

WELLESLEY PLANNING BOARD

ARBORPOINT AT WELLESLEY PSI-07-02

#27 WASHINGTON STREET

PROJECT OF SIGNIFICANT IMPACT SPECIAL PERMIT DECISION

Pursuant to due notice, the Wellesley Planning Board (“the Board”), acting as special permit granting authority under the provisions of the Zoning Bylaw, Section XVIA., part C, Project of Significant Impact (“PSI”), opened a duly advertised public hearing on January 28, 2008 on the application of NDNE Lower Falls LLC, 2310 Washington Street, Newton Lower Falls, MA 02462.

The public hearing was continued on February 4, 2008; February 25, 2008; March 10, 2009; April 10, 2008; May 5, 2008, May 12, 2008 and May 28, 2008. Each session of the hearing was digitally recorded with the file retained at the Planning Board office. During the course of the public hearing the full submission package was available for public examination at the Town Hall, Planning Board Office and at the Wellesley Free Library. An on-site inspection by the Planning Board was held on Saturday, February 9, 2008. In the course of the site inspection there was no presentation and no testimony was taken.

After comments were concluded on May 28, 2008, the Planning Board moved, seconded and voted to close the Public Hearing. All sessions of the hearing were held in the Wellesley Town Hall, 525 Washington Street, Wellesley. Announcement of the date, time and place of all continued sessions was made at the end of the prior session.

All five members of the Planning Board were present at each session of the hearing.

A town election was held on March 4, 2008. Barbara Lehmann and Chris Chan ran for and were re-elected to seats on the Board. Consequently the composition of the Board remained the same throughout the hearing and for the vote on and endorsement of this special permit.

PROJECT DESCRIPTION

The project consists of demolition of the existing one-story retail building on the site and construction of a two-story retail/office building and a rental apartment complex consisting of a four-story structure on the easterly portion and a three-story structure on the westerly portion of the rear of the site, and related site improvements on the land (5.27 acres) known as #27 Washington Street (formerly Grossman’s), Wellesley Lower Falls. The retail/office building will contain a total of 33,000 square feet; consisting of 17,000 square feet of retail space (including as much as 4,500 square feet of restaurant space) and 16,000 square feet of office space. The apartment complex will provide a total of 141 units of housing, at least 30 units of which will be assisted/affordable in accordance with Wellesley’s Inclusionary Zoning bylaw. The two residential structures combined will contain approximately 148,000 square feet of floor area.

WRITTEN MATERIALS REVIEWED BY THE BOARD

A definitive submission was made on December 14, 2007, in accordance with the Rules Relative to the Issuance of Special Permits adopted by the Planning Board on September 18, 1990 and revised November 27, 2001. The submission was sent to the Board of Selectmen, the Department of Public Works, the Municipal Light Plant and the Fire Chief for review.

The impact reviews were received by the Planning Board as follows:

Fire Chief, January 16, 2008;
Municipal Light Plant, March 10, 2008;
Board of Public Works, January 18, 2008 and January 25, 2008;
Board of Selectmen, May 2, 2008.

Applicant's Submitted Plans:

Proposed Evacuation Plan, West Residential Building, Basement Level, Elkus Manfredi Architects, December 14, 2007.

Proposed Evacuation Plan, East Residential Building, Basement Level, Elkus Manfredi Architects, December 14, 2007.

Proposed Evacuation Plan, East Residential Building, First Floor, Elkus Manfredi Architects, December 14, 2007.

Proposed Evacuation Plan, West Residential Building, First Floor, Elkus Manfredi Architects, December 14, 2007.

Proposed Evacuation Plan, East Residential Building, Typical Upper Floor (2-4), Elkus Manfredi Architects, December 14, 2007.

Proposed Evacuation Plan, West Residential Building, Typical Upper Floor (2-4), Elkus Manfredi Architects, December 14, 2007.

Retail Building – First Floor Refuse and Recycling, Elkus Manfredi Architects, December 14, 2007.

Residential Building – First Floor Refuse and Recycling, Elkus Manfredi Architects, December 14, 2007.

Residential Building – Upper Floor Refuse and Recycling, Elkus Manfredi Architects, December 14, 2007.

Arborpoint at Wellesley and Retail/Office Building, 27 Washington Street, December 14, 2007, revised April 10, 2008, Owner/Applicant NDNE Lower Falls LLC, 2310 Washington Street, Newton, MA 02462;

Elkus-Manfredi Architects, 300 A Street, Boston, MA 02110:

Residential Rendering (cover) & Residential Renderings 01, 02, 03, all dated April 10, 2008 (revision of December 14, 2007 set);

Garage Level Plan, April 10, 2008, 1"=30';
First Floor Plan, April 10, 2008, 1"=30';
Second Floor Plan, April 10, 2008, 1"=30';
Third Floor Plan, April 10, 2008, 1"=30';
Fourth Floor Plan, April 10, 2008, 1"=30';
Roof Plan, April 10, 2008, 1"=30';
Residential Exterior Elevations 01, April 10, 2008, 1"=16';
Residential Exterior Elevations 02, April 10, 2008, 1"=16';
Residential Exterior Elevations 03, April 10, 2008, 1"=16';
Residential Building Sections April 10, 2008, 1"=16';
Retail Exterior Elevations, April 10, 2008, 1"=16';
Retail Building Sections, April 10, 2008, 1"=16';

Existing Conditions Plan, 27 Washington Street, Coneco Engineers, Scientists & Land Surveyors, 4 Fruit Street, Bridgewater, MA 02324, 7/20/07, 1"=40';

Stantec Consulting Services, Inc., 141 Portland Street, Boston, MA 02114:

L-1 Layout and Materials Plan, 12/14/07, revisions 1/28/08, 2/25/08, 4/10/08;
L-2 Grading Plan, 12/14/07, revisions 1/28/08, 2/25/08, 4/10/08;
L-2 Planting Plan, 12/14/07, revisions 1/28/08, 2/25/08, 4/10/08;
L-4 Retail Building Landscape Enlargement, 12/14/07;
L-4-3 Site Rendering, 12/14/07, revisions 1/28/08, 2/25/08, 4/10/08;
L-5 RIO Development Site Area, 12/14/07, revisions 1/28/08, 2/25/08, 4/10/08;
U-1 Utility Plan, 12/14/07, revisions 1/28/08, 2/25/08, 4/10/08;

Additional Reports/Correspondence Received

3/15/07 **Town Development Review Team (TDRT) Meeting Notes**
3/22/07 **Letter** from Al Robinson to Hans Larsen, re: National Development
3/27/07 **Fax/Letter** from Al Robinson, re: draft report
7/20/07 **Map**-Existing Conditions Plan
8/20/07 **Worksheet & Map**-TDRT Issues
8/21/07 **TDRT Meeting Notes**
9/5/07 **Email** from Hans Larsen to Jack O'Neil, re: Tomorrow night
 Email from Hans Larsen to Selectmen & Rick Brown, re: Tomorrow night
9/13/07 **Newspaper Article**, the Boston Globe: "Mixed use is eyed for vacant lot"
9/26/07 **TDRT Meeting Notes**
10/24/07 **Letter** from Al Robinson to Hans Larsen & Rick Brown, land court
11/1/07 **Letter** from Al Robinson to Hans Larsen and Rick Brown, re: Land Court case
11/09/07 **Letter** from John J. O'Neil, National Development to Tom Frisardi & Rick
 Brown, Re: Request for Assisted Unit Determination

11/13/07 **Worksheet** from National Development on Assisted Unit Count Determination-Calculation Summary

11/14/07 **TDRT Meeting Notes**

11/20/07 **Letter** from Rick Brown to John O'Neil, National Development, re: Request for Assisted Unit Determination

11/28/07 **Worksheet** from Elkus/Manfredi Architects re: Statistics for Residential and Commercial Buildings

12/3/07 **TDRT Meeting Notes**

12/05/07 **Letter** from Daniel Jaquette, business owner to Rick Brown, re: parking problems

12/14/07 **PSI Submission** Application w/ plans
Rec'd check \$50,000.00
Application for Special Permit-Residential Incentive Overlay District w/plans

12/17/07 **Letter** from Rick Brown to DPW, Fire, MLP, Beta, Selectmen re: review needed.

12/20/07 **Memorandum** From Conley Associates to Rick Brown, re: Washington Street Speed Study

1/02/08 **Legal Notices** for Public Hearings-Sent to Townsman, Towns, Departments and abutters

1/16/08 **Memo** from Fire Captain Marchetti to Rick Brown, re: PSI review

1/18/08 **Report** from George Saraceno, DPW to Rick Brown, PSI review

1/22/08 **Letter** from abutters of 27 Washington Street to National Development, re: concerns

1/25/08 **Worksheet** from Goulston Storrs, re: Bulk/Dimensional/Parking Compliance Summary
Report from George Saraceno to Rick Brown, re: Amendment to memo dated 1/18/08
Letter from DRB - recommendations

1/28/08 **Report** from National Development to Planning Board, re: Update for PSI

2/1/08 **Email** from Rick Brown to Dick Joyce, MLP, re: concerns about project.
Email from Dick Joyce to Rick Brown, re: answers to prior email

2/6/08 **Letter** from Mark Paris, National Development to Rick Brown, re: TDRT-Town Right of Way Concept Plan

2/11/08 **Letter** from Al Robinson to Hans & Rick, re: meeting

2/13/08 **Letter** from Steve Fader to Rick Brown, re: TDRT

2/18/08 **Email** from M. Taylor to Hans Larsen, re: Transportation article

2/19/08 **Letter** from resident, Sheila Tucker to BOS & PB, re: Traffic Mitigation

2/21/08 **Letter** from National Development to Wetlands, re: continuation of public hearing

2/25/08 **Checklist** of plans by Stantec Planning & Landscape Architecture
Updated PSI Submittals from National Development
Letter from Conley Associates to Hans Larsen, re: potential Washington Street Corridor Improvements

2/26/08 **Email** from resident, Neil Glick to Meghan Jop, re: comments of PB meeting

2/26/08 **Letter** from abutters to National Development, re: concerns

3/07/08 **Email** from resident Raymond Capobianco to T. Frisardi, re: concerns

3/08/08 **Email** from Chris Chan to PB re: Important 27 Washington St. RIO Questions

3/10/08 **Email** from P. Tamm to R. Brown re: CC Questions

3/12/08 **Memorandum** from R. Brown, M. Grant, M. Jop re: 27 Washington Street Zoning

03/10/08 **Letter** from MLP to R. Brown, re: review

4/4/08 **Report** from Beta Group to Hans Larsen, re: Peer review PSI-Municipal Systems Impact Analysis-Traffic Component

4/10/08 **Report** from National Development to PB, re: Residential Incentive Overlay Special Permit Submittals
Letter from resident Peggy Griffin & Charles Sabatier to Tom Frisardi, re: PB meeting comments

4/11/08 **Plans** from Conley Associates-Wellesley Street Improvements

4/25/08 **Report** from Beta to Hans Larsen, re: Review of PSI-Municipal Systems Impact Analysis and Mitigations

4/28/08 **Letter** revised from 4/10/08 from Peggy Griffin & Charles Sabatier to Tom Frisardi, revised letter on PB meeting

4/29/08 **Letter** from National Development to Hans Larsen, re: Transportation Demand Management

5/1/08 **Email** from Sheila Tucker, Resident to Rick Brown, re: Traffic comments
Letter from DRB-recommendations

5/2/08 **Memo** from Hans Larsen to Rick Brown, Re: BOS PSI Traffic Report

5/5/08 **Report** from National Development to PB, re: Traffic improvements

5/7/08 **Information** sent by resident, Peggy Griffin

5/12/08 **Report** from Conley Associates, re: Intersection Operations Analysis Summary-East & West Section
Report from Conley Associates, re: roadway requirements

5/12/08 **Email** from Robert Sechrest to Meghan Jop, re: 27 Washington Street concerns

5/13/08 **Letter & Report** from Mark Paris, National Development to Rick Brown, re: Supplemental traffic Information

5/16/08 **Email** from Al Robinson re: concerns about 27 Washington Street
Letter from Michael Kruse, Newton Planning Director to PB, re:27 Washington Street redevelopment.

5/21/08 **Email** from Mark Paris, National Development to Rick Brown, re: Autoturn Simulation for Fire trucks-Shuttle bus

5/26/08 **Letter** from resident, Joachim Seemann, Ph.D. to PB, re: concerns

5/28/08 **Report** from Beta to Hans Larsen, re: Ledyard Street signal review
Report from National Development to Chris Chan, re: redevelopment of 27 Washington Street
Letter from National Development to Chris Chan & PB, re: Traffic Improvements

FINDINGS

Based on the herein referenced submittals from the applicant, other submitted documents and the referenced reviews of the Fire Department, Municipal Light Plant, Board of Selectmen and Department of Public Works, the Wellesley Planning Board:

accepts the recommendations of the Wellesley Public Works Department as sufficient evidence that **WATER CAPACITY** is sufficient 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 Department of Public Works subject to completion of the project in accordance with the plans and other documents submitted by the applicant;

accepts the recommendations of the Wellesley Public Works Department as sufficient evidence that **SEWER CAPACITY** is sufficient 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 Department of Public Works subject to completion of the project in accordance with the plans and other documents submitted by the applicant;

accepts the recommendations of the Wellesley Public Works Department as sufficient evidence that **STORM DRAINAGE CAPACITY** is sufficient to meet the flow demands of the proposed development site in accordance with the standards of the Department of Public Works subject to completion of the project in accordance with the plans and other documents submitted by the applicant;

accepts the recommendations of the Wellesley Municipal Light Plant as sufficient evidence that **ELECTRICAL CAPACITY** is sufficient 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 subject to completion of the project in accordance with the plans and other documents submitted by the applicant;

accepts the **TRAFFIC** report of the Wellesley Board of Selectmen as sufficient evidence, based on the agreed-upon traffic mitigation plan, that all signalized impacted intersections, and any applicable¹ unsignalized impacted intersection will either;

operate at Level of Service C in the design year assuming the project is built; or

will not degrade the existing Level of Service if operation is projected to be lower than Level of Service C in the design year assuming the project is not built;

accepts the **PEDESTRIAN AND BICYCLE CIRCULATION** report of the Wellesley Board of Selectmen as sufficient evidence that in all cases: (i) sidewalks within a walking distance of 600 feet of the Project shall be provided; and (ii) 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;

accepts the recommendations of the Wellesley Fire Department as sufficient evidence that municipal **FIRE PROTECTION AND LIFE SAFETY** measures will meet the operating requirements of the proposed use under applicable codes, regulations and statutes enforced by the Fire Chief subject to completion of the project in accordance with the plans and other documents submitted by the applicant; and

¹ Having 50 or more peak hour vehicle trips on any minor approach.

accepts the recommendations of the Wellesley Public Works Department as sufficient evidence that refuse **RECYCLING AND DISPOSAL SYSTEMS** have been provided for in accordance with the standards adopted by the Department of Public Works subject to completion of the project in accordance with the plans and other documents submitted by the applicant.

NEGOTIATED IMPROVEMENTS ~ SPECIAL PERMIT CONDITIONS

The applicant has accepted the following improvements/conditions to meet minimum service standards:

WATER CAPACITY

All off-site and on-site work regarding the municipal water system shall be completed to the satisfaction of the Department of Public Works prior to building occupancy. No irrigation of lawn or landscaping is indicated.

SEWER CAPACITY

The applicant shall, prior to commencement of any new building construction work, complete to the satisfaction of Wellesley Public Works Department the relocation of the 20 inch sanitary sewer force main and 24 inch gravity sewer

STORM DRAINAGE CAPACITY

There is no connection to the Municipal Storm Drainage System. Storm drainage to be discharged to the Charles River shall meet all NPDES Phase II requirements and standards. The storm drainage system incorporates bio-retention swales, catch basins with oil and grease separators, piping and underground detention and recharge elements.

ELECTRICAL CAPACITY

The applicant shall complete all on-site and off-site electrical work as referenced in the report of the Municipal Light Plant dated March 10, 2008, prior to issuance of a Certificate of Occupancy, and prior to making application for final building inspection.

TRAFFIC AND PEDESTRIAN AND BICYCLE CIRCULATION

The applicant shall, prior to issuance of a Certificate of Occupancy, and prior to making application for final building inspection, have completed all of the traffic mitigation measures, including sidewalk construction, installation of curbing, lane markings, signage, signalization and paving in conjunction with work identified on the above described plans and further detailed:

in a letter from BETA Group Inc. to Mr. Hans Larsen dated April 25, 2008, and summarized as follows:

- traffic signal at Glen Road/Washington Street intersection designed and constructed in accordance with Town of Wellesley standards;
- Columbia Street sight distance improvements and modification of on-street parking will be implemented;
- Left turn bay, eastbound at site drive subject to final approval by Fire Chief will be implemented;
- curb extensions and pedestrian signal between former Rail Road Right of Way and Mica Lane will be implemented;
- On-street parking modifications on eastbound Washington Street;
- Signs for left turn restriction at River Street will be designed and installed;

and further detailed in a letter RE: 27 Washington Street Traffic Improvements from National Development to Mr. Christopher Chan, Chairman Wellesley Planning Board dated May 28, 2008 with attachments as follows:

- Preferred Washington Street Improvements (Master Plan), Sheet 1 of 1, updated as of May 28, 2008;
- Preferred Washington Street Improvements Sheet 1A of 3, Miscellaneous Revisions, updated as of May 28, 2008;
- Preferred Washington Street Improvements Sheet 1B of 3, Miscellaneous Revisions, updated as of May 28, 2008;
- Preferred Washington Street Improvements Sheet 1C of 3, Miscellaneous Revisions, updated as of May 28, 2008;
- Left Turn Bay Conceptual Design, Sheet 1 of 2, dated May 21 2008 (Glen Road to Columbia Street);
- Left Turn Bay Conceptual Design, Sheet 1 of 2, dated May 21 2008 (Glen Road to Columbia Street) with layout widths;
- Left Turn Bay Conceptual Design, Sheet 2 of 2, dated May 21 2008 (Columbia Street to Town Right of Way);
- Left Turn Bay Conceptual Design, Sheet 2 of 2, dated May 21 2008 (Columbia Street to Town Right of Way) with layout widths;
- Parking Impact Table dated 4/28/08, revised 5/5/08, 5/28/08;
- Autoturn Simulation Plan, dated 12/14/07, revised 2/25/08;
- Elimination of one on-street parking space at #51 Washington Street.

The Planning Board recognizes that permits will be required from the Board of Selectmen in order to implement these traffic and parking improvements and modifications and that the foregoing condition is subject to the determination by the Board of Selectmen, of the schedule for completion of the improvements, including any adjustments in the schedule necessitated by seasonal, weather or other delays.

The applicant shall also fund the upgrade of signal and lane configuration at Concord Street light in Newton, detailed in a letter from Michael Kruse, Newton Planning Director, to the Planning Board dated May 16, 2008.

TRANSPORTATION DEMAND MANAGEMENT (TDM)

The applicant shall implement a TDM plan as specified below and as further identified and detailed in a letter from National Development to the Board of Selectmen dated April 29, 2008:

- designate space for a shuttle bus stop;
- allow shuttle bus to circulate through the retail/office parking lot;
- will work with tenants to implement discount transit pass program;
- will provide and post public transit schedules on the premises;
- provide bicycle racks to serve the retail/office building and the apartment buildings and in the vicinity of the river walk;
- work to implement “guaranteed ride home” program;
- designate on a continuing basis a TDM coordinator
- contribute \$10,000 to fund a public transit study consultant;
- contribute \$10,000 to be used by the Town for additional landscaping and/or general enhancement of the Town (former railroad) right-of-way which abuts the project site.

Progress toward implementation of the TDM program shall become part of the six month and 12 month monitoring reports referred to hereafter.

FIRE PROTECTION AND LIFE SAFETY

The applicant shall install and complete all off-site and on-site work regarding the municipal alarm system to the satisfaction of the Fire Chief prior to building occupancy.

The applicant shall provide a revised evacuation plan for the west building.

REFUSE DISPOSAL SYSTEM

The applicant shall:

- a. dispose of site generated refuse via a private hauler or if refuse from the site is taken to the Wellesley Recycling and Disposal Facility (RDF) such refuse shall be subject to customary applicable tipping fees;
- b. encourage commercial and residential tenants to recycle;
- c. insure the provision and location of containers for recyclables to facilitate their use;
- d. estimate quantities of refuse and recyclables and include this data in the required monitoring reports;
- e. inform tenants of this recycling effort on a periodic and continuing basis.

Progress updates toward implementation of this recycling program shall become part of the monitoring reports referred to hereafter.

POST CONSTRUCTION MONITORING REPORTS

The Applicant shall provide a report to the Planning Board and Board of Selectmen detailing the status of the following items at two milestones: (i) six months and (ii) twelve months from the issuance of the final Certificate of Occupancy for the project:

- a. Incident to the installation of the signal at Glen Road, the applicant shall meet with the principal of the St. John's School to review and facilitate the operation of the signal and coordination with the school's entrance and egress operations.
- b. Following the implementation of the turn restrictions on River Street, the applicant shall provide an analysis assessing the functioning of these restrictions upon the intersection.
- c. An analysis shall be completed of the performance of intersections and driveways evaluated in the applicants traffic study.

OTHER

The applicant shall, at its expense, perform and complete all elements contained and as provided in a letter dated May 28, 2008 from National Development to Christopher Chan, Chairman, Wellesley Planning Board, Re: Redevelopment of 27 Washington Street, further identified in the thereto attached Schedules A through E.

Clean-up and maintenance of riverbank area shall include the removal of trash, and pruning of vegetation, removal of dead plant material, limbs and vines and poison ivy;

For the purposes of this Special Permit Decision the term "applicant" shall include successors and assigns of the applicant.

DECISION

The Applicant has assented to the above listed Negotiated Improvements/Special Permit Conditions and on the basis of the testimony presented at the public hearing, the above record, the reports of the various Boards and the applicant's Municipal Systems Impact Analysis, related submissions referenced herein, and the representations made by the applicant, the Planning Board found that the minimum service standards of the Bylaw have been met and therefore moved, seconded and voted to issue this special permit in accordance with the conditions specified above.

This special permit has been approved by the Planning Board based upon compliance with the minimum service standards of the Zoning Bylaw for water, sewer, storm drainage, electric, traffic and pedestrian safety, fire alarm systems and refuse disposal system. If there has been a

material change or intensification of use as reasonably determined by the Planning Board, the applicant shall prepare and submit to the Planning Board a report or reports, prepared by engineers who meet the requirements of the Zoning Bylaw for preparation of municipal service impact analysis, showing whether the minimum service standards identified above continue to be met. If any such report shows that one or more of the service standards are not met, based on additional impact generated by the project owing to the material change or intensification of use, or if any required negotiated improvements cannot be completed the applicant shall meet with the Planning Board to negotiate reasonable additional or alternative mitigation measures. This requirement shall not be interpreted as waiving any provision of the Project of Significant Impact process.

Appeals from this decision, if any, shall be made pursuant to general laws, Ch. 40a § 17, and shall be filed within 20 days after the date of the filing of this decision in the office of the town clerk.

WELLESLEY PLANNING BOARD

Chris Chan, Chairman

Donald S. McCauley, Vice Chairman

Barbara Lehmann, Secretary

Rose Mary Donahue

Thomas Frisardi

Negotiated Improvements ~ Special
Permit Conditions acknowledged and
agreed to by property owner

NDNE Lower Falls LLC

By: _____
John J. O'Neil, III
Duly Authorized