

**Questions from Town Meeting Members
October 24, 2022 Special Town Meeting
Article 11**

Q: Please address and respond to the concerns and questions presented by the Finance Committee in their objections to the land acquisition. Most of the following information was provided to the Finance Committee on October 2, 2022 and October 7, 2022.

1. Desire to review the following documents or explanation for their absence

- a. Purchase and Sale Agreement** The Town is not a party to the Purchase & Sale (P&S) Agreement between the Developer and the Seller. If the project moves forward, the Town will acquire property from the developer. The Seller and the Developer continue to negotiate over the terms of the P&S. The Developer has now agreed to the release of the Offer to Purchase (attached). The recommended vote of Town Meeting is to authorize the Select Board to acquire the 34 acres for \$2.5 million and to authorize to borrow the funds.
- b. Development Agreement** The Town and the Developer are in the process of drafting the development agreement that will include items noted later in this document. A draft of the document is attached. This document outlines the parameters of the project, and the Select Board's support is required so that it can be submitted to the Massachusetts Department of Housing and Community Development (DHCD) for approval.
- c. Precise data on the proposed townhomes and affordability eligibility** The Developer has proposed that 5% of the units be affordable and countable on the Town's Subsidized Housing Inventory (SHI). The final determination of the number of units will depend on the Massachusetts Department of Housing and Community Development.
- d. Property appraisal** Town Counsel has contracted for and received an appraisal. Town Counsel reviewed the appraisal and advised the Town that the information provided supports moving forward with the proposed acquisition. The Town is not in possession of this document yet, as if it were made public, it may serve to interfere with the negotiation between the Developer and the Seller, of which the Town is not a party.
- e. Traffic study** The Developer will be required (and has committed) to conduct a traffic analysis to the satisfaction of the Zoning Board of Appeals (ZBA). The ZBA will consider traffic mitigation in its decision-making process. This is the case for all similar projects. (Note: Town records for traffic counts between Pheasant Landing and Belle Lane in July 2021 indicate 2,950 vehicles per day are heading towards Natick and 2,700 vehicles per day are heading into Needham. This level

of traffic would be considered a collector road with medium traffic flow. Peak hour volumes were approximately 280 vehicles in each direction.)

- f. Town fiscal impact analysis for outyears relative to townhome development and conservation land accessories (e.g., trail and boat launch maintenance) and impact on operating budget.)** A fiscal impact analysis has not been performed. The Town's estimate of cost impacts is as follows:

Trail Maintenance – the Town does not perform proactive trail maintenance for paths that do not have physical structures or surfacing. We do perform some reactive maintenance when we receive complaints about trees that fall in the way of the path. The Park & Recreation and Conservation Departments are working to bring back the volunteer trail stewards program that would perform the majority of the maintenance and put in work orders for larger concerns like hazard trees. We do not envision that the acquisition of the property would necessitate additional funding for trail maintenance. If formalized accessible trails or boardwalks are eventually added, then that may require more maintenance.

Meadow Mowing – The Town would likely mow the meadow once per year. The vendor who does the landfill mowing has the equipment to mow an area of this magnitude. We estimate the cost would be approximately \$3,000 per year. For the near term, Dr. Kettlye has asked the Town to permit him to continue this responsibility for the land.

Sewer/Water – The Town presently has water and sewer infrastructure running along Charles River Street near this property. This would be no different than any other development in Town. The developer would have to extend the sewer and it will become part of the Town's inventory. There would be a small impact on our long-term capital replacement program.

Road – If the road remains private, there would be no additional operating costs. If the developer seeks to have the Town accept the road, it must first be built to Town specifications and then accepted by the Select Board. If accepted, there would be an increase in capital costs every 17 or so years to surface treat or pave the road. There would also be incidental costs to plow the road annually.

Fire – In the opinion of the Fire Chief, response times to this area are adequate and a third station would not be necessary. He is confident that if there was a need for a response for a fire incident in this area, mutual aid from the Town of Wellesley would provide adequate staffing, equipment, and facilities for a line box response.

Schools – Assuming 70 units with a mix of approximately 50% two- and three-bedroom units (this is an estimate on our part), a highly conservative estimate

would be 46 students. Since the project is intended to appeal to older adults (“age directed”) we believe this is a high estimate. (Note: This calculation was done by Town staff, not the developer, based on standard models used for this purpose. The Town’s experience with other 40B projects resulted in significantly fewer children than projected.)

- g. Offer to purchase** The Town was waiting to release the Offer to Purchase, also a document to which the Town is not a party, until the P&S was complete. In response to requests, the Town reached agreement with the Seller to release the document (attached).
- 2. What is the wetlands determination on what land is actually developable?** A wetlands delineation has not yet occurred. The State Department of Environmental Protection 200-foot Riverfront Area will extend from the Mean Annual High Water or Bank of the River out 200-feet onto the property. Once a field delineation is complete, a 100-foot Buffer Zone to any wetlands located will be protected. The Developer has created a concept plan based on publicly available GIS data.
- 3. What are the details of the Friendly 40B Application?** The proposed project will be permitted as a Local Initiative Project (“LIP”), frequently referred to as a “friendly 40B.” The first step in the permitting process for a LIP is to obtain a Project Eligibility Letter from the Department of Housing and Community Development (“DHCD”). A developer submits an application for a Project Eligibility Letter along with the Town. This application must be signed by the Town’s Chief Executive Officer and also includes a letter of support. The issuance of a Project Eligibility Letter from DHCD is a jurisdictional prerequisite to the filing of a comprehensive permit application for a 40B development (including a LIP). Accordingly, after DHCD issues a Project Eligibility Letter for the project, the developer may then apply for a comprehensive permit from the Zoning Board of Appeals (“ZBA”). If issued, a comprehensive permit covers all permitting requirements under the Town’s bylaws and regulations.
- 4. What other capital projects or purchases will be supplanted given the project’s impact on progression to the 3% cap of debt supported by the tax levy.** See attached memo entitled General Fund Debt Within the Levy Limit Update dated October 12, 2022 provided to the Finance Committee on that date. All major town capital projects in this time period are still included in the plan supported by the tax levy.
- 5. Why were more specific details not given to abutters on Whitman, Charles River, and Central?** The Developer and Seller executed an Offer to Purchase on September 6, 2022. On September 9, 2022 the Town hand delivered letters to Whitman Road residents to let them know about the potential property acquisition and included a concept plan of the area. The Town committed to meet with the neighbors if the acquisition is approved, and that meeting has been scheduled. The Developer is reliant

on Town Meeting approval for this project to move forward and will not complete the design process in advance of that vote.

Q: Following standard practices, would a developer be expected to finance none, some or all required infrastructure upgrades?

Any private construction that seeks to access sewer and water when no connection already exists must pay for the work associated with the connection. The Town has no concerns about water and sewer capacity in this area.

Q: What is the average size of the units being proposed and their anticipated price points and how does this compare to the Fieldstone Way project by the same developer?

The developer is not at this level of specificity for the project. Northland has indicated that the townhouses will be comparable to the houses at Fieldstone Way in Wellesley.

Q: I've been comparing this purchase with the project done by the same developer at 135 Great Plain Ave/Fieldstone Way project. That was 44 units, built on a 12-acre parcel. The Castle Farm project has been presented as 70 units, on around 14 acres, with 14 acres of buffer. That seems to imply that these townhouses would be built more densely, be significantly smaller and therefore less expensive than the ones in the Fieldstone Way project.

At 44 units on 12 acres, Fieldstone way is built at 3.7 units per acre. The proposed Castle Farm development of 70 units on 28 acres is 2.5 units per acre. The developer proposes to construct the units in such a way as to provide a significant forested buffer between the townhouses and the neighborhood on Whitman Road, and neighbors on Charles River Street. The units are not expected to be significantly smaller.

Q: A price point of under \$1 million could seriously undermine the "age-directed" intention of the project and should be known in advance so that the impact on things like school population and traffic can be clearly understood by town meeting members.

The developer is not at the level of specificity for the project. The price point cannot be identified at this time, other than to note that similar units on Route 135 in Wellesley, without the type of conservation land amenity that will be found in this project, are selling for considerably more than \$1 million. As noted previously, the Town's experience with 40B in numerous locations is that there are few school-aged children associated with the development.

Q: What are the specific zoning laws that will be waived by the town agreeing in advance to the friendly 40-b waiver, and what remaining zoning appeals will need to be negotiated between the town and the developer? In other words, where will the town and the public continue to have input to the development process, regarding density, landscaping, traffic

mitigation, architecture, etc., and in what ways will the developer gain/retain full control to modify the project at his/her own discretion because of the waiver that would already be granted? A different way of asking this question is - there has been a lot of information about the deal relating to a) the land and b) the dollar amount given in consideration of obtaining the land, but not a lot of detail about the 'value' of the 40-b waiver and what rights the town gives up and the developer gains. Clarifying these details will give town meeting members a much better basis on which to make their decision.

Under the 40B statute, the developer may request a waiver of the local bylaws and regulations that its project does not comply with. This will include, for this project, waiver of the "one-acre zoning" applicable in this zoning district, and any other zoning requirements, such as setbacks, that would generally prevent a project with this level of residential density. The developer is required to specifically itemize all of the bylaws and regulations for which it seeks a waiver when it files its application to the Zoning Board of Appeals ("ZBA").

Once it is filed, the ZBA reviews the application, and solicits comments from other boards, commissions, and departments within Town. The ZBA considers local concerns, including traffic, health and safety, landscaping, and open space preservation, and the density of the project would be evaluated through the lens of those impacts. The ZBA holds a public hearing on the application, and resident input on these aspects of the proposed development will be considered by the ZBA during this process.

The zoning in place at this site would likely support 25 new single-family house lots as a matter of right. There is no commitment that a conventional subdivision of single-family house lots will contain any forested buffer to neighboring properties, or landscape preservation within the subdivision itself. The single-family houses constructed on each lot could be up to the maximum size allowed under current zoning, and there would be no limit on the number of bedrooms those houses would contain.

The Development Agreement between the Town and the Developer will be executed by the Select Board. The Agreement will include features such as:

- A legal description of the property
- The amount of land to be developed, the proposed number of units (70) and the proposed number of affordable units (5%).
- The amount of land to be conveyed to the Town (the two three-acre parcels and approximately 28-acre larger parcel)
- The Town's financial contribution (\$2.5 million if approved by Town Meeting)
- The deadlines and due dates agreed upon by the Developer and the Seller in the Offer to Purchase and the Purchase & Sale Agreement
- The Select Board and Town Manager's commitment to support the proposed development at the size and scope set forth at the State Department of Housing and Community Development and the Needham ZBA. The ZBA retains authority to independently review the application when filed

- The agreement by the Town to place a Conservation Restriction on the two three-acre parcels
- Limitation on access to the Town's property from Charles River Street
- Commitment to conduct a traffic analysis
- Agreed upon minimum setbacks from Whitman Road, Charles River Street, and the existing driveway

A copy of the Draft Development Agreement is attached.