

SECTION 5.6. PROJECT APPROVAL

A. Scope and Purpose

Minor Construction Projects (as herein defined) and Major Construction Projects (as herein defined) are subject to comprehensive review in accordance with the terms of this section. This section shall not apply to construction, alteration, enlargement or reconstruction of One-Unit Dwellings and Two-Unit Dwellings or structures accessory thereto, unless such One-Unit or Two-Unit Dwelling is located in a Flood Plain or Watershed Protection District.

This section shall be interpreted so as to:

1. Ensure compliance with the Zoning Bylaws of the Town of Wellesley;
2. Protect the safety, convenience and welfare of the public;
3. Minimize additional congestion in public and private ways;
4. Ensure adequate provision for water, sewerage and drainage;
5. Ensure compliance with the provisions of Section 1.4;
6. Ensure compliance with the provisions of Section 5.17; and
7. Ensure compliance with the provisions of Section 5.5.

B. Definitions

Part 1 - Principal Definitions

Construction Project - shall mean projects subject to review under this Section 5.6, and shall include phased or segmented projects where a series of two or more projects on a single parcel, lot or development area, for which application for building permits are filed within a three-year period are, in the opinion of the Inspector of Buildings, components or segments of a single project.

Part 2 - Additional Definitions for Traffic Reviews

Annual Average Daily Traffic (AADT) – The total yearly volume of automobiles and trucks divided by the number of days in the year.

Average Daily Traffic (ADT) - The calculation of averaged traffic volumes in a time period greater than one day and less than one year. Usually ADT is determined based on a representative (no holidays or unusual weather related circumstances) 7 day week.

Design Hourly Volume (DHV) – The one-hour volume in the design year selected for determining the highway design (typically the worst-case weekday morning or evening peak hour or the 30th highest hour of the year).

K-Factor (K) – The percent of Average Daily Traffic (ADT) that occurs during the peak hour (PH).

Level of Service – A quantitative measure of traffic congestion identified by a declining letter scale (A-F) promulgated by the Institute of Transportation Engineers (ITE) and used by the Massachusetts Highway Department (MHD), traffic engineers and traffic planning professionals.

Peak-Hour Traffic (PH) – The highest number of vehicles passing over a section of highway during 60 consecutive minutes. The term T(PH) may be used to designate the PH for truck traffic only.

Peak-Hour Factor (PHF) – a ratio of the total volume occurring during the peak hour to the maximum rate of flow during a given time period within the peak hour (typically 15 minutes duration).

Roadway Impacted by Development Traffic – A roadway segment, including one or more approaches to an intersection, shall be considered as impacted if traversed by 20 or more vehicles related to the project in a single direction during any single hour and it:

- a. a signalized intersection and ADT or PH will increase by 5% or more; or
- b. is an unsignalized intersection with a minor street approach PH of 50 or more vehicles; or
- c. is substandard, as determined by the Town Engineer, in terms of structure, pavement surface, or other deficiencies; or
- d. exhibits safety problems as identified by the Town Engineer, Town Traffic Engineer or other qualified professional as determined by the Planning Board.

C. Applicability and Procedure

1. Design Review

Minor Construction Projects, Major Construction Projects, and Projects of Significant Impact are subject to Design Review, as follows:

Plans and other submission materials as specified on the “Application for Design Review” along with the completed application shall be submitted to the Design Review Board for its written advisory design recommendations in accordance with Section 5.5. Within twenty-one (21) days of submission, copies of the written design recommendations shall be sent by the Design Review Board to the Building Inspector, Planning Board and the applicant. No building permit or parking plan permit shall be issued by the Building Inspector within this twenty-one (21) day period unless the required written recommendations are received.

2. Site Plan Review

In addition to Design Review in accordance with the preceding section, Major Construction Projects and Projects of Significant Impact, and MBTA Community Projects are subject to Site Plan Review, as follows:

- a. The applicant shall submit to the Zoning Board of Appeals (“ZBA”) plans and other submission materials in accordance with the procedures for Site Plan Review adopted by the ZBA pursuant to Section 6.3.C.3 of this Zoning Bylaw. Within seven (7) days from the date of its submission to the ZBA, copies of the complete application as submitted shall be referred by the ZBA to the Board of Health, Planning Board, Design Review Board, Town Engineer, Wetlands Protection Committee, Municipal Light Plant, Fire Chief, Police Chief and any other Town agencies or boards designated by the ZBA, for review and preparation of written recommendations to the ZBA, Building Inspector and the applicant prior to the required public hearing. Said written recommendations shall be attached to and become part of the application.
- b. Site Plan Review for MBTA Community Projects by the ZBA pursuant to Section 5.6 of this Zoning Bylaw shall be for the purpose of ensuring that such projects conform to the standards outlined for Special Use Permits in Section 6.3.D., provided however that approval hereunder shall be limited to the imposition of reasonable conditions necessary to ensure compliance with said criteria.

Approval under this section shall not be unreasonably withheld, provided that an application may be denied where identified extraordinary adverse impacts from such MBTA Community Projects cannot be effectively conditioned or mitigated.

- c. No decision shall be made by the ZBA in connection with any application until the above referenced written recommendations have been received or thirty-five (35) days shall have elapsed after such referral of the application without a recommendation being received. The ZBA may modify such plans to meet the requirements of this Section, and as modified, approve the same, or may disapprove the plans. No building permit or parking plan permit shall be issued by the Building Inspector without the written approval of plans as herein above provided.

3. Special Permit for Projects of Significant Impact

In addition to Design Review and Site Plan Review in accordance with the preceding sections, Projects of Significant Impact (PSI), shall require a Special Permit issued by the Planning Board, as follows:

- a. The applicant shall submit to the Planning Board a Municipal Systems Impact Analysis (MSIA), prepared by professional engineers registered in the Commonwealth of Massachusetts, and identifying the impact of the Construction Project on water, sewer, storm drainage, electric, traffic, intersections, sidewalks and footways, building occupant life safety, refuse disposal and recycling. The water, sewer, and storm drainage portions of the MSIA shall be prepared by engineers having expertise in civil engineering; the electric portion shall be

prepared by engineers having expertise in electrical engineering; the traffic and pedestrian safety and bicycle safety portions shall be prepared by engineers having expertise in traffic and transportation engineering.

- b. The intent of the analysis is to determine the impact on the Town's existing capital infrastructure in order to assess costs of providing or upgrading Town public facilities which will benefit a PSI.

- c. The Municipal Systems Impact Analysis shall include:

- i. Utility Capacity

- including water, sewer, storm drain and electric distribution systems before construction and at expected occupancy date;

- ii. Traffic

- identification of existing traffic and anticipated traffic at time of full project occupancy at existing and proposed roadway segments and intersections, existing and proposed site connections to the street system, and streets bordering, supporting, and connecting the development including:

- a) vehicle speed;
 - b) 85th percentile vehicle speed;
 - c) sight distances;
 - d) existing safety records including accident data;
 - e) description of existing traffic controls;
 - f) Annual Average Daily Traffic;
 - g) Average Daily Traffic
 - h) Peak-Hour Traffic (morning, afternoon and other peak(s));
 - i) Peak-Hour Factor;
 - j) Design Hourly Volume;
 - k) K- Factor;
 - l) Levels of Service (LOS);
 - m) Project generated traffic and its distribution;
 - n) Volume to Capacity Ratio;
 - o) Average Delay;
 - p) Average and 95th Percentile Queue Lengths;
 - q) Roadways Impacted by Development Traffic;
 - r) Delay and Gap Study (when deemed necessary by the Town's traffic engineering consultant); and
 - s) Data Calibration.

- Evaluations shall be made in accordance with the current MHD Design Guide, the elements listed above and standards adopted by the Select Board.

- identification of roadways impacted by development traffic;

estimated traffic impacts of the proposed development in terms of the amount of morning and afternoon peak hour and total daily traffic generated by the development on streets bordering the development area; sight lines from access connections; proposed changes to traffic controls; and projected levels of service of intersections identified in item 3. above and at points of connection of the development area to the street system;

iii. Pedestrian and Bicycle Safety

possible hazardous pedestrian and bicycle crossings; a detailed identification of gaps in the sidewalk network and identification of cracking, deterioration, heaving, sinking, shifting, patching and missing sections and intrusion or encroachment of vegetation and other obstructions into the sidewalk area within a walking distance of 600 feet from the development area and along walking routes to the nearest public transportation station(s) or boarding point(s) if such facilities exists within one mile of the development site; identification of sidewalk links or connections to surrounding neighborhoods. Pedestrian crosswalks, traffic control devices and traffic calming measures will be part of the safety analysis.

iv. Building Occupant Life Safety

identification of proposed use and occupancy and characteristics of the occupants, building contents, equipment and materials on site; identification of possible hazards and hazard scenarios and anticipated impact on municipal fire alarm systems. The Fire Chief may require a comprehensive emergency plan which shall include an evacuation plan.

v. Refuse Disposal and Recycling

anticipated impact on the Town's refuse disposal and recycling system.

- d. No decision shall be made by the Planning Board acting as Special Permit Granting Authority (SPGA) in connection with any properly completed application until it has been referred to, reviewed and approved by the four review departments (Department of Public Works for the water, sewer, storm drain, refuse and recycling elements; Municipal Light Plant for the electric element, Fire Department for fire alarm, fire protection and life safety element and the Select Board for the traffic and pedestrian safety element). The Select Board shall solicit the recommendations of the Chief of Police. The report of the Select Board to the Planning Board shall include the recommendations of the Chief of Police or verification that the Chief offered no comment. Review departments are not required to hold a public hearing for this purpose. Review departments may employ outside consultant assistance as deemed necessary.
- e. The Planning Board shall grant a special permit provided the following minimum service standards are met:
- i. Water -

There shall be sufficient water capacity to meet the flow demands of the proposed use without causing municipal water flow characteristics off site to fall below the standards adopted by the Board of Public Works.

ii. Sewer -

There shall be sufficient sewer capacity to meet the flow demands of the proposed use without causing surcharge in those sewer lines which serve the project and consistent with the standards adopted by the Board of Public Works.

iii. Storm Drainage -

There shall be sufficient storm drainage capacity to meet the flow demands of the proposed development site without causing surcharge in those storm drainage lines which serve the project and consistent with the standards adopted by the Board of Public Works.

iv. Electric -

There shall be sufficient electrical capacity to meet the peak service demands of the proposed use without causing the service in adjacent areas to fall below the standards adopted by the Municipal Light Board.

v. Traffic, Pedestrian and Bicycle Safety

With respect to all signalized impacted intersections, and any unsignalized impacted intersections having 50 or more PH vehicle trips on any minor approach, there shall be no degradation in the overall level of service designation to a level below the level of “C” and, if an impacted intersection is projected to operate at an overall level of service lower than “C” in a design year no-build alternative, then the proposed development shall not degrade the level of service designation below the projected design year no-build levels; and

With respect to unsignalized impacted intersections having fewer than 50 PH vehicle trips on any minor approach, the Applicant shall undertake an evaluation to identify any specific circumstances requiring further action or mitigation, which may be the subject of negotiated improvements at the discretion of the Planning Board. For purposes of clause 1 above, the “overall level of service” for an unsignalized impacted intersection shall be considered to be the worst of the individual levels of service for each of the minor movements.

Pedestrian and bicycle circulation shall be provided in accordance with recognized safety standards; provided in all cases sidewalks within a walking distance of 600 feet of the Project shall be provided and in addition sidewalk connections within such radius to surrounding neighborhoods and to public

transportation shall be provided as required by the Special Permit Granting Authority in a safe and convenient condition and consistent with standards of the Massachusetts Highway Project Development and Design Guide.

vi. Fire Protection and Life Safety -

There shall be sufficient municipal fire alarm system capacity to meet the operating requirements of the proposed use under applicable codes, regulations and statutes enforced by the Fire Chief. There shall be off-site fire protection facilities serving the development site in the opinion of the Fire Chief meeting the needs of the project based on the intended use and occupancy including fire flow requirements, location of and access to fire hydrants and access for emergency vehicles. The Fire Chief may require a comprehensive emergency plan which shall include an evacuation plan satisfactory to the Fire Chief and meeting the specifications and standards adopted by the Fire Chief.

vii. Refuse Disposal System -

Refuse recycling and disposal systems, consistent with the standards adopted by the Board of Public Works, shall be provided.

- f. Following review of the Municipal Systems Analysis, applicants for PSI approval or the Planning Board may propose specific design alternatives and/or off-site Negotiated Improvements to municipal facilities to meet minimum service standards.
- g. The Planning Board is authorized to incorporate these design alternatives and improvements as conditions in special permit PSI approval.
- h. The applicant shall bear all of the costs of design work and construction of all Negotiated Improvements and shall be responsible for implementation of the Negotiated Improvements and special permit approval conditions. All work proposed to improve or upgrade Town utilities or facilities shall be done according to the specifications adopted by the Board of Public Works, except that electric work shall be done according to the specifications adopted by the Municipal Light Board. The applicant shall also bear the cost of review of plans and of periodic inspections of such work during construction.

Post development traffic counts may be required at the discretion of the Planning Board, at reasonable intervals over a period not to exceed twelve (12) months, and commencing no sooner than three months after commencement of Project operation. The purpose of this monitoring is to review the accuracy of PSI traffic projections. If at least two consecutive traffic counts no less than six months apart reflect that site-related daily traffic is more than 10 percent (10%) above the projected volume, then the Applicant shall undertake an evaluation to identify any specific circumstances requiring further action or mitigation. Should post development traffic counts, review of plans, mitigation proposals or any other

peer review or related professional services be required, the Applicant shall bear the cost thereof.

- i. Upon the granting of a special permit by the Planning Board for a PSI the applicant is authorized to apply for Project Approval under the procedure in Section 5.6 for Major Construction Project Approval. Planning Board review of PSI application shall not substitute for Major Construction Project approval. No application shall be made for Major Construction Project approval for a PSI prior to the granting of a special permit by the Planning Board.