

RIO Task Force Meeting 10

February 2 , 2026

4. Town Meeting Warrant / Motion Discussions

- A. Development Agreements
- B. Prohibited Districts
- C. Purpose Statement

A. RIO Development Agreement: The Potential Problem

Scenario:

- Developer seeking RIO zoning change *promises* a density (or other attribute) less than the max allowed in bylaw
- After zoning change is approved by Town Meeting, developer goes back on *promise* and asserts the max density as of right. Or the property is sold to another developer who doesn't accept the *promise*

The Likelihood of a Developer Choosing to “Break a Promise”:

The perceived risk is probably greater than the actual risk:

- Reputational damage to a developer for going back on “promise”
- Legal and time costs and to developer if RIO permit subsequently denied (followed by a lawsuit)
- If SR districts are prohibited, there is a smaller density incentive/value for a Developer to seek (i.e., bump from SR10 to RIO is +20 units /acre, but bump from Commercial to RIO is +7 units/acre)

But ... if the cost of a solution is not high, why not do it anyway and resolve the public perception?

A. RIO Development Agreement: How it Would Work

1) Change the RIO bylaw to establish the RDA

- Visible/transparent notice to anyone considering a RIO of the expectation of a Development Agreement
- RIO Bylaw cannot require RDA to be completed prior to zoning change vote at Town Meeting.

2) Establish a Policy for the Select Board to enter into RDAs

- Expectation that RDA should/would be enacted prior to zoning change Town Meeting
- Gives a veto power to the Select Board. Saying NO to an RDA means the project would never meet the criteria for the RIO permit.

A. RIO Development Agreement: What's In It

RIO Development Agreement (“RDA”) Structure

- Key Variables to be defined in an RDA (as defined in motion):
 - Proposed housing density
 - Public or private amenities
 - Consistency of project designs with what was presented to Planning Board and Town Meeting zoning vote
- Other variables already defined/mandated by existing bylaw(s) (e.g., height, setbacks, inclusionary zoning)
- Standard legal language, including applicability to “successors and assigns” (i.e, if a developer sells or otherwise disposes of the property, any agreements made remain with the project)

A. RIO Development Agreement: Motion Language

Changes title of Section O

from: **O. Project Approval/Special Permits**

to: **O. Project Approval/Special Permits and Development Agreement**

Adds the following text at bottom of the section

Prior to making application for the special permit required under this Section 3.2.O, the applicant shall execute a development agreement with the Town of Wellesley Select Board. A special permit application made under this Section shall not be deemed complete unless it includes a fully executed copy of the required development agreement. The development agreement shall include such terms as are acceptable to the Select Board, provided, however, that in negotiating the terms of such agreement, the applicant and the Select Board shall consider the following:

1. Proposed project density;
2. Public or private amenities, including pedestrian, traffic, and landscaping improvements; and
3. Consistency of project designs with the applicant/owner's presentation to Town Meeting at the time of the zoning map change to include the project site in the RIO.

A. RIO Development Agreement: Steps to Get There

1) Change the RIO bylaw to establish the RDA

- Language included in Warrant
- Warrant voted/sponsored by Planning Board
- Proposed language drafted
- Meetings prior to ATM 2026
 - Discussion with Select Board (no vote) – Feb 10
 - Planning Board Zoning Public Hearing – Feb 9(?) and 23
 - Advisory – Feb 18

2) Establish a Policy for the Select Board to enter into RDAs

- Presentation to Select Board meeting February 10 (not voted on).
- As of now, unclear on Select Board review/voting plans or timing.
- Technically not part of Town Meeting article or motion (but likely expected to be reported on at Town Meeting).

B. Prohibition of RIO in certain districts: Motion Language

CURRENT

- **B. Applicability:** The RIO shall be considered as overlaying other zoning districts.

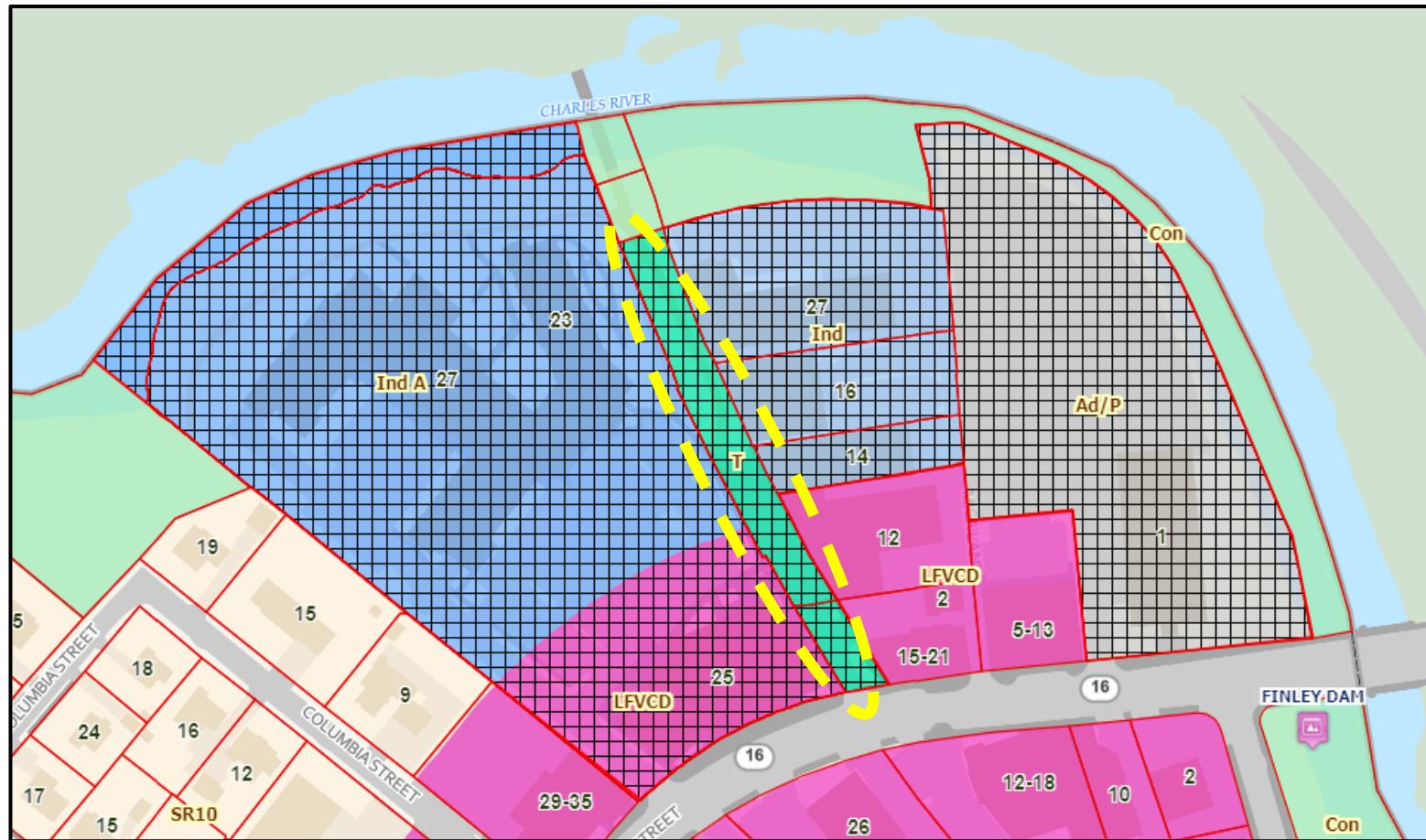
POTENTIAL

- **B. Applicability:** The RIO shall be considered as overlaying other zoning districts **provided, however, that the RIO shall not be applied over any parcel located in any Single Residence District, Single Residence District A, Limited Apartment District, Planned Development District, Transportation District, or Parks, Recreation, and Conservation District..**

B. Prohibition of RIO in certain districts: Transportation

Transportation parcel in Lower Falls RIO overlay zone

- $\frac{1}{2}$ acre, owned by Town of Wellesley
- Driveway into Waterstone and access to trail / bridge going over the Charles River



B. Prohibition of RIO in certain districts: Transportation

QUESTION: Should Transportation be removed from the motion?

- Up to the Task Force to decide, but things to consider:
 - If Transportation District remains eligible for RIO:
 - Lower Falls Transpo parcels are owned by the Town – development unlikely under Town ownership
 - Lower Falls Transpo parcels also have 3 easements, which would make development on those particular parcels challenging
 - In theory, other Transporation land (owned by the RR) could be considered for a RIO, although extremely unlikely
 - Sale of land requires TM approval – new owner and development plans would be known by TM prior to vote
 - If parcel is no longer eligible for RIO:
 - Staff is working with Town Counsel to investigate full implications
 - Most likely would not affect development rights

Either way, nothing likely to be developed on any Transportation district land

C. Purpose Statement

Reference Document provided for this meeting

- Current and original Wellesley RIO bylaws
- 3 Examples from other Wellesley bylaws
 - Some short and simple, some quite detailed
- 4 Examples from other town housing overlay districts

Language primarily developed for RIO Task Force discussion we haven't gotten to ... but needed a placeholder

Reminder: Purpose Statement language is aspirational and not considered binding rules and regulations

C. Purpose Statement: Motion Language

Current RIO Purpose Statement

A. Purpose

To provide a residential reuse incentive for a parcel or parcels greater than one acre located in close proximity to the Town's Commercial Districts and public transportation.

Potential RIO Purpose Statement

A. Purpose

The purpose of the Residential Incentive Overlay (RIO) district is to provide a residential reuse incentive that provides one or more of the following:

1. encourages the redevelopment of parcels for housing at a scale, density and aesthetic that are compatible with existing surrounding uses;
2. increases housing diversity and choice in the Town;
3. fosters development near amenities and open space, to facilitate more foot/bike traffic and fewer car trips;
4. supports development near commercial centers to facilitate a customer base for Town businesses; and
5. contributes to housing affordability via Inclusionary Zoning requirements for assisted units and workforce units.

C. Purpose Statement

Very hard to wordsmith text via 16-person committee, but if the Task Force wants to consider changes:

- Please submit suggestions in advance
- Keep language aspirational, not regulatory
- We can start with the existing language and consider and vote on edits

5. Potential Next Steps for the Task Force

A. ATM 2026 related work

- Attendance/support at upcoming meetings
 - Zoning Public Hearing **Feb 9** (but probably **Feb 23**)
 - Select Board **Feb 10**
 - Advisory **Feb 18**
- Help write RIO Task Force Report (Appendix to Planning Board Report to Town Meeting)
 - Through early March
 - Once drafted, should be approved by Task Force, and accepted by Planning board,

B. Additional RIO discussions/recommendations to RIO bylaw

- Amenities language?
- Deeper thinking about options/incentives structure?
- Other/smaller districts left unchanged?