

April 30, 2019

To: The Wellesley Zoning Board of Appeals

Re: 16 Stearns Road and 680 Worcester Street, Wellesley, MA

Please accept this letter from the neighbors and concerned community members in close proximity to 16 Stearns Road and 680 Worcester Street (now subdivided into 680-682 Worcester St) in Wellesley. In advance of the anticipated closing of the public hearing on April 30, 2019, we submit the following as:

- Our position with regard to issuing comprehensive permits
- A summary of our remaining concerns with regard to both projects
- A record of past and ongoing efforts of the neighbors

A case for denial of both permits

We believe the ZBA has every reason to deny both permits in their current form given its independent obligation to follow mandates from MassHousing and the Housing Appeals Committee's obligation to appropriately determine that which is "consistent with local needs." As evidence, the 40B guidelines state that:

The HAC's duty is to balance the regional need for affordable housing with the degree to which the project threatens public health or safety or the environment, or is seriously deficient in terms of site and building design or provision of open space.

Moreover, the written language in MassHousing's original determination of non-eligibility and eventual determination of eligibility, outlines clear expectations that scale and massing concerns would be addressed and remedied during the ZBA process.

The November 13, 2017 MassHousing determination of non-eligibility for both projects made direct reference to their lack of appropriateness and massing:

Based on MassHousing's site and design review, and in light of feedback received from the Municipality and members of the community, MassHousing cannot currently make the finding required by 760 CMR 56.04(c) for either project, namely "that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns."

...and their cumulative impact on the proximate neighborhoods:

The design issues inherent in each proposed Project are magnified by the likelihood that these two related projects, which are located in close proximity to one another, will have significant localized impacts on the small residential neighborhood located around Francis Road and Stearns Road. Each proposed Project faces challenges integrating into the surrounding residential neighborhood context.

In the case of 680 Worcester St, MassHousing determined that:

This proposal does not allow for appropriate relationships to adjacent building types, within the context of the Project's existing neighborhood. The application does not demonstrate how site constraints can allow for mitigation of anticipated impacts, at the scale you currently propose.

Although the proposed scale of the building did not change, upon resubmission by the applicant MassHousing approved eligibility for 680 Worcester St in its letter dated May 23, 2018, apparently deferring the issue of unchanged massing to the ZBA:

The Applicant should consider and assess the cumulative impacts of this Project and the proposed 40B development at 16 Stearns Road given their proximity to each other. You should be prepared to discuss relative traffic and circulation capacity, building massing and site planning techniques, and reasonable requests for mitigation.

To date, the massing still has not changed, nor has the developer been willing to explore reduction. In fact, when asked to address the obvious problem of having a 4-story building impose unreasonable shadows on an abutting 2-story home, the proposed solution was to build upward on the opposite end of the building, making it 5 stories. This will worsen the impact on the Alzheimer's Center with construction encroachment and shadowing issues, but not remedy issues prompting the original request.

MassHousing's original denial of the 16 Stearns Rd application concluded:

The conceptual Project design for 16 Stearns Road currently before MassHousing involves injecting significant new density into the middle of a well-established residential neighborhood.

In its May 22, 2018 letter, however, MassHousing approved eligibility for an application with the same basic footprint we have now, albeit one less floor. But at 24 units and 4 stories, MassHousing again deferred the burden of reducing density to the ZBA process:

The Applicant should be prepared to address Municipal concerns relative to the size, scale and density of the Project and its impact on the character of the surrounding neighborhood, and to fully describe the proposed measures to address and mitigate these concerns.

It should also be noted that MassHousing's determination of eligibility was, in part, based on the erroneous assumption that Stearns Road could be extended over a Town utility easement for a second entrance to the property. When the road extension proved not to be a valid option, the applicant again remained unwilling to reduce the scale and footprint, proposing an incongruous, second driveway with poor maneuverability and even more impervious cover across from a wetland.

The May 22, 2018 MassHousing letter also identifies the need for the ZBA process to address "existing conditions" in the context of state and federal environmental compliance:

Development of this Site will require compliance with all state and federal environmental laws, regulations and standards applicable to existing conditions and to the proposed use related to building construction, storm water management, wastewater collection and treatment, and hazardous waste safety. The Applicant should expect that the Municipality will require evidence of such compliance prior to the issuance of a building permit for the Project.

These comments emphasize the importance of the Town's initial appeal during eligibility to address the risks of disturbing soil next to a former landfill cleanup. Yet to date, no effort has been made by the developer, nor have any measures been required, to evaluate the specific environmental risks of blasting and removing 350,000+ cubic feet of untested soil next to the "existing conditions" of a capped former landfill and active AUL site.

Option to reduce density

We note that almost all of the outstanding issues identified by the board, peer reviewers and neighbors could be addressed with a substantial reduction of density and corresponding redesigns. For example, reduced density would reduce the need for underground parking at 16 Stearns Rd which would reduce the need for blasting. If the ZBA is inclined to mandate a specific density and number of units for each property, we propose a full interim review of the pro formas that includes fact-checking. To date, the developer has provided no economic justification for height waivers to allow the projects to be so tall.

Approval with conditions

Although we believe the safety issues and risks these projects present to the community are already considered extreme by MassHousing, we also acknowledge the 40B Handbook's guidance that:

ZBAs should view denial of a comprehensive permit as a "last resort" measure to be taken only when there is no practical way to approve the project with conditions.

Therefore, should the ZBA elect to approve either or both of the projects with conditions we would propose the following conditions in the spirit of the Guidelines for Local Review of Comprehensive Permits.

Health Concerns

1. Mental health

According to experts at The Newton Wellesley Center for Alzheimer's Care's corporate headquarters, both developments will have detrimental impacts on a uniquely situated, fragile and vulnerable community. The Center's April 1, 2019 letter outlines some of the threats to mental health and diminished quality of life as follows:

The Proposed Developments are a direct threat to the Center and its approximately 110 dementia and Alzheimer's residents. As one of only two fully certified dementia care centers in Massachusetts, the Center renders care and rehabilitation to a particularly fragile population in a bright and tranquil residential setting. In doing so, the Center assists each of its residents in achieving their highest practicable quality of life and level of functioning. If approved, the Proposed Developments will adversely alter this environment to the significant detriment of the Center's residents... Of great concern, the construction will require blasting less than 200 feet from the Center. Our residents require familiar and peaceful surroundings in order to maintain behavioral stability. Sudden shifts in their environment can trigger increased agitation and confusion. We fear that the sound and vibrations from the blasting will result in resident disorientation and the onset of new uncontrollable behaviors. This will impede, and potentially reverse, progress attained through the Center's treatment... Should the ZBA approve of the Proposed Developments, the quality of life of the Center's residents will inevitably decline. This cannot occur.

Proposed conditions:

- 1) The 16 Stearns Rd project should be conditioned to mitigate mental health risks by requiring no or very limited blasting, and no loud hammering or any other construction activities that could cause alarm. A plan that calls for building on or around the ledge would not require the proposed level of blasting and earth work, thus mitigating noise and disruption. Reducing the building's height to that of the existing homes would mitigate the overall impact and intensity of the construction.
- 2) Because the west-facing, 5-story side of 680 Worcester St is approximately 10 feet from the center's parking lot, and approximately 200 feet from its front door, the project should be conditioned to have a maximum height that matches other 2-story buildings that are 20' from Rt 9. This would not only reduce the noise and intensity coming from the second project, but also decrease the substantial shadowing on the abutting properties and need to encroach on them during construction.

2. Rodent Control

According to the Director of Public Health, a recent rise in rodent activity during construction has presented health issues. Per his letter dated March 22, 2019, certain measures should be established in advance.

Proposed conditions:

- 1) For both projects, the developer should be required to contract with a licensed pest control company to conduct an initial assessment of the area and provide a written document of their findings and proposal for active monitoring and abating if necessary, of any activity generated or disturbed through the process of development. The Director of Public Health has requested that this document be provided to the Health Department for review and approval.

Safety

1. Vehicular traffic, children and emergency access

For the 18 homes that have driveways on Stearns or Francis Roads, the Francis Rd entrance from Route 9 represents the only vehicular access point to the neighborhood. This presents numerous safety issues:

- During morning rush hour, up to 50 automobiles (16 Stearns Rd) driving directly into approximately 20 K-5 children who walk to the Sprague School Path at the same dead end, on a narrow street with no sidewalks.
- Frequently stopped Route 9 traffic backing up the queue of cars waiting to exit Francis Rd and blocking the driveway of 2 Francis Rd.
- A 22' Francis Rd entrance from Route 9 that is barely wide enough for two mid-sized automobiles to pass at the same time.
- The likelihood that street work, blockage, trucks at the end of Stearns Rd and excavation to upgrade the sewer lines will deny residents access to and from their homes.
- Fire Department confirmation that Francis Rd is the designated emergency access road for all accidents that occur in the nearby area, including the schools and accidents along Route 9. The existing medevac plan allows a helicopter to land on the fields and ambulances to bring trauma victims from the accident site(s) to the field (via Francis Rd +/- Stearns Rd) for airlift to hospitals.

Proposed conditions:

- 1) To mitigate vehicular conflict with children's walkways to school and limitation of emergency access to and from the Stearns/Francis roadways (area between 16

Stearns Rd and the Francis Rd egress onto Rt 9), the 16 Stearns Rd project should be conditioned to have no more than 15 parking spaces.

- 2) During construction no more than one construction vehicle should be allowed on the Stearns/Francis roadways at one time.
- 3) Before construction begins, 15 mph speed limit signs and speed bumps should be installed at the Francis Rd entrance with two more on Stearns Rd to slow trucks and work crew vehicular traffic.
- 4) During construction, a police detail should be assigned at the end of Stearns Rd during hours when children are known to be walking past the construction site.
- 5) Given the narrow widths and sharp turns of the Stearns/Francis roadways, truck sizes should be limited to 10-wheelers, but coordinated properly so no new truck can enter the neighborhood until the last one has left.
- 6) No trucks, including construction materials delivery vehicles should be permitted to idle on either street, or 680 Worcester St. No engine on either property or otherwise should be permitted to idle for more than 5 minutes, per The Massachusetts Anti-Idling Law, Massachusetts General Law (MGL), Chapter 90, Section 16A, 310 Code of Massachusetts Regulation (CMR), Section 7.11 and MGL, Chapter 111, Sections 142A – 142M

2. Blasting

The property and blast site are located directly across from the front of Sprague Elementary School, attended by approximately 420 children between the ages of 5–12, diagonal to the Alzheimer's Center and its 110 dementia and Alzheimer's residents, and surrounded by an abutting walking path, school parking lot, a playground, multiple playing fields and single family houses. The core blast area is on the southeast property line within 50 feet of the neighbor's playhouse and play area. Page 13 of the Blast Plan states:

Heavy matting is often a contributing factor to the most common causes of misfires. These include: undetected breaks; faulty signal connections and damaged or pinched signal conduit. Physical signal connection and continuity verification and careful placement of blasting mats reduce associated risks. Although misfire probabilities will be minimised, a misfire possibility cannot be absolutely ruled out.

According to several news articles, Maine Drilling and Blasting is immersed in widespread damage claims and has a poor record of accountability.

Under the provisions of 527 CMR 13.09, if blasting is proposed within 250 feet of a state highway, a Blasting Plan must be submitted to the MassHighway Geotechnical Section in Boston for review and approval. The property line of 16 Stearns Road appears to be within 250 feet of Route 9.

The frequency at which natural gas leaks have been serviced along the stretch of Route 9 in front of 680 Worcester St, and age of the existing gas lines beneath Stearns, Francis, School

and Oak Streets raises concerns that blasting may further damage or put sudden pressure on nearby gas lines.

Proposed conditions:

- 1) Reinforcing the proposed conditions noted in the health section, the risks of misfires within a congested, active but delicate community should be mitigated by conditioning no or very limited blasting at 16 Stearns Rd.
- 2) If the use of a hydraulic hammers will alternatively reduce the risk of injury further, we request the Board to consider minimal hydraulic hammer use over blasting.
- 3) Given concern over the blaster's accountability, the developer should be required to provide the town and abutters with a written document assuming liabilities from blasting-related activities that are not covered or properly remedied by the blaster.
- 4) Because most homes in the Stearns/Francis neighborhood have basement water, leaks and seepage issues, the pre-blast survey should include before-and-after assessments to predetermine specific liability for foundations if changes to water levels occur.
- 5) If 16 Stearns is determined to be within 250' of Route 9, the developer should be required to obtain an approved Blasting Plan from the MassHighway Geotechnical Section in Boston.
- 6) The Town and developer should engage in a study to assess how and where seismic waves from the blasts could adversely affect the safety of the Sprague community's natural gas pipelines and infrastructure.
- 7) In addition to the blasting communications protocols described in the site plan, the project should be conditioned to include daily coordination with all town-sponsored leagues, sports teams, community groups, school officials (Sprague and WMS), the superintendent, DPW, post-school programs, bussing coordinators, special needs groups and all points of contact that may have variable plans that involve use of Sprague School and/or the fields.

Environmental

1. Proximity to former landfill

Up to 25 truckloads a day will remove 351,000 cubic feet of blasted ledge and soil from 16 Stearns. The blasting will occur on a lot 15' from the former landfill (1938-1955) and MA-supervised cleanup of PCBs, an EPH and 5 types of PAHs (2003-2009) at the Sprague fields. The landfill is now capped and subject to an AUL "restricting future uses involving construction/excavation, residential and childcare for children less than 6 years old."

These "Historical Soil Concerns" were raised by the Town during the eligibility process as follows:

The project site is located within close proximity to a landfill remediation site located at Sprague Field. Given the proximity to McCracken Brook

Culvert, and the amount of fill proposed for removal, the Town believes the site should conduct a 21E to verify the soil at lower levels has no contamination from the historic landfill located adjacent to the property.

This issue has raised serious concerns within the community about public health and safety risks, and the need to further evaluate the possibility of contamination spread and/or compromising of the cap. The 15' separation between 16 Stearns and capped landfill with AUL has also raised much community doubt as to whether the lot is appropriate for dense residential housing.

According to the Board of Health's records, one area between the cap and backyards of the homes on Stearns Rd was once a designated storage area for incinerated ash. Along with concerns about the potential spread of airborne contaminants, any shifts in the groundwater could have a devastating effect on the Stearns/Francis neighborhood which already sits above a natural spring, has high levels of cancer, a high water table and leaking basements that require sump pump or other water mitigation systems.

Issuing the 16 Stearns Rd permit without appropriate study and any appropriate mitigation measures presents a potential liability to the Town under Chapter 21E.

Proposed conditions:

- Aligning with the proposed condition above regarding reduced density, the volume of ledge and soil removal should be limited to a small fraction of what is proposed.
- We reiterate our request for the Town to retain, or require the developer to retain, through a fair selection process, the services of a third party LSP/geotechnical expert to evaluate public health and safety risks that may arise from the blasting, excavation and removal of earth, regardless of the volume.
- Given the history, proximity, and Town's position above, a 21E should be conducted to test for low level soil and groundwater contamination.
- The site management plan's acknowledgement of the importance of keeping dust to a minimum should be augmented by conditioning of air monitoring for particulates. A minimum of three particulate monitors (such as Dust Tracks) should be positioned at the site perimeter, two downwind and one upwind, keeping the direction of potential receptors in mind. Engineering controls (such as additional wetting) should be implemented if published levels for allowable particulates in the air are approached or exceeded. This would give nearby receptors some assurance and reduce the developer's liability.
- The developer should be required to run analytics on all soil designated to be shipped to another site while it is still at 16 Stearns Rd. The exterior and wheels of each truck leaving the site should be fully cleaned and covered to prevent dirt from being tracked out onto the street.
- Unless third-party/LSP testing for contaminants is completed prior to excavation, and none are found, the developer should be required to adequately test (or retest) the soil and groundwater for contaminants after any soil and ledge are removed and before building construction commences.

2. Wetlands

Regarding the wetlands on the Alzheimer's Center property behind 680 Worcester St., the Negative Determination of Applicability letter dated December 15, 2015 from the Wetlands Protection Committee expired on December 18, 2018. according to the Town's Wetlands Administrator "the 2015 Negative Determination may have been incompletely evaluated" so she has "recommended the area be evaluated by an engineer to see if it meets a size threshold; if so, there are specific performance standards for development that can alter Land Subject to Flooding."

Proposed conditions:

- 1) For 680 Worcester St, the applicant should be required to request a new Wetland Delineation so current engineering calculations, evaluations of vernal pool presence, volume thresholds and any other jurisdictional criteria used to define an isolated land subject to flooding (ILSF.) Calculations should include the probable runoff from the proposed impervious cover on both sites.

Design

680 Worcester St

Despite multiple deficiencies in the design, scale and flow of the 680 Worcester St design, the most substantive change—adding a 5th story by taking density from one side of the 4th story—has created worse shadowing and constructability issues on the west side without mitigating the original shadowing issues on the east. Aside from being 2 stories taller than any nearby buildings on Route 9, the setbacks on the east and west are unreasonable, regardless of height. On the east side, the west-facing sun porch at 676 Worcester St will be effectively rendered useless. On the west side, it seems unrealistic that a 5-story building can be constructed without utilizing and disrupting the Alzheimer's Center's parking lot that is 10 feet away, or risking harm to people and parked vehicles. The box-like structure has no architectural commonality with the single-family colonial neighboring homes and the minimal efforts to add articulation are only featured on the north (Route 9-facing) side.

With regard to massing, architectural peer reviewer Cliff Boehmer stressed the importance of having the developer submit three-dimensional models to the ZBA to fully demonstrate the buildings' impacts to their surroundings, but none were provided:

Opportunities for alternative shaping its massing are best studied with a three-dimensional model that includes enough neighboring typography and buildings to make judgements about fit in the existing context. This should be provided to the ZBA for their review.

16 Stearns Rd

Along with the common theme of density as described in previous sections, in the context of 16 Stearns Rd design, the current, walkable school neighborhood dynamic will largely cease to exist. As stated by Cliff Boehmer:

The nature of Stearns Road...which is the only access to the development...will significantly change. Currently there are no sidewalks on the road, and the driving area is used as the walkway for residents and for others passing through to access the walking path at the end of the street. The occupancy of the street will change from 8 families to 32 families. In essence, Stearns will become the driveway for the new development.

The cubic area of the east-side neighbor's 2-story home would fit inside the 16 Stearns building 50 times. The removal of 351,000 cubic feet of earth is deemed necessary to accommodate a 4-story building but will create a steep drop-off in grade. The tall, opaque fencing proposed to reduce the visibility of headlights from cars in the circular driveway will diminish the current feeling of openness, further segregating the building from the neighborhood and the neighborhood from Sprague School.

Proposed conditions:

- As stated above, reduced density is essential for both proposals. In the context of design, reducing the height, setbacks and number of units and automobile traffic will reduce the visual impacts, noise and circulation issues discussed throughout the ZBA hearings. As noted above, the developer has provided no economic justification for height waivers that justify buildings of these sizes.
- To mitigate noise and circulation issues the 680 Worcester St project should be conditioned without "stacker" parking.
- Because the Stearns/Francis roadways will face significant wear and tear throughout the 16 Stearns Rd construction, the developer should be required to repair and re-pave both upon completion of the project.
- To maintain adequate water pressure for the current residents and facility, the 6 inch water main should be looped at the end of Stearns Rd, solely at the expense of the developer.
- As stated by Cliff Boehmer, a radon mitigation system should be incorporated into the 16 Stearns Rd design.
- To ensure compliance with parking restrictions at the Alzheimer's Center, the Sprague parking lot and on the Stearns/Francis roadways the developer should agree to penalties for parking violations during construction and be required to post a bond to cover fines imposed on construction workers and construction vehicles.
- The project should be conditioned such that no blasting will be permitted at the 16 Stearns Rd proposal's current height.
- Per comments from the NRC, 2 Public shade Trees (8 Inch red maple and 18 Inch red maple) are identified in the Town's tree census. No waiver to Mass General Law

Chapter 87 was requested. The developer should be required to apply for a public shade tree hearing to remove trees within the right of way.

Remaining concerns regarding the process

Globally, it should be conditioned that any time conditions are violated, and/or damages to neighbors' properties or belongings occur, all work will be halted by the Building Department or Police Department until the violation or necessary remedy is fully resolved.

The developer should be required to demonstrate relative experience managing construction projects of this size and scope. When case studies were requested by the Board during numerous hearings, his representative agreed to supply them but never did. Aside from a home subdivision and townhouse project that was taken over from another developer, the only "development properties" shown on the developer's website are renderings of the proposed 16 Stearns and 680 Worcester buildings.

To relieve 680 Worcester St from failing erosion and sediment control measures and discharging into storm drainage, if the decision enters the appeals process, the developer should be required to remove unpermitted construction materials, including the foundational barriers and gravel piles currently being stockpiled on the property. The developer should also be required to replace any protected trees that were cut on 682 Worcester St.

Past and ongoing efforts by the neighbors

Despite our best attempt at assembling reasonable conditions, we do not believe either of the two proposals in their current form, can be conditioned in a way that protects the health and safety of the community, or addresses critical design, spatial and constructability concerns.

These projects began two years ago when Mr. Derenzo inquired about creating multiple single-family subdivisions on 16 Stearns Rd but became frustrated with the former Planning Director's adherence to zoning regulations. As a response he came back with an 81' high proposal for what would have been the tallest residential structure in Wellesley, then purchased 680 Worcester St from SEB and resubmitted the same design SEB had recently abandoned.

While neighbors were making multiple attempts to contact Mr. Derenzo to engage in a dialogue about alternative solutions, he was only interested in communicating with the owners of the house that sits between the two properties and could have enabled access to Stearns Rd directly from Route 9. At no point in the past 2 years has he been willing to explore a mutually beneficial outcome with a neighborhood that is 100% behind creating a reasonable affordable housing solution. Last year, on his second attempt to gain eligibility, MassHousing informed Mr. Engler that it would not be granted without arranging a

meeting to have collaborative discussions with the neighbors. When asked, at the meeting if any of our concerns would result in a reshaping of the plans, he simply said "no."

As the 180-day ZBA hearing period comes to a close, there have still been no substantive changes to the densities of the buildings, which, in turn, cannot be conditioned in a way that is safe for their surroundings. These are essentially the same manifestations of frustration they were 2 years ago, with health and safety issues that do not outweigh the community's need for affordable housing.

Though we remain hopeful that productive affordable housing solutions may somehow materialize on one or both properties, we will continue to appeal the issues listed above to our local, state and federal governments with the hope that due process can guide the way to a more positive outcome.

Attached please find documents and correspondence referenced above that are not already posted on the Town's website.

Respectfully submitted,

Residents of the Stearns Road/Francis Road neighborhood (listed below)

Don and Joy Renjilian-Burgy

Lynda Cristiano

Lara and Stephen Bruno

Lily Zhao

Haidong Wu

Janet and Chris Hassett

Sarah and Troy McRoberts

Quentin and Randi Walsh

Joseph Perdoni

DD and Max Marcoux

Carla Shea

Anne Lehman

Mark and Bethann Coppi

Jim Goodhue

Marie Natoli

Kathy Severson

Svea and Scott Fraser

Jennifer and Vincent Starck

Deb and Pete Buhler

Nicky and Joe Assan

Marcia Ryan

Rob Kaeneman and Sneha Patel-Kaeneman

Wendy and Andrew Sheu

Residents of Oak Street (listed below)

*Jean and Kevin Walsh
Kuangshin & Cathy Tai
Glenn and Elizabeth Meister
Kara and Chad Dooley
Trevor and Jillian Larkan
Sridhar Tallapragada and Sweta Gupta
Ellen and Alan Korpi
Peter Wier
Irene and Shu Raun
Susan Fay and David Spielman
Felix Gurevich and Inna Levich
Krista Chow and Michael Hamlin
Barbara A. Kaufman and James A. Kaufman
Varant Kupelian and Hillary Keenan
Bei Zhang
Leah and Anthony Cinelli*

Residents of School Street (listed below)

*Paul and Anne Cremonini
Mike Vogel and Julie Covino Vogel
Sumit and Nita Chattopadhyay
Glynis and Adam Gould*

Residents of the College Heights neighborhood (listed below)

*Eunice Groark
Scott Lainer*

The Massachusetts Anti-Idling Law

**Massachusetts General Law (MGL), Chapter 90, Section 16A,
310 Code of Massachusetts Regulation (CMR), Section 7.11 and
MGL, Chapter 111, Sections 142A – 142M**

The Statute, MGL, Chapter 90, 16A says:

“No person shall cause, suffer, allow, or permit the unnecessary operation of the engine of a motor vehicle while said vehicle is stopped for a foreseeable period of time in excess of five minutes. This section shall not apply to:

- Vehicles being serviced, provided that operation of the engine is essential to the proper repair thereof, or
- Vehicles engaged in the delivery or acceptance of goods, wares, or merchandise for which engine assisted power is necessary and substitute alternate means cannot be made available or,
- Vehicles engaged in an operation for which the engine power is necessary for an associated power need other than movement and substitute alternate power means cannot be made available provided that such operation does not cause or contribute to a condition of air pollution.”

The Regulation, 310 CMR 7.11, tracks this language.

Note: the regulation applies to all motor vehicles.

Penalties

- Penalties can range from \$100(MGL Chapter 90, Section 16A) to as much as \$25,000 (MGL Chapter 111, Section 142A);
- Drivers and/or companies can be held responsible for paying the fine;
- Local police have the authority to enforce the law, as do health officials or other officials who hold enforcement authority.

The goal of the Massachusetts Anti-Idling law is to improve air quality by reducing unnecessary air pollution from idling vehicles. The law limits unnecessary engine idling to five minutes. Drivers sometime wonder when idling might be considered necessary. The following questions and answers are intended to help drivers determine when engine idling could be considered necessary and when they should shut the engines down.

Why is there an anti-idling law?

It's basic common sense: there is already too much pollution in the air. Massachusetts consistently has days when air pollution exceeds ozone standards.

Is all engine idling prohibited?

No. While the law does prohibit unnecessary idling, it also recognizes that there are times when idling is simply unavoidable and lists three specific exemptions: when an

engine is being repaired and operating the engine is necessary for the repair; when a vehicle is making deliveries and associated power is necessary; and when the engine is used to provide power to another device.

What are some examples of how the exemptions work?

The two more common situations facing most drivers are the exemptions allowed for making deliveries and to run a device that does not have its own power. Common sense will help drivers determine whether engine idling is necessary or not.

- *Deliveries:* School buses that must run their engines to operate flashing lights while picking up or dropping off passengers are a good example of necessary idling. State law requires the operation of flashing lights while loading and unloading children at school or on regular school bus routes. With no other power source to operate the lights other than running the engine, idling the engine is necessary.
- *Additional devices, or auxiliary power units:* Refrigerator units on trucks with perishable goods or vehicles operating special equipment, such as a lift on the back of a truck to move goods in and out of the truck or wheelchair lifts in buses or vans that may require engine power to operate are common examples of equipment that are operated with the engine power. Another example might include “bucket” trucks that allow a worker to reach wires on telephone poles or tree branches for trimming.

Are there other times when it's OK to idle not listed in the law?

The law prohibits unnecessary idling, then lists three exemptions to that rule. So there are other times when idling is permitted as long as the idling is absolutely necessary.

For example, running the engine to operate the windshield defroster to clear a windshield of ice on an extremely cold day is a good example of necessary idling. It's a safety problem if you cannot see where you're going and if the windshield is not warm enough to melt snow and freezing rain while driving. Running the engine while actively clearing snow and ice off the vehicle and to warm the windshield and interior of the vehicle is necessary idling.

Our common sense also tells us that heaters and air conditioning units almost always bring the vehicle's interior into a comfortable range in a short time. We also know that heaters and air conditioning units work faster when the vehicle is being driven, not when it is left idling. So most vehicles, most of the time, will reach a comfortable temperature within the first five minutes of driving. Some heavy vehicles, such as buses or trucks, may need some additional time to bring interior temperatures into a comfortable range.

What are a few examples of unnecessary idling?

- Sitting in your car in a parking lot with the engine on during mild or cool weather is unnecessary. The interior of your car will stay warm for 5 to 10 minutes on all but the coldest days.
- Leaving the vehicle running while unattended to let the heater warm it or the air conditioner cool it for extended periods of time is unnecessary idling (it is also in

violation of motor vehicle law). Five minutes should be the maximum amount of time unless weather conditions are extreme, and the engine should not be left running while the vehicle is unattended for any length of time.

- Operating devices not related to transporting passengers or goods. Letting the engine run for an hour or more to play a movie or to charge a cell phone causes unnecessary pollution, is a nuisance for others nearby and puts excessive wear and tear on the engine.

Am I causing more pollution by stopping and starting the engine?

No. Once the engine has warmed up, an idling engine causes more pollution by running than by stopping and starting up again. Studies indicate that the trade-off for light- and medium-duty gasoline powered vehicles is about 10 seconds (i.e. the vehicle will produce more pollution idling longer than 10 seconds than it will by shutting down and restarting the engine). The time trade-off on medium- and heavy-duty diesel engines is about 30 seconds.

Won't I wear out my starter if I keep stopping and starting the engine?

Fleet managers of companies with strict anti-idling policies report that they do not replace starters in their vehicles more frequently than vehicles that are left running for extended periods. In fact, more damage occurs to engines that are left idling over long periods of time.

Who would I complain to if I see a vehicle idling unnecessarily?

The best place to start is your local Board of Health. Other possibilities include local police, DEP or the EPA. Enforcement personnel cannot respond to every complaint about idling vehicles, and there are instances when it is not obvious why a vehicle needs to idle longer than five minutes.

But many of the complaints about excessive idling are about the same vehicles in the same locations routinely left idling, many times out of habit. For people living or working near those vehicles the exhaust that they are subjected to is not just a nuisance, it's a real health problem.

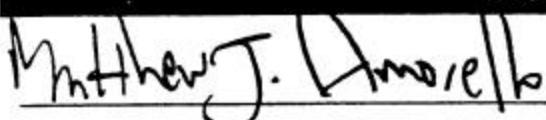
Where would I find copies of the law and regulation?

The law is Massachusetts General Law (MGL) Chapter 90, Section 16A and the regulation is 310 Code of Massachusetts Regulation (CMR) 7.11. The wording is the same for both the law and the regulation. Enforcement authority and fine structures differ somewhat between the law and the regulation.

Do the Anti-idling law and regulation apply to all vehicles?

The law and regulation apply to all motor vehicles. All motor vehicles contribute to air pollution and can create a nuisance if the exhaust is affecting others. Why should people be allowed to pollute the air unnecessarily?

Source: Massachusetts Department of Environmental Protection, 2007 Idling Reduction Toolkit.

POLICY DIRECTIVE

COMMISSIONER

MassHighway Requirements for Blasting Adjacent to State Highways**General Requirements**

The use of explosive materials (blasting) in Massachusetts is governed by the State Fire Marshal's office under the provisions of 527 CMR 13.09. Therefore, all blasting within or adjacent to state highway layouts or state highway facilities must be performed in accordance with these provisions.

In addition, any proponent wishing to use explosive materials within 250 feet of a state highway must coordinate their efforts with the appropriate MassHighway District Office and the MassHighway Geotechnical Section prior to performing the blast(s). The District Permits Engineer shall be the primary MassHighway contact person for all blasting activities.

Geotechnical Section Requirements

If blasting is proposed within 250 feet of a state highway, a Blasting Plan must be submitted to the MassHighway Geotechnical Section in Boston for review and approval. The District Permits Engineer shall be responsible for forwarding all documents between the proponent and the Geotechnical Section. The Blasting Plan must contain the following:

- A site plan showing the proposed area(s) of blasting and the locations of any MassHighway roadways/structures within 250 feet.
- Sequence and schedule of blasting rounds, including the general method of developing an excavation.
- Detailed blast design information, including hole spacing and delay pattern, diameter and depth of each hole, type and amount of stemming in each hole, and loading information.
- The proposed location of the seismograph(s). A minimum of one seismograph must be used during all blasts.

In addition to the Blasting Plan requirements, the Geotechnical Section requires the following for all blasts proposed within 250 feet of a state highway:

- Blast areas must be fully covered with blasting mats, soil berms or other physical means to eliminate flyrock during blasting.

- The Geotechnical Engineer must be notified at least 48 hours prior to the start of blasting so that the Geotechnical Section may perform on-site monitoring of the initial blast, at a minimum. The proponent is responsible for notifying the District Permits Engineer, who shall then notify the Geotechnical Engineer.
- A pre-blast survey must be completed on any MassHighway structure within 250 feet of the blast area.

District Office and Traffic Management Plan Requirements

If blasting is proposed within 250 feet of a state highway, MassHighway, the State Police or the local Fire Chief may require traffic to be stopped. In these cases, a Traffic Management Plan (TMP) must be submitted to the District Permits Engineer for review and approval by the District Traffic Engineer. A copy of the approved TMP should also be forwarded to the State Police, who have primary jurisdiction for ensuring safety on state highways.

If the roadway needs to be closed during blasting:

- State Police, local Police, local Fire Chief, proponent, proponent's engineer, MHD District Permits Engineer, MHD District Traffic Engineer and MHD Geotechnical Engineer should participate in a site meeting to review the proposed blasting and safety requirements.
- The TMP shall be in accordance with MUTCD Part VI, Figure TA-2, with additions as deemed necessary by MassHighway.
- Blast times may be restricted according to traffic counts and other factors impacting nearby businesses, residences, schools, etc. The proponent's engineer shall submit calculations estimating the stopped queue length and average delay times.
- Advance notice should be given via Changeable Message Signs (CMS) on each side of the roadway for one week in advance of the blasting. The messages should be revised during the blasting period. The CMS shall be located at a point in advance of the longest calculated queue for the traffic stoppage. The number of CMS will be determined on a case-by-case basis.

<u>One Week Advance</u> (sample)	<u>During Blasting Period</u> (sample)
BLASTING BEGINS (9/4/98)	BLASTING AHEAD (10AM-2PM)
(10AM-2PM) EXPECT DELAYS	BE PREPARED TO STOP

- Ten minutes prior to each blast a rolling stop barricade will be prepared under the direction of the State Police. There should be one detail cruiser per lane in each direction and one officer in charge. Once traffic is stopped, cones supplied by the proponent may be positioned across the roadway at the discretion of the State Police. At least one detail cruiser will remain in each direction to maintain the blockage. Any remaining details may be used to assist with intermediate driveways or at the rear of queues. A minimum of 3 detail officers will be required for a 2-lane roadway, 5 for a 4-lane roadway, 7 for a 6-lane roadway, etc.
- Traffic should remain stopped for about three minutes while blasting takes place. Traffic will resume when the road is safe for traffic to pass.
- The proponent shall provide for road cleaning equipment and crews to be stationed as necessary for immediate emergency clean up.
- The proponent must notify the District Permits Engineer at least 48 hours prior to the initial blasting. Upon receiving such notice, the District Permits Engineer shall notify Smart Routes, the MassHighway Geotechnical Engineer and other MassHighway personnel involved in monitoring the blasting operations.
- The proponent must provide advance notice to all businesses, residences and other occupied facilities within 250 feet of any proposed blast, and should provide additional advance notice to all affected facilities within 1,000 feet of such blasts. Notices should be published in local newspapers and flyers should be distributed to each affected facility and posted in highly visible locations.
- The State Police officer in charge shall coordinate with the blaster in charge and shall give final blast approval.
- The State Police will be the contact agency for all police details. They will notify local police details.
- The State Police and MassHighway shall monitor the initial blast. Revisions to the Traffic Management Plan, Changeable Message Signs, etc. may be required as deemed necessary.

October 3, 2017

Katherine Miller
MassHousing
One Beacon Street
Boston, MA 02108

RE: 16 Stearns Road, Wellesley, MA Site Eligibility Response

Dear Ms. Miller:

Please accept the comments in this letter from the neighbors to the 16 Stearns Road 40B proposal as an addendum to the Town of Wellesley's response.

As residents of the Stearns Road, Francis Road and proximate Worcester Street neighborhood, we unanimously support the town's positions with regard to this proposal's obvious health, safety, constructability and destabilization issues. Given that 16 Stearns Rd. is within 70 yards of the pending proposal at 680 Worcester St, we request that your office further review our original concerns about that site, along with the concerns about 16 Stearns Rd listed below, to assess the cumulative impact of both as you consider eligibility.

The two projects combined, for example, will more than triple the amount of residences in the neighborhood on approximately 1.5 acres of land. They both at least double the height of all surrounding buildings but in close proximity to each other, and at 81', 16 Stearns Rd. will be the tallest residential building in Wellesley.

We oppose this proposal for many of the same reasons we oppose the similarly out-of-scale pending proposal at 680 Worcester St. (see attached petition dated 7/16/17), but list additional concerns for 16 Stearns Rd. below.

Destabilization of abutters and neighborhood

The tactics by Jay Derenzo, the single-family home builder and owner of both properties, represents clear and flagrant abuse of the 40B statute, and raise serious concerns and questions about his motivations and ability to manage a project of this scale. Rather than submitting a proposal that is appropriate for the land and its surroundings, with reasonable plans to mitigate obvious health and safety risks, he has attempted to use the combined threat of two simultaneous, out-of-scale 40B proposals as economic intimidation, approaching owners of abutting properties from a position of strength with offers to purchase their now devalued land.

Aside from those attempts, neither Jay Derenzo or his consultant, SEB, LLC, have engaged the neighbors with any kind of outreach or communications since the property was purchased in July, 2016, despite attempts to reach Mr. Derenzo by

phone and email. Multiple requests, through his staff, to repair a section of road that was removed in front of the property have been ignored since November, 2016.

Safety/traffic

The prospect of up to 78 automobiles entering Stearns road at its dead end on weekday mornings represents an unacceptable and uncorrectable danger to our children. During rush hour, this traffic will be driving directly into a migration of 20+ K through 5th grade students that accesses Sprague school path at the end of Stearns Rd. to be in class by 8:30am. (The Sprague path is also used by children and parents in surrounding neighborhoods.) Additional foot traffic to Wellesley Middle School will be walking with the automobile traffic on Stearns Rd. but against it on Francis Rd. without the safety of sidewalks. (See attached map.)

The developer and consultant seemed to realize this obvious safety issue for the first time when the question was raised at the site walk, and the consultant could only offer that more thought would need to be given to it in the future, and that we should assume that many of the residents would be working from home or not contributing to increased traffic volume during peak traffic hours.

Health/water and soil

With an existing high water table that already requires sump pump and other water mitigation systems in almost every home, the stormwater and rising groundwater concerns are significant. In addition to the culvert issues and potential for increased homeowner damage, the end of Stearns Rd. commonly freezes over during periods of snow melt during the winter months.

We are further alarmed at the combined effect of rising water levels and significant soil disturbance, acknowledging that the area is built on landfill and neighboring property owners have excavated pollutants from the soil on recent occasions. The spreading of hazardous waste through our water systems could have a devastating affect on the population and the wetlands between the two properties.

Affordable housing progress/resident level

Our modest but close-knit neighborhood is one of the most diverse in Wellesley, and happens to be strongly united in its support for affordable housing. Our passion for problem-solving on the issue, and real-life education, inspired us to work with the town on a grass roots level to educate residents and expedite progress. Our partnership with town government has helped to amplify the need for improvement and bring various boards and residents to the table. With our Housing Production

Plan underway, we look forward to helping the town identify appropriate land to develop, before and after we are certified.

To meet those objectives and follow our mission, we recently launched [Our Affordable Wellesley](#) - a forum dedicated to helping the community construct a brighter "affordable future." The [website](#) and outreach efforts promote our [mission](#) and are dedicated to engaging residents on affordable housing topics. Our [Facebook community](#) encourages the open sharing of facts, ideas and opinions.

The offense we take at those who abuse the 40B statute and spirit of affordable housing for profit alone comes from our contrasting, sincere interest in elevating quantity and quality of affordable housing in our town. While we welcome the idea of affordable housing that assimilates to residential surroundings, it should be noted the the developer of 16 Stearns Rd. and 680 Worcester St. is also a Wellesley resident but passed on opportunities to purchase property in his own neighborhood for 40B development.

For the reasons set forth in the town's responses to the 16 Stearns Rd. proposal and 680 Worcester St. proposal, along with those included in this letter and the attached neighborhood petition dated 7/16/17, we respectfully call on MassHousing to uphold its commitment to protecting the health and safety of the future and current residents of our neighborhood by rejecting site eligibility.

Respectfully submitted,

Residents of the Stearns Road/Francis Road neighborhood (listed below)

Don and Joy Renjilian-Burgy

Lynda Cristiano

Lara and Stephen Bruno

Janet and Chris Hassett

Quentin and Randi Walsh

Joseph Perdoni

Rob Kaeneman

Sneha Patel-Kaeneman

Nabil and Marie Richa

DD and Max Marcoux

Carla Shea

Anne Lehman

Mark and Bethann Coppi

Marie Natoli

Kathy Severson

Svea and Scott Fraser

Jennifer and Vincent Starck

Deb and Pete Buhler

Nicky and Joe Assan
Molly and Micah Shrewsberry
Marcia Ryan
Wendy and Andrew Sheu

(Submitted 7/16/17 with Town of Wellesley's response to 680 Worcester St. application for eligibility)

**A Petition
To the Board of Selectmen and the Zoning Board of Appeals
of the Town of Wellesley:**

We, the residents of the Stearns Road, Francis Road and proximate Worcester Street neighborhood are vehemently and unanimously opposed to the proposed development of the 20 unit, four story apartment building at 680 Worcester Street.

We are deeply concerned about the following issues that the proposed project presents:

HEALTH:

- Sanitation - sewage capacity, trash removal and overflow and rat infestation of the neighborhood likely to be caused by any disturbance to nearby sewage lines
- Noise and lack of privacy caused by the scale of the development
- Density of the development and anonymity of transient tenants
- Psychological impact on immediate abutters caused by loss of privacy due to height and proximity of the proposed structure

SAFETY:

- Emergency access for fire, police and ambulance services
- Automobile traffic and traffic congestion in the neighborhood and along Route 9 during and after construction
- Constructability -- no apparent room on the site for construction machinery and parking of construction teams' vehicles without presenting hazards and disruption to Route 9 and the neighbors
- Line of sight obstruction for cars exiting Francis Road onto Route 9, particularly during the winter when large mounds of snow accumulate on both sides of the Francis Road entrance and other driveways along Route 9
- Parking for delivery vehicles servicing the apartment complex

- Reduced health and safety assurances from doubling the neighborhood size with non owner-occupied units
- Safety of building residents living in immediate proximity to heavy vehicular traffic where the speed limit is 50 mph
- Twenty-nine children in the neighborhood and many more from the surrounding area, playing in yards that would abut an active, large-scale construction site
- Hazards to the designated Stearns road path to Sprague School used by our children and those in surrounding neighborhoods
- Frequent flooding and forming of ice at the end of Stearns Road and start of path to Sprague School would likely increase from increased runoff water

ENVIRONMENTAL:

- Storm water drainage
- Pollution from snow melt due to storage along the back property line of snow and ice removed from the proposed parking lot and the removal of snow barriers created by plowing of Route 9. Environmental pollutants contained in this snow (salt, sand and engine oil from parking garage) will leech into abutters' properties and the Stearns Road area.
- Wetlands disruption -- The wooded area at the end of Stearns Road has always been understood to be a wetlands area. Regardless of the current official designation this area, and the neighborhood in general frequently experience both standing water and a very high water table during the spring snow melt and heavy rain. There is a long history of flooding of many neighborhood basements.
- Further destruction of trees – The owner/developer of this property purchased another property within close proximity to 680 Worcester Street (16 Stearns Road) within the last year, and following a tear-down of the existing home, most of the trees on the lot, including 22 within town setbacks, were removed. Since then, three large, newly-unprotected trees on nearby lots have already fallen unexpectedly, taking down power lines, fences and tree houses. At 680 Worcester Street, mature trees now acting as a visual barrier between the property to be developed and nearby homes would also need to be removed to accommodate the extreme size of the building's footprint, and impossible to replace.

- Impact on wildlife (birds, deer, turkeys, foxes, rabbits, squirrels and chipmunks either live in or frequently visit this neighborhood). The likelihood of two large-scale construction projects in our small neighborhood at the same time would double the impact on the wildlife and wetlands.

DESIGN:

- The proposed project is totally out of scale in a neighborhood of small single family homes
- The proposed physical structure does not adequately or responsibly provide its future occupants with a real opportunity to feel integrated with a community that was constructed under strict, single-family zoning laws. The property offers no direct access to Sprague School so children would be forced to walk along Route 9 each day during rush hour traffic.
- Setbacks of less than 12 feet and in one area less than 7 feet results in unacceptable proximity to abutting property lines and to the high traffic of Route 9
- Height of the proposed building, overlooking abutters
- Shadows on neighboring homes during daylight hours and exterior light during evening hours
- Above-ground patio (would result in noise and elimination of existing privacy)
- Architectural compatibility

LOCAL CONCERNS:

- Lack of adequate on-site parking will inevitably result in overflow of guest parking onto Francis and Stearns Road
- “Locust effect” of a project that would spawn similar buildings along Route 9 are not consistent with local needs and concerns
- Physical disruption of neighborhood properties. Upgrading the sewer lines to accommodate the volume produced by a building of this size would require the excavation of four yards and, possibly, significant parts of Stearns and

Francis Roads. Earthworks of this scale could result in denying neighborhood property owners of free access to their homes.

- A very important and unquantifiable uncertainty is the impact the proposed project would have on a neighborhood that welcomes all new-comers and supports affordable housing, but also knows each and every family member by name, and strives to sustain a community that nurtured the multiple generations of neighborhood children. Our neighborhood is comprised of 20 houses that during the tenure of current residents has been home to three generations of young people. It is a welcoming, inclusive micro-community made up of people of diverse ethnic, racial and social backgrounds and possibly one of the most diverse neighborhoods in Wellesley. These are current, intangible values that cannot be legislated or bought, and doubling the number of households within the same small area would diminish our ability to perpetuate such a nurturing community.

We do not believe that this proposal—which seeks to absorb the equivalent of our entire neighborhood (20 units/families) on a piece of land that is less than half an acre—would have a positive effect on the safety, health or well-being of anyone (current residents, future residents, town of Wellesley) other than the developer seeking this comprehensive permit.

We therefore present these concerns to the Zoning Board of Appeals for serious consideration and petition the Town government to deny the Comprehensive Permit for the 680 Worcester Project.

Respectfully submitted,

Residents of the Stearns Road/Francis Road neighborhood (listed below)

*Don and Joy Renjilian-Burgy
Lynda Cristiano
Lara and Stephen Bruno
Janet and Chris Hassett
Quentin and Randi Walsh
Joseph Perdoni
DD and Max Marcoux
Carla Shea
Anne Lehman
Mark and Bethann Coppi
Emily Webster
Marie Natoli
Kathy Severson
Svea and Scott Fraser
Jennifer and Vincent Starck*

Deb and Pete Buhler

Nicky and Joe Assan

Molly and Micah Shrewsberry

Marcia Ryan

Wendy and Andrew Sheu

The STEARNS/FRANCIS NEIGHBORHOOD

— 2017 —

Wellesley Middle School

Sprague School



TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF SELECTMEN

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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BLYTHE C. ROBINSON
EXECUTIVE DIRECTOR OF GENERAL GOVERNMENT

October 6, 2017

Katherine Miller
MassHousing
One Beacon Street
Boston, MA 02108

RE: 16 Stearns Road, Wellesley, MA Site Eligibility Response

Dear Ms. Miller:

On behalf of the Town of Wellesley Board of Selectmen and Planning Board, please find the following comments with respect to the Comprehensive Permit Site Approval Application recently submitted by 16 Stearns Road, LLC for the construction of a 36-unit residential housing development at 16 Stearns Road within the Town of Wellesley. The Town finds the location of the proposed project unacceptable given the limited access to the site and proximity to the 680 Worcester Street project (proposed by the same developer) currently in Site Eligibility review with MassHousing. The Town finds the project's density, scale, and height incompatible with the neighborhood and finds the project will have a detrimental impact on abutters due to mass, scale, and traffic based on both its independent construction and relationship to the 680 Worcester Street Project. We request that your office consider the concerns outlined below, as well as consider this project as a joint submittal with the 680 Worcester Street project given the dual ownership by Jay Derenzo and the one parcel separation of the two sites.

Site Constraints

The site has an area of 44,578 square feet. The proposed development has a gross floor area of approximately 97,000 square feet with a Floor Area Ratio of 2.18, and an average height of 70 feet. **The west side of the project measures 81 feet in height.** The site has approximately 5,000 square feet within a 0.2% Flood Zone, with the remainder of the site being comprised of steep grades and ledge. The elevation change from Stearns Road to the peak of the property is 18 feet. The proposal will regrade the site to be at street grade of 152 feet above sea level. This will require a tremendous removal of site material and the installation of 7-11 foot retaining walls along the abutting properties with no fencing proposed.

Fire Access

The Fire Department has expressed concern over the height of the structure and ability to access the structure from multiple sides. One elevation of the structure is over 81 feet in height, and will be the highest residential structure in Wellesley. The Fire Department will consider the structure as a high rise for construction purposes. The Fire Department finds that additional access will be required to the sides and rear of the structure to meet the Fire Code, as access is limited with 14-15 foot setbacks within 150 feet in either direction from the front door. An access road is required and at present cannot be accommodated. Further, given the height of the structure, the Tower Truck must respond to all calls at the site, therefore the Tower Truck will also be required to make the turns around the building when a fire access road is added. In addition to the turning radius required for the sides of the building, the turning radius at the access driveway is not adequate to accommodate the Tower Truck, and given the limited access to the site from Francis Road and Stearns Road, turning around must be accommodated on the project site.

Site Access Exacerbates Existing Traffic and Circulation Problems

The proposal includes direct ingress and egress from Stearns Road, a narrow dead end street located directly off Francis Road, a narrow and dead end street, with direct access from Route 9 eastbound. Stearns Road and Francis Road are heavily traveled pedestrian routes for access to the Sprague School heading south, and Middle School heading southeast. The neighborhood is currently comprised of 17 single family structures (excluding the lot in question) largely 1.5 stories in height. The neighborhood has limited vehicular access, as it can only be accessed from Route 9 eastbound. The limited access to Route 9 is also a concern with traffic backup onto Francis and Stearns Road during peak commuting hours that coincides with pedestrian and school traffic.

It is unclear whether the applicant is proposing to add any sidewalks within the neighborhood. The additional volume of 36 residential properties on a narrow road with significant pedestrian traffic, and no sidewalks is a concern given the current width and limited access to the property. There currently are no sidewalks on either Francis Road or Stearns Road and both rights of way measure approximately 40 feet in width, with pavement widths of approximately 20 feet in width. Sidewalk installation should be a consideration given the increased vehicular and construction volume. The proposed project adds over 200% more residences and vehicular activity to the neighborhood at the current pedestrian access point to both the Sprague elementary school and Middle School. Many residents along Worcester Street also use this neighborhood for access. The adjacent project proposed at 680 Worcester Street, if constructed, will also add pedestrians to the neighborhood as it is a safer route to the schools and fields than along Route 9 where there is no current sidewalk extending westbound. Residents currently access Sprague School by walking through the end of Stearns Road through to the school property via a stone path. The installation of sidewalks is feasible given the 40-foot right of way, but will have significant impact on the existing streetscape and require the removal of established Town trees located within the right of way.

Proposed Setbacks Will Cause Unacceptable Impacts to Abutting Properties

The setbacks of the proposed project are inadequate and juxtapose a 70-foot-tall building 15 feet from the abutting property line and 45 feet to a single residence home located at 10 Stearns Road to the east. The Town owns land to the east, south, and west, and the structure will be located 14.9 feet from the Sprague School Parking Lot and Sprague Fields access

drive. The minimal setbacks leave inadequate buffer or screening from abutters, particularly given front access will be 160 feet from the rear of a proposed 20 unit 40B located at 680 Worcester Street with minimal landscaping provided to the rear of the site. The two projects proposed by Jay Derenzo significantly impact the properties located at 11 Stearns Road and 9 Stearns Road, which will have projects to the rear and across the street from their low profile single-family structures. In addition, the proposal creates exterior balconies that will overlook the abutting properties with minimal visual or sound mitigation. The Town reiterates its view that the two projects should be considered as one project as the proposal will eliminate all privacy for 11 Stearns and 9 Stearns Road.

The Density of the Proposed Development is Significantly Inconsistent with Adjoining Development

Thirty-six (36) residential units on a 44,578 square foot lot equates to a density of 35 units per acre. The density of the abutting residential neighborhood, not including the subject property, is 3 units per acre. The single-family structures directly abutting the site will be significantly impacted due to the close proximity and potential shadow effects from the development. The developer previously discussed with the Town the potential to subdivide the lot into 2 or 3 units, which would have been consistent with the existing neighborhood density. The 2017 Annual Town Meeting altered the Town's Large House Review zoning provisions, and as a result, the developer has stated his perceived size limitations on residential construction necessitated the current proposed project. This zoning change does not align with the need for the density of 40 units per acre at the 680 Worcester Street site.

The 16 Stearns Road application largely references the Alzheimer's Center as neighborhood context. The site, although within close proximity on a map, has no vehicular neighborhood connection to the Alzheimer's Center and contextually is separated from the proposed 36-unit development because of the street patterns.

Water and Sewer Service

The Town has preliminarily reviewed the water and sewer infrastructure in the immediate area. While DPW/Engineering believes sewer can be handled with the existing 8" main, there is significant concern that the existing 6" water main will not provide adequate flow with the necessary sprinkler system, while maintaining appropriate service levels for the neighborhood. Replacement of the line to an 8" or 10" line will be required from Route 9, thus impacting both the Stearns Road and Francis Road water lines and road surfaces. Given the location of the project and required infrastructure upgrades, there is no section of the neighborhood unaffected from the proposed projects.

Proposed Stormwater Management Concerns

Given the dense development of the site and the significant amount of impervious material, stormwater management and groundwater management are significant concerns to the Town. There is likely a presence of ledge where the underground garage is proposed, and the dense site configuration will limit the available locations for subsurface infiltration. Ground water has largely been located in the area at depths of 5 feet below grade. On-site mitigation must be considered, although the Town will be opposed to the location of subsurface infiltration underneath the foundation of the proposed building. Although stormwater management is neglected in the application, the developer has proposed similar subsurface systems at the 680 Worcester Street 40B site. The subsurface recharge of that

site, also over 85% impervious within close proximity, will further impact the water table. The front of the property is the only location where subsurface infiltration can be located. At this time, there is no information on soil conditions or percolation capabilities of the site. The site is within close proximity to the McCracken Brook culvert that is currently at capacity. Unmanaged stormwater will exacerbate the problems associated with the McCracken Brook culvert and could have significant impact on the small residential neighborhood with potential ground water disturbance. McCracken Brook will be impacted by runoff and stormwater from three projects including 16 Stearns Road, 680 Worcester Street, and Delanson Circle which also proposes 90 Units along Linden Street through a Comprehensive Permit.

Flood Zone and Wetlands

As noted above, the site is partially located within a Flood Plain. The applicant states that he is seeking a Letter of Map Amendment, but as no LOMA has been issued it should be noted that the lower level of the parking garage is at the Flood Plain elevation. The plans also show that there is a common exercise room with access to an outdoor community space in this flood plain area.

Wetlands are located on the adjacent property at 694 Worcester Street across the right of way from the project site. In December 2015, the Town's Wetlands Protection Committee determined that the isolated wetland on the property is not jurisdictional and the Committee issued a negative Determination of Applicability. As this determination was based upon an inspection in the fall, the Town is of the opinion that an inspection for the presence of a vernal pool should be conducted in the spring, as well as evaluating the role of the wetlands in flood control. The buffer zone for this potential wetland would largely impact the 16 Stearns Road property.

Parking Garage and Visitor Parking

The parking for the site includes 78 parking spaces, configured in 5 surface spaces and two levels of underground parking having 36 and 37 spaces. The applicant has provided minimal visitor parking. It should be noted Stearns and Francis Roads prohibit on street parking. Overflow visitor parking would likely try to locate at either the private Alzheimer Center or Sprague School/Field. Sprague School/Field already has a shortage of parking during events and does not allow for overnight parking. Trash is proposed to be located on the eastern side of the property with an exterior dumpster, located at the closest point to the abutting residential property. It is important to note that Wellesley does not have municipal trash removal, but relies on residents or private trash haulers, as licensed by the Board of Health.

Construction of the Project Will Have Significant Impacts on Adjacent Properties and Streets

The Town has significant concerns with respect to the practicality of constructing this project. The size and location of this site will make it difficult to stage cranes or other construction equipment. The significant removal of site material also poses a problem with the number of anticipated trucks needed to haul the soil and blasted ledge material off site with limited access. In addition, the two-tier parking proposed will require significant concrete work, and staging of trucks will be difficult given the limited access to the site from Route 9 and the small neighborhood streets used to access the project site.

Additionally, parking for all construction workers may not be completely accommodated on site given the size of the project, and as previously noted parking is prohibited on Stearns Road and Francis Road, as well as Route 9. Deliveries will need to be expertly coordinated and offsite parking of workers may be required. The developer has not stated in the site application how construction would be staged and coordinated. This construction effort, in concert with the potential construction of the 680 Worcester Street project, will make project logistics impossible. Construction parking will have to be accommodated off site for both projects.

Historical Soil Concerns

The project site is located within close proximity to a landfill remediation site located at Sprague Field. Given the proximity to McCracken Brook Culvert, and the amount of fill proposed for removal, the Town believes the site should conduct a 21E to verify the soil at lower levels has no contamination from the historic landfill located adjacent to the property.

Conclusion: Based on the above, the proposed development is too intense for a site that is approximately 1 acre in size.

Wellesley's Progress on Affordable Housing

The Town has recently been inundated with 40B Site Eligibility notices. The Town has not met its 10% threshold; but would like to convey the efforts it has continually made to increase the Town's affordable housing inventory. The Town of Wellesley has been making steady progress over the last 15 years in increasing the Subsidized Housing Inventory and consistently passing zoning provisions to assist with affordable housing as redevelopment opportunities in Wellesley's commercial districts occur. The Town as of August 24, 2017 is at 6.3% of its 10% goal, with upwards of 38 units in the process of being added to the Subsidized Housing Inventory within the next several months. Below are the Town's actions that have supported development of affordable housing:

- The 2007-2017 Comprehensive Plan was adopted in 2007 with actions for affordable housing.
- The Inclusionary Zoning Bylaw (IZB) was adopted in 2004 which requires residential projects in commercial districts to provide 20% affordable housing, and commercial projects over 10,000 square feet to provide 2% affordable housing (1 unit for every 50,000 square feet constructed).
- 2004: the Town's Community Preservation Committee funded \$65,000 in addition to HUD funds to create a DMR house at 4 Marshall Road (SHI).
- 2005: the IZB was modified to require subdivisions having more than 5 lots to comply with the Bylaw at 20% threshold.
- 2007: the definition of Floor Area Ratio in the Zoning Bylaw was modified to exclude affordable units developed under the IZB from being included in the FAR to increase density and increase opportunities for affordable housing units in commercial districts.
- 2007: the Linden Square project was completed, wherein 7 affordable housing units were created under the IZB (Units have recently been found to be missing from the Town's SHI, but are being added now).

- 2007/2008: permitting began for projects at 978 Washington Street and the former Wellesley Inn site at 576 Washington Street in Wellesley Square; these projects were delayed due to the recession, but both have now been completed, resulting in 7 SHI-eligible units at 978 Worcester and 5 SHI-eligible units at 576 Washington Street. Both projects were developed under the Town's Zoning and subject to the IZB; 978 Worcester St. also resulted in payment in-lieu funds for 1 unit.
- 2009: the permitting of a CVS resulted in the payment of in-lieu funds under the IZB.
- 2011: a 40B project was approved at 65-71 Washington Street resulting in 1 SHI-eligible unit.
- 2012: a project was permitted at 27 Washington Street, resulting in the development of 82 SHI-eligible units, as well as 7 assisted living units not SHI-eligible but permanently deed restricted to be affordable.
- 2012: the Wellesley Housing Development Corporation purchased a two-family dwelling at Peck Ave and a single-family dwelling at 6 Mellon Road, renovating the homes and creating 3 affordable units; at this time the Town also purchased 9 Highland Road, although it is not on SHI, but it is affordable due to deed restriction not complying with DHCD requirements (Must wait to add on resale per DHCD).
- 2013/2014: a 40B project was approved at 139 Linden Street providing 2 SHI units (to be added to SHI).
- 2013: Wellesley Square Zoning District was amended to create a special permit to increase density; this benefited and allowed the previously stalled Wellesley Inn project to proceed.
- 2016: the Planning Board approved a Definitive Subdivision plan for 135 Great Plain Ave. that included a payment in-lieu for 2.4 units.
- 2016 to present: the Town is developing a new Comprehensive Plan; known as the Unified Plan, the Plan is combining typical land use planning with all aspects of the Town's government to serve as a master strategic plan for the Town. The Plan is expected to be adopted in the Winter/Spring 2018. www.wellesleyunifiedplan.com
- July 2016 to present: the Planning Board, Board of Selectmen, and Housing Development Corporation, have aggregated \$35,000 for the creation of a Housing Production Plan for the Town. An RFP was released by September 25, 2017.

More affordable housing opportunities are necessary in the Town of Wellesley and the Town is currently working on a Housing Production Plan. The proposed density in a neighborhood with limited access is unreasonable and incongruous with the 1.5 story residential structures on .25 to .5 acre lots. In addition, this second proposed 40B development is within less than 160 feet from a proposed 40B development, by the same developer, at 680 Worcester Street which has already significantly decreased the economic value of these properties. The developer is systematically seeking to purchase abutting properties, and given the detrimental effect the two projects might have on the quiet single-family neighborhood, residents feel pressure to sell. This proposal, along with the four other 40B projects currently in site eligibility at MassHousing and MHP are far out of character with the community.

For reference, 40B projects currently in Project Eligibility are:

1. 680 Worcester Street (20 Units)- ~160 feet from proposed project
2. Wellesley Crossing – Delanson Circle (90 Units) ~2100 feet from proposed project

3. 148 Weston Road (55 Units) ~ 3000 feet from proposed project
4. 135 Great Plain Avenue (44 Units) ~ 1.6 miles from proposed project

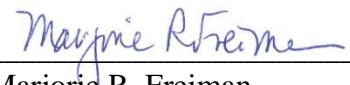
Other 40B projects being considered in Wellesley

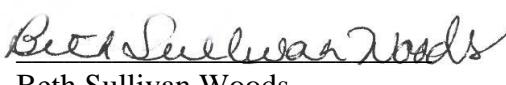
1. 136 Worcester Street (44 Units) ~ 3 miles from proposed project

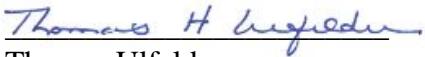
Sincerely,


Ellen F. Gibbs, Chair


Jack Morgan, Vice Chair


Marjorie R. Freiman


Beth Sullivan Woods


Thomas Ulfelder



Massachusetts Housing Finance Agency
One Beacon Street, Boston, MA 02108

TEL: 617.854.1000 | Fax: 617.854.1091
VP: 866.758.1435 | www.masshousing.com

November 13, 2017

Jay J. Derenzo, President
J. Derenzo & Associates, LLC
43 Charles Street
Needham, MA 02494

Re: 680 Worcester Road
Project Eligibility/Site Approval
MassHousing #885

16 Stearns Road
Project Eligibility/Site Approval
MassHousing #950

Dear Mr. Derenzo:

This letter is in response to your applications for a determination of Project Eligibility (“Site Approval”) pursuant to Massachusetts General Laws Chapter 40B (“40B”), 760 CMR 56.00 and the Comprehensive Permit Guidelines issued by the Department of Housing and Community Development (“DHCD”) (the “Guidelines” and, collectively, the “Comprehensive Permit Rules”), under the New England Fund (“NEF”) Program (“the Program”) of the Federal Home Loan Bank of Boston (“FHLBB”).

680 Worcester Road, LLC has submitted an Application with MassHousing pursuant to Chapter 40B. You have proposed to build twenty (20) units, including five (5) affordable units of rental housing on a 0.46-acre site located at 680 Worcester Street in Wellesley, MA (the “Municipality”). Additionally, 16 Stearns Road, LLC has submitted an Application with MassHousing pursuant to Chapter 40B, proposing to build thirty-six (36) homeownership units, including nine (9) affordable units on a 0.91-acre site located at 16 Stearns Road in Wellesley.

This letter is not a finding of project eligibility for either project. Rather, it serves to update you on the status of MassHousing’s review of the projects, and to request certain modifications to your proposal.

In accordance with the Comprehensive Permit Rules, MassHousing, acting as the subsidizing agency for under the Guidelines, must make a number of specific findings when determining that a Project is eligible to seek a comprehensive permit under Chapter 40B at the municipal Zoning Board of Appeals.

These findings, as required pursuant to 760 CMR 56.04(1) and (4), generally serve to establish a Project’s eligibility under the applicable subsidy Program, and confirm a Project’s initial financial feasibility.

Included in the required findings are two findings relative to a proposed Project’s land use:

(b) that the site of the proposed Project is generally appropriate for residential development, taking into consideration information provided by the municipality or other parties regarding municipal actions previously taken to meet affordable housing needs, such as inclusionary zoning, multifamily districts adopted under M.G.L. c.40A, and overlay districts adopted under M.G.L. c.40R, (such finding, with supporting reasoning, to be set forth in reasonable detail);

and,

(c) that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns (such finding, with supporting reasoning, to be set forth in reasonable detail).

Although the Comprehensive Permit Rules empower the local ZBA to refine and condition a 40B project to address specific land use issues, particularly as they relate to local health and safety, and environmental welfare, the Comprehensive Permit Rules establish the subsidizing agency as the initial regulatory agency for the Program on all relevant matters, including matters related to a Project's conceptual land use. Under the Comprehensive Permit Rules, the subsidizing agency must find that the Project's proposed land use meets a minimum threshold of feasibility and acceptability. These findings set the stage for local ZBA's review of a Project.

Based on MassHousing's site and design review, and in light of feedback received from the Municipality and members of the community, MassHousing cannot currently make the finding required by 760 CMR 56.04(c) for either project, namely "that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns."

In its written comments to MassHousing on the 680 Worcester Street Project, the Municipality has raised concerns about the level of usable open space in the current design, the Project's physical proximity to and relationship to neighboring properties, the adequacy of resident parking and resident vehicle circulation, and the lack of any parking spaces for visitors and delivery vehicles. The Municipality also raised questions about the feasibility of construction staging on the 680 Worcester Street project site. These issues all flow from the size and density of the 680 Worcester Street Project's conceptual design, and the project's location on a major thoroughfare with no on-street parking allowed, adjacent to a pair of narrow dead-end streets that have no sidewalks and also no on-street parking.

With regard to the 16 Stearns Road Project, in its written comments to MassHousing, the Municipality has raised concerns about proposed density, site access and circulation, fire access, proposed setbacks, water management, and construction impacts. Municipal comments indicate that, at a maximum height of 81 feet, the 16 Stearns Road Project would be the tallest residential structure in Wellesley; the Municipality further questions whether an established single-family residential neighborhood, on a narrow dead-end street sitting off another narrow dead-end street, is the appropriate location for such a structure.

The Municipality also notes that Stearns Road and Francis Road, the two narrow dead-end streets that provide access to the 16 Stearns Road Project site, are heavily traveled pedestrian routes for neighborhood schoolchildren traveling, via public pathways, to adjacent school facilities. Neither street has sidewalks. The addition of 78 vehicles to this context, as currently proposed, could constitute an unacceptable public safety hazard.

The 40B Guidelines resist assigning minimum or maximum density ratios to project reviews. Instead, the Guidelines emphasize context and sound design, whereby massing of new construction can be modulated, appropriate transitions made, and new development successfully integrated into the surrounding environment.

The conceptual Project design for 680 Worcester Street currently before MassHousing proposes to demolish a single-family home on a roughly half-acre lot, and construct 20 rental units. This proposal does not allow for appropriate relationships to adjacent building types, within the context of the Project's existing neighborhood. The application does not demonstrate how site constraints can allow for mitigation of anticipated impacts, at the scale you currently propose.

The conceptual Project design for 16 Stearns Road currently before MassHousing involves injecting significant new density into the middle of a well-established residential neighborhood. The 16 Stearns Road project would replace a recently demolished single-family home at the end of a dead-end street, with 36 new units of housing, on 0.79 acres of buildable land. Given the context, the current Project design does not provide for modulated massing and appropriate transitions. The application does not demonstrate how site constraints can allow for mitigation of anticipated impacts, at the scale you currently propose.

The design issues inherent in each proposed Project are magnified by the likelihood that these two related projects, which are located in close proximity to one another, will have significant localized impacts on the small residential neighborhood located around Francis Road and Stearns Road. Each proposed Project faces challenges integrating into the surrounding residential neighborhood context.

MassHousing encourages 680 Worcester Road, LLC and 16 Stearns Road, LLC to refine their respective conceptual Project designs and to submit updated Project proposals for MassHousing's review, after good-faith collaborative engagement with the Town of Wellesley and with the Projects' neighbors and abutters.

Sincerely,



Gregory Watson
Manager of Comprehensive Permit Programs

cc: The Honorable Cynthia Stone Creem
The Honorable Richard J. Ross
The Honorable Alice Hanlon Peisch
Chrystal Kornegay, Undersecretary, DHCD
Ellen F. Gibbs, Chair, Board of Selectmen
Richard L. Seegel, Chair, Zoning Board of Appeals
Michael D. Zehner, Planning Director

March 2, 2018

Greg Watson
Michael Busby
Katherine Miller
MassHousing
One Beacon Street
Boston, MA 02108

RE: 16 Stearns Road, Wellesley, MA - Site Eligibility Response

Dear Mr. Watson, Mr. Busby and Ms. Miller:

Please accept this letter as a statement from the residents of the Stearns Road, Francis Road and proximate Worcester Street neighborhood in Wellesley, with regard to the new application for 40B Site Eligibility at 16 Stearns Road received by the Town on February 16, 2018.

Although we have specific concerns about the new proposal's failure to substantively address the health and safety issues documented in your letter dated November 13, 2017, the purpose of this letter is to report on the status of communications between the developer and neighborhood to date.

As previously communicated to your office, prior to the site walk on August 24, 2017 for the first proposal, members of the neighborhood had called Mr. Derenzo and his staff for information about his development plans and to address site issues created by his demolition team. Mr. Derenzo did not respond to those inquiries but did approach two abutters during that period with offers to buy their distressed properties.

When addressed at the site walk about the combined lack of responsiveness and targeted economic intimidation within the neighborhood, Mr. Derenzo represented a willingness to communicate with neighbors moving forward.

The next communication we received from Mr. Derenzo was a directive, through his counsel on November 6, 2017, to "stop communicating with my clients" and have all communications between the neighborhood and the development team go through appointed legal representatives. We were later informed, through counsel, that Mr. Derenzo had taken exception to one of the neighbor's communications with one of his employees who had previously done construction work on her house.

During their conversation on November 8, 2017, our attorney, Dan Hill, asked Mr. Derenzo's attorney, Brian Levey, if Mr. Derenzo wanted to engage in any conversations with the neighbors at this point and he said no.

Just a few days later, we received your letter in response to Mr. Derenzo's initial application, dated November 13, 2017, which concludes by encouraging Mr. Derenzo to resubmit a proposal "after good-faith collaborative engagement with the Town of Wellesley and with the Projects' neighbors and abutters." Since then, we report with confidence, that there has been no such effort by Mr. Derenzo to engage or collaborate with the neighbors.

To be clear, since his initial application for eligibility in our neighborhood was filed in June 2017, Mr. Derenzo's only neighborhood outreach efforts include two attempts to purchase abutting properties and one directive, through counsel, not to communicate with him and his development team.

Although we are most concerned with Mr. Derenzo's open dismissiveness of the process and disregard for the community, we are also aware that he has no prior experience staging, constructing or managing a project of this scale or nature. For us, the combination of these concerns raises the importance of having a complete list of "All Affiliates of Proposed Development Entity and its Managing Entities" provided on page 21 of the application, and answers to the questions on the page 22 form that were also not completed in the copy we received.

Please understand that we remain passionate supporters of affordable housing and are genuinely optimistic and proud of the steps our town and many of our neighborhoods have recently taken to ensure that we meet our obligations as quickly and thoughtfully as possible. We embrace the spirit of 40B and believe that the many positive examples of affordable housing integration that the statute has cultivated do not deserve to be grouped with the kind of system abuses we have documented above.

Thank you, and please feel free to request any additional information that may be useful to your review process.

Respectfully submitted,

Residents of the Stearns Road/Francis Road neighborhood (listed below)

*Don and Joy Renjilian-Burgy
Lynda Cristiano
Lara and Stephen Bruno
Janet and Chris Hassett
Quentin and Randi Walsh
Joseph Perdoni
Rob Kaeneman
Sneha Patel-Kaeneman
Nabil and Marie Richa
DD and Max Marcoux*

*Carla Shea
Anne Lehman
Mark and Bethann Coppi
Marie Natoli
Kathy Severson
Svea and Scott Fraser
Jennifer and Vincent Starck
Deb and Pete Buhler
Nicky and Joe Assan
Molly and Micah Shrewsberry
Marcia Ryan
Wendy and Andrew Sheu*

Cc: The Honorable Alice Hanlon Peisch
Wellesley Board of Selectmen
Applicant

From: Brian C. Levey [mailto:BLevey@bdlaw.com]
Sent: Wednesday, November 08, 2017 3:22 PM
To: Daniel C Hill
Cc: Geoff Engler (gengler@s-e-b.com)
Subject: RE: 680 Worcester Road & [16 Stearns Road, Wellesley](#) - 40B Projects

Dan –

Thank you for your email. Per our discussion today, going forward, contact should be through counsel including any communications from Peter Buhler or the Walsh family.

Thank you,

Brian

Brian C. Levey
Principal

BEVERIDGE & DIAMOND, P.C.
T [+1.781.416.5733](#) **F** [+1.781.416.5799](#) BLevey@bdlaw.com

From: Daniel C Hill [mailto:dhill@danhilllaw.com]
Sent: Wednesday, November 08, 2017 1:19 PM
To: Brian C. Levey
Cc: Geoff Engler (gengler@s-e-b.com)
Subject: RE: 680 Worcester Road & [16 Stearns Road, Wellesley](#) - 40B Projects

Brian,

I passed along your request to Pete Buhler ([10 Stearns Road](#)), as we discussed.

Just a point of information, Pete told me that during the MassHousing site walk, Jay gave the neighbors on the site walk his phone number, and specifically gave Pete his business card and invited him to call him "anytime." He also confirmed that Jean is a neighbor.

-Dan

From: Brian C. Levey [<mailto:BLevey@bdlaw.com>]
Sent: Monday, November 06, 2017 3:43 PM
To: Daniel C Hill
Cc: Geoff Engler (gengler@s-e-b.com)
Subject: 680 Worcester Road & [16 Stearns Road, Wellesley](#) - 40B Projects

Dan –

Working in cooperation with SEB, LLC, the project consultant, this firm serves as land use and litigation counsel to 680 Worcester Road, LLC and 16 Stearns Road, LCC in connection with the development of affordable housing projects on Worcester and Stearns Roads in Wellesley. I would like to arrange a time to speak with you on Wednesday, Nov. 8. Please let me know your availability.

In the interim, please direct your clients to stop communicating directly with my clients.

Brian

Brian C. Levey
Principal

 **BEVERIDGE & DIAMOND, P.C.**
[15 Walnut Street, Suite 400, Wellesley, MA 02481](#)
[T +1.781.416.5733](#) [F +1.781.416.5799](#) BLevey@bdlaw.com
[>vCard](#) [>Bio](#)

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Brian C. Levey
15 Walnut Street, Suite 400
Wellesley, MA 02481-2133
(781) 416-5733
blevey@bdlaw.com

March 5, 2018

VIA ELECTRONIC MAIL AND US MAIL

Gregory P. Watson,
Manager of Planning and Programs
MassHousing
1 Beacon Street
Boston, MA 02108

Re: 16 Stearns Road, Wellesley

Dear Greg:

Working in conjunction with SEB, LLC, this firm serves as legal counsel to 16 Stearns Road, LLC in connection with its efforts to permit and construct an affordable housing project at 16 Stearns Road, Wellesley. This correspondence is in response to the letter dated March 2, 2018 from the “Residents of the Stearns Road/Francis Road Neighborhood” (the “Residents”) regarding this 40B project and attaching three emails between their attorney, Dan Hill, Esq., and me. In sum, the Residents’ claim that my client has not collaborated with them and been dismissive of the process and the community is entirely inaccurate.

Without recounting each and every event and communication, suffice it to say that the Residents letter omits important information. First, the emails between Dan Hill and me were triggered by an email from a neighbor, Jean Walsh, to Jay Derenzo, the Manager of 16 Stearns Road, LLC, dated October 23, 2017. That email urged Mr. Derenzo to reduce the density of his 40B proposals for both 16 Stearns and 680 Worcester Road to “2 houses or 2 to 4 townhouse units on 16 Stearns, and 1 house or 2 townhouses at 680 Worcester.” Further, Walsh not only provided a “list of professionals by group who live at Francis/Stearns Road... who have influence to work with you, or against you,” but also explained that “[e]xisting home owners shouldn’t have to bear the brunt of ‘hostile’ proposals which is why the Board of Selectmen has agreed to ‘hire’ special legal council [sic] to fight ‘hostile’ proposals.” Implicitly threatening Mr. Derenzo’s standing in the community where he has worked and lived for years, Walsh asked rhetorically, “Wouldn’t you agree that builders interested in their reputations and growth might be smart to choose ‘friendly’ over ‘hostile’ projects?”

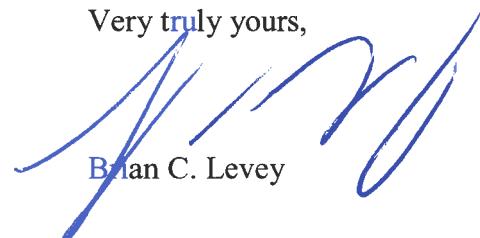
March 5, 2018
Gregory P. Watson
Page 2

In response to this email, on November 6, 2017, I reached out to Dan Hill, who we understood was Walsh's attorney, asking to arrange a time to talk. On November 8, 2017, I spoke with Dan Hill and told him that while there was no sense in discussing a project with the reduced density in Walsh's email, my client would be willing to listen any more productive ideas that the neighbors might have and that, at this time, due to past events, communications should be through counsel for the time being. The Residents' March 2, 2018 letter neglects to recite this conversation and the fact that Jay Derenzo, through counsel, did specifically leave the door open to future discussions. Instead, the Residents have erroneously alleged that Mr. Derenzo has refused to engage with them.

If the Residents truly seek collaboration, they have done nothing to show it. They have threatened litigation and made unrealistic demands. They have not availed themselves of the opportunity to offer realistic, productive proposals through counsel and, instead, sought to portray Mr. Derenzo in an unflattering way to MassHousing. Notwithstanding all of the foregoing, my client's willingness to engage with the Residents remains unchanged.

Please let me know if you have any questions or if I can be of any further assistance.

Very *truly* yours,



A handwritten signature in blue ink, appearing to read "BCL". Below the signature, the name "Brian C. Levey" is printed in a smaller, black, sans-serif font.

BCL/mrs

cc: Michael Busby (Via Electronic Mail)
Katherine Miller (Via Electronic Mail)
Jay Derenzo (Via Electronic Mail)
Geoff Engler (Via Electronic Mail)
Pete Buhler (Via Electronic Mail)
Dan Hill, Esq. (Via Electronic Mail)

March 7, 2018

Greg Watson
Michael Busby
Katherine Miller
MassHousing
One Beacon Street
Boston, MA 02108

RE: 16 Stearns Road, Wellesley, MA

Dear Mr. Watson, Mr. Busby and Ms. Miller:

Please accept this response from the Stearns, Francis neighborhood in Wellesley to a letter dated March 5, 2018 from Brian Levey, Esq. Our position remains that Mr. Derenzo's actions, or lack thereof, have not been in the spirit of this process, namely by submitting a new application for 16 Stearns Road without first making a "good-faith collaborative engagement with the Town of Wellesley and with the Projects' neighbors and abutters" as requested by MassHousing on November 13, 2017.

We disagree with Mr. Levey's portrayal of the limited interactions between members of our neighborhood and Mr. Derenzo, and maintain that our letter dated March 2, 2018 is an accurate account of our interactions thus far. In his response, Mr. Levey artfully cites excerpts of an email from Jean Walsh to Dominic Disimone to make this communication appear intimidating, rather than an invitation to collaborate, as it was intended to be perceived. Regardless of the tenor of this email, misunderstood or not, the fact remains that the neighbors, including Ms. Walsh, have made numerous attempts to reach out to Mr. Derenzo and his team in an attempt to collaborate on these Projects, with no substantive response.

Mr. Levey suggests that his client has been ready and willing to accept "more productive ideas" of the neighbors. Notably though, MassHousing urged Mr. Derenzo to make a good-faith effort to collaborate with the neighborhood and Town of Wellesley on these Projects. Surely the outright rejection of the suggestions that have been made thus far, accompanied with Mr. Derenzo's attitude that the burden is solely on the neighbors to make any suggestions, cannot be described as a collaborative process. Collaboration requires the participation of more than one party.

Mr. Levey's emphasis on the lack of effort by the neighborhood group is especially perplexing given the directive of MassHousing was to Mr. Derenzo. Whether directly or through counsel, Mr. Derenzo should have been the party to commence these collaborative discussions. The fact that the neighbors were the ones to take the initiative should not excuse Mr. Derenzo's subsequent lack of effort to keep their communications going in a way that could have resulted in an application that was collaborative and supported by the community.

Thank you again for your consideration of this matter.

Respectfully submitted,

Residents of the Stearns Road/Francis Road neighborhood (listed below)

Don and Joy Renjilian-Burgy

Lynda Cristiano

Lara and Stephen Bruno

Janet and Chris Hassett

Quentin and Randi Walsh

Joseph Perdoni

Rob Kaeneman

Sneha Patel-Kaeneman

Nabil and Marie Richa

DD and Max Marcoux

Carla Shea

Anne Lehman

Mark and Bethann Coppi

Marie Natoli

Kathy Severson

Svea and Scott Fraser

Jennifer and Vincent Starck

Deb and Pete Buhler

Nicky and Joe Assan

Molly and Micah Shrewsberry

Marcia Ryan

Wendy and Andrew Sheu

Cc: The Honorable Alice Hanlon Peisch

Wellesley Board of Selectmen

Applicant

Daniel C. Hill, Esq.

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF SELECTMEN

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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BETH SULLIVAN WOODS
THOMAS H. ULFELDER

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BLYTHE C. ROBINSON
EXECUTIVE DIRECTOR OF GENERAL GOVERNMENT

April 11, 2018

Chrystal Kornegay, Executive Director
MassHousing
One Beacon Street
Boston, MA 02108

RE: 16 Stearns Road and 680 Worcester Street, Wellesley, MA Site Eligibility Response

Dear Ms. Kornegay:

On behalf of the Town of Wellesley Board of Selectmen and Planning Board, please find the following comments with respect to the Comprehensive Permit Site Approval Applications recently resubmitted by 16 Stearns Road, LLC and 680 Worcester Street, LLC (Jay Derenzo-Developer) for the construction of a 24-unit residential housing development at 16 Stearns Road and construction of a 20-unit development at 680 Worcester Street within the Town of Wellesley. The Town continues to find that the locations of the proposed projects, based on their composition, unacceptable given the limited access to the sites. The Town finds, that both have densities and heights that remain incompatible with the neighborhood and that they will have detrimental impacts on abutters and the neighborhood due to mass, scale, and traffic. These impacts are exacerbated based on the proximity and relationship between the two projects, and therefore the Town continues to evaluate them as a single project under common ownership. While presumably accomplishing a single-focused goal of providing additional affordable housing, these projects are poorly conceived and are wildly inconsistent with any commonly accepted land use planning best practices.

As you are aware, on November 13, 2017, MassHousing determined for both projects that they could not make the required finding under 760 CMR 56.04(c) "that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns".

In the November 13, 2018 letter, MassHousing further identified that the proposed projects, as designed, did not meet one of the seven required findings under 760 CMR 56.04 (4), specifically:

(c) that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing,

topography, environmental resources, and integration into existing development patterns (such finding, with supporting reasoning, to be set forth in reasonable detail).

The Town's position is that the revised plans for both 680 Worcester Street and 16 Stearns Road continue to fall well short of the November 13, 2018 findings and that MassHousing must therefore further reject and finally deny site eligibility for both projects as conceived. Additionally, based on further review, the Town is concerned that the submitted pro forma are significantly flawed; in the case of 680 Worcester Street alone, the estimated budget for *Demolition* is noted to be \$500,000 when the actual Demolition Permit Application for the property identified the estimated cost of the work to be \$7,500, and the *Real Estate Taxes (during construction)* are indicated to total \$50,000 when the current annual tax bill for the property totals \$16,000 (the Town presumes that construction period would not extend for more than three years). Based on this, the Town demands that MassHousing affirmatively and specifically confirm that the pro forma for each project have been reviewed and the projects appear to be financially feasible and consistent with DHCD's guidelines for Cost Examination and Limitations on Profits and Distributions on the basis of the estimated development costs, as required by 760 CMR 56.04 (4).

680 WORCESTER STREET

In the November 13, 2017 letter, MassHousing identified the numerous Town concerns associated with the proposed construction at 680 Worcester Street. MassHousing stated the following in the letter:

In its written comments to MassHousing on the 680 Worcester Street Project, the Municipality has raised concerns about the level of usable open space in the current design, the Project's physical proximity to and relationship to neighboring properties, the adequacy of resident parking and resident vehicle circulation, and the lack of any parking spaces for visitors and delivery vehicles. The Municipality also raised questions about the feasibility of construction staging on the 680 Worcester Street project site. These issues all flow from the size and density of the 680 Worcester Street Project's conceptual design, and the project's location on a major thoroughfare with no on-street parking allowed, adjacent to a pair of narrow dead-end streets that have no sidewalks and also no on-street parking.

The Town continues to have all of the same concerns with the *revised* project. Furthermore, the developer indicated the revised submittal to the Town occurred on November 28, 2017. The Town refutes this claim and notes that the email transmission of the revised plans was *only* received by the Town on March 22, 2018; hardcopies of the plans have never been submitted or received. With regards to the original submittal, MassHousing stated the following:

MassHousing encourages 680 Worcester Road, LLC and 16 Stearns Road, LLC to refine their respective conceptual Project designs and to submit updated Project proposals for MassHousing's review, after good-faith collaborative engagement with the Town of Wellesley and with the Projects' neighbors and abutters.

Revisions to the project are dated November 28, 2018, these plans for 680 Worcester Street have not been created based upon good-faith collaborate engagement with the Town of Wellesley and neighbors and abutters. The only meeting with neighbors and abutters was scheduled on March 29, 2018, after both revised proposals were submitted and MassHousing refused to act on the submittals without a neighborhood meeting. This is not collaborative, and there has been no good-faith engagement. Furthermore, after receipt of the November 13, 2017 letter, Michael Zehner, Planning Director, reached out to Mr. Derenzo on November 13, 2017 to suggest a meeting to discuss modified plans for both sites. A meeting was held shortly thereafter, on November 20, 2017, and Mr. Derenzo did not mention the intent to submit revised plans for 680 Worcester Street to

MassHousing only days after the meeting. Since then, the Town did not hear from Mr. Derenzo, his attorney, or SEB on either of these projects until the filing of the revised 16 Stearns project on February 21st.

Additionally, in the same MassHousing letter, the following is stated:

The 40B Guidelines resist assigning minimum or maximum density ratios to project reviews. Instead, the Guidelines emphasize context and sound design, whereby massing of new construction can be modulated, appropriate transitions made, and new development successfully integrated into the surrounding environment.

The conceptual Project design for 680 Worcester Street currently before MassHousing proposes to demolish a single-family home on a roughly half-acre lot, and construct 20 rental units. This proposal does not allow for appropriate relationships to adjacent building types, within the context of the Project's existing neighborhood. The application does not demonstrate how site constraints can allow for mitigation of anticipated impacts, at the scale you currently propose.

Based upon review of the revised plans submitted for 680 Worcester Street, the Town finds that the modifications to the project do not address the appropriate relationships to adjacent building types within the context of the existing neighborhood, and the application has yet to demonstrate how site constraints can allow for mitigation of anticipated impacts at the submitted scale.

In the memorandum to Greg Watson dated November 28, 2017, Mr. Derenzo notes 14 plan modifications that have been made to address the Town's concerns (Attachment 1). The Town will speak to each of these points below with Mr. Derenzo's numbered points and the Town's response identified as a comment.

1. Site Constraints. We acknowledge the proposed density is greater than the surrounding neighborhood. A primary purpose/mission of 40B is to encourage greater density in exchange for the creation of affordable housing. Moreover, this project fronts on Route 9 which features a variety of densities and uses.

Comment: The Town understands the purpose of 40B, but finds the project to be contextually misaligned with the Stearns/Francis Road neighborhood. While Route 9 has a variety of densities and uses, in Wellesley the corridor is primarily populated by single family homes, and certainly in this particular stretch. Even as a whole, Route 9 in Wellesley is 75 percent residential, with exceptions largely at the gateways. 3.5 of the Corridor's 5 miles are fronted by single family homes. The adjacent structure at the Alzheimer's Center is unique in its location, and is certainly not the identifying characteristic of Route 9. The applicant is suggesting that MassHousing should act contrary to decades of intentional planning by the Town, and accepted best practices by the planning profession, and promote *sprawl*; the Town has identified development nodes along Route 9, and the project site is not located within one of these areas.

2. Proposed stormwater management does not meet Best Practices. The initial design concept included a stormwater management area located beneath the parking garage. This type of stormwater management design is allowable by DEP and is consistent with a recently approved project in Reading Massachusetts. However, because the Town Engineer was not comfortable with this engineering approach, the stormwater management area was relocated exclusively to be outside the building. The revised design will include two subsurface drainage areas that will mitigate runoff from the site for all design storms. The drainage design will be in compliance with the requirements of the Massachusetts Stormwater Management Standards. The soils were reviewed with information from the National Cooperative Soil Survey which indicates that the onsite soils are considered to be in Hydraulic Soil Group A. These soils provide excellent recharge characteristics. The soil information and characteristics were confirmed with onsite soil testing.

Comment: The Town remains concerned over adequate stormwater drainage. The area is found to have high water tables that may impact the design of the two subsurface systems. Additionally, the Town has concerns that the abutting properties located to the south at #9 and #11 Stearns Road will be impacted given the two parcels sit below the project site in elevation. The larger subsurface system is located approximately 10 to 12 feet from the property line and the smaller subsurface system is located within the only entrance to the site. Given the close proximity to Route 9, maintenance will be required at shorter intervals. Failure or repairs to the system would impede the only vehicular access point to the facility.

3. Wetlands determination should be revisited. Prior to developing a preliminary plan, a formal Request for Determination of Applicability was submitted to the Wellesley Wetlands Protection Committee. The Committee voted 5 to 0 to issue a negative determination indicating that there were no wetland resources on or within 100 feet of the site at the public hearing held on December 12, 2015. The question of the potential for a vernal pool was also discussed at the hearing and it was noted that the site did not exhibit any of the required characteristics. A copy of this December 15th 2015 letter has been attached to this submission.

Comment: The Town continues to find that the approved determination was based upon an inspection in the fall, and the Town is of the opinion that an inspection for the presence of a vernal pool should be conducted in the spring and the role of the wetlands in flood control should be further evaluated. Filling of this isolated wetland will require additional permitting at the state level.

4. Proposed setbacks will cause unacceptable impacts to abutting properties. The current/modified plan will now feature a side yard setback to the east property of 20 feet. The Selectmen's letter mistakenly indicated that it was only 8 feet. Moreover, the proposed building setback to the two residential abutters located to the rear were noted as being 10.1 feet when the actual setback is 25 feet. There is a proposed deck on the first floor of the rear of the building which is over the parking spaces. This common deck area, if allowed, provides enhanced and expanded recreational area for the residents in addition to the on grade patio and grass area.

Comment: The original plans submitted show the parking structure 8 feet from the eastern property line, with the building wall elevation beginning at 20 feet. The new proposal would in fact have a 20-foot buffer between the project and the eastern property owner. Mr. Derenzo shows this as a grass area. The revised proposal, with the additional space, shows no attempt to increase the screening and buffer for the abutting property. The two properties to the rear of the structure will have a parking area, with mechanical stackers, located 12.5 feet from the property line with an overlooking outdoor deck above, further decreasing privacy. The minimal setbacks continue to leave no room for an adequate buffer. The proposal also includes an at-grade patio with minimal visual or sound mitigation.

5. Parking is poorly designed and will not function as proposed. The proposed parking plan has been significantly redesigned since the original submittal. Several of the significant changes were undertaken at the request of the Fire Department based on a meeting conducted with Charles DiGiandomenico the Fire Prevention Deputy Chief on November 2, 2017. The Fire Department required a clear height of 13.5 feet under the parking sections of the building. In addition, the design team, at the Applicant's recommendation, removed the garage doors to allow full access of emergency vehicles if required under the structure. This design change also allows emergency SU-30 vehicles to turn around on site. The additional clear height of 13.5 feet also allows the use of stacker parking facilities. As such, the current design features at least one direct drive in parking space for each of the twenty apartments. The modified plan also provides three visitor spaces including one handicapped space. There are 12 additional parking spaces available through the use

of tandem and stacker parking spaces. The proposed project requires 32 parking spaces according to the Wellesley Zoning By-Law. The overall program now features 35 parking spaces on site for a ratio of 1.75 spaces per unit; this exceeds the requirements. The interior garage aisle width has also been increased from the required 24' feet to 27' feet. This additional width allows more comfortable vehicular movements within the garage.

Comment: Although parking spaces have increased in number, the ability to park quickly has been reduced with the use of stacker parking spaces. The queue on the site is limited due to the close proximity to Route 9. Further, the new design allows for a SU-30 vehicle turnaround that is only possible with a 3-point turn using the entrance to the garage. SU-30 will accommodate an ambulance and likely a FedEx or UPS truck, but will not allow adequate space for a fire truck to turn. The improper use of turning radii continues to be an issue for trash service, fire safety, and moving trucks larger than an SU-30, which will be accessing the site located on Route 9. **Backing out of the site onto Route 9 is not an option.** If an ambulance is called to the site, a fire truck and police car are typically called too, and based on this design, will largely have to remain in Route 9. There continues to be no fire access around the building.

6. Limited accommodation for snow removal and storage. With the overwhelming majority of parking located under the building, the proposed plan features very little impervious surface requiring snow removal. We have shown the snow storage areas on Layout sheet C-3.

Comment: The previous plan had open areas to the parking garage that would require snow removal. The modified plans have decreased snow-removal areas. Given the location along Route 9, however, snow removal is critical at the entrance to insure that vehicles exiting the single entrance/exit onto Route 9 can do so in a safe manner. The limited snow storage areas continue to be a concern.

7. Sewer service is undersized and the proposed building encroaches on the existing easement. The existing sewer main consists of a 6-inch line constructed with a 4% slope. The capacity of this line based upon universally accepted computer modeling is approximately 138 gallons per minute. The existing sewer main currently serves four homes with a total of 13 bedrooms. This produces an estimated sewage flow of 1 gallon per minute. The proposed sewage flow generated from the new project would increase the total flow to 4.05 gallons per minute. As is commonly done in design stages, to account for peak flow variations during the day, a peaking factor of 5 is often used. This would produce a maximum theoretical flow of approximately 20.3 gallons per minute. Even at this elevated maximum peak flow, the capacity of the existing sewer main has approximately 6.3 times the capacity to handle even the highest flow. So respectfully, the sewer service is not even close to being undersized and can comfortably handle the additional capacity.

In addition, the applicant would be willing to TV the existing sewer main and repair any deficiencies and or leaks that may be encountered. The proposed design would request the relocation of the sewer manhole to be closer to the easterly property line since the new construction would not be using existing sewer main sections which run further into the existing property (e.g. where the existing house is).

Lastly, we acknowledge the sewer easement does exist. However, from a practical and functional purpose, the sewer easement is totally unnecessary as the sewer infrastructure only services the existing house at 680 Worcester Road. There is no requirement to have a sewer easement for a single residential sewer service, otherwise every house in Wellesley could theoretically have/need a sewer easement.

Comment: The Town's previous comments continue to be relevant and are unchanged. The existing sewer connection to the site runs from an easement in Francis Road. The proposed structure located over the easement and the existing line, while adequate to serve the four residential structures that are currently served through the easement, will not meet the municipal standard for a sewer main when the additional 19 units are added. The site also includes a slope easement which is held by the MassDOT, and a portion of the proposed building is located within the easement. The Building Inspector has noted the building cannot be located over any easements, and it should be further noted relocation of the sewer easement would require Town officials to sign off on the abandonment as well as Town Meeting approval.

8. Moratorium on opening of Route 9 may impact water service. The water main has since been extended into the site so this issue is obsolete as no road opening for water service will be necessary.

Comment: The Town acknowledges this comment has been addressed.

9. Site access by Fire Department staff and apparatus is inadequate. See letter "E". In addition, please see the attached memo to the Fire Department dated November 3, 2017.

Comment: The Town continues to have concerns about Fire Department access. The letter from Hayes engineering indicates that all fire trucks have a clear height of 13.5 feet. If a ladder truck were to enter the site, the nose of the truck could enter the garage at the angle submitted, but would have limited maneuverability on the site to raise the ladder, particularly if any of the spaces were taken outside the building or in fact the ambulance arrived first.

10. Site access exacerbates existing traffic and circulation problems. A detailed Transportation Impact Assessment was prepared for the proposed project by Vanasse & Associates, Inc. dated September 2017. The conclusions from that study indicate that the site development can support safe access entering and exiting the site. In addition, there will be no decrease to the level of service for the adjacent intersections and turning movements. The discussions with Mass DOT indicate that the new curb cut permit will not require a deceleration lane.

Comment: The Town continues to raise concerns on circulation. Route 9, only allows for vehicles to access the site heading eastbound. Exiting the site, all vehicles must continue eastbound and make turnarounds at Kingsbury and Route 9 or access residential neighborhoods to alter course. Returning to the site from a westbound direction would require turnarounds at Oak Street or access via neighborhood roads west of 680 Worcester Street. The Town will continue to encourage MassDOT to consider requiring the installation of a deceleration lane for vehicles accessing the site from Route 9 due to the 50 mph speed limit and limited driveway length.

11. Pedestrian access to and from the site is limited. The applicant does not intend to construct a sidewalk from Francis Road to the site driveway as was represented in the letter. The existing section of Route 9 already has approximately 130 feet of sidewalk along the site frontage that extends to Francis Road. The proposed project would further extend the sidewalk another 30 feet in front of the property to the new driveway. The existing sidewalk from Francis Road to the property would not change. During discussions with Mass DOT, the proposed improvements for this section of Route 9 would include the addition of sidewalks where they do not currently exist. The applicant will provide snow removal in front of the property as all residents with sidewalks along Route 9 are required to do. No snow plowing beyond the property frontage is proposed.

Comment: In the application to MassHousing, the applicant contends that the site is within walking distance to public transportation, schools, and open space, yet they are not improving access points

to those areas. Pedestrian access will be critical to access open space, schools, and shopping located within walking distance of the isolated site. The Town continues to find that sidewalks should be continued to School Street along Route 9 to accommodate pedestrian traffic should the project move forward. The applicant should also be responsible for plowing all stretches of sidewalk from the site to major roads as MassDOT does not plow sidewalks.

12. Accommodations for public access should be considered in the project design. The proposed project will have little impact on the adjacent traffic conditions. The addition of or changes to the Metro West Regional Transit Authority should more appropriately be part of the Mass DOT upgrades to Route 9

Comment: The project site eligibility application contends the “project provides housing with good and redundant access to public transit and major employment hubs.”. If the location is to enhance access to public transportation for workforce and affordable families than the Town continues to advocate for the site to have bus accommodations installed adjacent to the site on Route 9 for tenants seeking public transportation. Commuter rail access is within walking distance if sidewalks are enhanced and plowed along Route 9. (see comment 11).

13. Construction of the project will have significant impacts on adjacent properties and streets. The current modified site plan now features a clear height of 13.5 feet which allows construction vehicle access and use of the rear portions of the site. The location of the parking and outside ground level patio as well as the easterly side yard area will be used for construction equipment, staging, parking and material storage. The garage level will be constructed first, which will then accommodate additional onsite parking and material storage under cover. The use of 16 Stearns Road (also owned by the applicant) is contemplated for employee parking, a site trailer and storage.

Comment: The Town continues to have significant concerns with the construction of the 680 Worcester Street site in conjunction with the 16 Stearns Road project. The Town continues to consider these two projects as a single project under common ownership. Mr. Derenzo should provide a phased construction plan for these two projects, particularly given the notion that the 16 Stearns Road property would be used for contractor parking, site trailer, and storage. The residents of Francis and Stearns Road would then be required to live with construction traffic and disturbance to the neighborhood for an extended amount of time. Given the 680 Worcester Street site is only accessed from the east bound lane of Route 9, the Town continues to have concerns as to how materials and equipment would be moved from 16 Stearns Road, down Stearns Road, onto Route 9 and to the site.

The comments relative to deliveries remain and the Town finds deliveries will need to be expertly coordinated and offsite parking of workers will be required. Parking, even of a temporary nature in the shoulder of Route 9, represents a significant safety concern to the Town and has the potential to significantly impede residents accessing the Francis and Stearns neighborhood, which has limited access from Route 9.

14. The density of the proposed development is significantly inconsistent with the adjoining development and will result in destabilization of the larger single family neighborhood. See “1”. Moreover, this project is located on a major highway with all vehicles entering and exiting onto Route 9. The project is located adjacent to an existing Nursing Home facility which generates significant more traffic than the proposed development and is less “residential” than the proposed development.

Comment: The Town remains concerned over the density. Twenty (20) residential units on a 20,000 square foot lot equates to a density of 43.47 units per acre. The density of the abutting residential neighborhood, not including the subject property, is 2.76 units per acre. The proponent’s logic would

presume that the entirety of the Route 9 Corridor is appropriate for density at a level greater than 40 units per acre because it is a major thoroughfare; decisions based on opinions such as this have led to sprawl and examples of *what not to do* with regard to land use planning. Further, the project will have a destabilizing effect on the current single family use of the abutting properties, likely making them unmarketable for continued single family owner occupancy, or for redevelopment as single family homes. The two projects, 16 Stearns and 680 Worcester Street combined, exacerbate this concern.

16 STEARNS ROAD

MassHousing identified the numerous Town concerns with the proposed construction at 16 Stearns Road. MassHousing stated the following in the November 13, 2017 letter:

The conceptual Project design for 16 Stearns Road currently before MassHousing involves injecting significant new density into the middle of a well-established residential neighborhood. The 16 Stearns Road project would replace a recently demolished single-family home at the end of a dead-end street, with 36 new units of housing, on 0.79 acres of buildable land. Given the context, the current Project design does not provide for modulated massing and appropriate transitions. The application does not demonstrate how site constraints can allow for mitigation of anticipated impacts, at the scale you currently propose.

Although the Applicant has submitted revised plans on this particular project that reduce the size of the building and number of units, the Town continues to believe that the revised proposal has not met the criteria outlined by MassHousing in its letter dated November 13, 2017, and therefore eligibility must be denied.

As discussed above, MassHousing asked for a collaborative process between the developer, the Town, abutters, and neighbors. The Town, neighbors, and abutters are all in agreement that a collaborative process has not occurred. The Town's original comments, (attachment 2) are all still valid. Below the Town will address specific design elements requested by MassHousing that are lacking in the current proposal.

Modulated massing and appropriate transitions

MassHousing rightly found in the original proposal that the design does not provide for modulated massing and appropriate transitions. The current twenty-four (24) residential units on a 44,578 square foot lot equates to a density of 24 units per acre. The density of the abutting residential neighborhood, not including the subject property, is 3 units per acre. The single-family structures abutting the site (save for the right-of-way and a sliver of Town-owned property) continue to be significantly impacted by the close proximity and potential shadow effects from the development. The developer previously discussed with the Town the potential to subdivide the lot into 2 or 3 units, which would have been consistent with the existing neighborhood density. The 16 Stearns Road and 680 Worcester Street applications continue to largely reference the Alzheimer's Center as neighborhood context. As noted above, the Alzheimer's Center is an exception to the residential area rather than a rule. The site, although within close proximity on a map, has no vehicular neighborhood connection to the Alzheimer's Center and contextually is separated from the proposed 24-unit development because of the street patterns.

The massing and setbacks to neighbors have only been incrementally improved on this site. 680 Worcester Street, the other component to this project, has not modified its height, massing, or density and continues to be a secondary mass that significantly impacts Stearns Road residents. The setbacks of the proposed project are improved by 5 feet from the previous submittal, but given the height of the building, are still inadequate. The proposal now juxtaposes a 51-foot-tall building, 20 feet from the abutting property line and 50 feet to a single-family home located at 10 Stearns Road to the east. The Town owns land to the east, south, and west and the structure will be located 22.5 feet from the Sprague School parking lot and 23 feet from the Sprague

Fields access drive. The minimal setbacks leave inadequate buffer or screening from abutters, particularly given the front access will be 160 feet from the rear of the project located at 680 Worcester Street with minimal landscaping provided to the rear of the site. The two projects proposed devalue the properties located at 11 Stearns Road and 9 Stearns Road, which will have projects to the rear and across the street from their low profile single-family dwellings. Exterior balconies overlook the abutting properties with minimal visual or sound mitigation. The Town reiterates its view that should two projects be proposed simultaneously at 16 Stearns Road and 680 Worcester Street, the two projects should be considered as one project as the proposal will eliminate all privacy for 11 Stearns and 9 Stearns Road.

The application does not demonstrate how site constraints can allow for mitigation of anticipated impacts.

The Town continues to find the limited access to and from the site a considerable challenge. The revised proposal does not change location which continues to **only** have direct ingress and egress from Stearns Road, a narrow dead end street located directly off Francis Road, a second narrow and dead end street, with direct access from Route 9 eastbound. Stearns Road and Francis Road are heavily traveled pedestrian routes for access to the Sprague School heading south, and the Middle School heading southeast. The neighborhood has limited vehicular access, as it can only be accessed from Route 9 eastbound. The limited access to Route 9 is also a concern with traffic backup onto Francis and Stearns Road during peak commuting hours that coincides with pedestrian and school traffic. Since the previous application, existing conditions on Route 9 have been modified with a new light at Route 9 and Kingsbury Street. The new light has exacerbated the queue issues exiting Francis Road, as Route 9 backs up during peak hours to the street. Revised traffic studies must include this new analysis.

The Town continues to raise significant concerns, outlined in our original letter, related to water, sewer, stormwater, flood zone, and wetlands. Plans for construction management remain a paramount concern for the Town, particularly given the Applicants statement in the 680 Worcester Street application that he may use the 16 Stearns site for parking and trailer storage. The size, location, and topography of this site will make it difficult to stage cranes or other construction equipment. The significant removal of site material also poses a problem with the number of anticipated trucks needed to haul the soil and blasted ledge material off site with limited access. In addition, the underground parking proposed will require significant concrete work, and staging of trucks will be difficult given the limited access to the site from Route 9 and the small neighborhood streets used to access the project site. Parking for all construction workers may not be completely accommodated on site given the size of the project and anticipated parking for 680 Worcester Street, and as previously noted parking is prohibited on Stearns Road and Francis Road, as well as Route 9. Deliveries will need to be expertly coordinated and offsite parking of workers may be required. The developer has not stated in the site application how construction would be staged and coordinated.

The Town cannot emphasize the importance of considering these two projects as a single project. MassHousing in its November 13, 2017 letter stated:

The design issues inherent in each proposed Project are magnified by the likelihood that these two related projects, which are located in close proximity to one another, will have significant localized impacts on the small residential neighborhood located around Francis Road and Stearns Road. Each proposed Project faces challenges integrating into the surrounding residential neighborhood context.

As outlined above, the Town continues to find the two projects will significantly impact and impair the values of this established, cloistered neighborhood and finds MassHousing **cannot** evaluate this projects on an individual basis.

The Town further points out that due to the significant number of 40Bs the Town is facing, the proximity of these projects to other projects cannot be disregarded. This project is within close proximity, 1000-1300 feet

from existing affordable units at 9 Highland Road, 174-178 Linden Street and 5/7 Oak Street. The projects are also less than a mile from the proposed 40Bs at 148 Weston Road (55 Units), and Delanson Circle (90 Units). The Town is in favor of affordable housing, but would prefer that its affordable housing developments be better distributed throughout Town and throughout the Town's Elementary School districts as opposed to siting all new projects in this one part of Town and within only one or two elementary school districts (Sprague School and Hardy School).

Sincerely,

Ellen F. Gibbs
Ellen F. Gibbs, Chair

Jack Morgan
Jack Morgan, Vice Chair

Marjorie R. Freiman
Marjorie R. Freiman

Beth Sullivan Woods
Beth Sullivan Woods

Thomas H. Murphy

CC: Kat Miller, MassHousing
Greg Watson, MassHousing
Jennifer Maddox, DHCD
Rep. Alice Peisch
Sen. Cynthia Creem
Sen. Richard Ross
Town of Wellesley Planning Board
Town of Wellesley Zoning Board of Appeals

Memorandum

To: Greg Watson

From: 680 Worcester Road, LLC

Date: November 28, 2017

Subject: Site Approval Application/ Modification
680 Worcester Street

We would like to respond to comments raised by your agency in its November 13th letter specific to the pending site approval application relating to 680 Worcester Road in Wellesley. A separate cover will eventually be submitted relating to those comments regarding the 16 Stearns Road site approval application.

We would like to introduce to MassHousing site plan modifications that have occurred prior to your letter being issued. These changes had been implemented based largely on comments received from various Municipal Departments. Moreover, we have attempted to provide some background and context to the changes for your benefit.

The majority of the plan changes were implemented for two primary reasons:

1. We were recently informed that the Massachusetts Department of Transportation was in the process of planning work/improvements in the area of Worcester Street in front of the property at 680 Worcester Road. In an effort to avoid disturbing work on a recently completed Mass DOT project, applications were filed to construct the 6 inch water main into the property as well as to apply for a new curb cut permit. The water connection was approved by both the Town of Wellesley and the Mass DOT and has since been constructed. The curb cut permit application was submitted to Mass DOT, and after several meetings and iterations, the curb cut design was approved and the curb cut permit will be issued after Town approval (our final submission has already been approved by their department). The revised plans now feature a driveway which allows a SU-30 vehicle to turn around within the site, eliminating any need to back out onto Route 9. The design and turning movements shown satisfied Mass DOT. There are no outstanding geometric issues to be resolved relative to the issuance of the curb cut permit.
2. A second reason for site plan modifications was in response to the July 19th 2017 letter issued by the Wellesley Board of Selectmen to MassHousing. Several questions and concerns were identified in that letter. While we respectfully believe most of the issues were of a technical nature more commonly addressed during the public hearing process, we nevertheless have attempted to enhance the proposed design to address some of those questions. And while 40B only requires engineering plans to feature a schematic level of details, we have provided additional details more commonly included during the building permit application stage.

Based on the issues identified in the Board of Selectmen's letter, we are responding to those specific questions/concerns.

A. Site Constraints.

We acknowledge the proposed density is greater than the surrounding neighborhood. A primary purpose/mission of 40B is to encourage greater density in exchange for the creation of affordable housing. Moreover, this project fronts on Route 9 which features a variety of densities and uses.

B. "Proposed stormwater management does not meet Best Practices"

The initial design concept included a stormwater management area located beneath the parking garage. This type of stormwater management design is allowable by DEP and is consistent with a recently approved project in Reading Massachusetts. However, because the Town Engineer was not comfortable with this engineering approach, the stormwater management area was relocated exclusively to be outside the building. The revised design will include two subsurface drainage areas that will mitigate runoff from the site for all design storms. The drainage design will be in compliance with the requirements of the Massachusetts Stormwater Management Standards. The soils were reviewed with information from the National Cooperative Soil Survey which indicates that the onsite soils are considered to be in Hydraulic Soil Group A. These soils provide excellent recharge characteristics. The soil information and characteristics were confirmed with onsite soil testing.

C. Wetlands determination should be revisited

Prior to developing a preliminary plan, a formal Request for Determination of Applicability was submitted to the Wellesley Wetlands Protection Committee. The Committee voted 5 to 0 to issue a negative determination indicating that there were no wetland resources on or within 100 feet of the site at the public hearing held on December 12, 2015. The question of the potential for a vernal pool was also discussed at the hearing and it was noted that the site did not exhibit any of the required characteristics. A copy of this December 15th 2015 letter has been attached to this submission.

D. Proposed setbacks will cause unacceptable impacts to abutting properties

The current/modified plan will now feature a side yard setback to the east property of 20 feet. The Selectmen's letter mistakenly indicated that it was only 8 feet. Moreover, the proposed building setback to the two residential abutters located to the rear were noted as being 10.1 feet when the actual setback is 25 feet. There is a proposed deck on the first floor of the rear of the building which is over the parking spaces. This common deck area, if allowed, provides enhanced and expanded recreational area for the residents in addition to the on grade patio and grass area.

E. "Parking is poorly designed and will not function as proposed".

The proposed parking plan has been significantly redesigned since the original submittal. Several of the significant changes were undertaken at the request of the Fire Department based on a meeting conducted with Charles DiGiandomenico the Fire Prevention Deputy Chief on November 2, 2017. The Fire Department required a clear height of 13.5 feet under the parking sections of the building. In addition, the design team, at the Applicant's recommendation, removed the garage doors to allow full access of emergency vehicles if required under the structure. This design change also allows emergency SU-30 vehicles to turn around on site. The

additional clear height of 13.5 feet also allows the use of stacker parking facilities. As such, the current design features at least one direct drive in parking space for each of the twenty apartments. The modified plan also provides three visitor spaces including one handicapped space. There are 12 additional parking spaces available through the use of tandem and stacker parking spaces. The proposed project requires 32 parking spaces according to the Wellesley Zoning By-Law. The overall program now features 35 parking spaces on site for a ratio of 1.75 spaces per unit; this exceeds the requirements. The interior garage aisle width has also been increased from the required 24' feet to 27' feet. This additional width allows more comfortable vehicular movements within the garage.

F. Limited accommodation for snow removal and storage

With the overwhelming majority of parking located under the building, the proposed plan features very little impervious surface requiring snow removal. We have shown the snow storage areas on Layout sheet C-3. (Attached)

G. Sewer service is undersized and the proposed building encroaches on the existing easement

The existing sewer main consists of a 6 inch line constructed with a 4% slope. The capacity of this line based upon universally accepted computer modeling is approximately 138 gallons per minute. The existing sewer main currently serves four homes with a total of 13 bedrooms. This produces an estimated sewage flow of 1 gallon per minute. The proposed sewage flow generated from the new project would increase the total flow to 4.05 gallons per minute. As is commonly done in design stages, to account for peak flow variations during the day, a peaking factor of 5 is often used. This would produce a maximum theoretical flow of approximately 20.3 gallons per minute. Even at this elevated maximum peak flow, the capacity of the existing sewer main has approximately 6.3 times the capacity to handle even the highest flow. So respectfully, the sewer service is not even close to being undersized and can comfortably handle the additional capacity.

In addition, the applicant would be willing to TV the existing sewer main and repair any deficiencies and or leaks that may be encountered. The proposed design would request the relocation of the sewer manhole to be closer to the easterly property line since the new construction would not be using existing sewer main sections which run further into the existing property (e.g. where the existing house is).

Lastly, we acknowledge the sewer easement does exist. However, from a practical and functional purpose, the sewer easement is totally unnecessary as the sewer infrastructure only services the existing house at 680 Worcester Road. There is no requirement to have a sewer easement for a single residential sewer service, otherwise every house in Wellesley could theoretically have/need a sewer easement.

H. Moratorium on opening of Route 9 may impact water service.

The water main has since been extended into the site so this issue is obsolete as no road opening for water service will be necessary.

I. Site access by Fire Department staff and apparatus is inadequate.

See letter "E". In addition, please see the attached memo to the Fire Department dated November 3, 2017.

J. Site access exacerbates existing traffic and circulation problems.

A detailed Transportation Impact Assessment was prepared for the proposed project by Vanasse & Associates, Inc. dated September 2017. The conclusions from that study indicate that the site development can support safe access entering and exiting the site. In addition, there will be no decrease to the level of service for the adjacent intersections and turning movements. The discussions with Mass DOT indicate that the new curb cut permit will not require a deceleration lane.

K. Pedestrian access to and from the site is limited

The applicant does not intend to construct a sidewalk from Francis Road to the site driveway as was represented in the letter. The existing section of Route 9 already has approximately 130 feet of sidewalk along the site frontage that extends to Francis Road. The proposed project would further extend the sidewalk another 30 feet in front of the property to the new driveway. The existing sidewalk from Francis Road to the property would not change. During discussions with Mass DOT, the proposed improvements for this section of Route 9 would include the addition of sidewalks where they do not currently exist. The applicant will provide snow removal in front of the property as all residents with sidewalks along Route 9 are required to do. No snow plowing beyond the property frontage is proposed.

L. Accommodations for public access should be considered in the project design

The proposed project will have little impact on the adjacent traffic conditions. The addition of or changes to the Metro West Regional Transit Authority should more appropriately be part of the Mass DOT upgrades to Route 9.

M. Construction of the project will have significant impacts on adjacent properties and streets

The current modified site plan now features a clear height of 13.5 feet which allows construction vehicle access and use of the rear portions of the site. The location of the parking and outside ground level patio as well as the easterly side yard area will be used for construction equipment, staging, parking and material storage. The garage level will be constructed first, which will then accommodate additional onsite parking and material storage under cover. The use of 16 Stearns Road (also owned by the applicant) is contemplated for employee parking, a site trailer and storage.

N. The density of the proposed development is significantly inconsistent with the adjoining development and will result in destabilization of the larger single family neighborhood.

See "A". Moreover, this project is located on a major highway with all vehicles entering and exiting onto Route 9. The project is located adjacent to an existing Nursing Home facility which generates significant more traffic than the proposed development and is less "residential" than the proposed development.

Hopefully, these explanations and revised plans are helpful as you continue your review process. We believe we have addressed many of the concerns and/or clarified some incorrect assertions.

We have attached:

- 1 Letter from Hayes Engineering to Wellesley Fire Department Dated Nov 3 2017
- 2 Negative Determination of Applicability – December 15th 2015
- 3 Plans by Hayes Engineering, Inc. for #680 Worcester Street Sheets C1-C9 dated May 9, 2016 revised November 14, 2017
4. Plans by Grazado Velleco Architects, Inc. #680 Worcester Street Sheets C and A-1-A-8 dated May 22, 2017 revised November 14,2017.

We look forward to continuing to engage with the Town of Wellesley as we move through this process. Please let us know if anything we have submitted or explained is not clear.

We appreciate your help

Jay Derenzo

ATTACHMENT 2



TOWN OF WELLESLEY

MASSACHUSETTS

BOARD OF SELECTMEN

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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EXECUTIVE DIRECTOR OF GENERAL GOVERNMENT

July 19, 2017

Jessica Malcolm
MassHousing
One Beacon Street
Boston, MA 02108

RE: 680 Worcester Street, Wellesley, MA Site Eligibility Response

Dear Ms. Malcolm:

On behalf of the Town of Wellesley Board of Selectmen and Planning Board, please find the following comments with respect to the Comprehensive Permit Site Approval Application recently submitted by 680 Worcester Road, LLC for the construction of a 20-unit residential housing development at 680 Worcester Street within the Town of Wellesley. While the Town supports the creation of affordable housing options, the Town finds that the project is poorly designed and, as designed, is inappropriate for this site. We request that your office and the applicant consider our following concerns:

Site Constraints

The site has an area of 20,029 square feet. The proposed development has a gross floor area of 27,171 square feet, a Floor Area Ratio of 1.36, and height greater than 46 feet. The proposed project will occupy 68% of the site with impervious cover, and retains 32% of the site as "open space," which the applicant purports to be usable; however, given the location along Route 9, the installation of retaining walls, and the slope to the rear of the site, much of the open space is unusable to the tenants.

Proposed stormwater management does not meet Best Practices

Given the dense development of the site, necessary stormwater management is proposed to be accomplished by placing subsurface detention within the foundation of the proposed building. The Engineering Division has significant concerns over the subsurface infiltration systems location under the garage slab. Our Wellesley Town Engineer, a licensed professional with close to 30 years of experience, has never seen this done previously. Access for maintenance may cause significant disturbance to the site. The setbacks from the foundation appear to be insufficient. The applicant has not submitted soil

testing; however, any soil testing should account for the compaction rate required for the construction of the building as well as address the possible hydrologic impact of the infiltration system on the building foundation. For drainage purposes, it should be noted that snow melt from open air areas will either drain into the subsurface system or be directed to the Town's sewer system and needs to account for suspended solids, filtration and volume.

Wetlands determinations should be revisited

Wetlands are located on the adjacent property to the rear of the site. In December 2015, the Town's Wetlands Protection Committee determined that the isolated wetland on the property is not jurisdictional and the Committee issued a negative Determination of Applicability. As this determination was based upon an inspection in the fall, the Town is of the opinion that an inspection for the presence of a vernal pool should be conducted in the spring, as well as evaluating the role of the wetlands in flood control. Filling of this isolated wetland will require additional permitting at the state level.

Proposed setbacks will cause unacceptable impacts to abutting properties

The setbacks of the proposed project are inadequate and juxtapose a 46-foot-tall building 8 feet from the property line of a single residence home to the east (total separation of buildings is approximately 22-24 feet) with the residential building having a height of approximately 28 feet. To the rear of the site two additional single family lots are present with only a 12-foot setback. The minimal setbacks leave no room for an adequate buffer. In addition, the proposal creates an elevated common terrace which will overlook the properties to the rear with minimal visual or sound mitigation.

Parking is poorly designed and will not function as proposed

The parking for the site includes 32 parking spaces or 1.6 spaces per unit. Tandem parking has been used in the site for 8 of these spaces. The tight configuration and poor layout of the parking lot creates difficult maneuvering aisles to move tandem parked cars if needed. Jockeying of cars may result in parking of cars temporarily on Route 9, **which is prohibited**. The applicant has provided no visitor parking whatsoever, and given the location and isolation of the site, visitors will likely park—illegally—on residential roads or in the abutting commercial property. Parking for deliveries is limited and appropriate turning radii for delivery trucks has not been accounted for in the design. The improper use of turning radii continues to be an issue for trash service, fire safety, and moving trucks, which if the development is constructed all such vehicles will be accessing the site located on Route 9. **Backing out of the site onto Route 9 is not an option**. Additional parking garage design concerns include the parking garage being only partially covered requiring snow removal in open air areas.

Limited accommodations for snow removal and storage

Snow storage is accounted for on the plans, yet in each instance is over a barrier including retaining walls and fencing. The minimal landscaped areas will be impacted by snow storage, further depleting available opportunities for screening. If snow removal is not done properly, snow banks will further reduce the size of parking spaces and maneuvering aisles making a precarious layout even more unsafe for drivers.

Sewer service is undersized and the proposed building encroaches on the existing easement

The existing sewer connection to the site runs from an easement in Francis Road. The proposed structure is located over the easement and the existing line, while adequate to serve the four residential structures that are currently served through the easement, will not meet the municipal standard for a sewer main when the additional 19 units are added. The site also includes a slope easement which is held by the MassDOT, and a portion of the proposed building is located within the easement. The Building Inspector has noted the building cannot be located over any easements, and it should be further noted relocation of the sewer easement would require Town officials to sign off on the abandonment as well as Town Meeting approval.

Moratorium on opening of Route 9 may impact water service

An existing water line is present in Worcester Street. MassDOT will commence repaving Route 9 in the spring/fall of 2017 and the Town anticipates there will be a moratorium on cutting into the pavement.

Site access by Fire Department staff and apparatus is inadequate

The Fire Department has significant concerns regarding the ability for a Ladder Truck to access the site and notes the site cannot accommodate the prerequisite turning radius. The site is largely covered by the building with parking at grade. The ceiling height of the covered parking is 12 feet which does not meet the minimum clear height for the fire truck. The site must have a minimum of two access points for the Fire Department. An access point can be Worcester Street, although it is a state highway. The secondary access must be from the proposed parking lot at 680 Worcester Street given a fire truck cannot access the remaining two sides of the building.

Site access exacerbates existing traffic and circulation problems

The proposal includes direct ingress and egress from Route 9. Route 9, however, only allows for vehicles to access the site heading eastbound. Exiting the site, all vehicles must continue eastbound and make turnarounds at Kingsbury and Route 9 or access residential neighborhoods to alter course. Returning to the site from a westbound direction would require turnarounds at Oak Street or access via neighborhood roads west of 680 Worcester Street. The Town would encourage MassDOT to consider requiring the installation of a deceleration lane for vehicles accessing the site from Route 9 due to the 50 mph speed limit and limited driveway length.

Pedestrian access to and from the site is limited

The applicant is proposing to continue the sidewalk from Francis Road to the access driveway of the site. Pedestrian access will be critical to access open space, schools, and shopping located within walking distance of the isolated site. Sidewalks should be continued to School Street along Route 9 to accommodate pedestrian traffic should the project move forward. The applicant should also be responsible for plowing all stretches of sidewalk from the site to major roads as MassDOT does not plow sidewalks. Access from Francis Street to Town paths is only useful in good weather conditions as the Town does not plow paths.

Accommodations for public access should be considered in the project design

The MetroWest Regional Transit Authority does have the Route 1 commuter bus which travels along Route 9. The site should have bus accommodations adjacent to the site on Route 9 for tenants seeking public transportation. Commuter rail access is within walking distance if sidewalks are enhanced and plowed along Route 9.

Construction of the project will have significant impacts on adjacent properties and streets

The Town has significant concerns with respect to the practicality of constructing this project. The size of the site makes it impossible to stage cranes or other construction equipment, or to stockpile materials on site for construction. Additionally, parking for construction workers cannot be accommodated on site and therefore will significantly impact the adjacent neighborhoods as parking is not allowed on Route 9 and both sides of Stearns Road. Deliveries will need to be expertly coordinated and offsite parking of workers will be required. Parking, even of a temporary nature in the shoulder of Route 9 represents a significant safety concern to the Town and has the potential to significantly impede residents accessing the Francis and Stearns neighborhoods which has limited access from Route 9. The developer has not stated in the site application how construction would be staged and coordinated.

The density of the proposed developed is significantly inconsistent with adjoining development and will result in destabilization of the larger single family neighborhood

Twenty (20) residential units on a 20,000 square foot lot equates to a density of 43.47 units per acre. The density of the abutting residential neighborhood, not including the subject property, is 2.76 units per acre. The project will have a destabilizing effect on the current single family use of the abutting properties, likely making them unmarketable for continued single family owner occupancy, or for redevelopment as single family homes.

Based on the above, it is apparent that the proposed development is too intense for a site that is less than $\frac{1}{2}$ acre in size. There is no doubt that more affordable housing opportunities are necessary in the Town of Wellesley, but such opportunities should be more respectful of existing neighborhoods and land uses, as well as the eventual residents of the development. This proposal effectively creates an island separate from the larger community, and is contrary to best practices for affordable housing.



Ellen F. Gibbs, Chair



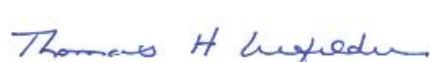
Jack Morgan, Vice Chair



Marjorie R. Freiman



Beth Sullivan Woods



Thomas Ulfelder

April 16, 2018

Chrystal Kornegay
Executive Director
MassHousing
One Beacon Street
Boston, MA 02108

RE: 16 Stearns Road and 680 Worcester Street, Wellesley, MA Site Eligibility Response

Dear Ms. Kornegay:

Please accept this letter as a response from the neighbors to the re-submitted 40B proposals at 16 Stearns Road and 680 Worcester Street in Wellesley.

Our previous letters to your office dated July 16, 2017, October 3, 2017, March 2, 2018 and March 7, 2018, copies of which are enclosed, have documented the uniquely high level of disregard for our community, its current and future residents and the spirit of the 40B statute that the applicant for these two projects, Jay Derenzo, has demonstrated. We request that you review these prior letters along with this one, as all of the same concerns still apply to our current position.

Process

Despite past patterns, we sincerely hoped that your letter dated November 13, 2017 would elicit some acknowledgement by the developer of our expressed community concerns, or at least an honest engagement in the vetting process. Instead, what we have witnessed are further acts of bad faith, attempts to circumvent the process and a flagrant dismissal of your November 13, 2017 letter.

Most notably, your letter's conclusion that the applicant should submit new proposals "after good-faith collaborative engagement with the Town of Wellesley and with the Projects' neighbors and abutters" was completely and purposefully ignored. Only after the neighbors submitted a formal complaint to MassHousing on February 28, 2018 (after receiving a new 16 Stearns Road application on February 16, 2018) did Mr. Derenzo's 40B consultant, Geoff Engler, propose a meeting that he characterized in an email on March 21, 2018 as a "good opportunity for the neighborhood to express concerns as well as perhaps contributing some constructive (and realistic) suggestions." When the meeting took place on March 29, 2018, however, and Mr. Engler was asked if our ensuing, collaborative ideas might result in any changes to either application, Mr. Engler definitively answered "no."

With regard to 16 Stearns Road, your letter concluded that the original application was untenable because it would “inject significant new density into the middle of a well-established residential neighborhood,” that the “design does not provide for modulated massing and appropriate transitions” and that it “does not demonstrate how site constraints can allow for mitigation of anticipated impacts.” Aside from the removal of one floor and a small shift in the footprint, the new design is largely unchanged and remains unacceptable for all the reasons articulated in your letter. It is still twice the height of the next tallest structure in the neighborhood, would still necessitate extensive blasting of ledge on a one-acre lot surrounded by a school, playgrounds and playing fields, and would still route 50+ cars directly into the foot traffic of young children on their way to both Sprague Elementary and Wellesley Middle School.

In the case of the 680 Worcester Street proposal, your letter concluded that the original proposal “does not allow for appropriate relationships to adjacent building types, within the context of the Project’s existing neighborhood” and that “the application does not demonstrate how site constraints can allow for mitigation of anticipated impacts, at the scale you currently propose,” yet there has been no change at all to the basic footprint, scale or height of the proposed building.

In fact, when asked to clarify his reference to “pending site approval applications at Masshousing; both for Stearns Road *and* 680 Worcester” in his March 21, 2018 email, Mr. Engler acknowledged that “the changes to this application were more modest than 16 Stearns and largely focused upon the entrance and turning movements off of Route 9.” With such “modest” updates that did not even attempt to address the scale, positioning or height issues raised in your letter, it certainly cannot be concluded that the revised plan “allows for appropriate relationships to adjacent building types” or “demonstrates how site constraints can allow for mitigation of anticipated impacts, at the scale you currently propose” any more than the first proposal did.

Furthermore, it was only because of our request for clarification of the “680 Worcester” reference on March 21, 2018 that the neighbors and Town learned for the first time of the applicant’s submission of revised plans to MassHousing—almost four months earlier—on November 28, 2017. Although Mr. Engler acknowledged his failure to supply the Town with the new plans, stating “there was some confusion relative to the submittal of this information,” it should be noted that these plans included information about a new water main installation at 680 Worcester that was approved by a third party in November, and would normally have been reviewed more thoroughly by the Town had it been informed of the plan prior to installation.

Such deceptions echo the recurring, dishonest dialogues Mr. Derenzo has had with Town officials about his intentions for the properties and bloating of costs in the pro formas. Unfortunately, operating well outside the notion of “good faith” with the Town and neighbors has become the norm, not the exception for both projects.

New traffic concerns

The new stoplight and turnaround that was installed in July, 2018 at Worcester and Kingsbury Street, and referenced in the Town's response, best demonstrates that the traffic threshold for automobiles leaving Francis Road has already been surpassed. On weekday mornings and on weekends, there are now frequent times when stopped Worcester Street traffic causes the queue of cars exiting Francis Road to back up past the driveway opening of 2 Francis Road. Because it is the only exit point for all 18 homes on Stearns Road and Francis Road, this already presents a safety issue, even without the consideration of schoolchildren on foot.

Absent a new traffic study, it is still reasonable to conclude that adding 24 homes and 50+ cars to the end of Stearns Road would more than double the volume of automobiles waiting to enter the queue, and substantially worsen the existing safety problem. For some neighbors, the large-scale construction vehicles traveling between the two sites to accommodate the developer's loose staging plans and spatial constraints, would make passage and driveway exiting impossible during an emergency.

We are also concerned that residents of the 680 Worcester Street building will have similar issues when trying to exit onto Worcester Street when stoplight traffic has backed up to the building.

Affordable housing progress

As neighbors and Town residents, this experience continues to drive our collective passion, not just to meet our obligations, but to do it thoughtfully. We know that to increase our SHI in a way that strengthens our community and respectfully integrates future residents, we need to further elevate the affordable housing conversation. We continue to do this through [Our Affordable Wellesley](#), the open forum for residents that we created, but we also collaborate with Town officials wherever possible to help educate the community and ourselves, evaluate and advocate for municipal land development opportunities and are actively participating in the development of our Housing Production Plan.

Through these efforts we are more confident than ever that affordable housing can and will be cultivated in Wellesley without dismantling the safety and accessibility of 100-year-old established single-family school neighborhoods, and we are fully committed to seeing it through.

Conclusion

While we welcome the engagement of any developer that brings a thoughtful affordable housing solution to our neighborhood, we believe that the history

outlined in our letters proves that in this unique case, the revised proposals for 16 Stearns Road and 680 Worcester Street fail to honor the intentions of your November 13, 2017 letter and the 40B statute.

Based on the applicant's outright dismissal of the spirit and conditions outlined in your letter, we can only conclude that Mr. Derenzo either assumes that MassHousing will not stand behind the letter, or that he will have *more opportunities* even if he is held accountable this time, as long as he can adequately feign "good faith."

Our position is that this abuse of the 40B statute and the neighborhood should not be allowed to continue. The neighborhood has been subjected to his pattern of non-collaborative and deceptive tactics since he craftily demolished the single-family house at 16 Stearns Road on November 29, 2016, just before the Town's Historic Preservation Demolition Review bylaw was passed, and cut down 90% of the parcel's trees. Since then we have seen the now barren property's remaining plants wither and the wildlife disappear. (See attached photos.)

We deeply wish to begin the process of rebuilding our neighborhood as soon as possible and request that MassHousing honor its commitment to the integrity of this process by denying Mr. Derenzo a third opportunity to submit new applications and extend his bad-faith dealings in our community.

Thank you for your consideration and we remain available to discuss these proposals or the contents of our responses with you at any time.

Respectfully submitted,

Residents of the Stearns Road/Francis Road neighborhood (listed below)

Don and Joy Renjilian-Burgy

Lynda Cristiano

Lara and Stephen Bruno

Janet and Chris Hassett

Quentin and Randi Walsh

Joseph Perdoni

Rob Kaeneman

Sneha Patel-Kaeneman

Nabil and Marie Richa

DD and Max Marcoux

Carla Shea

Anne Lehman

Mark and Bethann Coppi

Marie Natoli

Kathy Severson

Svea and Scott Fraser

*Jennifer and Vincent Starck
Deb and Pete Buhler
Nicky and Joe Assan
Molly and Micah Shrewsberry
Marcia Ryan
James A. Goodhue
Wendy and Andrew Sheu*

Encl.

CC: Kat Miller, MassHousing
Greg Watson, MassHousing
Jennifer Maddox, DHCD
Rep. Alice Peisch
Sen. Cynthia Creem
Sen. Richard Ross
Town of Wellesley Board of Selectmen
Town of Wellesley Planning Board
Town of Wellesley Zoning Board of Appeals

16 Stearns Rd. - view from street before teardown and tree cutting



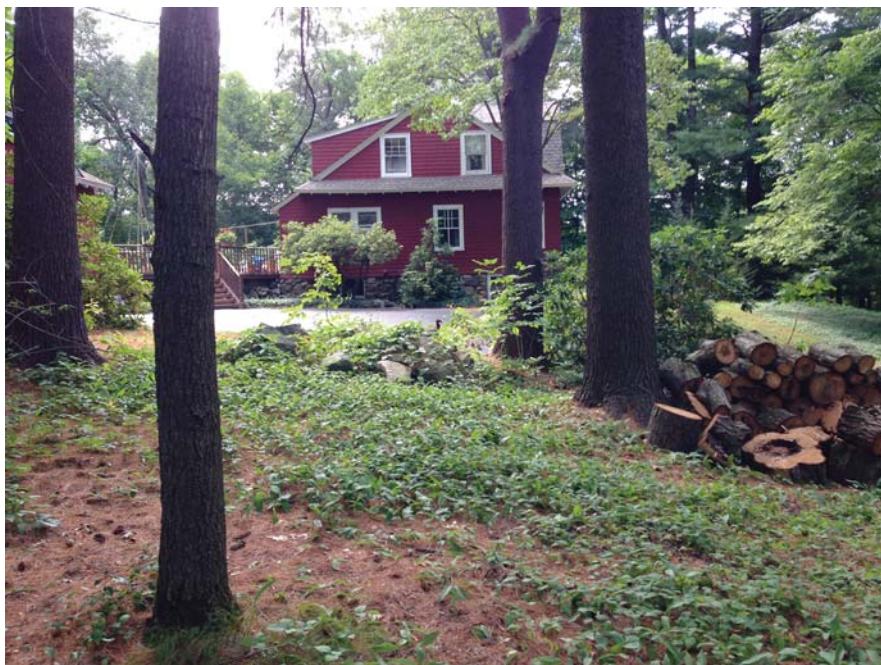
16 Stearns Rd teardown on 11/29/16



16 Stearns Rd. - view from street now



16 Stearns Rd. - view from 10 Stearns Rd. before teardown and tree cutting



16 Stearns Rd. - view from 10 Stearns Rd. now



Stearns Rd. dead end, where path to Sprague Elementary School begins



16 Stearns Rd. - current view of neighborhood and abutting houses



680 Worcester St. - view of existing house's proximity to abutting house at 676 Worcester St.



680 Worcester St. - view of existing house's proximity to abutting houses at 676 Worcester St. and 11 Stearns Rd.



680 Worcester St. - north-facing view of existing house from abutting wetlands



East-facing view of houses at 680 Worcester St., 676 Worcester St. and 11 Stearns Rd. from abutting wetlands



Yards along Stearns Rd. - high water table results in widespread basement flooding and need for sump pumps



16 Stearns Rd. - view of flood zone area at rear of property





Massachusetts Housing Finance Agency
One Beacon Street, Boston, MA 02108

TEL: 617.854.1000 | www.masshousing.com
FAX: 617.854.1081 | www.masshousing.com
Videophone: 857.366.4157 or Relay: 711

May 22, 2018

16 Stearns Road, LLC
43 Charles Street
Needham, MA 02494
Attention: Jay Derenzo

**Re: 16 Stearns Road
Project Eligibility/Site Approval
MassHousing ID No. 950**

Dear Mr. Derenzo:

This letter is in response to your application as “Applicant” for a determination of Project Eligibility (“Site Approval”) pursuant to Massachusetts General Laws Chapter 40B (“Chapter 40B”), 760 CMR 56.00 (the “Regulations”) and the Comprehensive Permit Guidelines issued by the Department of Housing and Community Development (“DHCD”) (the “Guidelines” and, collectively with Chapter 40B and the Regulations, the “Comprehensive Permit Rules”), under the New England Fund (“NEF”) Program (“the Program”) of the Federal Home Loan Bank of Boston (“FHLBB”).

16 Stearns Road, LLC (the “Applicant”) has submitted an application with MassHousing pursuant to Chapter 40B. Original application materials were filed with MassHousing in August 2017. The original application proposed to build thirty-six (36) homeownership units in one five-story building on approximately 1.02 acres of land (0.91 buildable acres) located at 16 Stearns Road (the “Site”) in Wellesley (the “Municipality”). After an initial review of the Site, the proposed plans, and comments from the Municipality regarding the site plan, pursuant to a letter dated November 13, 2017, MassHousing requested that the Applicant refine the conceptual project design and its compatibility with the surrounding residential neighborhood context in compliance with 760 CMR 56.04(4)(c), the applicable regulations that govern the design elements of a 40B proposal.

On February 16, 2018 the Applicant submitted a revised proposal to MassHousing, reducing the proposed height of the building and the number of units to twenty-four (24) homeownership units in one three-story building (the “Project”).

In response to requests from the Municipality and members of the neighborhood, the Applicant facilitated a public meeting on March 29, 2018 intended to provide further opportunity for public comment and discussion. This meeting was attended by local officials, neighborhood residents,

MassHousing and the Applicant's team. The meeting consisted of presentations by the Applicant regarding changes to each proposal and encouraged discussion to further address local concerns. The Applicant also indicated that there would be ongoing opportunities for continued community engagement.

MassHousing has performed an on-site inspection of the Site, which local boards and officials were invited to attend, and has reviewed the pertinent information for the Project submitted by the Applicant, the Municipality and others in accordance with the Comprehensive Permit Rules.

In accordance with the Comprehensive Permit Rules, this letter is intended to be a written determination of Project Eligibility ("Site Approval") by MassHousing acting as Subsidizing Agency under the Guidelines, including Part V thereof, "Housing Programs In Which Funding Is Provided By Other Than A State Agency."

Municipal Comments

The Municipality was given a thirty (30) day period in which to review the original Site Approval application and submit comments to MassHousing. At the request of Meghan C. Jop, Assistant Executive Director to the Town of Wellesley, this period was extended to sixty (60) days. The Board of Selectmen submitted a letter on October 6, 2017 opposing the project, noting that the project's mass, scale, height, and related traffic impacts were incompatible with the Site and the surrounding single-family residential neighborhood. Further concern was noted for associated impacts from the proposed 40B development at 680 Worcester Street given its proximity to the Site.

Additional comments regarding project modifications were submitted to MassHousing on April 11, 2018 expressing continued opposition for the project. The Municipality's response focused on the areas of the revised proposal that may not fully address the findings of the November 13, 2017 letter from MassHousing. While the Municipality continued to urge MassHousing to evaluate both the 16 Stearns Road and 680 Worcester Street proposals as a single project given their proximity to one another, the following specific concerns with the Project were identified:

- The Municipality expressed concern that the proposed building's mass, scale, and height is out of character with the surrounding single-family residential neighborhood. Specifically, the Municipality noted that inadequate setbacks and associated shadow effects from the development would significantly impact abutting properties.
- The Municipality is concerned that the proposed ingress and egress from Stearns Road will challenge already limited vehicular capacity on Stearns and Francis Road, both narrow dead-end streets that can only be accessed from Route 9 eastbound. The Municipality pointed out that the new light at Route 9 and Kingsbury Street has exacerbated queueing issues on Francis Road, and requests that future traffic studies include this new analysis.
- The Municipality raised particular concern for schoolchildren and other pedestrian traffic given the anticipated increase in vehicular and construction volumes, and noted that sidewalk installation should be considered.

- The Municipality believes that the existing capacity of the 8" sewer main is adequate for the proposed Project, but is concerned that the existing capacity of the 6" water main will not provide adequate flow and might need replacement with an 8" or 10" line.
- The Municipality is concerned with the stormwater management plan proposed for this Site, noting that there is likely a presence of ledge where the underground garage is proposed, limiting available locations for subsurface infiltration. The Municipality stated that on-site mitigation should be considered, but noted their opposition to any subsurface infiltration systems under the garage slab.
- The Municipality notes that the Site is located within close proximity to a landfill remediation site located at Sprague field. Given the amount of fill proposed for removal, the Municipality believes a 21E assessment should be conducted.
- The Municipality noted that the rear of the Site is partially located within a Flood Plain and would like an update on the LOMA that has been filed.
- The Municipality has expressed concerns with respect to the practicality of constructing the Project on the Site given its size and requests further clarification on how construction would be staged and coordinated.

Community Comments

In addition to the comments from town officials, MassHousing received four (4) letters from residents of the Stearns Road/Francis Road neighborhood, all of which expressed opposition to the Project. While letters from members of the community basically echoed the concerns identified by the town officials, the letters received are summarized below:

- The neighbors have expressed the opinion that the developer has failed to demonstrate “good faith collaborative engagement with the Town of Wellesley and with the Projects’ neighbors and abutters” and note that the overall lack of responsiveness to their concerns has resulted in destabilizing effects on the neighborhood.
- The neighbors are concerned that the developer has no prior experience constructing or managing a project of this scale or nature.
- The neighbors noted that more than 20 elementary school students walk to school each morning using the Sprague School path at the end of Stearns Road and are concerned that increased traffic volume will create unsafe conditions for neighborhood children.
- The neighbors are concerned about the combined effects of stormwater, rising groundwater, and soil disturbance from construction, particularly considering the area’s former use as a landfill.

MassHousing Determination

MassHousing staff has determined that the Project appears generally eligible under the requirements of the Program, subject to final review of eligibility and to Final Approval. As a result of our review, we have made the findings as required pursuant to 760 CMR 56.04(1) and (4). Each such finding, with supporting reasoning, is set forth in further detail on Attachment 1 hereto. It is important to note that Comprehensive Permit Rules limit MassHousing to these specific findings in order to determine Project Eligibility. If, as here, MassHousing issues a determination of Project Eligibility, the Applicant may apply to the Zoning Board of Appeals of the Municipality for a comprehensive permit. At that time local boards, officials and members of the public are provided the opportunity to further review the Project to ensure compliance with applicable state and local standards and regulations.

Based on MassHousing's site and design review, and in light of feedback received from the Municipality, the following issues should be addressed in the application for a Comprehensive Permit to the Wellesley Zoning Board of Appeals, and the Applicant should be prepared to explore them more fully during the public hearing process:

- The Applicant should consider and assess the cumulative impacts of this Project and the proposed 40B development at 680 Worcester Street given their proximity to each other. You should be prepared to discuss relative traffic and circulation capacity, building massing and site planning techniques, and reasonable requests for mitigation.
- The Applicant should be prepared to engage with the Town of Wellesley and with the Projects' neighbors and abutters throughout the ZBA process.
- Development of this Site will require compliance with all state and federal environmental laws, regulations and standards applicable to existing conditions and to the proposed use related to building construction, stormwater management, wastewater collection and treatment, and hazardous waste safety. The Applicant should expect that the Municipality will require evidence of such compliance prior to the issuance of a building permit for the Project.
- The Applicant should be prepared to address Municipal concerns relative to the size, scale and density of the Project and its impact on the character of the surrounding neighborhood, and to fully describe the proposed measures to address and mitigate these concerns. Updated designs and plans should depict the immediate neighborhood context, particularly the single-family homes contiguous to the Site on Stearns Road.
- The Applicant should be prepared to provide sufficient data to assess potential traffic impacts on area roadways and intersections, including the safety of proposed site access and egress, and the safety of pedestrians on Stearns Road and Francis Road. The Applicant should be prepared to respond to reasonable requests for mitigation.
- The Applicant should consider incorporating opportunities for enhancing pedestrian access around the Site.

- The Applicant should be prepared to provide detailed information relative to the proposed water supply for the project, and potential impacts on existing capacity.

This approval is expressly limited to the development of no more than twenty-four (24) homeownership units under the terms of the Program, with not less than six (6) of such units restricted as affordable homeownership units for low and moderate income persons or families as required under the terms of the Guidelines. It is not a commitment or guarantee of NEF financing and does not constitute a site plan or building design approval. Should you consider, prior to obtaining a Comprehensive Permit, the use of any other housing subsidy program, the construction of additional units or a reduction in the size of the Site, you may be required to submit a new Site Approval application for review by MassHousing. Should you consider a change in tenure type or a change in building type or height, you may be required to submit a new Site Approval application for review by MassHousing.

For guidance on the Comprehensive Permit review process, you are advised to consult the Guidelines. Further, we urge you to review carefully with legal counsel the M.G.L. c.40B Comprehensive Permit Regulations and 760 CMR 56.00.

This approval will be effective for a period of two years from the date of this letter. Should the Applicant not apply for a Comprehensive Permit within this period or should MassHousing not extend the effective period of this letter in writing, this letter shall be considered to have expired and no longer be in effect. In addition, the Applicant is required to notify MassHousing at the following times throughout this two year period: (1) when the Applicant applies to the local ZBA for a Comprehensive Permit, (2) when the ZBA issues a decision and (3) if applicable, when any appeals are filed.

Should a comprehensive permit be issued, please note that prior to (i) commencement of construction of the Project or (ii) issuance of a building permit, the Applicant is required to submit to MassHousing a request for Final Approval of the Project (as it may have been amended) in accordance with the Comprehensive Permit Rules (see especially 760 CMR 56.04(07) and the Guidelines including, without limitation, Part III thereof concerning Affirmative Fair Housing Marketing and Resident Selection). Final Approval will not be issued unless MassHousing is able to make the same findings at the time of issuing Final Approval as required at Site Approval.

Please note that MassHousing may not issue Final Approval if the Comprehensive Permit contains any conditions that are inconsistent with the regulatory requirements of the New England Fund Program of the FHLBB, for which MassHousing serves as Subsidizing Agency, as reflected in the applicable regulatory documents. In the interest of providing for an efficient review process and in order to avoid the potential lapse of certain appeal rights, the Applicant may wish to submit a “final draft” of the Comprehensive Permit to MassHousing for review. Applicants who avail themselves of this opportunity may avoid significant procedural delays that can result from the need to seek modification of the Comprehensive Permit after its initial issuance.

If you have any questions concerning this letter, please contact Katherine Miller at (617) 854-1116.

Sincerely,

Chrystal Kornegay

Chrystal Kornegay
Executive Director

cc: Janelle Chan, Undersecretary, DHCD
The Honorable Cynthia Stone Creem
The Honorable Richard J. Ross
The Honorable Alice Hanlon Peisch
Ellen F. Gibbs, Chair, Board of Selectmen
Richard L. Seegel, Chair, Zoning Board of Appeals
Blythe C. Robinson, Wellesley Executive Director
Michael D. Zehner, Planning Director

Attachment 1.

760 CMR 56.04 Project Eligibility: Other Responsibilities of Subsidizing Agency Section (4) Findings and Determinations

16 Stearns Road, Wellesley, MA #950

MassHousing hereby makes the following findings, based upon its review of the application, and taking into account information received during the site visit and from written comments:

(a) that the proposed Project appears generally eligible under the requirements of the housing subsidy program, subject to final approval under 760 CMR 56.04(7);

The Project is eligible under the NEF housing subsidy program and at least 25% of the units will be available to households earning at or below 80% of the Area Median Income, adjusted for household size, as published by the U.S. Department of Housing and Urban Development ("HUD"). The most recent HUD income limits indicate that 80% of the current median income for a four-person household in Wellesley is \$81,100.

The Applicant submitted a letter of interest for project financing from The Village Bank, a member bank of the FHLBB under the NEF Program.

(b) that the site of the proposed Project is generally appropriate for residential development, taking into consideration information provided by the Municipality or other parties regarding municipal actions previously taken to meet affordable housing needs, such as inclusionary zoning, multifamily districts adopted under c.40A, and overlay districts adopted under c.40R, (such finding, with supporting reasoning, to be set forth in reasonable detail);

Based on a site inspection by MassHousing staff, internal discussions, and a thorough review of the application, MassHousing finds that the Site is suitable for residential use and development and that such use would be compatible with surrounding uses, and would directly address the local need for housing.

The Town of Wellesley does not have a DHCD-approved Housing Production Plan, though municipal comments identifying specific actions taken to meet affordable housing needs indicate that as of November 21, 2017, the Town has hired two housing consultants to conduct research, create a needs assessment, and develop a Housing Production Plan to assist the Town in expanding opportunities for affordable housing production. Public workshops are underway, with anticipated completion of the Housing Production Plan for September 2018.

Additional efforts to increase the creation and preservation of affordable housing identified in the Municipality's comment letter include:

- Adopting an inclusionary zoning bylaw requiring residential projects in commercial districts and subdivisions of 5 lots or more to provide 20% affordable housing, and commercial projects over 10,000 square feet to provide 2% affordable housing. (2004)

- Amending the Wellesley Square Zoning District to create a special permit to increase density, allowing the previously stalled Wellesley Inn project to proceed. (2013)
- Development of the Town's Unified Plan, updating and combining the Board of Selectmen's Strategic Plan and the Planning Board's Comprehensive Plan. (2016)
- Pursuing potential development/redevelopment opportunities at the Tailby Lot and Barton Road Sites through RFP development and sub-area studies. (2018)

MassHousing recognizes Wellesley's recent efforts as meaningful; however, municipal actions to date have not been of a character and scale that meets the municipality's need for affordable housing as measured by the Statutory Minima. According to DHCD's Chapter 40B Subsidized Housing Inventory (SHI), updated in September 2017, Wellesley has 573 Subsidized Housing Inventory (SHI) units (6.3% of its housing inventory), which is 336 units short of the statutory minima requirement of 10%.

The need for additional affordable housing is further supported by U.S. Census data from the 2011-2015 American Community Survey (ACS), which indicates that approximately 10% (8,561) of the households in Wellesley earned less than 30% of the HUD published 2017 AMI (\$103,400), approximately 14.8% earned less than 50%, and nearly 18% of Wellesley residents earned less than 60% of the 2017 AMI.

(c) that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns (such finding, with supporting reasoning, to be set forth in reasonable detail);

In summary, based on an evaluation of the site plan using the following criteria, MassHousing finds that the proposed conceptual project design is generally appropriate for the Site. It should be noted that the proposed site plan for 16 Stearns Road included in the original submittal to MassHousing in August 2017 was re-designed by the Applicant in response to concerns raised in the initial town comment letter during MassHousing's initial application review. The following findings are made in response to the modified conceptual plan, submitted to MassHousing on February 16, 2018:

- **Relationship to adjacent streets/Integration into existing development patterns**
The proposed Project is located at the end of Stearns Road, a dead-end side street, roughly one block from Route 9, or Worcester Street. Route 9 is a major east-west State Highway with a high volume of traffic that provides direct access to several commercial centers throughout Wellesley and in neighboring Natick. The area immediately surrounding the Site is zoned Single Residence district. While a large medical building and the Sprague Elementary School fields are direct abutters, Stearns Road is comprised entirely of single family homes.

Access to and from Stearns Road is only by the eastbound lanes of Route 9. Access to and from the Site is by a short driveway that extends into the proposed building, where 37 spaces of below grade structured parking are provided. An additional 14 spaces of visitor parking around a circular driveway for pickups, drop-offs, and delivery vehicles are proposed at surface level. While the Site is primarily auto-oriented, Wellesley's downtown is approximately 1 mile south, providing more walkable commercial, retail, and multi-family uses, in addition to access to the Wellesley Square MBTA Commuter Rail station.

- **Relationship to Adjacent Building Typology (Including building massing, site arrangement, and architectural details)**

The Stearns Road neighborhood consists of a mix of modestly sized cape, colonial and cottage-style homes that abut the Site to the north and east. The remainder of the Site is surrounded by land owned by the Municipality to the south and west, where the Sprague Elementary School and fields are located.

The proposed Project demonstrates a substantial improvement from the originally proposed residential structure and is able to adequately mitigate the associated impacts of height, mass, and scale on the surrounding neighborhood. The Project consists of a 3-story, 24-unit condominium building, reducing the number of units by 12, which translates to a one-third reduction from the original proposal. The building design refers to a residential vernacular similar to homes found within the surrounding neighborhood, and breaks down the bulk of the structure with modulated massing, achieved by recesses in the façade and pitched roofs that emulate a townhouse design. The height of the building has been reduced by approximately 19 feet, having an average roof height of 44 feet above the finished grade, which allows for more appropriate transitions into the surrounding neighborhood. Materials and building features will consist of shakes and cladding for the façade, modest recessed terraces, and a covered porch leading to the main lobby entry.

- **Density**

The Applicant proposes to build twenty-four (24) condominium units on 0.91 acres of buildable land. The resulting density is 26.37 units per buildable acre, as compared to 39.56 units per buildable acre, which would have resulted from the originally proposed 36-unit structure. This is still a considerably higher density than the surrounding single-family lots on Stearns Road, but is comparable to other multifamily development in the region.

- **Conceptual Site Plan**

The site plan consists of one 3-story condominium building located towards the rear of the Site. Site access and egress is by two driveways. One extends directly below grade into the building, where 37 spaces of underground parking are provided. The other is a circular drive which includes an additional 14 spaces of surface parking and a landscaped island at the center. The Project's proposed total of 51 parking spaces results in a parking ratio of 2.13 parking spaces per unit.

The site plan proposes a small landscaped garden area and patio at the rear of the building on the Site's southwestern boundary. This is the only open space incorporated into the proposal; however, abutting town fields located on Wellesley's Sprague Elementary School grounds offer direct access to more extensive recreational resources.

- **Topography**

The Site includes some steep topography which currently reaches an elevation of 170' at the center and a low elevation of 146' at the rear southwest corner of the Site. The existing topography is proposed to be slightly lowered in the front and filled in at the rear, to assist the development in utilizing the Site efficiently and to mitigate the visual impacts of the proposed Project on the neighborhood. Careful attention must be taken in reworking the existing slope.

- **Environmental Resources**

The southwest corner of the Site is partially located within a flood plain. Otherwise, the Site is not located within any significant defined resource area and does not include any unique environmental features that enhance or restrict the proposed use.

(d) that the proposed Project appears financially feasible within the housing market in which it will be situated (based on comparable rentals or sales figures);

The Project appears financially feasible based on a comparison of sales for market rate homes submitted by the Applicant.

(e) that an initial pro forma has been reviewed, including a land valuation determination consistent with the Department's Guidelines, and the Project appears financially feasible and consistent with the Department's Guidelines for Cost Examination and Limitations on Profits and Distributions (if applicable) on the basis of estimated development costs;

The initial pro forma has been reviewed for the proposed residential use and the Project appears financially feasible with a projected profit margin of 14.17%. Based on concerns raised by local officials, the proforma was revised to reflect demolition and site preparation costs. In addition, a third-party appraisal commissioned by MassHousing has determined that the "As Is" land value for the Site of the proposed Project is \$1,300,000.

(f) that the Applicant is a public agency, a non-profit organization, or a Limited Dividend Organization, and it meets the general eligibility standards of the housing program; and

MassHousing finds that the Applicant is organized as a Limited Dividend Organization. The Applicant meets the general eligibility standards of the NEF housing subsidy program.

(g) that the Applicant controls the site, based on evidence that the Applicant or a related entity owns the site, or holds an option or contract to acquire such interest in the site, or has such other interest in the site as is deemed by the Subsidizing Agency to be sufficient to control the site.

The Applicant controls the entire 44,578 square foot (1.12 acres) Site through a Deed from Celia R. Doe and Linda Gayle Ito-Adler to J. Derenzo & Associates LLC dated July 15, 2016 and registered at Norfolk County Registry of Deeds in Book 34272; Page 287.



Massachusetts Housing Finance Agency
One Beacon Street, Boston, MA 02108

Tel: 617.854.1000 | www.masshousing.com
Fax: 617.854.1081

Videophone: 857.366.4157 or Relay: 711

May 23, 2018

680 Worcester Road, LLC
43 Charles Street
Needham, MA 02494
Attention: Jay Derenzo

**Re: 680 Worcester Road
Project Eligibility/Site Approval
MassHousing #885**

Dear Mr. Derenzo:

This letter is in response to your application as “Applicant” for a determination of Project Eligibility (“Site Approval”) pursuant to Massachusetts General Laws Chapter 40B (“Chapter 40B”), 760 CMR 56.00 (the “Regulations”) and the Comprehensive Permit Guidelines issued by the Department of Housing and Community Development (“DHCD”) (the “Guidelines” and, collectively with Chapter 40B and the Regulations, the “Comprehensive Permit Rules”), under the New England Fund (“NEF”) Program (“the Program”) of the Federal Home Loan Bank of Boston (“FHLBB”).

You have proposed to build twenty (20) units, including five (5) affordable units of rental housing (the “Project”) on a 0.46-acre site located at 680 Worcester Street (the “Site”) in Wellesley, MA (the “Municipality”). After an initial review of the Site, the proposed plans, and comments from the Municipality regarding the site plan, pursuant to a letter dated November 13, 2017, MassHousing requested that the applicant refine the conceptual project design and its compatibility with the surrounding residential neighborhood context in compliance with 760 CMR 56.04(4)(c), the applicable regulations that govern the design elements of a 40B proposal.

On November 28, 2017, the Applicant submitted a letter to MassHousing detailing site plan modifications to the original site plan including an increase to the proposed setback from 8 feet to 20 feet between the Project and the closest residential abutter to the east of the Site and a setback of 25 feet from the two residential abutters located to the rear of the Site. The proposed parking plan has been significantly redesigned since the original submittal based on specific comments from local officials, including increased clearance and improved turning access within the garage. In addition, the Applicant has proposed phasing construction to allow the garage level to be constructed prior to undertaking the proposed vertical construction, to accommodate additional onsite parking, staging and storage during construction.

In response to requests from the Municipality and members of the neighborhood, the Applicant facilitated a public meeting on March 29, 2018 intended to provide further opportunity for public comment and discussion. This meeting was attended by local officials, neighborhood residents, MassHousing and the Applicant's team. The meeting consisted of presentations by the Applicant regarding changes to each proposal and encouraged discussion to further address local concerns. In the spirit of MassHousing's letter dated November 13, 2017, the Applicant also indicated that there would be ongoing opportunities for continued community engagement.

MassHousing has performed an on-site inspection of the Site, which local boards and officials were invited to attend, and has reviewed the pertinent information submitted by the Applicant, the Municipality and others in accordance with the Comprehensive Permit Rules.

In accordance with the Comprehensive Permit Rules, this letter is intended to be a written determination of Project Eligibility ("Site Approval") by MassHousing acting as Subsidizing Agency under the Guidelines, including Part V thereof, "Housing Programs In Which Funding Is Provided By Other Than A State Agency."

Municipal Comments

Pursuant to the Regulations, the Municipality was given a thirty (30) day period in which to review the Site Approval application and submit comments to MassHousing. At the request of Meghan C. Jop, Assistant Executive Director to the Town of Wellesley, this period was extended to sixty (60) days. The Board of Selectmen submitted a letter on October 6, 2017 opposing the project, noting that the project's mass, scale, height, and related traffic impacts were incompatible with the Site and the surrounding single-family residential neighborhood. Further concern was noted for associated impacts from the proposed 40B development at 16 Stearns Road given its proximity to the Site.

Additional Municipal comments regarding project modifications were submitted to MassHousing on April 11, 2018 expressing continued opposition to the Project. The Municipality's response focused on the areas of the revised proposal that may not fully address the findings of the November 13, 2017 letter from MassHousing. While the Municipality continued to urge MassHousing to evaluate both the 16 Stearns Road and 680 Worcester Street proposals as a single project given their proximity to one another, the following specific concerns with the Project were identified in Municipal comments:

- The Municipality expressed concern that additional traffic generated by the Project would result in increased congestion on area roadways and pose heightened risks to drivers and pedestrians. Additionally, the Municipality is concerned about the reliability, noise, and safety of the proposed 'tandem' parking system, as well as the potential of backing onto Route 9. The Municipality requested that the Applicant provide a traffic study to allow the Municipality to fully assess Project traffic and public safety impacts.
- The Municipality has noted the lack of any usable open space for residents and has recommended that the Project include a designated outdoor area for sitting and socializing.

- The Municipality expressed concern regarding the Applicant's request for a waiver from off-street loading requirements and the Project's snow storage plan and its potential effect on available parking.
- The Municipality expressed concern with the Project's potentially negative impacts for abutters, including increased levels of noise and light, and requested a detailed construction management plan aimed at minimizing dust, noise, parking and traffic impacts during construction.
- The Municipality is concerned with the stormwater management plan proposed for this Site. Specifically, the Town's Engineering Division has raised concerns regarding the proposed subsurface infiltration system's location under the garage slab.
- The Municipality is concerned that there is an unreasonable setback from Route 9 which may affect the quality of life of abutting property owners.
- The Municipality is concerned that part of the proposed structure is located in an existing sewer easement that runs to a slope easement held by MassDOT. In addition, the Town anticipates there may be a moratorium on street cutting on Route 9 in connection with MassDOT improvements in the next six months.
- The Wellesley Fire Department has expressed concerns regarding the ability for a Ladder Truck to access the Site in case of an emergency.

Community Comments

In addition to the comments from town officials, MassHousing received a petition from area residents which expressed opposition to the Project. While the petition from members of the community basically echoed the concerns identified by local officials, the concerns are summarized below:

- Area residents expressed concern that public safety vehicles may have difficulty negotiating the Site in the event of an emergency. In addition, they indicated that parking is limited and the proposed parking garage lacks sufficient capacity for visitor parking and on-site deliveries.
- Area residents believe the Project's architectural design is incompatible with the surrounding neighborhood.
- Area residents believe the proposed building may cast shadows on neighboring homes.
- Area residents believe the Project's size and scale is out of character with the surrounding neighborhood.
- Area residents are concerned that there will be an increase in motor vehicle traffic and is concerned that pedestrian safety issues may result from the proposed Project.

- Area residents request additional open space elements be added to the proposed site plan.
- Area residents raised concerns regarding the proposed stormwater management plan.

MassHousing Determination

MassHousing staff has determined that the Project appears generally eligible under the requirements of the Program, subject to final review of eligibility and to Final Approval. As a result of our review, we have made the findings as required pursuant to 760 CMR 56.04(1) and (4). Each such finding, with supporting reasoning, is set forth in further detail on Attachment 1 hereto. It is important to note that Comprehensive Permit Rules limit MassHousing to these specific findings in order to determine Project Eligibility. If, as here, MassHousing issues a determination of Project Eligibility, the Applicant may apply to the Zoning Board of Appeals of the Municipality for a comprehensive permit. At that time local boards, officials and members of the public are provided the opportunity to further review the Project to ensure compliance with applicable state and local standards and regulations.

Based on MassHousing's site and design review, and in light of feedback received from the Municipality and members of the community, the following issues should be addressed in your application to the Wellesley Zoning Board of Appeals, and you should be prepared to explore them more fully in the public hearing process:

- The Applicant should consider and assess the cumulative impacts of this Project and the proposed 40B development at 16 Stearns Road given their proximity to each other. You should be prepared to discuss relative traffic and circulation capacity, building massing and site planning techniques, and reasonable requests for mitigation.
- The Applicant should be prepared to engage with the Town of Wellesley and with the Projects' neighbors and abutters throughout the ZBA process.
- Development of this Site will require compliance with all state and federal environmental laws, regulations and standards applicable to existing conditions and to the proposed use related to building construction, stormwater management, wastewater collection and treatment, and hazardous waste safety. The Applicant should expect that the Municipality will require evidence of such compliance prior to the issuance of a building permit for the Project.
- The Applicant should be prepared to provide sufficient data to assess potential traffic impacts on area roadways and intersections, including the safety of proposed Site access and egress, and to respond to reasonable requests for mitigation.
- The Applicant should respond to reasonable requests from the Municipality for additional Project information relative to proposed utilities, Site lighting, trash removal and snow storage.
- The Applicant should be prepared to explain how the Site will receive deliveries considering the request for the waiver of all off-street loading area requirements.

- The Applicant should be prepared to provide additional details to the Municipality about any proposed site amenities including shared community rooms, outdoor open space features and seating areas, and specific information about proposed pedestrian access to nearby sidewalks.
- The Applicant should engage with the Wellesley Fire Department to review the plans and address public safety concerns, particularly those pertaining to access of public safety equipment onto the Site.

This Site Approval is expressly limited to the development of no more than twenty (20) rental units under the terms of the Program, of which not less than five (5) of such units shall be restricted as affordable for low or moderate-income persons or families as required under the terms of the Guidelines. It is not a commitment or guarantee of financing and does not constitute a site plan or building design approval. Should you consider, prior to obtaining a comprehensive permit, the use of any other housing subsidy program, the construction of additional units or a reduction in the size of the Site, you may be required to submit a new Site Approval application for review by MassHousing. Should you consider a change in tenure type or a change in building type or height, you may be required to submit a new site approval application for review by MassHousing.

For guidance on the comprehensive permit review process, you are advised to consult the Guidelines. Further, we urge you to review carefully with legal counsel the M.G.L. c.40B Comprehensive Permit Regulations at 760 CMR 56.00.

This approval will be effective for a period of two (2) years from the date of this letter. Should the Applicant not apply for a Comprehensive Permit within this period or should MassHousing not extend the effective period of this letter in writing, this letter shall be considered to have expired and no longer be in effect. In addition, the Applicant is required to notify MassHousing at the following times throughout this two-year period: (1) when the Applicant applies to the local ZBA for a Comprehensive Permit, (2) when the ZBA issues a decision and (3) if applicable, when any appeals are filed.

Should a comprehensive permit be issued, please note that prior to (i) commencement of construction of the Project or (ii) issuance of a building permit, the Applicant is required to submit to MassHousing a request for Final Approval of the Project (as it may have been amended) in accordance with the Comprehensive Permit Rules (see especially 760 CMR 56.04(07) and the Guidelines including, without limitation, Part III thereof concerning Affirmative Fair Housing Marketing and Resident Selection). Final Approval will not be issued unless MassHousing is able to make the same findings at the time of issuing Final Approval as required at Site Approval.

Please note that MassHousing may not issue Final Approval if the Comprehensive Permit contains any conditions that are inconsistent with the regulatory requirements of the New England Fund Program of the FHLBB, for which MassHousing serves as Subsidizing Agency, as reflected in the applicable regulatory documents. In the interest of providing for an efficient review process and in order to avoid the potential lapse of certain appeal rights,

the Applicant may wish to submit a “final draft” of the Comprehensive Permit to MassHousing for review. Applicants who avail themselves of this opportunity may avoid significant procedural delays that can result from the need to seek modification of the Comprehensive Permit after its initial issuance.

If you have any questions concerning this letter, please contact Michael Busby at (617) 854-1219.

Sincerely,



Chrystal Kornegay
Executive Director

cc: Janelle Chan, Undersecretary, DHCD
The Honorable Cynthia Stone Creem
The Honorable Richard J. Ross
The Honorable Alice Hanlon Peisch
Ellen F. Gibbs, Chair, Board of Selectmen
Richard L. Seegel, Chair, Zoning Board of Appeals
Blythe C. Robinson, Wellesley Executive Director
Michael D. Zehner, Planning Director

Attachment 1

760 CMR 56.04 Project Eligibility: Other Responsibilities of Subsidizing Agency Section (4) Findings and Determinations

680 Worcester Road, Wellesley, MA #885

MassHousing hereby makes the following findings, based upon its review of the application, and taking into account information received during the site visit and from written comments:

(a) that the proposed Project appears generally eligible under the requirements of the housing subsidy program, subject to final approval under 760 CMR 56.04(7);

The Project is eligible under the NEF housing subsidy program and at least 25% of the units will be available to households earning at or below 80% of the Area Median Income, adjusted for household size, as published by the U.S. Department of Housing and Urban Development ("HUD"). The most recent HUD income limits indicate that 80% of the current median income for a four-person household in Wellesley is \$81,100.

A letter expressing interest in Project financing was provided by The Village Bank, a member bank of the Federal Home Loan Bank of Boston.

(b) that the site of the proposed Project is generally appropriate for residential development, taking into consideration information provided by the Municipality or other parties regarding municipal actions previously taken to meet affordable housing needs, such as inclusionary zoning, multifamily districts adopted under c.40A, and overlay districts adopted under c.40R, (such finding, with supporting reasoning, to be set forth in reasonable detail);

Based on a site inspection by MassHousing staff, internal discussions, and a thorough review of the application, MassHousing finds that the Site is suitable for residential use and development and that such use would be compatible with surrounding uses, and would directly address the local need for housing.

The Town of Wellesley does not have a DHCD-approved Housing Production Plan, though municipal comments identifying specific actions taken to meet affordable housing needs indicate that as of November 21, 2017, the Town has hired two housing consultants to conduct research, create a needs assessment, and develop a Housing Production Plan to assist the Town in expanding opportunities for affordable housing production. Public workshops are underway, with anticipated completion of the Housing Production Plan for September 2018.

Additional efforts to increase the creation and preservation of affordable housing identified in the Municipality's comment letter include:

- Adopting an inclusionary zoning bylaw requiring residential projects in commercial districts and subdivisions of 5 lots or more to provide 20% affordable housing, and commercial projects over 10,000 square feet to provide 2% affordable housing. (2004)

- Amending the Wellesley Square Zoning District to create a special permit to increase density, allowing the previously stalled Wellesley Inn project to proceed. (2013)
- Development of the Town's Unified Plan, updating and combining the Board of Selectmen's Strategic Plan and the Planning Board's Comprehensive Plan. (2016)
- Pursuing potential development/redevelopment opportunities at the Tailby Lot and Barton Road Sites through RFP development and sub-area studies. (2018)

MassHousing recognizes Wellesley's recent efforts as meaningful; however, municipal actions to date have not been of a character and scale that meets the municipality's need for affordable housing as measured by the Statutory Minima. According to DHCD's Chapter 40B Subsidized Housing Inventory (SHI), updated in September 2017, Wellesley has 573 Subsidized Housing Inventory (SHI) units (6.3% of its housing inventory), which is 336 units short of the statutory minima requirement of 10%.

The need for additional affordable housing is further supported by U.S. Census data from the 2011-2015 American Community Survey (ACS), which indicates that approximately 10% (8,561) of the households in Wellesley earned less than 30% of the HUD published 2017 AMI (\$103,400), approximately 14.8% earned less than 50%, and nearly 18% of Wellesley residents earned less than 60% of the 2017 AMI.

(c) that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns (such finding, with supporting reasoning, to be set forth in reasonable detail);

In summary, based on an evaluation of the site plan using the following criteria, MassHousing finds that the proposed conceptual project design is generally appropriate for the Site. It should be noted that the proposed site plan for 680 Worcester Road included in the original submittal to MassHousing on June 8, 2017, was re-designed by the Applicant in response to concerns raised in the initial Town comment letter during MassHousing's initial application review. The following findings are made in response to the modified conceptual plan, submitted to MassHousing on November 28, 2017:

- **Relationship to adjacent streets/Integration into existing development patterns**
Overall, the neighborhood is well positioned to support both commercial and residential use. The Site is located at 680 Worcester Street (Route 9). The direct abutters surrounding the Site are predominately single-family residential homes along Route 9, a large medical building and the Sprague Elementary School. Directly to the rear of the Site is a well-established single-family neighborhood comprised of small capes and colonial-style homes. Route 9 is a major east-west State Highway with a high volume of traffic. The Site is located on the eastbound side of the highway, while the westbound side of the highway is easily accessible. The neighborhood is regarded as mature, mostly built up with few undeveloped parcels available on any of the proximate streets. The Site

has an advantageous location in terms of access to services, including proximity to a wide variety of retail stores, restaurants, schools, medical services, recreational facilities, local area highways and public transportation.

- **Relationship to Adjacent Building Typology (including building massing, site arrangement, and architectural details)**

The proposed building has an overall horizontal massing with three stories of residential units above one level of parking. In order to achieve a balanced massing, this horizontal form is combined with a series of vertical elements including the entryway to the main lobby and individual residential level lobbies with glass openings arranged within a brick facade. Four bay window features located above the proposed lobby and then running to the roof level help to define and articulate the elevation. Variations in siding material between floors add interest at the street level and serve to minimize the perceived height and bulk of the building.

The residential units will be accessed by two stairways and an elevator core connecting the entry level, garage level and the residential corridors. The proposed Project's amenities will include a lounge/library on the first floor that leads to a common terrace constructed over a covered parking area at the southeast corner of the building.

Changes to the proposed location of the building have increased the side and rear yard setbacks creating an improved relationship to the closest residential abutters.

- **Density**

The Applicant proposes to build 20 units on 0.46 acres, all of which are buildable. The resulting density is 43 units per buildable acre, which is acceptable given the proposed housing type and similar multi-family uses found in the surrounding regional context.

- **Conceptual Site Plan**

The proposed parking plan has been significantly redesigned since the original application submittal. The additional 3.9 feet of clearance in the garage allows for one direct drive-in parking space for each of the twenty (20) units. Additionally, there will be twelve (12) parking spaces available through the use of a combination of tandem and stacked parking. The interior garage aisle has also been increased from the required 24 feet to 27 feet to allow for an increase in vehicular movements within the garage. In response to requests from the Wellesley Fire Department, the Applicant increased the garage building height from 9.6 feet to 13.5 feet. In addition, the Applicant proposed to remove the garage doors to accommodate more comprehensive emergency vehicle access and egress to the Site.

The grade of the Site and existing sidewalk rises about 4 feet from the lobby entry to the end of the building allowing for a raised planting area that meets the natural grade at the easterly end. This raised area features a brick façade of the garage level to create a masonry base for the residential floors above.

As noted above, the Applicant revised the Site Plan during the course of the project eligibility review in response to feedback from MassHousing and the Municipality. The resulting Site Plan will now feature a side yard setback of 20 feet from the closest residential abutter to the east of the proposed building and a setback of 25 feet to the two residential abutters located at the rear of the Site.

- **Environmental Resources**

Based on MassHousing's site inspection, and information provided by the Applicant, no significant natural or cultural resources, endangered species habitat, or areas prone to flooding have been identified on the site. The absence of these potential constraints suggests that the site is generally appropriate for residential development and use.

- **Topography**

The Site is relatively flat at an elevation of approximately 150 feet. The western 10% of the site slopes downward to an elevation of approximately 139 feet. The topography is not an impediment to the proposed Project and helps to lessen the overall impact of the perceived height.

(d) that the proposed Project appears financially feasible within the housing market in which it will be situated (based on comparable rentals);

The Applicant proposes fifteen (15) market-rate units with rent levels of \$2,473 for the one-bedroom units, \$3,523 for the two-bedroom units and \$4,725 for the three-bedroom units. There will be five (5) affordable units with proposed rent levels of \$1,466 for the one-bedroom units, \$1,758 for the two-bedroom units and \$2,032 for the three-bedroom units, less utility allowances of \$129, \$190 and \$244, respectively.

MassHousing's Appraisal and Marketing (A&M) Division reports that there is strong demand for rental housing in the area, with increasing rental and occupancy rates over the past three years. Occupancy rates at comparable developments in the area average approximately 97.8%.

The location will attract interest given its proximity to local services, employment, commuter routes and shopping. However, the proposed Project does not appear to offer some of the amenities (e.g. pool and sports courts) and unit styles that are found in newer rental developments in the market. A&M recommends that a more detailed analysis/market study be conducted at Final Approval to confirm the subject's market area, the depth of the target market, the preferences/demands of area renters and support for proposed rent levels.

(e) that an initial pro forma has been reviewed, including a land valuation determination consistent with the Department's Guidelines, and the Project appears financially feasible and consistent with the Department's Guidelines for Cost Examination and Limitations on Profits and Distributions (if applicable) on the basis of estimated development costs;

MassHousing has commissioned an as "As-Is" appraisal which indicates a land valuation of \$990,000. Based on a proposed investment of \$2,625,740 in private equity, the application pro forma appears to be financially feasible and within the limitations on profits and distributions.

(f) that the Applicant is a public agency, a non-profit organization, or a Limited Dividend Organization, and it meets the general eligibility standards of the housing program; and

The Applicant must be organized as a Limited Dividend Organization. MassHousing sees no reason this requirement could not be met given information reviewed to date. The Applicant meets the general eligibility standards of the NEF housing subsidy program and has executed an Acknowledgment of Obligations to restrict their profits in accordance with the applicable limited dividend provisions.

(g) that the Applicant controls the site, based on evidence that the Applicant or a related entity owns the site, or holds an option or contract to acquire such interest in the site, or has such other interest in the site as is deemed by the Subsidizing Agency to be sufficient to control the site.

The Applicant controls the entire 0.46-acre site through deeded ownership.