

**Wellesley Advisory Committee  
Juliani Room, Town Hall  
March 7, 2018, 7:00 PM**

Those present from the Advisory Committee included Jane Andrews, Rose Mary Donahue, Tom Fitzgibbons, Mary Gard, Mike Hluchyj, Mark Kaplan, Paul Merry, Lina Musayev, Alena Poirier, Betsy Roberti, Tom Skelly and Andrea Ward.

Mike Hluchyj called the meeting to order at 7:00 p.m. Mr. Hluchyj noted the resignation of Advisory member Don McCauley, who was elected yesterday to the position of Town Moderator.

**7:00 p.m. Citizen Speak**

There was no one present for Citizen Speak.

**7:05 p.m. BOS and Town Counsel re: Warrant for 4/9/18 Special Town Meeting**

Tom Harrington, Town Counsel; Meghan Jop, Assistant Executive Director; and Jack Morgan, Vice-Chair, Board of Selectmen, were present.

- Introduction re: upcoming Special Town Meetings (STM)
  - STM called for April 9 re: land acquisitions adjacent to Hardy School site
  - BOS intends to move to call a second STM in May that will consider funding for feasibility studies and schematic design for new school construction with MSBA (Hardy/Upham) and feasibility study relating to Hunnewell. There are connections, though not dependency, between the two STMs.
  - Both Ms. Jop and Mr. Morgan were members of the HHU Master Planning Committee (MPC) and are presently members of the School Building Committee (SBC); Mr. Morgan is vice chair of SBC
- Proposed land acquisitions
  - The BOS, with the support of the School Committee, has initiated efforts to acquire the three parcels at 818, 822 & 826 Worcester Street
  - Parcels provide a solid block connection between Worcester Street and Hardy site; direct access from eastbound Route 9 to the Hardy School site; no connection to westbound Route 9
  - Total land is just under 1.4 acres; would bring entire Hardy site to just under 9 acres
  - Purchase of these properties will substantially improve long term usefulness of Hardy site to the town – that is true whether or not Town proceeds in coming 3 or 4 years to construct a new school on that site
- Purchase is not about preventing a 40B development; fact that owner of 818/822 has a signed purchase and sale agreement with developer has stimulated Town re: timing and has facilitated Town in moving assertively into the process
  - During MPC, some members of that committee had looked at maps and identified these properties as parcels of interest
  - Separate from this process, Town (thru Planning Board) will be making standard review and comments on the proposed 40B development

There was a question as to what 40B activity has occurred at this site: Developer has submitted to Mass Housing an application for project eligibility—preliminary step prior to comprehensive permit stage; comments come in from abutters, Town, etc.; then Mass Housing evaluates; right now at preliminary phase; developer hasn't received approval to move forward; Town comments are due March 21; typically 4-8 weeks for Mass Housing review.

There was a question as to the cost of the proposed acquisitions: The purchase and sale agreement price for 818/822 (\$1.8 million) is in the public record as part of 40B application and is a very relevant and current arms-length transaction; assessed value of 826 is \$780,000; Town has engaged appraiser for all the properties; following appraisals, Town will negotiate with owners to try to come to terms; Town's objective is to arrive at a purchase and sale agreement with all owners, but reserves right to undertake eminent domain proceeding with respect to 818/822 if agreement is not possible; not appropriate at this time to speculate on appraised value or how much above appraised value a negotiated price would be; there certainly is relevant history; typically Town acquires property at about 30% above appraised value, but there is a range; clearly talking in excess of the \$2.5 million figure one would get by adding the 818/822 purchase and sale price and the assessed value of 826.

There was a question as to whom the Town is negotiating with on 818/822 (i.e., current owner or developer or both): Because there is a purchase and sale agreement between the two parties, Town needs to deal with them both.

- Background re: school selection issues
  - MPC voted the following recommendations:
    - To construct two 19-section schools at Hunnewell and Upham
      - Split vote (12-6) on MPC re: selection of Upham as second school
    - To construct a third 19-section school at Hardy should the elementary enrollment hit 2,350 on trending basis
  - Given MPC's split vote on Hardy/Upham site selection, School Committee decided to conduct a comparative analysis
    - SBC established, and tasked initially with creating a request for qualifications (RFQ) to do proof of concept (comparative analysis of Hardy/Upham)
    - RFQ and Hardy/Upham analysis has been preempted by Town being accepted into the MSBA process
  - MSBA Process
    - *Module 1*—Eligibility Period
      - 270-day period for Town to complete preliminary requirements before Town can move to Module 2
      - Seven criteria, including confirming community funding (that's why second STM is needed)
    - *Module 2*—Project Team
      - Working with MSBA, Town procures the appropriate design professionals
    - *Module 3*—Feasibility Study
      - Town's phase; where comparative analysis will take place
      - Town will come up with a recommendation for schematic design; MSBA has to approve; that's where decision point of Hardy/Upham will occur

There was a question as to when the 270-day period of Module 1 starts: April 2; Town doesn't intend to take 270 days to complete Module 1; wants to expedite wherever possible.

- Hardy site challenges
  - During MPC's initial comparative analysis of Hardy/Upham, the following concerns were raised about Hardy site
    - Single point of entrance to Hardy impedes traffic flow on Weston Road; school is so close to Weston Road that there is little opportunity to improve that



There was a question whether any of those five properties were taken by eminent domain: Believe that agreement on price was reached as to all properties.

Town Counsel explained that, despite reaching agreements with the property owners in recent land acquisitions, the Town still technically acquires the land via eminent domain, because that allows the Town to take the property free of any clouds and encumbrances, and no title insurance is needed.

There was a question whether the BOS would consider acquiring any additional property adjacent to these three parcels: The BOS has considered that question and doesn't think it makes sense; the three parcels provide sufficient access to Route 9; insufficient return from acquiring additional properties; Town is not in the general business of acquiring property; initial BOS thoughts and discussions were around 818/822, but site walk of those properties caused BOS to realize how valuable 826 would be, by improving sight lines and squaring off the property.

There was a question as to the current ownership of each parcel: 826 is a single family home; 822 and 818 are owned by the same family, and at least one of them (possibly both) are being rented. There was a follow-up question as to whether the BOS is comfortable that agreements can be reached: As to 826, BOS is optimistic that parties will reach agreement, but if not, BOS is not proposing to move forward with a hostile taking; 818/822 owner has a binding purchase and sale with developer—owners have in effect already sold—so BOS would not be troubled by moving forward with a taking if agreement could not be reached on those two; BOS would expect to honor existing leases and be reasonable as to length of occupancy.

There was a question as to the process if agreement cannot be reached on 826: BOS won't move forward if can't reach agreement.

There was a question whether it would be possible to have access to Route 9 without 826: Yes, enough frontage that Town could still proceed without 826.

There was a question whether Town engineers have looked at the site: Soil in this area is very good; with exception of perimeter trees, 818/822 largely already cleared, which is a benefit; if Town were eventually to construct on the site, it would likely re-grade the property considerably.

Next steps: Advisory Committee public hearing on March 14.

There was a question whether figures for the purchase prices will be available before April 9: Yes, even if the Town has to fall back on a hostile taking of 818/822, the process would be that the Town sets a price for the property *pro tanto*, and owner has the right to challenge that price in court. There was a follow-up comment that this is where a good appraisal comes into play: Yes, BOS wants to reach agreement; prefers not to litigate; will likely need to go above appraised value to reach agreement; make developer whole because he has done some things.

### **8:00 p.m. Planning Board re: ATM Warrant Articles**

Michael Zehner, Planning Director, and Don McCauley, Town Moderator, were present.

Don McCauley noted that, in his prior role as Advisory Committee member and liaison to the Planning Board, he had raised a few questions concerning Article 30. In particular, there were two areas—parcels in area of Pleasant Street and River/Bow Streets—where he sought additional explanation/confirmation. With the assistance of the Planning Director, his questions have been fully answered.

With respect to Pleasant Street properties, they were originally zoned in the General Residence District (GRD) back in 1925; map drawn with straight lines, however, which doesn't coincide with parcel lines that have developed over time.

- Motion under Article 30 will place four lots totally within the GRD; they were already 90% within that district
- With respect to another eight lots in the area that arguably had some portion in the GRD, motion will make clear that entirety of those lots are in the Single Residence District; will remove possibility of slivers being in the GRD; resolves the issues

Michael Zehner further confirmed/explained that:

- The Planning Board is proposing to rezone four properties to be entirely within the GRD: 21 Westerly, 12-18 Hollis, 46 Oak Street, and 30-35 Pleasant Street
- Remaining eight properties in the motion will be rezoned to Single Residence District 10 in their entirety: 15, 23 and 26 Oakencroft; 15 and 12 High Meadow Circle; 40 and 43 Pleasant; and 50 Oak Street
- Three properties on Crown Ridge Road (11, 9 and 7) included in warrant article will not be put forward in motion; error is so minute that imperceptible; don't need to include as part of motion
- Have already committed to review 36 Pleasant Street; needs more analysis of intent, etc.

There was a question whether more of these corrections will occur at future Town Meetings: This should resolve all known errors, with exception of 36 Pleasant and 17 Abbott; Planning Department always knew that almost all discrepancies were occurring along boundary lines; identified 25 total errors; last year's ATM corrected 9 errors; this year will correct 14 errors.

There was a question as to whether there is some way that metes and bounds are catalogued: It varies; usually when zoning actions are put forward in other states they are accompanied by a legal description and a survey of the affected property; less common in MA; however, in Planning Director's and Town Counsel's opinion, Town's zoning map and parcel information is more refined than in a lot of other communities in the state; Town has a good history of accompanying motions with parcel maps, whether actual survey or depiction of map as it's drawn by Town engineer.

Next step: identify where there is split zoning; may not be in error, but certainly causes confusion.

### **8:17 p.m. Discussion and voting on ATM Warrant Articles**

#### Warrant Article 23 (Granite Street Acceptance)

- *Andrea Ward made and Alena Poirier seconded a motion to rescind the Advisory Committee's prior vote on Article 23. Discussion: the amount to be borrowed had increased in the motion from \$250,000 (as voted previously by Advisory) to \$255,000, necessitating a re-vote. The motion passed unanimously (11-0).*
- *Andrea Ward made and Mark Kaplan seconded a motion for favorable action on Warrant Article 23, as proposed by the Board of Selectmen, to see if the Town will vote to accept as a public way (with betterments) the following street as laid out by the Board of Selectmen: Granite Street; to borrow the sum of \$255,000 to be expended under the direction of the Board of Selectmen, for the cost of engineering services, for preparation of plans and specifications, and for reconstruction, of Granite Street. The motion passed unanimously (11-0).*

### Warrant Article 30

*Andrea Ward made and Mark Kaplan seconded a motion for favorable action on Warrant Article 30, as proposed by the Planning Board, to see if the Town will vote to amend the Zoning Map of the Town of Wellesley by rezoning those properties, or parts thereof, listed in the Warrant and Motion for the 2018 Annual Town Meeting, in order to formally adopt and accept certain inadvertent errors associated with the switch to the current digital Zoning Map. The motion passed unanimously (11-0).*

### **8:20 p.m. Adjourn**

Paul Merry made and Alena Poirier seconded a motion to adjourn. The motion passed unanimously.

### **Items Reviewed During Meeting**

- “Special Town Meeting April 9, 2018,” Presentation to Advisory, Board of Selectmen (March 7, 2018)
- Draft Motions and Accompanying Exhibits for ATM Warrant Article 30, Planning Board (February 28, 2018)