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53 Grove Street (the “Cottage”). Additionally, as you may recall, in 2006, the Board granted a Special Permit pursuant to Section XVIB (Inclusionary Housing) of the Wellesley Zoning Bylaw (the “Bylaw”) to permit four (4) additional Assisted Units to be constructed at offsite locations, including two on a town-owned property at Boulevard Road. The previously Approved Project is summarized in the table attached as Exhibit A.

#### Town’s Preference for On-Site Assisted Units

As you know, over the past year, we have had numerous discussions with the Housing Development Corporation, the Selectmen, the Board as well as Town staff to review options and improvements to the Approved Project that may facilitate the redevelopment of the property. As a result of these discussions, we have received considerable feedback, including comments on the approved plan for the Assisted Units. Specifically, we were asked to make three significant changes relative to the planned Assisted Units: (i) that the property at Boulevard Road not be utilized for Assisted Units; (ii) that all Assisted Units be constructed on-site, the extent practicable; and (3) that the six (6) off-site Assisted Units required under the 2006 Special Permit be replaced by five (5) on-site Assisted Units with a payment in lieu of the fractional unit that is attributable to the retail space within the Project.

As you know, Town Meeting in Wellesley last month adopted the zoning map change and a Bylaw amendment that had been supported by the Board and the Board of Selectmen, that will help to facilitate the development of required Assisted Units on the site and in the Wellesley Square Commercial District generally.

#### The Resulting Modifications to the Redevelopment Project

Accordingly, in order to be responsive to these comments and the recent Town Meeting action, we have modified the plan for the Assisted Units in order for all required whole Assisted Units to be constructed on-site, within the Development Area as the term is defined under the Bylaw. The current plan contemplates the construction of five (5) Assisted Units on-site under one of two alternatives: (i) either the construction of the units in a single new multi-family building (the “Grove Building”) in place of the existing two-family building at 53 Grove Street (“53 Grove Alternative 1”), or (ii) the renovation of a portion of the Cottage as two units and the construction of a separate new 3-unit building to the rear of the 53 Grove Street parcel (“53 Grove Alternative 2”).

The latter alternative (53 Grove Alternative 2) is preferred by the Wellesley Historic Commission, but can only be built if (a) CPA funding is obtained to help defray the cost of the restoration of the Cottage, and (b) relief from the State Building Code with respect to lot line setbacks is obtained. Accordingly, as discussed with Town staff and as approved by the Design Review Board, due to the extensive time that it will take to determine whether 53 Grove Alternative 2 is feasible, we are seeking approval of both schemes, with the understanding that Alternative 2 will be built if the funding and variance are obtained, while Alternative 1 will be built if they are not. As previously noted, either alternative is preferred over the Approved Project by the Housing Development Corporation and the Board of Selectmen, as well as Town Meeting. As a matter of policy, these Boards and Committees have expressed a preference that,

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where possible, Assisted Units be located on the same site as a project's market-rate units. Additionally, locating all Assisted Units in close proximity to transit options, town services and amenities is a further important policy goal that is achieved under either alternative presented here.

In addition to locating the five (5) on-site Assisted Units on-site, we have modified the unit mix of the market units in accordance with the recently adopted warrant article, reducing the average size of the market units, and incorporating six (6) additional market units within the Washington Building (without changing the massing of this building), for a total of twenty-five (25) market-rate condominiums.

#### The Need for a New Assisted Unit Determination and Permit Amendment

As an initial matter, as a result of the addition of the six (6) market-rate residential condominiums to the project, we respectfully request that the Board make a new determination of the minimum number of Assisted Units that are required for the project, consistent with the Inclusionary Housing Bylaw and regulations. The table that is included as Exhibit A to this submittal summarizes the key changes to the project and provides a calculation of the Assisted Units that are required under the Zoning Bylaw for both the market-rate condominium component as well as the retail component.

Secondly, we respectfully request that the Board grant a modification to the previously-issued Inclusionary Housing Special Permit pursuant to Section XVIB.D.2 of the Bylaw to allow for a payment-in-lieu of constructing the fractional 0.19 of a unit that is generated from the 9,500 square feet of retail area within the project. The Board may determine that the grant of an amendment to the previously-issued Special Permit is warranted to permit for this payment-in-lieu, based upon the Board's prior findings coupled with the added benefit that now, all five whole Assisted Units shall be constructed on-site within the Development Area. Assuming the Board is to make such a determination, we understand that the amount of the cash contribution for the payment-in-lieu shall be determined by the Board in accordance with the calculation set forth in Section XVIB.E of the Bylaw.

In support of this filing, please find enclosed a revised application form, reflecting all required information set forth in the Inclusionary Zoning Regulations and a check for the advertising fee of \$50.00. The revised site plans can be referenced in the Request for PSI Determination, filed concurrently herewith.

Assuming you find this request for a new Assisted Unit Determination and Amendment of the previously-issued Special Permit per Section XVIB.D of the Bylaw to be in order, we respectfully ask that notice of this request be provided in accordance with law. We understand that a hearing date of July 8, 2013 may be available and, upon your confirmation, we look forward to reviewing our plans with the Board at this time.

Again, thank you for your assistance with this matter.

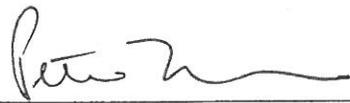
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Sincerely,

WASHINGTON GROVE LLC

By their attorneys,

Goulston & Storrs

By:   
Peter L. Tamm

Enclosure  
PLT/mjm

cc: Mr. Jordan Warshaw

**EXHIBIT A**

**Wellesley Inn Site Redevelopment  
576 Washington Street and 53 Grove Street, Wellesley, MA  
Assisted Unit Count Determination – Comparison Summary  
(Inclusionary Zoning -- Section XVII B of Zoning Bylaws)**

<b>A. PREVIOUSLY APPROVED BY INCLUSIONARY HOUSING SPECIAL PERMIT</b>						
<b>Project Component</b>	<b>Size</b>	<b>Assisted Unit Requirement</b>	<b>Calculation</b>	<b>Assisted Units Required</b>	<b>Approved</b>	<b>Special Permit Required for:</b>
1. Retail/Commercial	9,000 sf	.02 units per 1000 sf	$9 \times .02 = .18$	0.18	2 units onsite;	
2. Residential	19 units	.2 units per dwelling	$19 \times .2 = 3.6$	3.6	4 units offsite (2 on town land at Boulevard Rd; 2 at unidentified site)	Offsite assisted units
<b>B. PROPOSED AMENDMENT TO INCLUSIONARY HOUSING SPECIAL PERMIT</b>						
<b>Project Component</b>	<b>Size</b>	<b>Assisted Unit Requirement</b>	<b>Calculation</b>	<b>Assisted Units Required</b>	<b>Proposed</b>	<b>Amendment of Special Permit Required for:</b>
1. Retail/Commercial	9,500 sf	.02 units per 1000 sf	$9.5 \times .02 = .19$	0.19	Payment-in Lieu for 0.19 of units	Payment-in-lieu of constructing 0.19 unit
2. Residential	25 units	.2 units per dwelling	$25 \times .2 = 5$	5	Construct 5 units onsite	

WELLESLEY PLANNING BOARD  
APPLICATION FOR AMENDMENT OF SPECIAL PERMIT  
INCLUSIONARY ZONING (IZ)<sup>1</sup>



Town Hall, 525 Washington Street, Wellesley, MA 02181, Tel. (781) 431-1019 ext. 230. Fax (781) 237-6495 or 239-1043

Date: June 3, 2013 Filing Fee \$500: paid with prior application

Project of Significant Impact 2/13/07; amended 5/26/09 Subdivision of 5 lots or more N/A

Petitioner: Washington Grove LLC

Mailing Address: 40 Trinity Place, Boston, MA 02116, c/o Mr. Jordan Warshaw

Telephone: (617) 851-9995

Land Owner of Record: Washington Grove LLC

Address of Subject Property: 576 Washington Street and 53 Grove Street

Proposed Use of Property: Mixed-use: residential and retail/restaurant

Zoning District: Wellesley Square Commercial District Lot Area 54,834 sf (both lots)

Existing Floor Area: 3,000 sf ± Grove Building (GB) Proposed Floor Area: 4,720 sf Alt. 2 or 5,309 sf Alt. 1<sup>2</sup> (GB); 73,363 Wash. Building (WB)<sup>3</sup>

Number of Dwelling Units Proposed: 25 market units Size of Proposed Units: Variable

Number of Units on site: 30, including Assisted Units Number of Units off site: None

Commercial Floor Area: 9,500 +/- sf Residential Floor Area: 4,720 Alt. 2 or 5,309 Alt. 1 (GB)<sup>2</sup>; 63,890 (WB)<sup>4</sup>

Existing Floor Area Ratio: 0.055 (GB) Proposed Floor Area Ratio: 1.42 ± (Alt. 2); 1.44 ± (Alt. 1) combined

Existing Number of Stories: 2 story Proposed Number of Stories: 4 (WB); 2 (GB Alt 2); 3 (GB Alt 1)

Existing Building Height: 30±' Proposed Building Height: 45' max

Alternative Site Location: None

Alternative Lot Area: N/A Alternative Dwelling Square Footage: N/A

The following materials must be provided before the Planning Board can review an application:

- A written statement indicating an alternative site or sites are accessible on foot to: public transportation, community services, grocery shopping, pharmacy, public or branch libraries, parks, playgrounds, walking/hiking trails. N/A.
- A site plan showing any required assisted units proposed to be located on a site other than the development area. N/A.
- A preliminary draft of the proposed deed restriction. To be provided per Section XVIB.
- A written statement indicating why a cash contribution or land contribution is believed to be the best alternative. See attached statement regarding on-site Assisted Units and Payment-in Lieu.

<sup>1</sup> See SP granted on 1/10/06; as amended on 2/13/07, 1/25/08 and 5/26/09.

<sup>2</sup> Alternative 1 provides all 5 Assisted Units in a new building and Alternative 2 retains a portion of the existing structure for 2 of the 5 Assisted Units.

<sup>3</sup> Includes 1,377 sf Grove Street retail.

<sup>4</sup> Does not include common area.