



# MBTA COMMUNITIES

Wellesley's Compliance  
Special Town Meeting

Article 15, Motions 1, 2, and 3

# AGENDA

- MBTA Communities Compliance Timeline
- Phased Approach
- Achieving Compliance
- Motion 1 (Density and Height Caps)
- Motion 2 (Site Plan Submittal Procedures)
- Motion 3 (Establishes Site Plan Regulations for MBTA Communities)

# GENERAL LAWS CHAPTER 40A, SECTION 3A

(a)(1) An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which **multi-family housing is permitted as of right**; provided, however, that such multi-family housing shall be **without age restrictions and shall be suitable for families with children**. For the purposes of this section, a district of reasonable size shall:

- (i) have a **minimum gross density of 15 units per acre**, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A; and
- (ii) be located not more **than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station**, if applicable.

# TIMELINE

-  **By May 2, 2022:** Presentation of Draft Guidelines to Select Board and submit forms
-  **By December 31, 2022:** If no compliant plan, must submit proposed action plan.
-  **By January 31, 2023, Commuter Rail communities must have an approved action plan**
-  **By December 31, 2024, Commuter Rail communities must be in compliance**

# Weston

Natick

Dover

Needham

Newton

## Disclaimer:

This map is for display purposes only — it is not intended for survey or legal purposes. The Town of Wellesley expressly disclaims responsibility for damages or liability that may arise from any errors, omissions, or inaccuracies in the information provided herein.



## Legend

- MBTA Rail Stations
- MBTA Commuter Rail - Worcester Line
- MBTA Rapid Transit - Green Line D
- Wellesley 1/2 Mile Station Areas



**TOWN OF WELLESLEY  
MASSACHUSETTS**

# MBTA COMMUNITY ZONING

Prepared for the Planning Department by  
the Information Technology Department  
GIS Office

October 2023

0 1,000 2,000  
Feet

# FIVE PHASE APPROACH...BECAME 6 AFTER EOHLC PRELIMINARY REVIEW



## PHASE 1

REZONE 40R DISTRICT  
TO INCREASE  
CAPACITY TO 850  
UNITS (ATM 2023)



## PHASE 2

MODIFY PERMITTING  
FOR MULTI-UNIT  
HOUSING  
  
(TRIGGER FOR  
INCLUSIONARY  
ZONING MOVED TO  
MAJOR  
CONSTRUCTION  
PROJECTS)  
  
(STM 2023)



## PHASE 3

EXPAND  
INCLUSIONARY  
ZONING TO  
RESIDENTIAL  
INCENTIVE OVERLAY  
  
DISTRICTS AND  
LOWER FALLS  
VILLAGE  
COMMERCIAL  
DISTRICTS  
  
(STM 2023)



## PHASE 4

MODIFY ZONING  
DEFINITIONS AT  
ANNUAL TOWN  
MEETING TO SPECIFY  
APPLICABLE MBTA  
COMMUNITIES  
DISTRICTS



## PHASE 5

STRATEGIC HOUSING  
PLAN UPDATE



## PHASE 6

2024 STM  
  
MODIFY 40R DISTRICT

# FIVE PHASE APPROACH...BECAME 7 AFTER ATTORNEY GENERAL PRELIMINARY REVIEW



**PHASE 1**  
REZONE 40R  
DISTRICT TO  
INCREASE  
CAPACITY TO 850  
UNITS (ATM 2023)



**PHASE 2**  
MODIFY  
PERMITTING FOR  
MULTI-UNIT  
HOUSING  
(TRIGGER FOR  
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**PHASE 3**  
EXPAND  
INCLUSIONARY  
ZONING TO  
RESIDENTIAL  
INCENTIVE  
OVERLAY  
DISTRICTS AND  
LOWER FALLS  
VILLAGE  
COMMERCIAL  
DISTRICTS  
(STM 2023)



**PHASE 4**  
MODIFY ZONING  
DEFINITIONS AT  
ANNUAL TOWN  
MEETING TO  
SPECIFY  
APPLICABLE MBTA  
COMMUNITIES  
DISTRICTS  
(ATM 2024)



**PHASE 5**  
STRATEGIC  
HOUSING PLAN  
UPDATE  
UNDERWAY  
NEXT PUBLIC  
MEETING 11/14



**PHASE 6**  
MODIFY 40R  
DISTRICT HEIGHT  
AND DENSITY  
CAPS



**PHASE 7**  
AMEND  
LANGUAGE FOR  
SITE PLAN REVIEW  
AND SPECIAL  
PERMIT GRANTING  
AUTHORITY

# HOW TO ACHIEVE COMPLIANCE?

Action	Date
Submit Preliminary Compliance Documents	December 2023
EOHLC Responds (90 <sup>th</sup> Day)	March 20, 2024
9 Compliance Questions to Answer for ATM	March 20, 2024
Town Responds	March 26, 2024
EOHLC Approves Town's Responses	March 27, 2024
EOHLC Notes 40R Must be Modified at STM (Motion 1)	March 27, 2024
Inclusionary Zoning Economic Feasibility Study Approved	May 29, 2024
Attorney General Reviews MBTA Zoning Submittal Post ATM and requires modification to Site Plan and Special Permit Granting Authority Provisions (Motion 2 & 3)	July 29, 2024
Modifications Reviewed and Approved by EOHLC	August 23, 2024
Modifications Reviewed and Approved by Attorney General	August 26, 2024

# MODIFICATIONS TO 40R

EOHLC Compliance Requirement (March 20, 2024):

- The Wellesley Park subdistrict contains multiple impermissible density and dimensional caps imposed district-wide. These include a district-wide unit cap of 850 units, a district-wide density cap of 20 units per acre, and a district-wide cumulative height cap of 575 feet. These caps are impermissible in zoning districts used for 3A compliance **because when the caps are reached, the other areas of the District are unavailable for development of multi-family housing as of right.** We note that these caps would also be impermissible in a 3A district if they were to be imposed by a development agreement.

# MOTION 1

## UNIT CAP

- Modification keeps the density at the greater of 20 units per acre or 850 units
- Adds provision, that if maxed out at 850 units, parcels without housing may develop at a density of 15 units per acre
- Attorney General and EOHLIC have approved draft language

### 3.6.1.D.1

- a. Multi-Family Dwellings: no more than eight hundred fifty (850) total Dwelling Units or twenty (20) units per acre based on the entire area of the District, whichever is greater; **provided however that fifteen (15) units per acre shall be permitted on each parcel within the District regardless of whether the preceding total unit or aggregate density maximums have been achieved;**

# EOHLC CONCERN

Greater of 20 Units or 850 Total

Address	Acreage	20/Acre
20 Williams	3.24	
40 Williams	4.85	350 *
45 Williams	5.02	250
55 Williams	2.39	
60 Williams	1.78	
65 Williams	1.75	
80 Williams	2.72	
100 Williams	4.81	250
Total	26.56	850

\* Constructed

If maxed out to 850, as of  
right development is  
precluded



# MOTION 1 UNIT CAP CHANGE

Greater of 20 Units or 850 Total

Address	Acreage	15/Acre
20 Williams	3.24	48
40 Williams	4.85	350 *
45 Williams	5.02	250
55 Williams	2.39	35
60 Williams	1.78	26
65 Williams	1.75	26
80 Williams	2.72	40
100 Williams	4.81	250
Total	26.56	1025

\*Constructed

If at maximum 850 Units, can develop at 15 Units per acre, potential increase of 175 Units in this scenario.



# MOTION 1

## HEIGHT CAP

- Current zoning allows for 85-foot height restriction
- Current zoning has provision that cumulative height is capped throughout the district is 575 Feet
- The Nines is at 69 Feet in height, allows for average height of buildings to be 72 feet (some at 85, some less)
- EOHL's concern is that if 7 of the 8 lots are constructed and the aggregated height reaches 575 feet, construction for as of right housing is prohibited on the remaining undeveloped parcel(s)
- Proposal removes aggregated height cap and sets maximum height at 85 feet
- Attorney General and EOHL have approved motion language

# **MOTION 1**

## **HEIGHT CAP**

- 3.6.1.D.6

The maximum height of buildings and structures in a Development Project in the Wellesley Park Overlay District shall be eighty-five (85) feet, and the aggregate height of all buildings in the Wellesley Park Overlay District shall not exceed five hundred and seventy-five (575) feet based on the maximum height of each individual building. Independent parking structures shall not be included in the calculation of aggregate height.

# MOTION 2

## SITE PLAN REVIEW

- Current Zoning requires Site Plan submittals to mimic Special Permit submittals and there is a reference to ZBA issuing Special Permit for Site Plan that is corrected in Motion 3.
- Attorney General requires modification for compliance
- Modifies Section 5.6.C.2 Site Plan Review to creates new submittal procedure for Site Plan for MBTA Communities and recognizes approval can be conditioned, but not unreasonably withheld
- Establishes standards consistent with Special Use Permits, but clarifies Site Plan is not a Special Permit
- Special Use Standards include vehicular circulation, driveways, vehicle queuing lanes, compatibility with surroundings, pedestrian safety, noxious uses, and intensity of use.
- Attorney General and EOHLG have approved motion language

## 2. Site Plan Review

In addition to Design Review in accordance with the preceding section, Major Construction Projects and Projects of Significant Impact, **and MBTA Community Projects** are subject to Site Plan Review, as follows:

- a. The applicant shall submit to the Zoning Board of Appeals ("ZBA") plans and other submission materials in accordance with the procedures for **Site Plan Review Special Permits** adopted by the ZBA pursuant to Section 6.3.C.3 of this Zoning Bylaw. Within seven (7) days from the date of its submission to the ZBA, copies of the complete application as submitted shall be referred by the ZBA to the Board of Health, Planning Board, Design Review Board, Town Engineer, Wetlands Protection Committee, Municipal Light Plant, Fire Chief, Police Chief and any other Town agencies or boards designated by the ZBA, for review and preparation of written recommendations to the ZBA, Building Inspector and the applicant prior to the required public hearing. Said written recommendations shall be attached to and become part of the application.
- b. **Site Plan Review for MBTA Community Projects by the ZBA pursuant to Section 5.6 of this Zoning Bylaw shall be for the purpose of ensuring that such projects conform to the standards outlined for Special Use Permits in Section 6.3.D., provided however that approval hereunder shall be limited to the imposition of reasonable conditions necessary to ensure compliance with said criteria.**

**Approval under this section shall not be unreasonably withheld, provided that an application may be denied where identified extraordinary adverse impacts from such MBTA Community Projects cannot be effectively conditioned or mitigated.**

- c. b. No decision shall be made by the ZBA in connection with any application until the above referenced written recommendations have been received or thirty-five (35) days shall have elapsed after such referral of the application without a recommendation being received. The ZBA may modify such plans to meet the requirements of this Section, and as modified, approve the same, or may disapprove the plans. No building permit or parking plan permit shall be issued by the Building Inspector without the written approval of plans as herein above provided.

# MOTION 3

## PROJECT APPROVAL

- Modifies Section 6.3.B.3 Project Approval to clarify Site Plan review for MBTA Projects which are now Major Construction Projects will no longer require a Special Permit
- Adds provision that ZBA establishes Rules and Regulations for Site Plan submittals
- Attorney General and EOHLG have approved motion language (Below)

### 3. Project Approval

The Special Permit Granting Authority is empowered to review and approve plans in accordance with the requirements of Section 5.6 and this Section 6.3. **The ZBA shall, after public hearing, adopt rules and regulations and/or procedures for the administration of Site Plan Review required by Section 5.6.C.2.b., and shall file a copy of the same in the office of the Town Clerk.** ~~The provisions of Section 6.3.C of this section shall apply to the review and approval of plans for Major Construction Projects. The approval of plans by the Special Permit Granting Authority in accordance with Section 5.6 shall constitute the granting of a special permit, except in the case of MBTA Community Projects.~~

# QUESTIONS



# CURRENT ZONING

Greater of 20 Units or 850 Total

Address	Acreage	20/Acre
20 Williams	3.24	68
40 Williams	4.85	350 *
45 Williams	5.02	100
55 Williams	2.39	47
60 Williams	1.78	35
65 Williams	1.75	35
80 Williams	2.72	54
100 Williams	4.81	96
Total	26.56	785

\* Constructed

If all lots had housing, still have capability of 65 Units to 850.



# THE HOUSING CRISIS

- Massachusetts faces a core challenge in creating adequate housing to support young families, workers, and an aging population.
- Massachusetts has among the highest, and fastest growing, home prices and rents of any state in the nation.
- Rising costs have dramatically increased financial pressures on low – and middle – income families, forcing them to sacrifice other priorities in order to pay housing costs. High housing costs are a primary driver of homelessness.
- The lack of housing production is an impediment to community development.
- These high costs are a disadvantage as we compete economically with peer states. Massachusetts is at risk of losing future job growth due to the high costs of living.