

REPORT OF THE PLANNING DEPARTMENT

Includes Reports for the Denton Road Neighborhood Conservation District Commission, Design Review Board, Fair Housing Committee, Historic District Commission, and Planning Board

Planning Department

The Planning Department serves as professional staff to the Planning Board, the Denton Road Neighborhood Conservation District Commission, the Design Review Board, the Fair Housing Committee, the Historic District Commission, and the Historical Commission. The Planning Department also assists the Community Preservation Committee, Housing Development Corporation, and Zoning Board of Appeals with certain activities, as approved by the Planning Board.

The Planning Director is appointed and supervised by the Planning Board. The rest of the Planning Department staff consists of a Senior Planner, a Planner, a part-time Preservation Planner, and a Department Administrator who are supervised by the Planning Director. In FY21 the Planning Department was still facing challenges in rebuilding its staff. As of July 1, 2020, the Planning Department staff consisted of Don McCauley, Planning Director, Dana Marks, Planner (focusing on supporting the Historic District Commission and the Historical Commission) and Lynda Schelling, Department Administrator. Valerie Oorthuys was hired as Senior Planner and started in November 2020. Ms. Marks resigned in January 2021 and Ms. Oorthuys resigned in March 2021 to take other positions. Jacob Collins was hired as a part-time Preservation Planner and started on June 1, 2021. Eric Arbeene was hired as a Planner and started on June 28, 2021. As of June 30, 2021, the Planning Department Staff consisted of Don McCauley, Planning Director, Eric Arbeene, Planner, Jacob Collins, Preservation Planner, and Lynda Schelling, Department Administrator.

Throughout most of FY21, the Planning Department was physically closed to the public and the department observed orders and guidelines issued by the Commonwealth of Massachusetts and the Town limiting staff physically in the office because of the Covid-19 Pandemic. During the year most Department work and Board and Commission meetings were done remotely. Nonetheless Planning Department Staff continued to be responsive to public questions and applications and the Planning Board, the Design Review Board, the Historic District Commission, and the Historical Commission all met regularly in accordance with past practice and held additional meetings as needed.

Website and Special Assignments

In addition to work on many of the special projects and studies initiated by the boards staffed by the Department, staff also assisted with and served on the following groups during the reporting period: Mobility (Transportation) Committee and Housing Committee. Additionally, staff assisted the Historic District Commission as it worked with Heritage Strategies to finalize the Preservation Design Guidelines.

Lynda Schelling, Department Administrator, maintains waiting lists for affordable housing opportunities and assists callers in understanding such opportunities in Wellesley and neighboring towns.

Meetings

During FY21, members of the respective Boards and Commissions and Planning Board staff prepared for and attended a total of forty-two (42) meetings of the Planning Board, twenty-one (21) meetings of the Design Review Board, nine (9) meetings of the Historic District Commission, and thirteen (13) meetings of the Historical Commission. Additionally, Board members and staff attended sessions of Town Meeting, Special Town Meeting, meetings of the Board of Selectmen, meetings of the Zoning Board of Appeals, and meetings associated with special projects, such as the Mobility Committee and the Housing Committee, and meetings with the Advisory Committee.

Applications Processed

During the reporting period, the Planning Department staff processed ninety-six (93) new applications for the Planning Board, Design Review Board, and the Historic District Commission, including 1 Project of Significant Impact, 14 Large House Reviews, and fifty-eight (58) applications directly to the Design Review Board. The Design Review Board also reviewed all Large House Review Applications. Other applications included Reviews of Adequacy, Subdivision Approval Not Required (ANR) Plans, and Scenic Road Approvals. The work of the Planning Board and Planning Department also included continuing review of three (3) PSI projects filed in FY20 as well as the review and ongoing administration of decisions for previously filed Large House Reviews and Comprehensive Permits.

The Historical Commission also received (i) sixty-two (62) applications for eligibility notices and (ii) a comparable number of demolition plans for determining whether properties were subject to Article 46C Historic Preservation Demolition Review Bylaw. Out of these applications Planning Department Staff supported the Historical Commission with thirty (30) preservation determination hearings and thirteen (13) waiver application hearings.

The Planning Department Staff reviewed and submitted proposed recommendations to the Planning Board and on behalf of the Planning Board to the Zoning Board of Appeals for approximately one hundred and three (103) applications made to the Zoning Board of Appeals.

Project Review

The Planning Staff has ongoing administrative duties and spends considerable time to review compliance of projects with various permits and approvals, including comprehensive permits issued by the ZBA; PSI permits issued by the Planning Board, and Large House Review approvals.

Escrow Funds and Bonds

In certain circumstances, the Planning Board action requires the submittal of escrow funds to ensure the completion of work associated with projects or the Zoning Board of Appeals may include the provision of bonds or escrow funds as part of conditions for a permit, such funds to be reviewed by the Planning Department. As of June 30, 2021, the Town was holding \$158,859.70 for projects supervised by the Planning Department. Including \$39,998.00 for four Review of Adequacy projects, \$12,049.96 for three Tree Mitigation Bonds, \$4,000 for one Large House Review project, and \$97,743.85 for Comprehensive Permit (40B) projects. The Planning Department was also holding a bond in the amount of \$466,941 to secure obligations of Wellesley Residential LLC under the Comprehensive Permit for the project at 135 Great Plain Avenue.

Application Fees

The Planning Department received **\$73,409** in submission fees in FY21 as follows:

- Design Review Board: **\$6,750**
- Historic District Commission: **\$825**
- Planning Board:
 - Review of Adequacy/Scenic Road: **\$3,775**
 - Large House Review: **\$27,259**
 - Approval Not Required Plans: **\$9,100**
 - Special Permits: **\$500**
- Historical Commission (Demolition Review): **\$25,200.00**

The Planning Department does not collect fees for reviews of Town Projects.

REPORT OF
DENTON ROAD NEIGHBORHOOD CONSERVATION DISTRICT COMMISSION

Article 46A, *Neighborhood Conservation Districts*, and, more specifically, Article 46B, *Denton Road Neighborhood Conservation District*, establishes the Denton Road Neighborhood Conservation District and authorizes the Denton Road Neighborhood Conservation District Commission (“DRNCDC”) to review and approve certain construction projects affecting properties and structures within the District.

Membership and Meetings

The DRNCDC consists of five (5) members and at least two (2) alternates, appointed by both the Historical Commission and Planning Board; one (1) member and one (1) alternate shall be designees of the Historical Commission and one (1) member shall be a designee of the Planning Board. Three (3) members and one (1) alternate shall be residents of the District, to be appointed by the Historical Commission. When reasonably possible, the DRNCDC should include an architect, architectural preservationist, or landscape architect.

The membership of the DRNCDC for FY21 was as follows:

- Herbert Nolan, Chair (District Resident)
- Janet Giele, Secretary (District Resident)
- Eugene Cox (Historical Commission Designee)
- Matthew Brady (Planning Board Designee)
- Joel Slocum (District Resident, Alternate)

Generally, the DRNCDC meets only when needed to review applications. During FY21, the DRNCDC did not hold any meetings.

REPORT OF DESIGN REVIEW BOARD

Section 22, *Design Review*, of the Zoning Bylaw, authorizes the Design Review Board (“DRB”) to review and make recommendations on all applications for signs and other identification devices, awnings, antennas, certain retaining walls, and projects defined as Minor and Major Construction projects in Section 16A, *Project Approval*, of the Zoning Bylaw. Section 16D, *Large House Review*, of the Zoning Bylaw, authorizes the DRB to review and make recommendations to the Planning Board on all applications for single family home projects that meet or exceed the Large House Review thresholds. Under Section 16.19 and Article 46 of the Town Bylaws, the DRB is to “review the design, placement, and artistic appropriateness of any structure or portion thereof, work of art, ornament, or decoration to be placed on any public way, on Town lands, other than cemeteries, or on or in Town Buildings” and such items may not be installed, altered, or removed, and no payment shall be paid for such items until reviewed by the DRB.

Membership

The DRB consists of five (5) regular members and up to three (3) alternate members, all appointed by the Planning Board as specified in Section 22, *Design Review*, of the Zoning Bylaw. The membership of the DRB is required to consist of a member of the Planning Board or designee of the Board who is a resident of the Town, a person qualified by training and experience in architecture who shall be a resident, a person qualified by training and experience in landscape design and landscape architecture who shall be a resident, a person qualified by training and experience in the art or design professions who shall be a resident, and a person recommended by one or more of the Town associations representing Wellesley retail business owners. Alternate members shall meet one or more of these qualifications.

The membership of the DRB in FY21 was:

- Jose Soliva, AIA, Chair (resident; training and experience in architecture)
- Robert Skolnick, Vice Chair (representative of Wellesley retail business owners)
- Sheila Dinsmoor (resident; training and experience in art or design professions)
- Juann Khoory, AIA (resident and practicing architect)
- Iris Lin, RLA (resident and practicing landscape architect)
- Amir Kripper, AIA (Alternate; resident; training and experience in architecture)
- Robert Broder, AIA (Alternate; resident; training and experience in architecture)

Meetings, Project Reviews and Other Activities

During the reporting period the DRB held **twenty-one (21)** meetings reviewing many projects including:

- Major Construction Projects (Site Plan Review; recommendation to ZBA):
- Minor Construction Projects (recommendation to Inspector of Buildings):
- Signs (by-right and special permit):
- Antennas (by-right and Special Permit):
- Retaining Walls (by-right and Special Permit):
- Large House Reviews (recommendation to Planning Board):
- Town Projects (Town Bylaw Article 46):
- Comprehensive Permits (40B):
- Projects of Significant Impact
- Residential Incentive Overlays:

At the end of FY20, the Design Review Board received the work of a consultant, Gamble Associates, through an RFP for the update of the Town's Design Guidelines Handbook. It is anticipated that these Guidelines, currently in draft form, will help guide commercial development in a way that respects existing village and architectural character, while also identifying preferred and encouraged design decisions with respect to buildings and sites. The Design Review Board continued to review the Design Guidelines throughout FY 21.

REPORT OF WELLESLEY FAIR HOUSING COMMITTEE

On October 25, 1983, the Board of Selectmen designated the Town's Planning Director as the Fair Housing Officer and committed to establishing a Fair Housing Committee. The Fair Housing Committee was established on or before July 1, 1984, and, per the Fair Housing Plan, the Committee consists of 5 members appointed by the Board of Selectmen. The Fair Housing Officer and the Fair Housing Committee developed a Fair Housing Plan adopted March 27, 1984, revised June 12, 1984.

Under the adopted Fair Housing Plan, the responsibilities of the Fair Housing Committee are:

1. To review and approve or modify and approve the Implementation section of the Fair Housing Plan.
2. To periodically update the Implementation section of the Fair Housing Plan.
3. To evaluate and analyze any overconcentration or under representation of minorities in the Town and to prepare recommendations to address inequities that may exist.
4. To design and implement an audit and reporting system that will measure the effectiveness of the Fair Housing Program, and to suggest any improvements.
5. To keep other town boards and the public, including banks and real estate brokers, informed of fair housing law and amendments to the law.

6. To generally promote public awareness of the Town's responsibilities under the Fair Housing Program.

Additionally, the Committee investigates complaints regarding housing discrimination.

Membership

The last appointed members of the Fair Housing Committee were John G. Schuler, Gretchen T. Underwood, and Peggy Lawrence Levin. These members were last reappointed in 2002 for two-year terms through 2004; however, Mrs. Underwood and Mrs. Lawrence Levin have since moved from Wellesley. Don McCauley, as Planning Director, has been appointed to serve as the Fair Housing Officer. He is in the process of updating the membership of the committee.

Complaint Intake and Meetings

No meetings of the Committee were held, and the Fair Housing Officer was not contacted concerning Fair Housing issues, during FY21.

REPORT OF HISTORIC DISTRICT COMMISSION

The Commission has the powers and duties of Historic District Commissions in accordance with the Historic Districts Acts, Chapter 40C of the Massachusetts General Laws. The Commission's primary responsibility is the review of applications for alterations to exterior architectural features for the sixty-five (65) properties within the Cottage Street Historic District and four (4) Single Building Historic Districts.

Membership

Per Article 18 of the Wellesley Town Bylaws, the Wellesley Historic District Commission consists of seven (7) members appointed by the Board of Selectmen. One member shall be a member of the Wellesley Historical Society, one a member of the American Institute of Architects, one a member of a Board of Realtors, and one a resident or property owner in the Historic District; however, members from each category need not be appointed if such specially qualified persons are not available.

The membership of the Historic District Commission for FY21 was as follows:

- David Smith, Chair (District Resident/Property Owner)
- Eric Cohen, Secretary
- Pluton Angjeli (District Resident/Property Owner)
- Meredith Angjeli (District Resident/Property Owner)
- Emily Maitin
- Thomas Paine (Member of Wellesley Historical Society)
- BB Wood

Meetings and Project Review

The Historic District Commission held nine (9) meetings during which eleven (11) applications for Certificates of Appropriateness and/or Certificate of Non-Applicability were reviewed, all applications involved alterations to existing architectural features.

Other Business

The Historic District Commission finalized and adopted Historic Preservation Design Guidelines with the assistance of Heritage Strategies, LLC, a Preservation Planning firm from Pennsylvania.

REPORT OF THE PLANNING BOARD

Board Membership

As of July 1, 2021, the membership of the Planning Board was:

- Catherine Johnson (Chair),
- Kathleen Woodward (Vice Chair),
- Patricia Mallett, P.E. (Secretary),
- James Roberti,
- Thomas Taylor,
- Sheila Olson (Associate Member).

The Board officers remained in place during FY21.

In the March 2021 Town Election, Kathleen Woodward was re-elected to a five-year term and James Roberti was re-elected to a two-year term as members of the Planning Board.

Meetings

During FY21 the Planning Board held forty-two (**42**) meetings. In light of the COVID 19 Emergency, all meetings were conducted with remote protocol using the Zoom platform, except for the Annual Retreat held on June 28, 2021.

Regional Liaison

A Planning Board member serves as a member of the Metrowest Regional Collaborative (“MWRC”). The Town’s membership in MWRC is vital to keeping the Board and the Town informed about State legislation and programs affecting our community, and to participate collectively with neighboring communities in promoting our interests and needs before State agencies. Consistent with the seven previous fiscal years, Catherine Johnson served as the Board’s appointee to the MWRC during FY21.

Town Meetings

Special Town Meeting. The Planning Board sponsored or commented on the following articles at the Special Town Meeting (STM) which commenced on October 26, 2020.

Article 14 – Zoning Map Amendment to Create a Single Building Historic District – 323 Washington Street. Article 29 was also sponsored by the Historic District Commission and the Historical Commission. It amended the Zoning Map to create a new Single Building Local Historic District for the Frederic A. Stanwood House at 323 Washington Street, owned by the Wellesley Historical Society.

Article 15 – Add Large Scale Solar Overlay District to Section 1A. Article 15 amended the Zoning Bylaws to correct a previous omission by inserting “28. Large-Scale Solar Overlay District (Section 14H)” into the list of zoning districts in Section 1A of the Zoning Bylaw.

Article 16 – Amend Zoning Bylaw to Provide LHR review of homes in General Residence District. Article 31 amended the Zoning Bylaws by applying Large House Review (LHR) (Zoning Bylaw Section 16D) to single-family dwellings, two-family dwellings, and townhouses within the General Residence District. The intent of this amendment was to better regulate the size of the dwellings in the General Residence District consistent with the way dwellings are regulated in other town districts.

Article 17 – Amendments to Tree Bylaw. Article 17 amended the Zoning Bylaws to amend the Tree Bylaw (Zoning Bylaw Section 16E) to (1) clarify the intent and purpose of the Bylaw, (2) require increased mitigation actions, (3) increase the scope of protected trees, (4) allow other factors, such as determining the environmental impacts on Town infrastructure rather than simply relying on the Diameter at Breast Height (DBH), to be included in determining contributions to the Tree Bank Fund, (5) conform to Article 55 of the Town’s General Bylaws, and (6) update the Bylaw’s terminology.

Article 18 – Amendments to Natural Resources Protection Bylaw. Article 18 amended the Natural Resource Protections (NRP) Development Zoning Bylaw (Section 16F) to (1) increase the flexibility in the design and layout of the lots within a NRP Development, (2) ensure that all such developments comply with the lighting requirements in Section 16G of the Zoning Bylaws, and (3) update terminology. Based on past efforts to apply the bylaw, the Planning Board believed the current bylaw requirements were too restrictive and limit creativity in the layout of dwellings, paths, and roadways. The intent of the amendment was to correct flaws in the existing Section 16F that render impracticable the creative placement and construction of dwellings that might include clustered, cottage-style dwellings.

Article 19 – Delete Temporary Moratorium on Marijuana Establishments. Article 19 deleted the former Section 22E of the Zoning Bylaw which was originally adopted at the 2017 Annual Town Meeting. The Section was no longer needed because the 2018 Annual Town Meeting it adopted Section 16.h of the Zoning Bylaw banning marijuana establishments in the Town.

Article 20 – Amend Registered Marijuana Dispensary Provisions. Article 35 amended the Zoning Bylaws to update statutory and regulatory references and associated changes resulting from the enactment of Chapter 55 of the Acts 2017. It replaced the definition of Registered Marijuana Dispensary (RMD) in Definitions (Section 1B) and updated references to Massachusetts General Laws in Section 25.B.6 of the Zoning Bylaw. The purpose was to ensure that the Zoning Bylaws appropriately refers to current state statutes and regulations.

Article 21 – Amend Drainage Review to Comply with MS4 Permit. Article 35 was initiated and co-sponsored by the Department of Public Works. It amended Zoning Bylaw Section 16C Drainage Review to comply with the requirements of the current USEPA/MassDEP General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems in Massachusetts (the “MS4 Permit”).

Article 22 – Amend Board of Selectmen to Select Board. Article 22 was initiated by the Board of Selectmen and was endorsed by the Planning Board. It amended the Zoning Bylaw by inserting a new definition in Section 1B Definitions for “Select Board” and by replacing all references to “Board of Selectmen” with the term “Select Board. This Article was made in connection with the passage of Article 23 which adopted “Select Board” to replace “Board of Selectmen” in the Town Bylaws.

Annual Town Meeting. The Planning Board sponsored or commented on the following articles at the Annual Town Meeting which commenced on April 26, 2021.

Article 28 – Definitions. Article 28 was sponsored by the Planning Board as part of its ongoing efforts to recodify and improve the Zoning Bylaw. It amended *Section 1B. Definitions* by inserting in Section 1B definitions which appear in other Sections of the Zoning Bylaws either by moving the definition to Section 1B from its current location or by referencing in Section 1B that the definition is to be found in its current location. It also made conforming changes throughout the Zoning Bylaw. Article 28 was introduced to improve the structure of the Zoning Bylaw by having all definitions set forth or referenced in a common location. This is a structural improvement that the Planning Board believes is essential to a more usable Zoning Bylaw.

Article 29 – Amend the Zoning Bylaws to update references to types of structures and living arrangements. Article 29 was introduced to provide more neutral definitions of “Dwelling” and related terms to accommodate a broader variety of living arrangements and to lessen any inequitable application of the Zoning Bylaw. The principal change is to remove the use of the word “family” and replace it with

“unit”. These changes build upon the current definition of “Dwelling Unit” already in the Zoning Bylaw and term “Housekeeping Unit” in the existing definition of “Family”.

Article 30 – Rezoning 2 Edgemoor Avenue. Article 30 was a Citizen Petition to amend the Zoning Map of the Town of Wellesley by rezoning 2 Edgemoor Avenue. Article 30 was a Citizen Petition to amend the Zoning Map of the Town of Wellesley to rezone 2 Edgemoor Road (Parcel 205-2) to be entirely within the Business District. The Planning Board recommended that the northern 20 feet of the property be rezoned as Single Residence A to maintain side yard setback relative to neighboring properties at Edgemoor Circle which is Single Residence District. The Petitioners adopted this recommendation, and the article was passed with Planning Board support to zone the entire parcel as within the Business District except for the northern 20 feet of the parcel which was rezoned Single Residence A.

Special Projects, Studies, and Unified Plan Implementation

In the past year, the Board and Staff have worked on several tasks, some of which are outlined in the *2007-2017 Comprehensive Plan* and/or in the *2018-2028 Unified Plan*, while others are special projects and/or efforts initiated by the Board. These include the following:

Unified Plan (Comprehensive and Strategic Plan). The Town’s *Unified Plan* was accepted by the Board of Selectmen and then adopted by the Planning Board as the Town’s Comprehensive Plan in 2019. During FY21, the Planning Board and other Boards continued to identify and work on actionable items that fall under their purview and control, including review of Design Guidelines by the Design Review Board and the Historic District Commission, and revisions to the Tree Bylaw and the Natural Resource Protection Bylaw at the Special Town Meeting.

Housing Committee. The Planning Department and members of the Planning Board continued to participate in regular meetings of the multi-stakeholder Housing Committee to implement the goals of the Housing Production Plan.

Mobility (Transportation) Committee. The Planning Department and members of the Planning Board continued to participate in regular meetings of the Mobility Working Group focusing on various modes and methods of transportation in Wellesley.

Application Review

A significant portion of the Planning Board’s work involves the review of applications for development. These include Special Permits for Projects of Significant Impact, Review of Adequacy for projects on unaccepted ways, Scenic Road Review, Large House Review, actions under the Subdivision Control Law.

Residential Incentive Overlays (RIO)

The Projects of Significant Impact at both 140-148 Weston Road and Delanson Circle above were developed from their origins as 40B Applications. Through Zoning Bylaw amendments at Special Town Meeting in 2019, both projects qualified for Residential Incentive Overlays (RIO) consideration prior to permitting under the PSI analysis. Delanson Circle applied for RIO Permit in FY20 which was approved by the Planning Board in August 2020.

Projects of Significant Impact

The Project of Significant Impact (PSI) regulations mandate an assessment of the impacts of developments on the Town’s infrastructure. Under this provision, any new project exceeding 10,000 square feet of floor area and building renovations exceeding 15,000 square feet for a change of use, requires the issuance of a Special Permit by the Planning Board. The Planning Board is authorized to approve a project if it deems that there are adequate municipal services available. If the services are not adequate, an applicant may propose

off-site improvements (e.g. street and sidewalk improvements, new storm water drainage systems) to correct the inadequacy and/or to ensure that the development does not overburden the roads and other municipal facilities. The cost of necessary mitigation is borne by the applicant.

During the reporting period, the Planning Board completed its review of and approved three (3) PSI applications for 140-148 Weston Road, a 25-unit residential building; Delanson Circle, a 35-unit residential building, and Wellesley Country Club indoor tennis facility which were submitted in FY20.

In FY21 The Planning Department also reviewed and approved a PSI for the Town's Hunnewell School project.

Review of Adequacy for Projects on Unaccepted Streets

During the course of the reporting period, the Planning Board reviewed four (4) applications requiring a review of adequacy of an unaccepted way. The Zoning Bylaw authorizes the Planning Board to determine whether an unaccepted street provides adequate frontage prior to the issuance of any building permits for construction on lots located on such streets. Wellesley has over 12 miles of unaccepted ways, consisting of 93 unaccepted streets plus 15 streets which are partially unaccepted. The Planning Department works with the Department of Public Works – Engineering Division to assess the condition of the streets and determine the amount of security required for completion of any required work.

Scenic Road Review

There are seven (7) roads in Wellesley that have been designated by vote of Town Meeting as Scenic Roads under the State Act. During the reporting period the Planning Board received and issued permits with conditions for two (2) applications for work in the Scenic Road layout of two abutting properties at 194 and 196 Pond Road which were resubmissions of applications previously submitted in FY20.

Large House Review

The Planning Board received 14 (14) Large House Review (LHR) applications in addition to continued review of applications submitted in FY20. The Board issued decisions for fifteen (15) LHR applications in FY21. In addition to reviewing these new applications, the Board and Planning Department Staff continued to work on the large number of LHR projects approved in previous years, including review of modifications, issuance of temporary and final certificates of occupancy, issuance and release of various security bonds.

Subdivision Control

No new subdivisions were submitted for the Board's consideration during the reporting period. Four (4) Subdivision Approval Not Required (ANR) plans were submitted for the Planning Board's review during the reporting period, all of which were endorsed by the Board.

Review of Zoning Board of Appeals Petitions

The Zoning Bylaw authorizes the Planning Board to review and recommend action on all petitions before the Zoning Board of Appeals. The Board's recommendations are based on the standards established in the Zoning Bylaw applicable to the specific application type, but are also based on planning principles, legal requirements, fairness, maintaining the integrity of the Zoning Bylaw and Map, and what the Board believes to be in the best interest of the Town. The Board submitted recommendations on 103 petitions to the ZBA applications.