

489 Worcester/4-14 Cliff Road Frequently Asked Questions

The Development Team has purchased or placed under agreement three properties located at 489 Worcester Street, 4 Cliff Road, and 14 Cliff Road. The Development Team reached out to the Town to begin the process for Town Meeting to consider a zoning change to allow for denser development. Please find some Answers in response to a number of questions the Town has received on the process any zoning proposal undergoes, and if successful the potential next steps for the project. In addition, as there have been many questions about MBTA Communities, the Town has also provided answers to several questions received.

Zoning and Permitting

Q: How can this project be built?

A: There are several strategies for multi-unit housing that can be employed on properties in Wellesley:

1. Under [Chapter 40A \(Zoning Act\)](#), the Development Team can propose a re-zoning as a property owner, through a citizen petition, or through support from the Planning Board or Select Board. The Town has several existing zoning districts that may be applicable to the site through a zoning map amendment, or there is the potential for a new zoning district to be established, followed by a zoning map amendment.
2. A [Chapter 40R District](#) is a separate zoning district that can be established through Town Meeting action. To be 40R eligible, the site requires proximity to transportation, 20% affordable housing, as of right permitting for housing, and approval from the Executive Office of Housing and Livable Communities (EOHLC). (EOHLC was previously known as the Department of Housing and Community Development “DHCD”) The Town has one 40R District located at the Wellesley Office Park on Williams Street.
3. Although not being proposed, the Town, through the Select Board, could sponsor the project as a [“Friendly Chapter 40B”](#). A “Friendly 40B” would allow the project to override local zoning with the provision of 25% of the units as affordable units with pricing at 80% or less of Area Median Income. The Town has reached its 10% affordable housing requirement, but the option for 40B is a tool for multi-unit development.

Q: How does it get to Town Meeting and what are the voting thresholds?

A: The project must first be placed on a Town Meeting Warrant from either a board, committee, or by Citizen Petition. Once on the Warrant, the Planning Board must hold a public hearing and make a recommendation on all zoning articles proposed to Town Meeting. The Advisory Committee also must review, hold a public hearing, and make a recommendation on the proposal to Town Meeting. For the project options detailed above, the 40B requires no Town Meeting action, 40R requires majority vote from Town Meeting, 40A zoning change requires 2/3 vote from Town Meeting, unless the zoning proposed meets the MBTA Community requirements. (See below).

Q: How does a Development Agreement fit in?

A: The Select Board may negotiate a Development Agreement that accompanies a zoning proposal to Town Meeting. The Development Agreement may more explicitly limit the site, or may detail specific timelines, architectural requirements, sustainable building practices, affordability restrictions or financial contributions to the Town. Development Agreements are binding agreements on the properties, but cannot impact the permitting requirements of the Town.

Q: Where is this project in the process?

A: This project is currently in the concept phase. It will require zoning modification, as 40B is not being contemplated, followed by permitting through the various Town Boards.

Q: What permitting may be required?

A: For this site specifically, if traditional zoning is applied, the project would then require at a minimum a [Project of Significant Impact](#) (PSI) Special Permit from the Planning Board for the impacts to capital infrastructure including water, sewer, stormwater, electricity, traffic and pedestrian safety, refuse, and fire and life safety provisions. Site Plan Review from the Zoning Board of Appeals which looks at the on-site impacts including ingress, egress, landscaping, architecture, lighting, parking, stormwater, construction management, and the ZBA looks to incorporate any provisions from the [Design Review Board](#) on their architectural and landscape review, as well as any conditions that may be imposed by the Wetlands Committee. PSI, Site Plan, and Wetlands Review require public notice to abutters, public hearings with each board, and the boards will render a decision that has an appeal period.

As part of the traffic and pedestrian review process, the Town works with the Town's Traffic Consultants to do a peer review and recommended mitigation for traffic and pedestrian impacts generated from any project that triggers the PSI traffic thresholds. This review is also reviewed by the Town's Traffic Committee (Police, DPW, Select Board Staff, MLP) and Select Board.

Q: Can the Town preserve the historic homes?

A: There are several regulations that may apply to an historic property. The Town has a [demolition delay bylaw](#) which requires a determination for housing of a certain age to be reviewed and a determination must be made if the structure should be preferably preserved and if so, the property may have a one-year demolition delay placed on the property. Following the one-year delay, the structure can be demolished.

The Zoning Bylaw allows for the establishment of [Historic Districts](#), including Single Building Historic Districts, which must follow MGL Chapter 40C. A study committee must be established by the Select Board, a study of the district must be performed, and submitted and approved by the Massachusetts Historical Commission and then the proposed district would go to Town Meeting as a zoning amendment.

The Town Bylaw allows for the establishment of a [Neighborhood Conservation District \(NCD\)](#). An NCD must be initiated by the neighborhood property owners, who have the ability to opt-out later in the process. The Historical Commission establishes a study committee, a study is conducted, and the Historical Commission and the Planning Board jointly would need to vote to support the establishment of the NCD, prior to bring the article to Town Meeting to establish the NCD in the Town Bylaw.

MBTA Communities

Q: [What is MBTA Communities](#)

A: Unrelated to 8 Cliff Road project, the Commonwealth approved a modification to MGL Chapter 40A (Zoning Act) to add a new provision under 3A that requires communities with access to MBTA amenities such as Commuter Rail, Rapid Transit Subway, Ferry, or Bus service to provide zoning within ½ mile of a station area. The zoning must have a minimum gross density of 15 units per acre and cannot be age restricted and must be suitable for families with children. The guidelines for compliance were produced after lengthy debate. The guidelines can be found on the Commonwealth's website at: <https://www.mass.gov/info-details/multi-family-zoning-requirement-for-mbta-communities>

Q: How does MBTA Communities impact Wellesley?

A: Wellesley is one of the 177 MBTA Communities subject to the requirements. The Town has been designated as a Commuter Rail Community, and the Town's obligation is to have zoning for 1392 units, of which 90% of those units must be located within a ½ mile of the transit area. This obligation is to create the underlying ZONING, not construction, or counting of existing, housing units. Wellesley's minimum land area for zoning must also equate to 50 acres. In

Wellesley, the Town has 4 districts: Wellesley Square, Wellesley Hills, Wellesley Farms, and Williams Street which falls within the Waban T (in Newton) designated area.

Q: Is Wellesley currently compliant with MBTA Communities Legislation

A: Wellesley has met interim compliance and is obligated to meet total compliance by December 31, 2024. To maintain interim compliance, the Town has had to take several steps. The Town had to file by May 2, 2022, that a meet had been held and that the Town had begun considering how the obligation would be met. The Select Board held a meeting on April 25, 2022, where Town Counsel gave a presentation to the Select Board on the requirements of MBTA Communities. A staff working group was formed by the Executive Director. The second step has been to file an Action Plan with dates as to when the Town believed it could meet the obligation. The Town filed an Action Plan by the deadline of January 31, 2023.

Q: Why does Wellesley need to comply with MBTA Communities?

A: The [Attorney General \(AG\) issued in March 2023](#) clarifying remarks on obligations under MBTA Communities. The AG has indicated in addition to rendering non-compliant community's ineligible for specific state funding including for MassWorks Infrastructure, Housing Choice Initiative, and local capital funds that support housing authorities; non-compliance may also be subject to civil enforcement action and risk liability under federal and state fair housing laws.

Q: What is needed to comply with MBTA Communities?

A: Town Compliance is achieved when an MBTA community adopts a multi-family zoning district that meets all the requirements of the compliance guidelines and is certified by EOHLCA .

Affordable Housing

Q: What is affordable housing?

A: Affordable housing is generally defined by the income of the household in relation to housing costs. The U.S. Department of Housing and Urban Development (HUD) identifies units as affordable if gross rent (including costs of utilities borne by the tenant) is no more than 30% of a household's net adjusted income (with a small deduction for each dependent, for child care, for extraordinary medical expenses, etc.) or if the carrying costs of purchasing a home (mortgage, homeowners association fees, property taxes and insurance) is not more than typically 30% of income. Affordable housing can be defined according to percentages of median income for the area, The most commonly used definition of affordable housing applies to the Chapter 40B comprehensive permit law. For a unit to be affordable under Chapter 40B and counted toward a community's progress in reaching the 10% affordability threshold and included as part of its Subsidized Housing Inventory (SHI), occupants must have income at or below 80% of area median income, adjusted by household size. For more specific information, please visit the Town's Affordable Housing Webpage: <https://wellesleyma.gov/1902/Affordable-Housing>.

Q: If Wellesley has met the 10% requirement for affordable housing, why is the Town engaging in conversations about creating more?

A: The Town continues to have a goal to have a diverse array of housing choices and people in the community. Housing is the most critical and foundational social structure for diversity of race and socio-economic status. To meet these goals the Town needs housing, other than single residence units for a variety of cohorts within the Town including single adults, young families, seniors, empty nesters, veterans, disabled residents, assisted and independent living, municipal and merchant employees.

Q: How do I stay informed about this project?

A: Follow the project online and sign up for News and Announcements.

