

WELLESLEY PLANNING BOARD
RESIDENTIAL INCENTIVE OVERLAY DISTRICT
27 WASHINGTON STREET
SPECIAL PERMIT DECISION

The Wellesley Planning Board, acting as special permit granting authority under the provisions of the Zoning Bylaw, Section XIVF., RESIDENTIAL INCENTIVE OVERLAY DISTRICT, has heard and considered the application of NDNE Lower Falls LLC, 2310 Washington Street, Newton Lower Falls, MA 02462 (hereinafter referred to as the “Applicant”) regarding the request for a special permit for a project within the Residential Incentive Overlay District (RIO).

The project will consist of a residential 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 apartment complex will provide a total of 141 units of housing, at least 30 units of which will be assisted/affordable under Wellesley’s Inclusionary Zoning bylaw. In conjunction with the residential project, a two-story retail/office building will be developed on the adjoining portion of the site fronting on Washington Street. The two residential structures combined will contain approximately 148,000 square feet of floor area.

An application to the Planning Board was made on December 14, 2007 for a special permit under Zoning Bylaw Part O. of Section XIVF. Residential Overlay District.

All five Planning Board members (Thomas Frisardi, Chairman; Rose Mary Donahue, Vice Chairman; Chris Chan, Secretary; Donald S. McCauley; and Barbara Lehmann) attended each of the seven sessions of the public hearing which was opened on January 28, 2008, continued on February 4, 2008, February 25, 2008, March 10, 2008, April 10, 2008, May 5, 2008 and May 28, 2008. After comments were concluded on May 28, 2008 the Planning Board moved, seconded and voted to close the Public Hearing. At the February 4, 2008 session of the hearing a site visit by Planning Board members was scheduled for Saturday, February 9, 2008. In the course of the site inspection there was no presentation and no testimony was taken. For each continued session of the hearing announcement of the time, date and place of the continuation was announced to those in attendance.

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.

The project is shown on the following plans which were available for examination at the Planning Board Office for at least two weeks prior to the public hearing and were available either in hard copy or displayed at the public hearing:

- a. L-1, RIO Development Site Area, 27 Washington Street, Wellesley, MA, dated 12/14/07, revised 4/10/08, by Stantec Consulting Services Inc., 141 Portland Street, Boston, MA 02114.
- b. L-2, RIO Open Space Compliance, 27 Washington Street, Wellesley, MA, dated 12/14/07, revised 4/10/08, by Stantec Consulting Services Inc., 141 Portland Street, Boston, MA 02114.
- c. L-3, Planting Plan, 27 Washington Street, Wellesley, MA, dated 12/14/07, revised 4/10/08, by Stantec Consulting Services Inc., 141 Portland Street, Boston, MA 02114.
- d. L-4, Retail Building Landscape Enlargement, 27 Washington Street, Wellesley, MA, dated 12/14/07, revised 4/10/08, by Stantec Consulting Services Inc., 141 Portland Street, Boston, MA 02114.
- e. SL-01, Site Lighting Area Calculations – Area 1, 27 Washington Street, Wellesley, MA, dated 12/14/07 by R.W. Sullivan Engineering, 529 Main Street, Suite 203, Boston, MA 02129-1107.
- f. SL-02, Site Lighting Area Calculations – Area 2, 27 Washington Street, Wellesley, MA, dated 12/14/07 by R.W. Sullivan Engineering, 529 Main Street, Suite 203, Boston, MA 02129-1107.
- g. SL-03, Site Lighting Calculations Schedules, 27 Washington Street, Wellesley, MA, dated 12/14/07 by R.W. Sullivan Engineering, 529 Main Street, Suite 203, Boston, MA 02129-1107.
- h. SL-04, Site Lighting Area Calculations Luminaire Location Schedule, 27 Washington Street, Wellesley, MA, dated 12/14/07 by R.W. Sullivan Engineering, 529 Main Street, Suite 203, Boston, MA 02129-1107.

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 Larsen & Rick Brown, 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, 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 dropped 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

03/07/08 **Letter** from abutters to National Development, re: concerns

03/10/08 **Email** from resident Raymond Capobianco to T. Frisardi, re: concerns

4/4/08 **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

4/10/08 **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

5/1/08 **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

5/12/08 **Report** from Conley Associates, re: roadway requirements

5/12/08 **Draft Decision** on Residential Incentive Overlay District

5/13/08 **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

5/16/08 **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

5/28/08 **Report** from National Development to Chris Chan, re: redevelopment of 27 Washington Street

5/28/08 **Letter** from National Development to Chris Chan & PB, re: Traffic Improvements

SPECIAL PERMIT FINDINGS

Following the closing of the public hearing on May 28, 2008, the Planning Board discussed the application and accompanying submission materials. The Board subsequently moved, seconded voted to make the following findings:

1. The project site is within a Residential Incentive Overlay District. The project does not require any waiver pursuant to Part O. of Section XIVF. The project has been submitted in accordance with the requirements of Part O. of Section XIVF. Residential Incentive Overlay District of the Zoning Bylaw, which provides that projects determined by the Design Review Board to satisfy the recommendations of the Wellesley Lower Falls Plan, Zoning and Urban Design and Landscape Guidelines ("Lower Falls Guidelines") and the other requirements of Part O. may be entitled to a special permit issued by the Planning Board.
2. The RIO District specifies that in order to qualify for a special permit the project must meet one or more of the district purposes as follows:
 - a) general site conditions and access constraints impede long term successful commercial or industrial use;
 - b) the parcels that border the residential districts and their residential re-use would extend and complement the character and function of the existing surrounding neighborhood;
 - c) the parcels border unique natural features, open space, or historic resources which would be better preserved and enjoyed by the public over the long term through residential rather than commercial or industrial uses.

The project meets one or more of these purposes. The existing building on the RIO development site area has remained substantially vacant for fourteen years with no redevelopment and during this time the site has been closed, with no public access through the site to the bordering Charles River. Furthermore, the traffic volumes on Washington Street have constrained the reuse of the existing building on the site for commercial or industrial purposes. The reuse for multifamily use, rather than industrial or commercial uses, is consistent with the Town's planning and zoning objectives for this portion of the site and will result in lesser impacts on traffic and circulation than the re-use of the existing building for commercial purposes.

There is also state-owned public parkland under the administrative jurisdiction of the Division of Conservation Resources (formerly the Metropolitan District Commission) bordering the site. As part of the residential redevelopment of the site, the applicant has committed to removing much of the existing impervious surface existing along the river, and restoring portions of the riverfront area, while providing public access (currently lacking) and granting a conservation restriction that provides, among other things, perpetual public access through the site via improved sidewalks and pathways

along the river linking the public parkland parcels. This access is to be provided from Washington Street to and along the river behind the apartments. The applicant has also committed to cleaning and removing debris from the riverbank area of the lot and maintaining this area. A stone-dust pathway along the river is intended to be designed, constructed and maintained by the applicant.

During the hearings there was considerable input from the residential neighborhood to the west of the site concerning the proximity, scale (height) and design of the westerly of the two apartment structures. Testimony from the abutters clearly demonstrated worry about the visual impact of the proposed westerly four-story structure, as originally proposed, relative to the neighborhood. Some abutters called for moving the structure and/or elimination of a story of stepping back of the top floor. In response to this concern, at the April 10, 2008 session of the public hearing the applicant announced that the fourth floor of the westerly apartment structure would be removed and the unit count would be reduced from 150 to 141. The applicant noted that in making this change 19 parking spaces originally proposed for an area west of the westerly apartment building (and which had been previously removed) would be restored to that area with the installation of an enhanced landscaped buffer area that was not provided on the plans as originally submitted.

The Board notes that the proposal continues to comply with all zoning requirements, including but not limited to: (i) the town-wide maximum building height for all but single family, two family and town house style buildings of 45 feet and (ii) the RIO district requirement of an increased setback sixty feet, where RIO buildings abut residential districts.

The Board is satisfied that a conscientious effort has been made by the applicant to respond and address to the neighbors concerns without undercutting the viability of the overall project.

3. RIO "Part O"

- a) A report has been received from the Design Review Board finding that the proposed project is consistent with the Wellesley Lower Falls Plan and the Zoning Urban Design Guidelines and Landscape Guidelines (Lower Falls Plan).
- b) The Design Review Board has found that the project is consistent with the design criteria listed in Section XXII of the Zoning Bylaw.
- c) These written findings and detailed recommendations of the Design Review Board dated January 23, 2008 and May 1, 2008 are attached hereto and shall be incorporated as part of this special permit decision.
- d) The proposed project contributes to pedestrian and bicycle safety in accordance with the Lower Falls Guidelines and nationally recognized safety standards. Bicycle racks are to be provided to serve the commercial building as well as the residential complex

and the river walk area. The applicant has committed to design and install improved cross walks at Washington Street.

- e) Pedestrian and bicycle access to the Charles River, that does not exist today, will be provided as described above.
- f) The proposed project will contribute to the creation of a village center and enhance the pedestrian experience in Lower Falls. The Lower Falls Plan states:

Residential uses would complement the village character of Lower Falls, add a resident population to support local retail, reduce parking needs and traffic impacts, and take advantage of the amenities of riverfront property. Over the long term, Lower Falls would be well served with residential development along the River, continuing the community character of surrounding neighborhoods.

4. PSI Findings:

The Board incorporates in this Decision the findings it has made as part of its PSI review.

In the opinion of the Planning Board the application meets the requirements of the Residential Incentive Overlay District based on the above findings. At its meeting of June 16, 2008, the Board moved, seconded and voted unanimously to approve this special permit as applied for regarding 27 Washington Street in the Residential Incentive Overlay District, subject to compliance with conditions hereinafter set forth.

SPECIAL PERMIT CONDITIONS

- 1. With respect to the special permit purposes and criteria of the RIO District the project shall be materially in accord with the drawings, architectural renderings and plans submitted and representations made by the applicant during the hearing in conjunction with the application.
- 2. With respect to zoning compliance, the grant of this special permit shall not relieve the Applicant of its obligations to comply with other provisions of the Town's Zoning Bylaws with respect to this and future projects on this property and any subsequent change or modification including, without limitation, Section XVIC. Project Approval and the Section XXIIA. Signs and Advertising Devices.
- 3. As applicable the project shall comply with the requirements of the:
 - Wellesley Fire Department;
 - Wellesley Board of Health;
 - Wellesley Department of Public Works; and
 - Wellesley Municipal Light Plant.

4. 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.

WELLESLEY PLANNING BOARD

Chris Chan, Chairman

Donald S. McCauley, Vice Chairman

Barbara Lehmann, Secretary

Thomas Frisardi

Rose Mary Donahue

Appeals from this decision, if any, shall be made pursuant to general laws, Chapter 40A, Section 17, M.G.L. and shall be filed within 20 days after the date of the filing of this decision in the office of the town clerk.

This special permit shall be recorded at the registry of deeds in accordance with the provision of Chapter 40A, Section 11, M.G.L.

NDNE LOWER FALLS LLC

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