

# TOWN OF WELLESLEY



## SUPPLEMENT 1

### TO THE 2013 REPORTS TO THE ANNUAL TOWN MEETING

by the  
ADVISORY COMMITTEE  
and  
BOARD OF SELECTMEN & COUNCIL ON AGING

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Prepared on March 24, 2013

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## ERRATA – 2013 ADVISORY REPORT

Article 17 on page 100 – The Fire Station HVAC Renovation is of Fire Station #2, not #1 as stated incorrectly at the bottom of the page (the project is identified correctly in the table).

Article 25 on pages 119-121 – The three motions were consolidated into a single motion after the Report was printed so there should be only a single Advisory recommendation.

**ARTICLE 5.** To see what action the Town will take to fix the salary and compensation of the Town Clerk as provided by Section 108 of Chapter 41 of the General Laws, as amended; or take any other action relative thereto.

**(Board of Selectmen)**

*The information below is a correction to the 2013 Advisory Report on page 17.*

The Board of Selectmen (BOS) recommends that the Town Clerk's salary be set at \$80,356 for FY14, which is a 2.4% increase over the FY13 salary of \$78,478.

The average suggested salary increase for Series 50 employees is anticipated to be 2.0% (see Article 4, Motion 3 on page 16). However, because FY14 is 52.2 weeks rather than 52.0 weeks as in FY13, each Series 50 employee will also receive an additional 0.4% increase. The Town Clerk's salary is therefore recommended to be \$308 more than the amount stated in the Advisory Report.

**Advisory recommends favorable action, 13 to 0.**

**ARTICLE 7.** To see what sums of money the Town will raise and appropriate, or otherwise provide, including transfer from available funds, or borrowing, to supplement or reduce appropriations previously approved by the 2012 Annual Town Meeting; or take any other action relative thereto.

**(Board of Selectmen)**

*Please see the 2013 Advisory Report on pages 19-20 for a summary of the proposed authorizations and supplemental appropriations to the FY13 budget. The Advisory recommendations are given below. Article 7, Motion 1, which appropriated a supplemental \$450,000 to the Board of Public Works for winter maintenance in FY13, was discussed and voted on page 19. The Board of Selectmen (BOS) combined the original Motions 2-4 into a new Motion 2 and re-numbered Motion 5 as Motion 3.*

## **ARTICLE 7, MOTION 2**

Under this Motion, the BOS is seeking to make the following transfers:

- \$21,200 previously appropriated to the School Department for vehicle maintenance under Article 8 of the 2012 ATM to be transferred to the Facilities Maintenance Department (FMD)
- \$14,900 previously appropriated to the FMD for telephone service, telephone repair and water under Article 8 of the 2012 ATM to be transferred to the Central Administration
- \$55,893 previously appropriated to the FMD for telephone service and telephone repairs under Article 8 of the 2012 ATM to be transferred to the School Department

Note that the \$55,893 transfer is for telephone service and telephone repairs and not for vehicle maintenance and fuel costs as previously stated on page 20 of the Advisory Report. Advisory views these transfers as inter-departmental budget housekeeping with no tax impact.

**Advisory recommends favorable action, 13 to 0.**

## **ARTICLE 7, MOTION 3**

Under this Motion, the BOS is seeking to apply \$588,393 from two previous appropriations (the Middle School renovation and school infrastructure project) toward the cost of the DPW Administration Building construction approved in Article 19 of the 2011 ATM. The Town makes every effort to avoid borrowing excess funds for projects but occasionally funds are left over. Applying previously-borrowed funds to the next project requiring borrowing as allowed by Chapter 40, Section 20 of the Massachusetts General Laws (rather than repaying the funds and then borrowing a larger amount) saves the Town both time and money.

**Advisory recommends favorable action, 13 to 0.**

**ARTICLE 18.** To see what sum of money the Town will raise and appropriate, or otherwise provide, in addition to the amount voted under Motion 2 of Article 20 of the Warrant for the 2009 Annual Town Meeting, for architectural, engineering and/or other services, for preparation of plans and specifications, for construction, reconstruction, remodeling, rehabilitation and/or design of the Tolles-Parsons Center (senior center) to be located at the Town owned site at 496 Washington Street (the former American Legion site) and for vehicular parking to be located on site or on other town controlled land; to determine whether such sum shall be raised by taxation, through borrowing and/or by transfer from available funds; or take any other action relative thereto.

**(Board of Selectmen)**

*Please see the 2013 Advisory Report on pages 104-107 for a summary of the proposed authorization of \$165,300<sup>1</sup> to the Permanent Building Committee for the design development of the Tolles-Parsons Center and some initial Advisory considerations. Additional information, received after the Report went to print, and the Advisory recommendation are provided below.*

**Additional Information**

On March 19, 2013, the Permanent Building Committee provided preliminary estimates for the total cost of the Tolles-Parsons Center (TPC), including construction and non-construction costs as well as the anticipated costs associated with increased parking and pedestrian safety:

	<b>2010</b>	<b>2013</b>
Construction (includes general conditions, overhead, etc.)	\$3,926,900	\$4,608,139
Basement Fit Out		742,000
Parking lot at Police Station		296,282
Crosswalk/pedestrian light		197,665
<b>Construction Total</b>	<b>\$3,926,900</b>	<b>\$5,844,086</b>
Architectural/Engineering	203,901	214,901
Other Professional Services <sup>2</sup>	303,120	396,900
FF&E <sup>3</sup>	150,000	197,400
Technology <sup>4</sup>	45,900	
Other Project-related Expenses <sup>5</sup>	83,075	35,260
Contingency	392,690	409,086
<b>Non-Construction Total</b>	<b>1,178,686</b>	<b>1,253,547</b>
<b>Total</b>	<b><u>\$5,105,586</u></b>	<b><u>\$7,097,633</u></b>

<sup>1</sup> The request amount has been rounded down from the \$165,313 stated in the Advisory Report on page 104.

<sup>2</sup> The 2010 Other Professional Services category includes Owner’s Project Manager (OPM), Clerk of Works, Geotech services, testing, inspection and commissioning, while the 2013 category includes OPM, Clerk of Works, material testing, MLP/DPW/gas charges, fiber optic network, Verizon and CATV.

<sup>3</sup> 2010 FF&E expenses includes furniture and equipment only while 2013 FF&E includes furniture, screen, phone system and moving/relocation expenses.

<sup>4</sup> 2010 Technology expenses include network/connections, Verizon and CATV; these expenses are included in the 2013 Other Professional Services category.

<sup>5</sup> 2010 Other Project-related Expenses include PBC administrative costs, PBC expenses, MLP back charges, Builder’s risk insurance and bond issuance. 2013 Other Project-related Expenses do not include MLP back charges (moved to Other Professional Services).

Note that some of the non-construction costs have been re-categorized from 2010 to 2013. The Motion under this Article is requesting additional funds for design only and is not appropriating the total TPC construction cost. This information is provided for information only and should be considered a preliminary estimate.

In four years, the total estimated cost of the 14,236 square foot TPC has increased by approximately \$2 million or about 40%. This increase is attributable to the following:

- Escalation of costs, totaling \$680,000. The total cost of the project, originally estimated for construction in 2010, has escalated by 17.3% anticipating a 2014 construction start. This escalation results from increases in materials and labor as well as a stronger overall economy for construction.
- Project additions, totaling \$1.25 million:
  - The revised plan includes a 4,563 square foot finished basement, previously left unfinished. In order to maximize natural lighting in the basement, a small increase in the foundation footprint has been included in the new estimate.
  - Reconfiguration and construction of the Police Station parking lot across the street
  - Addition of a crosswalk/pedestrian light to access the Police station parking lot
- Increase in FF&E, totaling \$75,000, for additional furniture and equipment.

The Board of Selectmen (BOS) voted unanimously on March 19, 2013 to support the funding of further design funds for the construction of the TPC at 496 Washington Street (formerly the site of the American Legion building), as recommended by both the Tolles-Parsons Review Committee and the Tolles-Parsons Center Planning Committee.

Advisory unanimously supports the request for the additional \$165,300 in funds needed for design development of the TPC at 496 Washington Street. Advisory believes that the BOS has well vetted the need for a free-standing center for the 60+ population and has seriously considered all other proposed site options, including the recent proposal made by the Wellesley Community Center Board. While not ideal, the proposed parking solutions for the TPC appear to be adequate.

The additional funds requested in this Motion will enable the completion of the TPC design. It is anticipated that the BOS will return to a future Town Meeting with bids in hand for the total project cost, ultimately to be funded through debt exclusion after a successful Town-wide vote.

**Advisory recommends favorable action, 13 to 0.**

**ARTICLE 27.** To see if the Town will vote to amend the Zoning Bylaw SECTION XVIII. AREA REGULATIONS by striking subsection B. Alternative Area Regulations in Subdivisions of Ten Acres or More (Cluster Residential Developments) in its entirety, and by adding a new section to the Zoning Bylaw to provide cluster development opportunities for innovative design of small subdivisions having 2 to 4 lots; the bylaw amendments currently being proposed to be available for inspection in the Planning Board office; or take any other action relative thereto.

**(Planning Board)**

*Please see the 2013 Advisory Report on pages 124-125 for a summary of the proposed amendment to the Zoning Bylaw to create a new Section XVIF. Innovative Neighborhood Design. The final Bylaw language is printed in its entirety below and the Advisory recommendation is given.*

**MOTION 1<sup>6</sup>**

That the Town vote to amend the Zoning Bylaw by striking from SECTION XVIII. AREA REGULATIONS. Subsection B. Alternative Area Regulations in Subdivisions of Ten Acres or More (Cluster Residential Developments) in its entirety and re-lettering the remaining portion of the section to read as follows:

**SECTION XVIII. AREA REGULATIONS.**

For the purposes of this Section the Town of Wellesley is hereby divided into classes of area regulation districts as shown on the "Zoning Map of the Town of Wellesley, Massachusetts," prepared under the direction of the Planning Board, Scale 1" = 500', dated December 20, 2002, as amended, on file with the Town Clerk, which map together with all the boundary lines and designations thereon relating to such area regulations is hereby incorporated as part of this Section.

The classes of area regulation districts are respectively as indicated on said map:

1. Ten Thousand Foot Districts;
2. Fifteen Thousand Foot Districts;
3. Twenty Thousand Foot Districts;
4. Thirty Thousand Foot Districts;
5. Forty Thousand Foot Districts.

**A. Dwelling and Club House Lots.**

In Single Residence Districts, Single Residence Districts A, General Residence Districts, General Residence Districts A, Limited Residence Districts, Educational Districts, Educational Districts A, Educational Districts B, Administrative and Professional Districts and Limited Business Districts, there shall be provided for each dwelling or club house, hereafter constructed, a lot containing not less than 10,000 square feet, 15,000 square feet, 20,000 square feet, 30,000 square feet, or 40,000 square feet according to the area requirement of the area regulation district in which such dwelling or club house is situated, and hereafter, no dwelling or club house shall be erected or placed on a lot containing less than such minimum

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<sup>6</sup> The text of SECTION XVIII. AREA REGULATIONS. printed below is exactly the same as appears in the current Zoning Bylaw after striking the existing Subsection B and re-lettering the existing Subsection C as B and existing Subsection D as C. The text of the new Innovative Neighborhood Design Bylaw SECTION XVIF starts on page 245.

area. In Business or Industrial Districts or in Business Districts A or Industrial Districts A, there shall be provided for each dwelling (including apartment houses and apartment hotels) or club house hereafter constructed or placed, a lot containing not less than 10,000 square feet.

Nothing contained in this Section shall prevent the construction or placing of any such building on any lot (1) in any of said Ten Thousand Foot, Fifteen Thousand Foot and Twenty Thousand Foot Districts containing a smaller area, if such lot on the effective date of the applicable provisions of this Zoning Bylaw originally establishing such districts did not adjoin other land of the same owner available for use in connection with said lot, (2) in any said Thirty Thousand Foot and Forty Thousand Foot Districts containing a smaller area, if such lot on May 1, 1953 did not adjoin other land of the same owner available for use in connection with said lot, or (3) in any Business or Industrial Districts or in Business Districts A or Industrial Districts A containing less than 10,000 square feet, if such lot on May 1, 1941 did not adjoin other land of the same owner available for use in connection with said lot.

This Section shall not apply to the lots shown on the subdivision plans approved by the Planning Board pursuant to the General Laws, Chapter 41, as amended, prior to May 1, 1953.

No lot on which a dwelling or club house is situated, whether heretofore or hereafter placed, shall be reduced in area, if such lot is smaller than is hereby prescribed, or if by such reduction it would be made smaller than is hereby prescribed, except in either case by taking by eminent domain or by a conveyance for a public purpose.

#### B. Ratio of Building to Lot Area.

In Single Residence and General Residence Districts, Single Residence Districts A, and General Residence Districts A, no building or addition to any building shall hereafter be placed on any lot of land which will result in the covering by buildings of more than the following specified maximum percentages of the area of such lot or maximum building coverage expressed in square feet:

For lots containing less than 10,000 square feet - 25 percent;

For lots containing at least 10,000 square feet but less than 20,000 square feet – the greater of 20 percent or 2,500 square feet;

For lots containing at least 20,000 square feet but less than 40,000 square feet – the greater of 18 percent or 4,000 square feet – but not more than 6,000 square feet; and

For lots containing at least 40,000 square feet - 15 percent;

In Educational Districts B, Limited Residence Districts, Limited Business Districts and Administrative and Professional Districts no building or addition to any building shall be placed on any lot of land which will result in the covering by buildings of more than (20%) of the area of such lot, provided, however, that if the only buildings at any time on a lot in any such district are those permitted by SECTION VI.1., SECTION VIII.A.1., SECTION IX.1., or SECTION X.1, then the limitations aforesaid shall be (25%) in lieu of (20%). In Educational, Business or Industrial Districts or in Educational Districts A, Educational Districts B, Business Districts A, or Industrial Districts A, no dwelling (including apartment houses and apartment hotels) or club house shall hereafter be erected or placed on any lot of land which will result in the covering by buildings of more than (25%) of the area of such lot.

#### C. Ratio of Families to Lot Area.

1. In General Residence Districts and General Residence Districts A there shall be provided for each dwelling hereafter constructed or placed therein a lot containing not less than 5,000 square feet for each family for whose habitation such building is designed or adapted or the minimum area required for lots in the area regulation district in which the building is located, which ever is greater.

Except that town houses may be constructed at a ratio in accordance with and subject to the provisions of SECTION IV. GENERAL RESIDENCE DISTRICTS. A. 3.

2. In Educational, Business and Industrial Districts and in Educational Districts A, Educational Districts B, Lower Falls Village Commercial Districts, Wellesley Square Commercial District, Business Districts A and Industrial Districts A there shall be provided for each apartment house, apartment hotel, hotel, inn or town house, hereafter constructed or placed therein a lot containing not less than 2,500 square feet for each family for whose habitation such building is designed or adapted or the minimum area required for lots in the area regulation district in which the building is located, whichever is greater.

and by inserting a new SECTION XVIF. INNOVATIVE NEIGHBORHOOD DESIGN. to create optional cluster development opportunities for innovative design of small subdivisions having 2 to 4 lots, following XVIIE. TREE PROTECTION AND PRESERVATION. to read as follows:

## SECTION XVIF. INNOVATIVE NEIGHBORHOOD DESIGN

### A. PURPOSE

To provide opportunities for innovative design of small subdivisions where such design shall achieve the following:

1. Allow for the preservation of small pockets of open space or cultural resources that are valuable to existing neighborhoods;
2. Preserve or provide better access to public lands or open space;
3. Provide opportunities for better site access and/or neighborhood circulation patterns than would otherwise be achievable through a standard design approach;
4. Encourage a less sprawling, less intense and more efficient and sustainable form of development that reduces impacts on the surrounding neighborhood, natural features and Town infrastructure.

### B. DEFINITIONS

Yield Plan – A conceptual subdivision plan containing all of the elements required as part of the Subdivision Rules and Regulations that depicts the number of single family house lots that could reasonably be developed according to local, state and federal law.

### C. ELIGIBILITY

The provisions of this Section are offered by the Town of Wellesley as an option for certain residential subdivisions. These provisions may only be used for residential subdivisions with the following characteristics:

1. The maximum potential residential yield of the parcel in question is up to 4 lots as demonstrated through the development of a Yield Plan;

2. The lot(s) are located in the following districts:
  - a. Single Residence 15;
  - b. Single Residence 20;
  - c. Single Residence 30; and
  - d. Single Residence 40.
  
3. A clearly identifiable amenity shall result from or shall be preserved through the development process including, but not limited to:
  - a. Open space or other natural resources currently unprotected by local or state law;
  - b. Greenway corridors for trail networks or wildlife habitat;
  - c. Specimen trees or other vegetation integral to the character of the neighborhood;
  - d. Buffers or drainage ways to wetland or surface water resources;
  - e. Historic structures;
  - f. Archaeological or other culturally significant sites;
  - g. Private resident or public access to open space, institutional, or recreational amenities;
  - h. An easement beneficial to the Town, the Commonwealth of Massachusetts, or private entity for the provision of safety and/or utility access; and
  - i. Integration with the neighborhood streetscape and pattern of settlement.
  
4. Access and/or neighborhood circulation shall be improved through the use of alternative design due to:
  - a. The location of driveways to neighboring properties;
  - b. The geometry of existing roadways;
  - c. Documented automotive traffic problems; and
  - d. The presence of high levels of pedestrian traffic.

**D. DETERMINATION OF YIELD**

The total number of lots in a tract upon which an Innovative Neighborhood Design may be built shall be determined through the development of a Yield Plan as defined in this section of the Zoning Bylaw. A Yield Plan shall be provided to the Planning Board as part of the subdivision process in accordance with the procedures outlined in the *Rules and Regulations Governing the Subdivision of Land* and based on the minimum lot size requirements as specified in Section XVIII. AREA REGULATIONS, without regard to Lot Dimensions as defined in Section E. ALLOWABLE DESIGN FLEXIBILITY below.

**E. ALLOWABLE DESIGN FLEXIBILITY**

1. Lot Dimension. The following minimum yard and lot size dimensions shall apply to an Innovative Neighborhood Design.

TABLE 1

	SINGLE RESIDENCE DISTRICT			
	15,000	20,000	30,000	40,000
Minimum Lot Size	7,500 s.f.	10,000 s.f.	15,000 s.f.	20,000 s.f.
Minimum Frontage	50 ft.	50 ft.	50 ft.	50 ft.
Minimum Front Yard Width	50 ft.	50 ft.	50 ft.	50 ft.
Minimum Front Yard Depth (Setback)	30 ft.	30 ft.	30 ft.	30 ft.
Minimum Side Yard Width	15 ft.	20 ft.	20 ft.	20 ft.
Minimum Rear Yard Depth	15 ft.	20 ft.	20 ft.	20 ft.

2. Shared Driveways. Shared driveways may be constructed to access a maximum of two (2) residences and shall comply with the standards provided in subsection F.4 below.

## F. STANDARDS AND CRITERIA FOR REVIEW

1. Preservation or Access to Amenities. Site plans developed as part of the subdivision process shall demonstrate that preservation or access to any amenities that are identified pursuant to subsection C.3 is accomplished through the site design and construction process. Site design practices shall include, as applicable:
  - a. Avoidance and protection of sensitive resources that are to be preserved both during construction and after construction.
  - b. Installation of natural boundaries or demarcation markers to ensure the protection of sensitive resources. Markers such as boulders, wooden fencing, and similar features may be used for this purpose.
  - c. The recording of any easements or covenants required for the long term maintenance of any access ways or open space.
2. Neighborhood Integration. The proposed subdivision, including street, lot and open space layout, shall be integrated into the streetscape and pattern of settlement of the surrounding neighborhood to the fullest extent possible. Consideration shall be given to the need for vegetated buffers, screening, lighting, and other landscape design techniques. To the extent practicable this shall be based on the "Intent, Policy and Recommendations" specified in Part II. Design Criteria of the "Design Guidelines Handbook" adopted by the Design Review Board.
3. Circulation. Walkways, drives and parking shall be safe and convenient and, insofar as practicable, not detract from the use and enjoyment of adjacent properties and Town streets.
4. Shared Driveways.
  - a. Shared driveways shall have a minimum surface width of sixteen (16) feet along that portion that is shared by more than one residence.
  - b. No shared driveway shall be connected or attached to any other driveway, nor shall any common driveway be extended without prior approval of the Planning Board.
  - c. Shared driveways shall be located within an easement which may allow space for installation of water lines and utilities as needed.
  - d. Shared driveways shall not exceed three hundred (300) feet in length, measured from the street line to the end of the shared portion of the driveway.
  - e. To provide better traffic safety and reduce the visual impacts of traffic on abutting properties, the Planning Board may require shared driveways to be set back from lot lines and/or screened with a buffer of trees and/or shrubs.
  - f. Sight distances at the entrance of a shared driveway along the intersecting road shall be at least one hundred (100) feet along the intersected roadway or as far as the next intersection, whichever distance is shorter.

### **Advisory Considerations**

The Innovative Neighborhood Design (IND) Bylaw proposed in this Motion provides opportunities to preserve small pockets of open space or cultural resources that are valuable to existing neighborhoods as described in Subsection A on page 245. The Planning Board has

structured the IND Bylaw to benefit neighborhoods and to allow owners and developers a creative and sustainable **option** when planning a small subdivision containing two to four lots.

To take advantage of this option, an owner/developer must first calculate the total number of lots available in the larger tract. The owner/developer then may choose to divide the tract according to the *Rules and Regulations Governing the Subdivision of Land* or he/she may opt to apply the new IND Bylaw. With either choice, the total number of house lots created in the subdivision does not change and the overall housing density does not increase. However, the configuration of lots within the subdivision can vary.

The crux of the new IND Bylaw is Subsection E.1, stipulating minimum lot sizes and setbacks for the 15,000, 20,000, 30,000 and 40,000 square foot single residence districts<sup>7</sup> in a table on page 246. The minimum lot size within an Innovative subdivision is fifty percent of the conventional lot sizes within the district, e.g., if the tract can be subdivided into three single residence parcels under conventional zoning, the Innovative option will maintain that three-parcel yield. As the lot sizes would be smaller and the houses sited creatively, there would be residual open space outside of the “lots” but within the subdivision.

This open space is designed to preserve natural amenities, sensitive resources and topography such as rock outcroppings or steep slopes. Access to and preservation or maintenance of the open space would be required and recorded as part of the subdivision plan. The Planning Board and Department considered alternative minimum lot sizes as well as front, side and rear setbacks for each lot within the 15,000 through 40,000 square foot single residential districts. They calculated and analyzed the interior square footage of residences that could be built on each lot, given lot dimensions and restrictions. The goal was to offer an option to an owner/developer that would benefit the neighborhood by preserving open space and create properties that were in scale with existing homes.

The Planning Board also believes that if the Bylaw is approved, there is a benefit for owners/developers who use IND Planning. When applied, the provisions of the Bylaw should reduce site preparation costs (clearing, blasting or chipping of rock, grading, building retaining walls, paving and infrastructure installations, such as subsurface drainage systems) and shorten preparation time.

Advisory is pleased that the Planning Board has taken a proactive approach to enable the preservation of open space within small neighborhoods in Wellesley. They have crafted this Bylaw as an optional path for owners and developers seeking sensible and sustainable growth. Advisory believes that Innovative Neighborhood Design will be a useful tool for the Planning Department and that the benefits of choosing IND when subdividing tracts of land will accrue to the neighborhood, the owner/developer and the Town.

**Passage requires a 2/3 vote.**

**Advisory recommends favorable action, 13 to 0.**

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<sup>7</sup> Note that this Bylaw does not apply to the 10,000 square foot district. The Board determined that any subdivision of parcels within the 10,000 square foot single residence district would create lots of approximately 5,000 square feet, too small to remain compatible with existing neighborhoods.

**ARTICLE 28.** To see if the Town will vote to amend the Zoning Bylaw SECTION XVIII. AREA REGULATIONS by striking subsection B. Alternative Area Regulations in Subdivisions of Ten Acres or More (Cluster Residential Developments) in its entirety, and by adding a new section to allow innovative, context sensitive design of subdivisions having 5 or more lots where such cluster design shall achieve the protection of primary and secondary conservation resources that are protected through local, state or federal law including wetlands and regulated buffers, rivers and streams and regulated buffers, floodplains, and habitat for rare or endangered species, as well sites that contain valuable natural or cultural resources that are not regulated by local, state or federal law; the bylaw amendments currently being proposed to be available for inspection in the Planning Board office; or take any other action relative thereto.

**(Planning Board)**

*Please see the 2013 Advisory Report on pages 126-129 for a summary of the proposed amendment to the Zoning Bylaw to create a new Section XVIG. Natural Resource Protection (NRP) Cluster Development. The final Bylaw language is printed in its entirety below and the Advisory recommendation is given.*

MOTION 1: That the Town vote to amend the Zoning Bylaw by inserting a new SECTION XVIG. NATURAL RESOURCE PROTECTION (NRP) DEVELOPMENT. to create by-right innovative, context sensitive design for subdivisions having 5 or more lots where such cluster design shall achieve the protection of primary and secondary conservation resources that are protected through local, state or federal law, following XVIF. INNOVATIVE NEIGHBORHOOD DESIGN. to read as follows:

#### SECTION XVIG. NATURAL RESOURCE PROTECTION (NRP) DEVELOPMENT

##### A. PURPOSE

To allow innovative, context sensitive design of large subdivisions as a matter of right where such design shall achieve the following:

1. To allow for greater flexibility and creativity in the design of residential developments.
2. To minimize the destruction of, and to encourage the permanent preservation of open space, wildlife habitat, recreational uses and other resources including aquifers, water bodies and wetlands, groundwater, historical, cultural and scenic areas.
3. To promote a less sprawling, less intense and more sustainable and efficient form of development that consumes less open land and conforms to existing topography and natural features.
4. To minimize the total amount of disturbance, grade changes and run-off on or from the site.
5. To facilitate the construction and maintenance of housing, streets, utilities, and public services in a more economical and efficient manner.

##### B. DEFINITIONS

Primary Conservation Areas – Areas of a potential development site that are protected or where development is limited by federal, state or local law or private land use restrictions including, without limitation:

1. Easements (including, without limitation, easements or restrictions for conservation, preservations, agricultural use, aquifer protection or similar easements and restrictions) and similar covenants land use restrictions;
2. Wetlands, Isolated Wetlands, Bordering Vegetated Wetlands, and the 25-foot No-Disturbance Zone as defined in the Wellesley Wetlands Bylaw;
3. Vernal Pools as defined in the Wellesley Wetlands Bylaw;
4. 100 Year Flood Plain as defined by SECTION XIVB. FLOOD PLAIN OR WATERSHED DISTRICTS;
5. Wildlife habitat;
6. Steep slopes having a grade over 10% or as defined by federal or state law or regulation, whichever is the lesser grade; and
7. Lakes, ponds, rivers, streams, and brooks;

Secondary Conservation Areas – Areas of a potential development site that contain valuable natural or cultural resources including, but are not limited to:

1. Specimen trees;
2. Stone walls;
3. Significant geological features, including, without limitation, eskers, exposed ledge and significant boulders;
4. Mature woodlands;
5. Scenic and wet meadows;
6. Historical or archaeological sites; and
7. Portions of a site within a Scenic Road or Scenic Road Layout.

Yield Plan – A conceptual subdivision plan containing all of the elements required by the Subdivision Rules and Regulations that depicts the number of single family house lots that could reasonably be developed according to local, state and federal law.

### C. APPLICABILITY

1. NRP Development is required as a matter of right for any property that would yield 5 or more residential lots. To determine yield, the Planning Board shall consider the following:

- a. The following formula shall be used for yield determination related to NRP Cluster Development:

$$\begin{aligned}
 \text{Where A} &= \text{Total Property Area} \\
 \text{PCA} &= \text{Area of primary conservation areas} \\
 10\% &= \text{Assumed infrastructure area such as roads, etc. In} \\
 &\quad \text{the formula below, this is expressed as the inverse} \\
 &\quad \text{(i.e., multiplying by 90\%)} \\
 \text{L} &= \text{Minimum Lot Size per Section XVIII. Area} \\
 &\quad \text{Regulations, without regard to Subsection F.} \\
 &\quad \text{ALLOWABLE DESIGN FLEXIBILITY of this Section.} \\
 \text{Y} &= \text{Assumed number of residential units} \\
 \frac{(\text{A}-\text{PCA}) * 0.9}{\text{L}} &= \text{Y}
 \end{aligned}$$

- b. Separate contiguous properties under common ownership, or contiguous properties that will otherwise be connected through future development activity, shall be considered in the aggregate when determining applicability through the

yield calculation. The intent and requirements of this Section shall not be avoided by segmentation or any incremental approach to development.

- c. Where a property owner believes that the property is encumbered by physical, legal or other unforeseen constraints that would reduce the property yield to below 5 lots, the property owner may develop a Yield Plan to demonstrate that the actual expected yield is below 5 lots and therefore NRP Cluster Development is not required. The Yield Plan shall contain the information required in the *Rules and Regulations Governing the Subdivision of Land* and shall be submitted to the Planning Board. The Planning Board's determination as to the accuracy of the Yield Plan shall be made at a regularly scheduled Planning Board meeting within 45 days of the submittal of an adequate Yield Plan. The determination of the Planning Board shall be used only to establish whether or not NRP Cluster Development is required and shall not be interpreted as approval of a subdivision or the vesting of any development yield on the property.
2. This Section does not apply to the construction of homes or businesses on individual lots that existed prior to the effective date of this Section of the bylaw.
  3. A Special Permit application to the Planning Board is required for any subdivision that does not conform to the development requirements herein. In order to approve such Special Permit, the Planning Board must find that the proposed alternative plan advances the purposes of the NRP Cluster Development bylaw as well as or better than a plan that conforms to this Section. If the Planning Board determines that the land with the greatest natural resource value (as identified in the required materials) cannot be protected except by the use of a NRP Cluster Development plan, the Planning Board shall deny the Special Permit for the deviation and require the applicant to submit a plan that complies with the requirements of the NRP Cluster Development process. The Planning Board may impose conditions on the grant of any such Special Permit.

#### D. DESIGN STANDARDS

The following Design Standards shall apply to all plans for NRP Cluster Development and shall govern the development and design process:

1. Overall site design and development shall be performed in a manner that protects the conservation areas identified pursuant to the procedures established in the *Rules and Regulations Governing the Subdivision of Land*. Techniques to ensure adequate protection shall include, but shall not be limited to:
  - a. Avoidance and protection of Primary and Secondary Conservation Areas that are to be preserved both during and after construction.
  - b. Installation of natural boundaries or demarcation markers to ensure the protection of sensitive resources. Markers such as boulders, wooden fencing, and similar features may be used for this purpose.
  - c. Proper selection, installation, and maintenance of erosion and sediment control practices during construction activities.
  - d. Fencing used to protect trees during construction activities installed minimally to the drip line of the tree(s).

- e. The recording of any easements or covenants required for the long term maintenance of any access ways or open space as described in subsection G.
  - f. To keep storm water run-off from any parcel on such parcel to the fullest extent reasonably practical, employing low impact development techniques when practicable.
2. Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill, to handle storm water run-off (if any) through low impact design techniques, and to preserve and enhance views and vistas on or off the subject parcel.
  3. Dwellings shall be oriented and placed on lots in such a manner so as to promote visual interest, while preserving the neighborhood streetscape, if applicable.
  4. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover.
  5. All open space shall be set aside and/or designed to add to the visual amenities of the area through the siting of houses, the creation of "no-cut" buffers, low impact trail design, or other similar methods.
  6. Open space parcels with public access shall have physical and legal access from a street of not less than 20 feet in width. Such access shall be demarcated by stone bounds to distinguish between the edge of the public access and amenities from private property.
  7. The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.
  8. Exterior lighting shall be only as needed to accomplish safety and design objectives and shall be arranged so as to minimize the impact on neighboring properties.
  9. Shared driveways may be constructed to access a maximum of three (3) residences and shall comply with the following standards:
    - a. Shared driveways shall have a minimum surface width of sixteen (16) feet along that portion that is shared by more than one residence.
    - b. No shared driveway shall be connected or attached to any other driveway, nor shall any common driveway be extended without prior approval of the Planning Board.
    - c. Shared driveways shall be located within an easement which may allow space for installation of water lines and utilities as needed.
    - d. Shared driveways shall not exceed three hundred (300) feet in length, measured from the street line to the end of the shared portion of the driveway.

- e. To provide better traffic safety and reduce the visual impacts of traffic on abutting properties, the Planning Board may require shared driveways to be set back from lot lines and/or screened with a buffer of trees and/or shrubs.
- f. Sight distances at the entrance of a shared driveway along the intersecting road shall be at least one hundred (100) feet along the intersected roadway or as far as the next intersection, whichever distance is shorter.

**E. DESIGN PROCESS**

At the time of the application for NRP Development, applicants shall demonstrate to the Planning Board that the following design process was performed, in the order so prescribed, by a multidisciplinary team of qualified professionals to determine the layout of proposed streets, house lots, including designation of all common areas and open space.

1. Identifying Conservation Resources. Identify Primary and Secondary Conservation Areas. The Potentially Developable Area of the site shall consist of land outside identified Primary Conservation Areas to the extent required by this Section, and outside the Secondary Conservation Areas to the fullest extent practicable.
2. Locating House Sites. Locate the approximate sites of individual houses within the Potentially Developable Area and include the delineation of private yards and shared amenities, so as to reflect an integrated community within the subdivision.
3. Locating Streets and Trails. Layout streets in order to access the house lots. Trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, and trails.
4. Lot Lines. Draw in the lot lines using assumed lot lines if the ownership is in condominium, cooperative or other similar form of common ownership.

**F. ALLOWABLE DESIGN FLEXIBILITY**

Dimensional Requirements. To facilitate the design process provided in Subsection E above, the following housing and dimensional standards shall apply to NRP Development.

1. Housing Types. Only detached single family homes are allowed in NRP Development.
2. Lot Dimension. To facilitate the design process provided in Subsection E above, the following housing and dimensional standards shall apply to NRP Cluster Development.

Table 1

	SINGLE RESIDENCE DISTRICT				
Area Regulation District	10,000 s.f.	15,000 s.f.	20,000 s.f.	30,000 s.f.	40,000 s.f.
Minimum Lot Size	7,500 s.f.	7,500 s.f.	10,000 s.f.	15,000 s.f.	20,000 s.f.
Minimum Frontage	50 ft.	50 ft.	75 ft.	100 ft.	100 ft.
Minimum Front Yard Width	50 ft.	50 ft.	75 ft.	100 ft.	100 ft.
Minimum Front Yard Depth (Setback)	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.
Minimum Side Yard Width	15 ft.	15 ft.	20 ft.	20 ft.	25 ft.
Minimum Rear Yard Depth	15 ft.	15 ft.	20 ft.	25 ft.	30 ft.

3. Frontage and Setbacks. Lots having reduced area shall not have frontage on a street other than a street within the NRP Development.
4. Accessory Structures. Detached accessory structures over 100 square feet shall have a minimum side yard and rear yard setback of fifteen (15) feet.

#### G. OPEN SPACE

1. Minimum Open Space Requirement. A minimum of fifty percent (50%) of the site shall be protected open space. The percentage of this open space that may include wetland shall not exceed the percentage of wetland of the entire site under existing conditions.
2. Contiguous Open Space. Preserved open space shall be contiguous to the greatest extent practicable. Where noncontiguous pockets of open space are preferable to protect conservation areas, applicants shall attempt to connect these resources area to the greatest extent practicable through the use of trails and/or vegetated corridors. Open space will still be considered contiguous if it is separated by a shared driveway, roadway, or an accessory amenity (such as a barn, paved pathway or trail, or shed for the storage of recreational equipment).
3. Restrictions on Open Space. Any land required to be set aside as open space shall be permanently protected pursuant to Article 97 of the Articles of Amendment to the Constitution of the Commonwealth of Massachusetts or a perpetual restriction under M.G.L. Chapter 184 Section 31-33. Unless conveyed to the Natural Resources Commission, the required open space shall be subject to a permanent Conservation, Watershed, or Agricultural Preservation Restriction conforming to the standards of the Massachusetts Executive Office of Environmental Affairs, Division of Conservation Services, or Department of Agricultural Resources in accordance with M.G.L. Chapter. 184 Section 31-33, approved by the Planning Board and the Board of Selectmen and held by the Town of Wellesley, the Commonwealth of Massachusetts, or a non-profit conservation organization qualified to hold conservation restrictions under M.G.L. Chapter 184, Section 31-33.

The restriction shall specify the prohibited and permitted uses of the restricted land, which would otherwise constitute impermissible development or use of the open space, consistent with the Allowable Use of the Open Space subsection of this bylaw and any permits. The restriction may permit, but the Planning Board may not require, public access or access by residents of the development to the protected land.

4. Allowable Use of the Open Space. Open space used to satisfy the minimum open space requirement shall be perpetually kept in an open state, preserved exclusively for the purposes set forth herein and in the deed and/or in the restriction, and maintained in a manner which will ensure its suitability for its intended purposes. Proposed use(s) of the open space consistent with this Section shall be specified in the application. At the applicant's discretion, conservation restrictions may be placed on open space beyond the minimum amount required by this bylaw.
  - a. The open space may be used for wildlife habitat, conservation, historic or cultural resource preservation, outdoor education, active or passive recreation, community gardens, or a combination of these uses, and shall be served by suitable access for such purposes.

- b. Open space may include paved and/or developed areas to be paved or built upon (preferably, and to the fullest extent possible, using permeable pavement and other means of retaining natural hydrology) for structures accessory to the dedicated use or uses of such open space (e.g., parking to facilitate public access for passive recreation, informational kiosks, pedestrian walks, ADA access features, and bike paths) so long as the conservation values of the open space are not compromised.
  - c. Open space may include vegetated storm water management practices including swales, rain gardens, bio-retention facilities and constructed wetlands.
5. Ownership of the Open Space. At the Planning Board's determination, the open space may be owned by:
- a. A private owner for agricultural, horticultural, forestry or any other purpose not inconsistent with the conservation restriction;
  - b. A non-profit organization or agency of the Commonwealth, with their consent, whose principal purpose is the conservation of open space for any of the purposes set forth herein;
  - c. The Natural Resources Commission; or
  - d. A homeowners association (HOA) as defined herein owned jointly or in common by the owners of lots or units within the project. If a HOA is selected as the means of ownership, the following shall apply:
    - i. The documents organizing the HOA shall be drafted and approved by the Planning Board before final approval of the NRP Cluster Development, recorded prior to the issuance of building permits, comply with all applicable provisions of state law, and pass with conveyance of the lots or units in perpetuity. Each individual deed, and the deed, trust, or articles of incorporation, shall include language designed to effect these provisions.
    - ii. Membership must be mandatory for each property owner, who must be required by recorded covenants and restrictions to pay fees to the HOA for taxes, insurance, and maintenance of common open space, private roads, and other common facilities.
    - iii. The HOA must be responsible in perpetuity for liability insurance, property taxes, the maintenance of recreational and other facilities, private roads, and any shared driveways.
    - iv. The assessment levied by the HOA must be able to become a lien upon individual properties within the development.
    - v. The HOA must be able to adjust the assessment to meet changed needs.
    - vi. The applicant shall make a conditional grant to the Town, binding upon the HOA, of the fee interest to all open space to be conveyed to the HOA. Such offer may be accepted by the Town at the discretion of the Board of Selectmen, upon the failure of the HOA to take title to the open space

from the applicant or other current owner, upon dissolution of the association at any future time, or upon failure of the HOA to fulfill its maintenance obligations hereunder or to pay its real property taxes.

- vii. Ownership shall be structured in such a manner that real property taxing authorities may satisfy property tax claims against the open space lands by proceeding against individual property owners in the HOA and the dwelling units they each own.
  - viii. The Town of Wellesley legal counsel must find that the HOA documents presented satisfy the conditions above, and such other conditions as the Planning Board shall deem necessary.
- e. Selection of an ownership option other than the Natural Resources Commission shall require the following:
- i. The conveyance of a conservation restriction as outlined herein; and
  - ii. The granting of an access easement over such land sufficient to ensure its perpetual maintenance as specified in the conservation easement. Such easement shall provide that in the event the trust or other owner fails to maintain the open space in reasonable condition, the Town of Wellesley may, after notice to the lot owners and public hearing, enter upon such land to maintain it in order to prevent or abate a nuisance. The cost of such maintenance by the Town shall be assessed against the properties within the development and/or to the owner of the open space. Pursuant to G.L. Chapter 40 Section 58, the Town may file a lien against the lot or lots to ensure payment for such maintenance. Pursuant to G.L. Chapter 40 Section 57, the Town may also deny any application for, or revoke or suspend a building permit or any local license or permit, due to neglect or refusal by any property owner to pay any maintenance assessments levied.

### **Advisory Considerations**

This Motion asks Town Meeting to amend the current Zoning Bylaw by inserting a new SECTION XVIG. NATURAL RESOURCE PROTECTION (NRP) DEVELOPMENT. that would **require** Natural Resource Protection Zoning (NRP) Cluster Zoning for all land parcels that would yield five or more single residential residences if that land were subdivided. The subdivision would apply a formula that shelters primary and secondary conservation areas.

If approved, this Bylaw would complement the zoning changes proposed in Article 27, under the new Bylaw SECTION XVIF. INNOVATIVE NEIGHBORHOOD DESIGN. It would protect open space in perpetuity for large parcels of land (five or more lots) by clustering residences creatively on the site and providing for the ownership and maintenance of the open space. The Planning Board's purposes are stated clearly in the language of the Bylaw in Section A on page 249 and examples of primary and secondary conservation areas are given in Section B immediately following.

The Planning Board and Department have created a process for the subdivision of large parcels that begins when the owner/developer calculates the total number of lots (yield) available on the

parcel, applying a formula that protects (subtracts from the total acreage available) primary conservation areas in order to determine that yield. This formula is given on page 250.

For example, if the parcel to be developed was located in the L=20,000 square foot single residential district and contained 10 acres of land (A=435,600 square feet) with 30% of it protected as primary conservation area (3 acres or PCA=130,680 square feet), the formula would allow Y=13.72 (13) building lots:

$$\frac{(A-PCA)*0.9}{L} = Y = \frac{(435,600-130,680)*0.9}{20,000} = 13.72$$

The factor of 0.9 reduces the total parcel size to allow for roads and other infrastructure. Those 13 residential lots would be the maximum number allowed on that site. Additionally, the proposed Bylaw stipulates that 50% of the site must be protected as open space so the 13 single residential lots would be clustered on **no more** than five of the ten acres. The minimum open space provision in Subsection G.1 on page 254 would further reduce the buildable portion of the parcel if the parcel contained wetlands. Continuing the example above, if 20% (or 2 acres) of the total 10 acre parcel was wetlands, only half of the wetland parcel (or 1 acre) could be “sheltered” in the open space portion of the site, leaving a five acre parcel containing one acre of wetlands on which development could occur.

In order to facilitate the design process, the Planning Board calculated standards for lot sizes and setbacks for each of the five single residential districts: 10,000 through 40,000 square feet. The minimum lot size in the 20,000 square foot district, according to Table 1 in Subsection F.2 on page 253, would be 10,000 square feet. Only 3 acres would be required for the 13 10,000 square foot lots, which would allow some or all of the lots to be larger than the minimum size requirement even if the parcel contained 20% wetlands. A developer might also choose to site larger homes on the parcel, using fewer than the maximum number of lots.

Table 1 provides the sizes, setbacks and frontages for cluster development in all districts and is meant to facilitate the design process. For the most part, lot sizes for NRP Cluster Development are one-half of the lot size for a conventional subdivision. The exception is the 10,000 Residence District where using 5,000 square feet as the minimum lot size in a cluster did not allow enough buildable lot area when front, side and rear setbacks were applied to the parcel; the minimum lot size within that district was therefore set at 7,500 square feet.

The Planning Board feels that the most significant benefit of this proposed Bylaw to the Town is the preservation of open space. The Board and the Planning Department have structured design standards and thorough regulations for the configuration, use and ownership of the open space, once the number of residential lots on a site has been determined. Streets shall be designed to preserve natural topography and to preserve and enhance views and vistas. Dwellings shall be oriented to promote visual interest. As much as possible, the landscape shall be preserved in its natural state. Open space parcels with public access shall have physical and legal access from a street of not less than 20 feet in width. Shared driveways for up to three residences shall be permitted. Preserved open space shall be contiguous to the greatest extent practicable. All land set aside for open space shall be permanently protected. Ownership of and potential property tax responsibility for the open space shall be recorded as part of the subdivision plan.

The Planning Board also examined whether this proposed Bylaw would deter development or impact the owners of large parcels of land. The developers and interested Town residents who attended the public forums that the Planning Board sponsored were supportive of the Bylaw's

intent and strategic regulations. The largest private property owners, Wellesley and Babson Colleges, have indicated to the Planning Department that they have no current plans to release any of their respective acreage.

In general, Advisory believes that the Planning Board has crafted a Bylaw that is responsive to the 2007-2017 Town of Wellesley Comprehensive Master Plan Update that recommended the establishment of mandatory cluster zoning as a proactive measure to maximize and protect open space. A concern was noted that the proposed Bylaw amendment, being obligatory and not optional, might be construed as the taking of private property (as open space) without compensation, thus raising a constitutional conflict. The majority of Advisory is satisfied that past case law has supported the approach taken by this proposed Bylaw and that NRP Cluster Zoning will help to preserve the residential character of the Town.

**Passage requires a 2/3 vote.**

**Advisory recommends favorable action, 12 to 1.**

## **SUPPLEMENTAL REPORT OF THE BOARD OF SELECTMEN AND THE COUNCIL ON AGING TO THE 2013 ANNUAL TOWN MEETING**

*This report supplements the Report of the Board of Selectmen and Council on Aging to the 2013 Annual Town Meeting found in the Advisory Committee Report on page 193.*

On February 14, 2013, representatives from the Wellesley Community Center (“WCC”) met with Town officials to present a new proposal for locating the Tolles-Parsons Center (“TPC”) at 219 Washington Street, where the Council on Aging (“COA”) and its programs are currently located.

### **Wellesley Community Center Proposal**

The key elements of the proposal were as follows:

- For the WCC to construct, own and control a new building adjacent to the current WCC building to house the TPC under a lease agreement;
- To connect the new building with the current WCC building by a second floor bridge/café;
- To provide an additional 65 parking spaces at the rear of the parking lot abutting the Cochituate Aqueduct (owned by the Town).

### **Tenancy vs. Land/Building Ownership**

Currently, the Town leases space from the WCC to house the COA offices and associated senior programs and services at a rate of approximately \$80,000 per year for 810 square feet (plus access to additional spaces). It is anticipated that the WCC proposal assumes a similar tenant relationship, with the Town paying annual rent to the WCC for use of the space.

A complicating factor in the proposal as described is the ownership of the land. The property at 219 Washington Street is owned by the Wellesley Friendly Aid (“WFA”) and consists of two distinct lots. The WCC holds a lease with WFA on the land on which its building is located through 2020. The Wellesley Historical Society also has a lease on a portion of the land through 2075.

Given that the land is owned by WFA, it was prudent to explore not only the proposal as made by the WCC, but also the option of either a direct lease with WFA or acquisition. Town officials contacted a representative of WFA and inquired as to whether it would be interested in leasing or selling its land at 219 Washington Street directly to the Town so that the Town could design, construct, own and operate the TPC at that location. The WFA representative indicated that there may be interest in selling the property at fair market value. However, the full WFA Board had not been consulted.

Before moving forward with potential negotiations between the Town and the WCC or WFA, the Town determined that it would conduct its due diligence to evaluate the feasibility of the site for the TPC.

### **Summary of Due Diligence**

In order to evaluate the WCC proposal, the Town conducted comprehensive due diligence, albeit in a condensed time frame, in consult with the following Town officials:

Mike Pakstis, Director of the Department of Public Works  
Dave Hickey, Town Engineer  
Meghan Jop, Director of Planning Department  
Kien Ho, Town Traffic Engineer

Al Robinson, Town Counsel  
Hans Larsen, Executive Director, General Government Services

### **Zoning**

A preliminary zoning analysis indicates that the siting of the TPC on the WFA lot will be challenging given the required setbacks for the structure, retaining wall, and parking from the side and rear property lines. The Single Residence District, in which the property is located, has lot coverage requirements, which are limited to 15% for lots over 40,000 square feet in area. The existing 219 Washington Street lot has a total area of 80,513 square feet. The maximum lot coverage for the site is 12,076 square feet (15%). The lot is currently occupied by approximately 10,140 square feet which includes the existing WCC building and a garage. Even if the garage (approx. 817 sf) is demolished the addition of approximately 6,000 square feet for the proposed TPC would significantly exceed the allowed lot coverage. This would require a variance, which is considered unlikely.

If WFA retains ownership of the land:

- The lots (219 and 229 Washington Street) cannot be merged to avoid setback issues and increase the lot area. If merged, the site would no longer comply with zoning, given the existing structure on 229 Washington Street (the Dadmun-McNamara house), as there cannot be more than one primary use on a lot.
- The tree bylaw will require mitigation or a payment in lieu for all trees over 10" in caliper located within 10 feet of the side and rear property lines, and within the first 20 feet of the front yard setback.

If the Town acquired the land currently owned by Friendly Aid:

- The parcels could more readily be merged together as a municipal purpose.
- The parcels could be combined with some portion of the Cochituate Aqueduct (Town Land) to the north of the site, thereby alleviating some setback and lot coverage concerns and exempting the parcel from the tree bylaw.

It should also be noted the existing WCC building is nonconforming and any connection or modification to the structure would require a Special Permit Finding with the Zoning Board of Appeals.

### **Traffic**

The preliminary evaluation of traffic impact suggests the signalized intersection at the site drive will be impacted significantly. The intersection operations analysis revealed that the additional traffic added to the Washington Street eastbound left turn into the site will exceed the travel lane capacity and block the through traffic. The blockage will create a queue length that will spill back to and beyond the Washington Street / Route 9 Eastbound off-ramp intersection, which is located approximately 500 feet west of the project site. Currently these two intersections are congested even with signal coordination. The roadway capacity or travel lanes between these two intersections currently are at capacity with queue problems during the peak hour periods, therefore any additional traffic added to this section of Washington Street will further degrade the operational level of service.

Thus, access into the WFA site for vehicles travelling east on Washington Street is considered the most problematic traffic issue. The traffic volume on the main line (Washington Street) has historically precluded a dedicated left-turn phase for that approach. Even if such a phase were possible, we believe there would be insufficient queuing space for a dedicated left-turn lane. We have considered several alternatives for mitigating this problem, including:

- Access to the site via Chapel Street – This will likely not work as the short distance from the current signal at the site drive would preclude an additional signal, and here again, there would be inadequate queuing space for a dedicated left-turn lane.
- One way access at the site drive, with all vehicles exiting via Chapel Street or the Route 9 westbound on-ramp – This would ease the burden at the site drive, potentially allowing us to steal sufficient time for a leading left-turn phase, but it would still require queuing space for a dedicated left turn lane. It would also necessitate an agreement with the Congregational Church regarding traffic flow on Chapel Street (potentially including changing the current direction of traffic flow) and improvements to the Church’s parking area. In the absence of a signal at the intersection of Chapel and Washington Streets, motorists would need to cross two lanes of westbound traffic in order to make a left turn onto Washington Street.
- Two way access on the Route 9 westbound on-ramp – This would also necessitate a left-turn phase and queuing space for a dedicated left turn lane.
- Access via Municipal Way – Given the grade issues at the rear of the WFA site, this would likely require construction of a service road paralleling the Route 9 westbound on-ramp. We concluded this was infeasible, as it would force seniors to regularly negotiate the difficult intersection at the bottom of the ramp, and it would commingle TPC and DPW/MLP/Fire Dept. traffic.

### ***Parking***

While the combination of the planned parking at 496 Washington Street and the additional parking to be constructed adjacent to the Police Station is considered adequate, the WFA site appears to offer the potential of more on-site parking (assuming the setback issues can be resolved). However, the parking analysis will need to make assumptions regarding the “re-tenanting” of the WCC building following the construction of the TPC, and the attendant impact on parking requirements. Thus, it is not a simple issue of analyzing the increased parking demands of a more active senior center. The parking requirements for a potential roster of new WCC tenants and future programming activities, combined with those of a more active senior center are difficult to assess; however, if both are at full capacity, parking at the site will not be adequate.

### ***Proximity to other Town Services***

The Community Center is located in close proximity to the Hills Branch Library and in reasonable proximity to the Warren Building, which houses the Board of Health and the Recreation Commission. Currently, the Recreation Commission offers programs to seniors including fitness classes and art classes. In addition, seniors can access the Board of Health in the same building; although programming is often done by the Board of Health at the WCC. In contrast, many municipal departments and services are near 496 Washington Street. Senior housing is located across the street; the Wellesley Free Library is within two blocks and provides opportunities to enhance and expand programming for the COA; Town Hall is within one block; and the Wellesley High School, Wellesley Middle School and Hunnewell School are in close proximity, allowing for intergenerational opportunities. Morton Park is located directly across the street from the site for passive recreation and the Trails Committee is interested in expanding its trail system to access the site.

### ***Pedestrian access***

Pedestrian access to the WFA site is adequate for walkers approaching from the east on Washington Street. The intersection of Route 16 and Route 9 is difficult for pedestrians approaching the site from the west and the high vehicular speeds on the Route 9 on-ramp are a safety concern, particularly for less-mobile seniors. Conversely, 496 Washington Street is very

accessible from all directions, and the proximity to many other Town services suggests a much higher frequency of pedestrian access.

**Site development considerations**

- The retaining wall required for the WFA site is the biggest factor. It appears that something in the 18-22' height range (16' exposed 4' buried on average) will cost between \$1,000-1,200 per linear foot, or about \$400,000. There may be some options for something modular (20-25% savings), but that increases the impact to pavement and the potential need for structural fill. We note that the recently constructed MLP and DPW buildings required specialized foundations due to the presence of low bearing capacity soils, which could complicate things.
- There appears to be potential for more onsite disturbance in order to solve parking, drainage and utility issues at the WCC site. While both sites are flat, the WFA site will require more curbing, pavement repair, landscaping, etc. In addition, if the existing facility remains open during construction, this would require more coordination. On balance, these issues could add something in the range of \$150,000-200,000, depending on how drainage is solved,
- More tree removal would be required at the WFA site. We estimate 20-30 more large trees may need to be removed as compared to 496 Washington Street at an approximate cost of \$500 each, or \$12,500.
- In the event increased use of Chapel Street becomes part of the traffic mitigation plan, the Planning Board's Adequacy of the Way requirements may require upgrades (Chapel Street is a private way). Chapel Street is in good condition with proper drainage, but the water line does not loop the entire street length which can be a concern for water quality and fire flows. Pending a more detailed site analysis, it may be prudent to include 260' of water main or \$40,000 at this early stage.

**Land control / cost**

In the event it was determined necessary for the Town to acquire the land from WFA (see discussion of Zoning issues), the acquisition costs would need to be considered. The assessed value of the two land parcels (219 and 229 Washington Street, total 103,513 sq. ft.) totals \$1,110,000. An appraisal of the property has not been obtained, but it is suspected that the market value of the land exceeds the assessed value. Further, it is suspected that the market value exceeds what the Town might realize from the sale of 496 Washington Street (assuming the Town were to sell that site to offset the cost of acquiring the WFA site).

**CONCLUSION**

The BOS has weighed the pros and cons of the suitability of each site (496 Washington Street and the WFA site) based on the due diligence described above. After careful consideration of these findings, the BOS concludes that the Town is best served, both financially and in the delivery of senior services, if the TPC were built, owned and operated by the Town, on Town-owned land, at 496 Washington Street. Therefore, the BOS determined that it will not pursue the location of the TPC at the WFA site.

The BOS thanks the WCC for its continued interest in the TPC and its thoughtful proposal.

Respectfully submitted,

Board of Selectmen  
Council on Aging Board

April 1, 2013