

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, 2008; April 10, 2008; May 5, 2008, May 12, 2008 and May 28, 2008. An on-site inspection by the Planning Board was held on Saturday, February 9, 2008; there was no presentation and no testimony was taken at the site visit..

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 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 two rental apartment buildings, a four-story building on the easterly and a three story building on the westerly portion 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 would contain 33,000 square feet, 17,000 square feet of retail space and 16,000 square feet of office space. The apartment complex will provide a total of 141 units of housing, 30 units of which will be assisted/affordable under Wellesley’s Inclusionary Zoning bylaw. The two residential buildings combined will contain approximately 160,000 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      **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 & Rick, RE: Land Court  
 11/1/07      **Letter** from Al Robinson to Hans Larsen and Rick Brown, RE: Land Court case  
 11/9/07      **Letter** from John J. O'Neil, National Development to Tom Frisardi & Rick  
               Brown, RE: Request for Assisted Unit Determination  
 11/13/07     **Worksheet** 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

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, RE: PSI review

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

1/25/08 **Worksheet** 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 drooped off 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  
**Letter** from abutters o National Development, RE: concerns

03/07/08 **Email** from resident Raymond Capobianco to T. Frisardi, RE: concerns

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  
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 **Draft Decision** on Residential Incentive Overlay District  
**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 applicable<sup>1</sup> 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 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.

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

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

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<sup>1</sup> Having 50 or more peak hour vehicle trips on any minor approach.

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 outdoor irrigation of lawn or landscaping is indicated.

#### SEWER CAPACITY

The applicant shall, prior to commencement of any building construction work, complete to the satisfaction of Wellesley Public Works Department 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.

#### 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 shall have completed all of the traffic mitigation measures including sidewalk construction, installation of curbing, lane markings, signage 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 interconnected with Walnut Street Washington Street signalized intersection;
- Columbia Street sight distance improvements;
- Left turn bay, eastbound at site drive subject to final approval by Fire Chief;
- curb extensions and pedestrian signal between former Rail Road Right of Way and Mica Lane;
- On-street parking modifications on eastbound Washington Street;
- Signs for left turn restriction at River Street;
- upgrade of signal and lane configuration at Concord Street light in Newton;
- left turn bay at Glen Road.

and further detailed in a letter from National Development to Mr. Christopher Chan, Chairman RE: 27 Washington Street Traffic Improvements 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 2/25/08.

#### 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;
- 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 toward the restoration of the railroad bridge.

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

#### 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.

#### 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) 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 toward implementation of the this recycling program shall become part of the six month and 12 month monitoring reports.

#### OTHER

The Applicant shall, at its expense, perform and complete all elements contained 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 including 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.

WELLESLEY PLANNING BOARD

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Chris Chan, Chairman

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Donald S. McCauley, Vice Chairman

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Barbara Lehmann, Secretary

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Rose Mary Donahue

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Thomas Frisardi

National Development

By: \_\_\_\_\_  
John J. O'Neil, III, Managing Partner

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 improvement 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.