9/10/19	Cube3	11/14/19
A-003	Unit Mix & Code Summary	9/10/19	Cube3	11/14/19
A-004	Unit Location Diagrams	9/10/19	Cube3	11/14/19
EX-1	Existing Conditions Plan	9/10/19	Cube3	11/14/19
C-100	Demolition and Erosion Control Plan	9/10/19	Cube3; Stantec (consultant)	11/14/19
C-200	Layout and Materials Plan	9/10/19	Cube3; Stantec (consultant)	11/14/19

Plan Number	Drawing Title	Date of Issuance/ Drawing Date	Prepared By	Submission Update
C-300	Grading Plan	9/10/19	Cube3; Stantec (consultant)	11/14/19
C-400	Utility Plan	9/10/19	Cube3; Stantec (consultant)	11/14/19
C-500	Civil Details	9/10/19	Cube3; Stantec (consultant)	11/14/19
C-501	Civil Details	9/10/19	Cube3; Stantec (consultant)	11/14/19
C-502	Civil Details	9/10/19	Cube3; Stantec (consultant)	11/14/19
L1.01	Site Plan	9/10/19	GWH Landscape Architects	11/14/19
L1.01TM	Tree Mitigation Plan	9/10/19	GWH Landscape Architects	11/14/19
L1.02	Enlarged Plan East	9/10/19	GWH Landscape Architects	11/14/19
L1.03	Enlarged Plan West	9/10/19	GWH Landscape Architects	11/14/19
L3.01	Landscape Lighting Plan	9/10/19	GWH Landscape Architects	11/14/19
L3.02	Enlarged Lighting Plan East	9/10/19	GWH Landscape Architects	11/14/19
L3.03	Enlarged Lighting Plan West	9/10/19	GWH Landscape Architects	11/14/19
L4.10	Details	9/10/19	GWH Landscape Architects	11/14/19
L4.20	Details	9/10/19	GWH Landscape Architects	11/14/19

RECEIVED
 TOWN CLERK'S OFFICE
 WELLESLEY MA 02462
 2020 JAN -9 PM 2: 26

Plan Number	Drawing Title	Date of Issuance/ Drawing Date	Prepared By	Submission Update
L4.30	Details	9/10/19	GWH Landscape Architects	11/14/19
L6.01	Planting Plan	9/10/19	GWH Landscape Architects	11/14/19
L6.02	Enlarged Planting Plan East	9/10/19	GWH Landscape Architects	11/14/19
L6.03	Enlarged Planting Plan West	9/10/19	GWH Landscape Architects	11/14/19
A-101	Ground Floor – Overall	9/10/19	Cube3	11/14/19
A-102	Second Floor – Overall	9/10/19	Cube3	11/14/19
A-103	Third Floor – Overall	9/10/19	Cube3	11/14/19
A-104	Fourth Floor – Overall	9/10/19	Cube3	11/14/19
A-105	Fifth Floor – Overall	9/10/19	Cube3	11/14/19
A-106	Sixth Floor – Overall	9/10/19	Cube3	11/14/19
A-107	Roof – Overall	9/10/19	Cube3	11/14/19
A-200	Perspectives	9/10/19	Cube3	11/14/19
A-201	Building Elevations – Overall	9/10/19	Cube3	11/14/19
A-300	Building Section – Overall	9/10/19	Cube3	11/14/19

RECEIVED
 TOWN CLERK'S OFFICE
 WELLESLEY MA 02482
 11/20/19 10:21 AM

- Wellesley Office Park, Comprehensive Signage Program, which includes the following:

Plan Number	Drawing Title	Date of Issuance/ Drawing Date	Prepared By
	Cover Sheet	9/20/19	Cube3

Plan Number	Drawing Title	Date of Issuance/ Drawing Date	Prepared By
2	Sign Location Plan	9/19/19	Cube3
3	Project Monument	9/19/19	Cube3
4	Vehicular Directionals	9/19/19	Cube3
5	Tenant Monuments	9/19/19	Cube3
6	Typical Trail Signs	9/19/19	Cube3
7	Façade Signage	9/19/19	Cube3

- Stormwater Report, prepared by Stantec, dated September 10, 2019
- Construction Management Plan, dated November 26, 2019
- Operations Management Plan, dated November 26, 2019
- Development Agreement, dated April 22, 2019

(collectively, the “Approved Plans”).

In addition, the Board reviewed the following documents and submissions, which informed its decisions:

- Transportation Impact Assessment, prepared by Vanasse & Associates, Inc., dated September 2019
 - Shared Parking Analysis, dated November 14, 2019
 - Letter from Deputy Fire Chief Mortarelli to Lenore Mahoney, Executive Secretary, Zoning Board of Appeals, dated September 17, 2019
 - Potential DCR Trail Improvements plan set, prepared by Feldman Land Surveyors, undated
2. This Permit authorizes the construction, use and occupancy of (i) a parking garage containing five hundred and ninety-one (591) parking spaces located in one structure, (ii) seventy-one (71) surface parking spaces located around the perimeter of the residential building, including eight (8) parking spaces at the arrival court adjacent to the marketing office, and (iii) three hundred and fifty (350) dwelling units located in one structure,

RECEIVED
 TOWN CLERK'S OFFICE
 WELLESLEY MA 02482
 2020 JAN -9 P 12: 26

along with approximately 4,000 square feet of retail space, associated accessory facilities, infrastructure, and landscaping, all as shown on the Approved Plans, as modified by this Permit. The dwelling units will consist of approximately thirty-nine (39) studio units, approximately one hundred and seventy-three (173) one-bedroom units, approximately one hundred and twelve (112) two-bedroom units, and approximately twenty-six (26) three-bedroom units. Building size and unit mix, including the number and location of bedrooms, shall be as shown on the Approved Plans.

3. Eight-eight (88) units shall be reserved for occupancy by low or moderate-income households earning no more than eighty (80) percent of the Median Family Income for the Boston-Cambridge-Quincy, MA-NH HMFA (HUD Metro Fair Market Rent Area), as determined by the U.S. Department of Housing and Urban Development (HUD) and as adjusted for household size (the "Affordable Units"), for (i) 30 years; or (ii) so long as the Town is required by M.G.L. c. 40B, §§ 20-23, as such may be amended, or other federal or state law or regulation to maintain a minimum number of Affordable Units, or a minimum percentage of its housing stock as Affordable Units, whichever is greater
4. All dwelling units approved under this Permit shall be rental units.
5. The Development Project shall contain five hundred and ninety-one (591) parking spaces located in a parking garage, which parking spaces may be shared with the office building located at 20 William Street, and seventy-one (71) surface parking spaces located around the perimeter of the residential building, including eight (8) parking spaces at the arrival court adjacent to the marketing office, as shown on the Approved Plans. The total number of parking spaces associated with the Development Project reflected on the building permit plans may vary by plus or minus six (± 6) parking spaces without the need for further Board review pursuant to Section 14J.H.
6. Signs identifying the development shall be consistent with those sign types shown on the Comprehensive Signage Program Plans included among the Approved Plans, which Comprehensive Signage Program Plans have been approved as the master signage plan for the District and may be revised and updated pursuant to the 40R Bylaw and the Approved Plans.
7. The address for the Development Project shall be 40 William Street and additional addresses for the retail and other portions of the Development Project may be established by the Board of Selectmen or its designee. Unit numbers shall be clearly marked on the exterior of all dwelling units.
8. To the maximum extent practicable, the Applicant shall work with the Massachusetts Department of Conservation and Recreation to design and construct recreation and trail enhancements benefitting the Development Project and Wellesley Office Park to be located in the existing adjacent trail network. The location and final design of any recreation and trail enhancements shall be subject to the review and approval of the Wetlands Protection Committee.
9. To the maximum extent practicable, all utilities shall be installed underground (with the

exception of junction boxes, transformers and similar appurtenances) by the Applicant using methods standard to those installations. Utilities shall be defined as electrical service lines, gas service, telephone lines, water service lines, CATV lines, municipal conduit, stormwater management systems, and the like.

10. The water, wastewater, drainage, and stormwater management systems serving the Development Project shall be constructed and/or installed and tested in accordance with applicable Town of Wellesley standard requirements and protocols. The DPW shall review and approve the design of these systems prior to the issuance of a building permit for the Development Project.
11. This Permit allows for the Development Project to be constructed on the Development Lot. The Applicant and the Board recognize that an Approval Not Required Plan endorsed by the Planning Board may reconfigure the Development Lot as a single lot following the issuance of this Permit. In such event, the reconfiguring lot containing the office building at 20 William Street will no longer be subject to the terms and Conditions of Approval of this Permit.
12. This Permit allows for the Development Project to be constructed on the Development Lot in accordance with the Approved Plans. The Applicant and the Board recognize that, as of the date of the decision, the Approved Plans are subject to design development prior to the application for a building permit, and that additional plans will also be developed showing work included in the Development Project for which the details are not yet known. Unless otherwise specified in this Permit, the Board shall review such changed or additional plans in accordance with the procedure specified in Section 14J.H of the Zoning Bylaw for consistency with these Conditions of Approval.

Submission Requirements

13. No construction activities for the Development Project shall commence on the Development Lot until:
 - a. The Applicant has properly marked the limits of disturbance around the Development Lot.
 - b. The Applicant has submitted to the Board, and has incorporated herein by reference, a revised and final Construction Management Plan and Construction Management Schedule (the “CMP”) as necessary to conform to accepted industry practice and addresses all construction-related Conditions of Approval specifically set forth in this Permit. The CMP shall include:
 - i. Construction milestones, which shall include a construction schedule in order to provide guidance and facilitate inspections. Such construction schedule shall be revised every six months to reflect work completed and changes in construction timing. For avoidance of doubt, the process and timing for issuance of temporary and final certificates of occupancy at the

2020 JUN -9 12:21
TOWN OF ERK'S OFFICE
WELLESLEY MA 02482
RECEIVED

completion of various construction milestones shall be determined and effectuated solely by the Building Inspector;

- ii. Trucking plan, which shall specify planned truck routes, parking and staging areas, estimated volumes of any imported and exported materials, estimated truck trips and construction period mitigations measures consistent with the Conditions of Approval set forth herein, including without limitation details and locations of crushed stone entrance pads, street sweeping protocols and dust control measures;
- iii. Construction administration (hours of construction, deliveries, trash and debris removal);
- iv. Communication (designated contacts on site) (e.g., for tenants of Wellesley Office Park, any residential tenants pending completion of the Development Project, and the general public);
- v. Noise and dust control;
- vi. Controlled blasting;
- vii. Erosion control;
- viii. Identification of existing underground utilities;
- ix. Construction staging (staging areas, trailer locations, open storage area, truck holding locations); and
- x. Traffic and parking during construction, including coordination of any necessary police details.

2020 JAN -9 PM 26
TOWN CLERK'S OFFICE
WELLESLEY MA 01982

The final CMP shall be included or incorporated by reference in the general construction contract and all sub-contracts, and compliance with its terms shall be a contract condition for all contractors working at the Development Lot.

- c. The Applicant has prepared a set of plans (including without limitation civil, landscaping and architectural plans) revised in accordance with the terms of this Permit, and submitted to the Board for its file and others as specifically provided for below, solely for consistency with this Permit:
 - i. Stormwater plans shall be submitted to the DPW Director for review to confirm consistency of such plans with the Approved Plans;
 - ii. Detailed plans of the following utilities and service shall be prepared in accordance with all applicable regulations and requirements and shall be submitted for review and approval by the listed authorities prior to

endorsement of the plans:

1. Water and sewer mains – Town of Wellesley DPW;
2. Fire hydrant locations – Town of Wellesley Fire Chief;
3. Primary and secondary electrical cables including distribution boxes and transformers – Wellesley Municipal Light Plant & Wiring Inspector;
4. Telephone cables and street lighting – Wiring Inspector.

The Applicant shall submit with the final revised plans provided for herein an itemization of all revisions to the Approved Plans and a certification from the Engineer of Record that the final plans fully incorporate all requirements of the Conditions of Approval as set forth herein.

Construction

14. Except for as permitted with the express approval of the Chief of Police, exterior construction activities shall be restricted to the hours between 7:00 am and 7:00 pm, Monday through Friday and between the hours of 8:00 am and 7:00 pm on Saturday; provided, however, that construction within William Street and along public ways, as well as infrastructure and utility work or utility connections shall be permitted outside of these hours. There shall be no construction on Sundays, or on state or federal holidays. Additionally, construction vehicles and/or equipment shall not be started or operated prior to, or after the times stated herein. For this condition, construction activities shall be defined as: start-up of equipment or machinery, unloading of building materials and supplies; removal of trees; grubbing; clearing; grading; filling; excavating; import or export of earth materials; installation of utilities both on and off the Development Lot; removal of stumps and debris; and the erection of new structures.
15. Erosion control shall be employed on the Development Lot to minimize erosion during construction and prevent sedimentation from entering the abutting public ways and adjacent wetland areas.
16. During construction, the Development Lot shall be secured against unauthorized entry or vandalism by fencing, or other appropriate means, and all construction materials shall be stored or stockpiled in a safe manner.
17. The Applicant shall regularly remove construction trash and debris from the Development Lot in accordance with good construction practice.
18. All potential safety hazards that may exist on the Development Lot from time to time during the period of construction shall be adequately secured prior to the end of each workday.
19. The Applicant shall implement measures to ensure that noise from Development Project construction activities does not exceed permissible regulatory levels, including without limitation, DEP's noise regulations at 310 CMR 7.10.

20. The Applicant shall be permitted to remove and/or replace earth or rock from the Development Lot incidental to the construction of the Development Project, the construction of the drainage and underground infiltration system and the construction of the roadway and utility infrastructure as shown on the Approved Plans.
21. The construction of the various roadway improvements in or upon William Street shown on the Approved Plans, including but not limited to parallel parking, crosswalks, and curb cuts, must be approved by the Board of Selectmen.
22. The Applicant shall maintain all portions of any public road used for construction access free of soil, mud or debris due to use by construction vehicles associated with the Development Project. Any material tracked onto a public way shall be swept up and removed by the Applicant on a daily basis.
23. Any idling of vehicles on the Development Lot shall be limited to five minutes or less in accordance with M.G.L. c.90, §16A, and the Applicant shall post clearly visible signage on the Development Lot, to be maintained for the duration of the construction period, noting this requirement.
24. The Applicant shall immediately notify the DPW of any damage to public roads or sidewalks and shall repair in a timely manner any damage to public roads or sidewalks adjacent to the Development Project that results from the construction and/or maintenance of the Development Project.
25. Temporary construction and project marketing signs may be erected on the Development Lot not earlier than the time of issuance of a building permit and the temporary construction signs shall be removed within 60 days after the issuance of the last Certificate of Occupancy for the Development Project.
26. There shall be no construction parking on any public way. All construction parking shall be within the Development Lot, or if necessary, at off-site locations where such use is permitted.
27. The construction process shall reasonably conform to the construction phasing plan, the construction schedule and all applicable local, state and federal laws and regulations regarding noise, vibration, dust and sedimentation, use and interference with town roads. Deviations from any phasing plan, particularly regarding delivery of any affordable unit, shall be noted in writing to the Board which shall include an explanation as to the need for deviation from the original schedule.
28. The Applicant shall implement dust control operations as necessary, including during controlled blasting, to comply at all times with applicable law, including without limitation DEP's dust regulations at 310 CMR 7.09, as amended, as directed by the Building Inspector. Methods of controlling dust shall meet all applicable air pollutant standards as set forth by Federal and State regulatory agencies.

RECEIVED
 CLERK'S OFFICE
 WILMINGTON, MA
 2019 MAR -9 PM 2:27

29. The Applicant shall, upon advance notice, permit the Building Inspector and Board observe and inspect the Development Lot and construction progress until such time as the last Certificate of Occupancy for the Development Project has been issued.
30. Upon completion of the Development Project, soil material used as backfill for pipes, access drives, infiltration beds, and other underground drainage structures shall be certified by the Design Engineer to the Building Inspector as meeting design specifications.
31. For the abatement of any asbestos containing material found on the Development Lot, the Applicant shall comply with the 453 CMR 6.00, Removal, Containment or Encapsulation of Asbestos as promulgated by the Department of Labor and Workforce Development.
32. The Development Project shall conform to all pertinent requirements of the Americans with Disabilities Act and the Architectural Access Board Regulations (521 CMR 1.0 et. seq), except as may be waived, in accordance with applicable law and regulation.
33. All site lighting shall be “Dark Sky Friendly,” as reflected on the Approved Plans for the Development Project.
34. The Board recognizes and understands that, in accordance with the CMP, the Development Project will be constructed in five phases, and each such phase will be completed with its own temporary certificate of occupancy and/or final Certificate of Occupancy. Provided that each phase meets the requirements of the Building Code for such temporary certificate of occupancy or final Certificate of Occupancy, the Board finds that such completion of the phases is expressly included in this Permit.

Legal Requirements

35. The Applicant has proposed, and the Board hereby requires, that operation and maintenance of the following common facilities and services of the Development Project shall be the sole responsibility of the Applicant:
 - a. All internal roadways, walkways and parking areas;
 - b. Stormwater management system, including the maintenance of catch basins, infiltrator units, bio-swales, underground infiltration structures and the like;
 - c. Snow removal;
 - d. Landscaping and landscape maintenance;
 - e. Trash removal;
 - f. Street lighting;
 - g. Water system for both domestic use and fire protection, including hydrants; and
 - h. Wastewater infrastructure.
36. All necessary easements shall be granted by the Applicant over portions of the Development Lot where required by public utility companies or the Town of Wellesley.

ATTORNEY
 TOWN CLERK OFFICE
 WELLESLEY MA 02482
 2020 JAN - 12: 27

The aforementioned easements shall be recorded in a timely manner, reflected on the as-built plans (as required by Condition 48.b), and shall be submitted to the Building Inspector prior to occupancy of the first phase of the construction.

37. All landscaping required by this Permit shall be guaranteed for a period of twelve (12) months by the Applicant. The Applicant shall be responsible for replacing dead, dying and/or diseased plantings within this time period. Verification of the dates of planting must be submitted to the Building Inspector.
38. If the Applicant decides to drill an irrigation well to irrigate portions of the Development Lot, it shall be constructed and operated in conformance with applicable law and regulation.
39. This Permit shall be recorded at the Norfolk Registry of Deeds senior to all other liens or encumbrances other than pre-existing easements of records and existing mortgages. Recording information shall be submitted to the Board prior to the issuance of building permits.
40. If at any time during construction, the Building Inspector, Director of DPW or the Board determines that a violation of the Approved Plans or this Permit has occurred, the Town, through the Building Inspector or the Board, shall notify the Applicant by certified mail and the Applicant shall be given thirty (30) days (or lesser time period if in the sole opinion of the Town that said violation creates an emergency condition) to rectify said violation or construction activities shall be ordered to cease until the violation is corrected.

Affordability Requirements

41. An Affordable Housing Restriction Agreement and 40R Rental Monitoring Services Agreement shall be executed prior to the issuance of the initial Building Permit for the Development Project. This Affordable Housing Restriction Agreement shall set forth the terms and agreements relative to the rental of the Affordable Units in the Development Project. The Restriction Agreement shall be submitted to the Building Inspector prior to its recording.
42. To the maximum extent permitted by law, and applicable regulation local preference for the occupancy of Affordable Units shall be given to residents of the Town of Wellesley satisfying all applicable eligibility requirements. For the purpose of this condition, and subject to any legal requirements, “residents of the Town of Wellesley” shall, to the extent not otherwise prohibited or limited by the provisions of relevant governing regulations or requirements, include, but not be limited to, the following: current Wellesley residents; employees of the Town of Wellesley, Wellesley Public Schools; and members of the household of children attending the Wellesley Public Schools. This Condition shall be enforceable only to the extent the local preference requirement set forth herein is approved by DHCD based on information provided by the Town.

43. The eighty-eight (88) Affordable Units shall have similar amenities, exterior design and finishes as the market-rate units; the subsidizing agency shall approve the distribution of the Affordable Units throughout the Development Project, as shown on the Approved Plans.
44. To the extent required by law, if a household or households requiring handicap access modifications is selected in the lottery for the initial rentals of the Affordable Units, the Applicant shall make reasonable modifications to the interior of the Affordable Unit(s) provided such modifications do not include structural changes to the building, at the Applicant's expense to accommodate such household. The Applicant shall not be held responsible for such modifications if the construction of the Affordable Unit has progressed beyond the construction stage that undertaking such changes will cause delays to the construction schedule.

Miscellaneous

45. Enforcement of the Conditions of Approval shall be by the Building Inspector or the Board to the extent permitted pursuant to the terms of M.G.L. c.40R, §11 and 760 CMR 59.
46. The Applicant shall notify the relevant town departments of installation of underground utilities and infrastructure for inspections prior to backfilling.
47. The Applicant shall be responsible for maintaining the stormwater management structures and drainage system in the Development Project in accordance with the Operation and Maintenance Plan submitted for the Development Project.
48. Prior to issuance of the final certificate of occupancy, the Applicant shall:
 - a. Submit to the DPW, in digital file format, a final as-built utilities plan including profiles, showing actual-in ground installation of all utilities, roadway, sidewalk and associated construction, and stormwater management systems. The file format shall be in accordance with the DPW's requirements. The digital file shall include Development Lot boundaries, dimensions, easements, rights-of-way, edge of pavement, edge of sidewalk, edge of water bodies, wetland boundaries, topographic contours, spot elevations, parking areas, road centerline and associated text. Said digital data shall be delivered in the Massachusetts State Plane Coordinate System, North American Datum 1983 and Town of Wellesley benchmark elevation system, in U.S. Survey Feet (or Meters, as required by the Town).
 - b. Submit to the Building Inspector as-built plans for all buildings in the Development Project, which as-built plans shall include a depiction of all easements located on the Development Lot.
 - c. Complete all items on DPW's site construction punch list.

2020 JUN -9 P 12:57
 TOWN CLERK'S OFFICE
 WELLESLEY MA 02158

- d. Submit to the Board a final Operation and Maintenance Plan for the stormwater management system.
49. The Applicant shall complete the traffic and pedestrian safety improvements at the intersection of Route 9 and William Street as set forth in the TIA prepared by Vanasse & Associates, Inc. on file with the Board and reviewed in the course of the hearing, subject to review and approval by the Massachusetts Department of Transportation (“MassDOT”). The Applicant shall complete the improvements, as approved by MassDOT, prior to the issuance of the final certificate of occupancy for the Development Project.
50. The Applicant shall comply with the provisions of M.G.L. c.87 (the Public Shade Tree Act) in the construction of the Development Project.
51. In connection with the construction and operation of the Development Project, the Applicant shall comply with the terms of the Development Agreement, including but not limited to the municipal water and sewer infrastructure and other obligations associated with the Phase I building (as defined in the Development Agreement) contained therein.
52. The Applicant shall provide all residents with a tenant manual, which shall include information on environmental best practices, energy efficiency strategies, and transportation and recreational opportunities.
53. The Applicant shall pay all permit application fees normally charged by the Town.
54. The provisions of this Permit shall be binding upon the Applicant and the successors and assigns of the Applicant, and the obligations contained herein shall run with the land. In the event that the Applicant sells, transfers, or assigns a portion or all of its interest in the development, this Permit shall be binding upon the purchaser(s), transferee(s), or assignee(s) and any successor purchasers, transferees or assignees, to the extent permitted by law.
55. Any and all references to the “Applicant” herein shall include any authorized successors or assigns of the Applicant. The terms, provisions and Conditions of Approval of this Permit shall burden and benefit the successors and assigns of the Town and the Applicant with the same effect as if mentioned in each instance where the Town or the Applicant is named or referred to.
56. After the issuance of this Permit, any changes to the Development Project, other than aesthetic design changes (e.g., colors or materials), must be reviewed by the Board in accordance with the procedure set forth in Section 14J.H of the 40R Bylaw, unless otherwise specified herein.
57. The Applicant shall comply with all applicable local regulations and bylaws as of the date of this Permit.

58. This Permit shall become void if the Applicant does not commence with development of the Development Project as approved herein within the later of two (2) years of the date this Permit becomes final, in accordance with M.G.L. c.40R, §11(1). Commencement of development shall mean that the Applicant obtains a building permit for the construction of the Development Project and commences substantive construction work under that permit. The Board may grant extensions for good cause.
59. All construction of the Development Project shall be completed within four (4) years from the date of issuance of the building permit unless a request is filed with, and approved by, the Board extending such time.
60. If any provision of this Permit or portion of such provision or the application thereof to any person or circumstances is for any reason held invalid or unenforceable, the remainder of this Permit (or the remainder of such provision) and the application thereof to other persons or circumstances shall not be affected thereby.

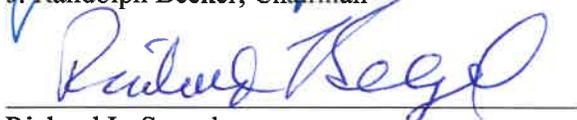
RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2020 JAN -9 P 12: 27

ZBA 2019-82
Petition of John Hancock Life Insurance (U.S.A.)
20 and 40 William Street

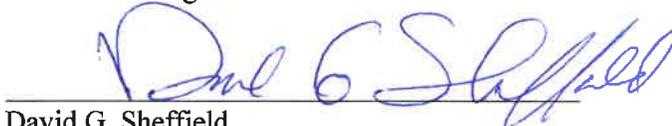
APPEALS FROM THIS DECISION, IF ANY, SHALL BE MADE PURSUANT TO GENERAL LAWS, CHAPTER 40R, SECTION 11, AND SECTION 14J OF THE TOWN'S ZONING BYLAW, AND SHALL BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK



J. Randolph Becker, Chairman



Richard L. Seegel



David G. Sheffield

2020 JAN -9 P 12:21
TOWN CLERK'S OFFICE
WELLESLEY MA 02460

A COPY OF THIS DECISION HAS BEEN FILED WITH THE TOWN CLERK AND ALL PLANS REFERRED TO IN THIS DECISION ARE ON FILE WITH THE BOARD, AS REQUIRED BY SECTION 14J.E.4.c OF THE ZONING BYLAW.

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Date:

Attest:

Cathryn Jane Kato
Town Clerk

cc: Town Clerk
Planning Board
Building Inspector